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STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

November 26, 1997

Governor Arne H. Carlson
130 State Capitol
75 Constitution Avenue
St. Paul, Minnesota 55155

Representative Phil Carruthers, Chair
Legislative Coordinating Commission
85 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Harry M. Walsh
Revisor of Statutes
700 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Subject: Obsolete Rules Report Pursuant to Minnesota Statutes, section 14.05, subd. 5

Dear Governor Carlson, Representative Carruthers, and Mr. Walsh:

Minnesota Statutes, section 14.05, subdivision 5, requires, by December 1 of each year, an agency to submit a list of all the rules of the agency to the governor, the legislative coordinating commission, and the revisor of statutes. The statute further requires the agency to identify any rules which are obsolete and should be repealed with an explanation of why the rule is obsolete and the agency's timetable for repeal.

Following is a list of the rules of the Minnesota Department of Public Safety:

ADMINISTRATION

- 7415 School Safety Patrols
- 7416 Firearms Permit Standards
- 7417 Uniform Dangerous Dog Tag
- 7418 Police Radio Communications

AN EQUAL OPPORTUNITY EMPLOYER

— Minn. Stat. 14.05 Subd. 5 —

BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES

7506 Private Detective and Protective Agents

BUREAU OF CRIMINAL APPREHENSION

7500 Explosive and Blasting Agents

7501 Preliminary Screening Breath Test Devices

7502 Training for Intoxication Testing

7504 Security Standards of Firearms Dealers

CAPITOL COMPLEX SECURITY DIVISION

7525 Capitol Security

CRIME VICTIMS REPARATIONS BOARD

7505 Hearing Procedures

DRIVER AND VEHICLE SERVICES DIVISION

7400 Motor Vehicle Dealers

7402 Odometers

7403 License Plates

7405 Commercial Fleet Vehicles Registration

7406 Deputy Registrars

7407 Bicycle Registration

7408 Alcohol Assessment Reimbursement

7409 Loss of Driving Privilege

7410 Driver Licenses and Motor Vehicle Records

7411 Driver Training; Improvement Clinics

7413 Automobile Insurance

7414 School Bus Driver Qualifications

7503 Incidents for License Revocation

EMERGENCY RESPONSE COMMISSION

7507 Fees for Emergency Response Commission

7513 Hazardous Substance Notification

FIRE MARSHAL DIVISION

7510 Fire Safety

7512 Fire Protection Systems

7514 Hazardous Materials Incident Response Plan and System

ALCOHOL AND GAMBLING ENFORCEMENT

7515 Liquor

7520 Merit System

7521 Public Safety Officer Death Benefits

7570 Manufacturers and Distributors of Gambling Devices

OFFICE OF PIPELINE SAFETY

7530 Pipeline Safety Enforcement and Sanctions
7535 Model Pipeline Setback Ordinance
7560 Excavation Notice System

PEACE OFFICER STANDARDS AND TRAINING BOARD

6700 Training and Licensing

STATE PATROL DIVISION

7420 Emergency Vehicle Sirens
7425 Lighting Glazing, and Towing Standards
7440 Slow Moving Vehicle Emblems
7445 Passenger Automobile Tires
7450 Wheelchair Safety Devices
7460 Motorcycles and Snowmobiles
7470 School Bus Inspection Certificates

We have identified the following rules that are obsolete and should be repealed:

Driver and Vehicle Services Division

Chapter 7408 (parts 7408.0100 to 7408.0300), Alcohol Assessment Reimbursement. This rule has already been through the repeal process. The repeal will be effective December 30, 1997. Please see attachment 1, from Driver and Vehicle Services for further explanation.

State Patrol Division

Chapter 7420, Emergency Vehicle Sirens. Most, if not all, manufactured sirens available for use on public safety vehicles meet or exceed industry standards. Many of the sirens reflected in the current rule are of the old mechanical type and are no longer used.

Chapter 7430, Auto Lamp Adjusting Stations. State Patrol members no longer conduct or are involved with this type of activity. There is also no knowledge that any other department or division conducts the activity.

Chapter 7435, Brake Testing Stations. State Patrol members no longer conduct or are involved with this type of activity. There is also no knowledge that any other department or division conducts the activity.

The Department is currently looking at several rules projects concerning the State Patrol Division where it would be appropriate to attach these repealer. Our timetable for repeal would thus depend on these projects which we would hope to begin and complete in the next 18 months.

Fire Marshal Division

Chapter 7510, parts, 7510.3330, subparts, 2,3,5,7,8, and 9; 7510.3360, subparts 2,4, and 6; 7510.3380; 7510.3390; 7510.3400; 7510.3430, subparts 1, 6, and 7; 7510.3440, subparts 1,3,6, and 7; 7510.3450; 7510.3480, subpart 4; 7510.7100; 7510.7200; 7510.7300; 7510.7400; 7510.8200; 7510.8300; 7510.8400; 7510.8500; 7510.9920; 7510.9930; 7510.9935; 7510.9940; 7510.9945; 7510.9950; 7510.9955; 7510.9960; 7510.9965; 7510.9970; 7510.9975; 7510.9980; and 7510.9985, are repealed as part of the proposed amendment to the Minnesota Uniform Fire Code. The rules cited above are obsolete either because they conflict with nationally recognized standards or practices in the industry or they are old standards no longer used in the industry. These proposed rules, which include the repealer above, are at the Notice of Intent to Adopt stage of the rules process with a target date of adoption in March of 1998.

Except for the rules cited above, the departments rules are not obsolete. (Please note that the Peace Officer Standards and Training Board will be submitting a separate report on the status of their rules.) If you have any questions or need further assistance you may contact me at 296-2906.

Sincerely,



Valerie M. Jensen
Rules Coordinator

CC: Don Davis, Commissioner, Department of Public Safety
Fred Petersen, Deputy Commissioner, Department of Public Safety
Deb Montgomery, Assistant Commissioner of Public Safety

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

DVS
**Driver &
Vehicle Services**
OFFICE MEMORANDUM

DATE: October 9, 1997

TO: Val Jensen

FROM: Jane A. Nelson *Jane*

PHONE: 612-296-2608

FAX: 612-296-3141

E-MAIL: jane.nelson@state.mn.us

SUBJECT: **Obsolete rule report: Repeal of Chapter 7408**

Pursuant to *Minnesota Statutes*, section 14.05, subdivision 5 the Driver and Vehicle Services Division of the Department of Public Safety is repealing *Minnesota Rules*, Chapter 7408 (parts 7408.0100 to 7408.0300.)

In 1976 the legislature adopted legislation requiring counties with populations of 10,000 or more to establish alcohol safety programs to provide for evaluation of persons convicted of driving under the influence of alcohol or controlled substances. The Department was required to reimburse the county for part of the cost incurred for each assessment made. (*Minnesota Statutes*, section 169.124.) In 1987, this law was amended to require every county to establish an alcohol safety program and the Department adopted rules relating to alcohol problem assessment reimbursement. (11 *State Register* 1741-43, March 23, 1987) In 1990, the reimbursement provisions in the statute, among other things, were repealed. *Laws 1990*, chapter 602, article 2, section 10.

The same year, however, legislation was enacted which required the Commissioner to adopt rules governing the reimbursement of assessment costs counties incurred in their alcohol safety programs, *Minnesota Statutes*, section 169.126, subdivision 4c (1990). In 1992 the Department's rulemaking authority was repealed. (*Laws 1992*, chapter 570, article 1, section 31) The Department has not followed or relied on rules contained in *Minnesota Rules*, chapter 7408 since 1992 when the Department's rulemaking authority was repealed. Because the rules in chapter 7408 are no longer authorized their repeal is authorized, necessary and reasonable. These parts are obsolete.

Under *Minnesota Statutes*, section 14.05, subdivision 1, when a law authorizing rules is repealed the rules adopted pursuant to the repealed law are automatically repealed. Nonetheless, the Department is required to identify and repeal obsolete rules (*Minnesota Statutes*, 14.05, subdivision 3) to avoid confusion. (Administrative Law Judge's Report, August 25, 1997, page 28)

The department proposed repeal of these rules May 12, 1997; a hearing on the matter was held June 25, 1997. The repeal of the rules were found to be needed and reasonable by the administrative law judge on August 25, 1997. The Commissioner's Order repealing

the rules was signed September 25, 1997. The repeal will be officially effective December 30, 1997 five working days after the Notice of Adoption is published in the *State Register*.