

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Office of the Commissioner

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Minnesota
State Patrol

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December 1, 2004

The Honorable Tim Pawlenty
Governor, State of Minnesota

The Honorable James P. Metzen, Chair
The Honorable Steve Sviggum, Chair
Legislative Coordinating Commission

The Honorable Steve Smith, Chair
The Honorable Mary Murphy
House Judiciary Policy Finance Committee

The Honorable Ron Erhardt, Chair
The Honorable Joe Opatz
House Transportation Policy Committee

The Honorable William Kuisle, Chair
The Honorable Bernie Lieder
House Transportation Finance Committee

Ms. Michele Timmons
Revisor of Statutes

The Honorable Leo Foley, Chair
The Honorable Dave Kleis
Crime Prevention and Public Safety
Committee

The Honorable Jane B. Ranum, Chair
The Honorable Thomas M. Neuville
Senate State Government Budget
Division

The Honorable Steve Murphy, Chair
The Honorable Mark Ourada,
Senate Transportation Policy and
Budget Division

Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as
Required by Minnesota Statutes, Section 14.05, Subdivision 5.

Minnesota Statutes, section 14.05, subdivision 5, states:

"By December 1 of each year, an agency must submit to the governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report

submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion."

At this time, we can identify no Department of Public Safety rules that are obsolete, unnecessary, or duplicative and that should be repealed.

However, in last year's report, we identified the Minnesota Rules listed below as being obsolete, unnecessary, or duplicative. The current status of these rules is:

- Minnesota Rules, Chapter 2915. These rules are obsolete and the department is developing a plan to have them deleted via rulemaking or legislation by 2006. They are considered obsolete due to the reorganization of the services provided for battered women within state government several years ago. The repeal of these rules will in no way reduce the services provided to battered women.
- Minnesota Rules, Chapter 7507, rule 7507.0400. We consider Rule 7507.0400 to be both obsolete and unnecessary, because as suggested by the wording of the Rule in question, the section of the US Code that is referenced stipulates that the owner or operator of a facility that is required to prepare or have available material safety data sheets (MSDSs) for hazardous chemicals may submit the MSDSs or a list of the chemicals to...the State emergency response commission (i.e., HSEM's Emergency Planning and Community Right-to-Know Act [EPCRA] Program.) In order to preclude receiving what would have been a huge volume of MSDSs, long ago the State determined that the affected facilities would be required to submit the "list of chemicals" (i.e., the [Section 311] Hazard Chemical Report); *not* individual MSDSs. Consequently, the State no longer receives (and hasn't for many years) *either* MSDSs *or* the related \$10 fees. The department continues to evaluate the appropriate process for deleting these rules. We hope to have action taken on this issue by 2006.
- Last year's report also identified Minnesota Rules, Chapter 7411.5100 to 7411.5700, as being obsolete, unnecessary, or duplicative. The deletion of these rules will be considered in the 2006 legislative session along with a comprehensive review of the related rules that govern Driver and Vehicle Services.

Considering the Department of Public Safety provides administrative assistance to the Minnesota Board of Peace Officer Standards and Training and the Private Detective and Protective Agent Services Board the below information is being submitted on their behalf to satisfy the requirements of Minnesota Statutes, section 14.05, subdivision 5.

At this time, the Private Detective and Protective Agent Services Board cannot identify any rules that are obsolete, unnecessary, or duplicative and that should be repealed.

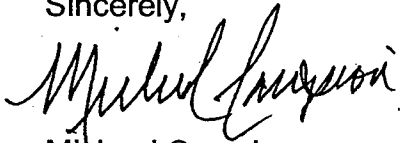
The Minnesota Board of Peace Officer Standards and Training has reviewed the current Board rules and the following have been identified as being obsolete, unnecessary or duplicative and should be repealed:

- Minnesota Rules, Chapter 6700.1300, Transition from Part-time Peace Officer to Peace Officer. Minnesota Rules, Chapter 6700.1300 is obsolete because it is impractical for law enforcement agencies to demonstrate a compelling need by not employing any other peace officers thereby rendering the rule unusable.
- Minnesota Rules, Chapter 6700.0100, Subpart 14, First Aid Course. Minnesota Rules, Chapter 6700.0100, Subpart 14 is obsolete because the courses listed are out dated. In addition, recognized first aid courses are defined in the learning objectives for certified Professional Peace Officer Education programs and do not need to be specified in rule.

The Board plans to develop a bill for submission to the House and Senate committees with jurisdiction to repeal obsolete, unnecessary or duplicative rules.

If you have any questions regarding this report, please contact Scott Wiggins at 651-282-2252.

Sincerely,



Michael Campion
Commissioner