



Minnesota Board of Peace Officer Standards and Training

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November 16, 2018

Governor Mark Dayton

Senator Scott Newman, Chair, Senate
Transportation Finance and Policy Committee
sen.scott.newman@senate.mn

Senator Warren Limmer, Chair, Senate
Judiciary and Public Safety Finance Policy
Committee sen.warren.limmer@senate.mn

Senator John Jasinski, Vice Chair,
Transportation Finance and Policy Committee
sen.john.jasinski@senate.mn

Senator Dan Hall, Vice Chair, Senate
Judiciary and Public Safety Finance Policy
Committee sen.dan.hall@senate.mn

Representative Brian Johnson, Chair, Public
Safety and Security Policy and Finance
Committee rep.brian.johnson@house.mn

Representative Debra Hilstrom, Ranking
Minority Member, Public Safety and Security
Policy and Finance Committee
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Mr. Ryan Inman, Revisor, Office of the
Revisor of Statutes revisor@revisor.mn.gov

Mr. Greg Hubinger, Director, Legislative
Coordinating Commission
greg.hubinger@lcc.leg.mn

Ms. Elizabeth Lincoln, Director, Legislative
Reference Library
elizabeth.lincoln@lrl.leg.mn

**Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules as Required by
Minnesota Statutes, section 14.05, subdivision 5**

Dear Governor Dayton, Senators, Representatives, Revisor Inman, Director Hubinger, Director Lincoln:

Minnesota Statutes, section 14.05, subdivision 5, directs state agencies to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

The POST Board has reviewed its rules and found that the following Board rules are or have become obsolete, unnecessary, or duplicative. We plan to address these items in a permanent rulemaking package still under development or use the repeal process outlined in *Minnesota Statutes*, section 14.3895. We have not set a timetable for completion.

- **Minnesota Rules, Chapter 6700.0100, subparts 2 (in part), and 18 (in part)**
 - Subpart 2 was identified in the list because Minnesota Statutes, section [626.84](#) paragraph (h) is cited and paragraph (h) does not exist in this statute. The definition of “Agency” in Minnesota Statutes, section [626.84](#) is paragraph (f).
 - Subpart 18 was identified in the list because Minnesota Statutes, section [626.84](#) subdivision 1, clause (f) is cited and clause (f) has the meaning of “Law Enforcement Agency.” The correct clause should be (d).

- **Minnesota Rules, Chapter 6700.0600, subpart 1, (in part)**
 - Licensing examinations are now completed electronically by candidates based upon their schedule. The statement that “Licensing examinations will be offered at least four times each year” is no longer applicable.

- **Minnesota Rules, Chapter 6700.0800, subparts 3 (in part), and 4 (in part)**
 - Subpart 3 – The time period of initial licensure is no longer determined according to the first letter of the licensee’s surname.
 - Subpart 4 – The date of March 1 is no longer relevant in determining when the renewal is due. Regardless of date of initial application, renewal is always required by June 30 of the 3rd year of licensure.

- **Minnesota Rules, Chapter 6700.0900, subparts 2 (in part), and 7 (in part)**
 - The practice of randomly selecting licensees for continuing education review has been discontinued. Compliance is verified through other means.
 - The POST Board does not regulate who is given priority for attending training, e.g. active versus inactive licensees.

- **Minnesota Rules, Chapter 6700.1000, subparts 1 (in part), subpart 2 (all) and 3 (in part)**
 - Subpart 1 – The use of officer surnames to determine renewal time frame is no longer used. It is now based on the date (year) when an individual officer first received their license. When the Board issues a new peace officer license, the officer (no matter what alphabet the surname falls under) will renew their license every three years.
 - Subpart 2 – Written application for renewal is no longer required. Renewal can be submitted electronically.
 - Subpart 3 - The requirement to prorate continuing education is no longer the practice of the Board. When the Board issues a new peace officer license, the license is issued for three years and requires officers to have 48 hours of continuing education to renew their license. The proposed rule change provides consistency with 6700.1000 subpart 1.

- **Minnesota Rules, Chapter 6700.1101, subparts, 4 and 7 (all)**
 - Subpart 4 - The proposed rule change repeals the former subpart that referenced “Notification of appointment of part-time peace officer.” This rule change reflects policy decisions the legislature made during the 2014 Regular Session and the Board no longer issues new licenses to part-time peace officers. The board only issues renewals to part-time peace officers that held a valid license prior to the legislative change that eliminated the classification of part-time peace officer.

- Subpart 7 - The proposed rule change repeals the former subpart that referenced “Notification of appointment of part-time peace officer.” This rule change reflects policy decisions the legislature made during the 2014 Regular Session and the Board no longer issues new licenses to part-time peace officers. Current legislation states “existing licenses are canceled when a part-time license holder either leaves the officer’s agency of employment or is not employed by a law enforcement agency on or after June 30, 2014.” Officers still holding a part-time peace officer license no longer have the option of “inactive” status.

Please do not hesitate to contact me at 651-201-7788 or email Nathan.Gove@state.mn.us with questions or if I can provide further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Nathan R. Gove". The signature is stylized with a large, sweeping flourish at the end.

Nathan R. Gove
Executive Director