MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Office of the Commissioner
445 Minnesota Street, Suite 1000, North Central Life Tower, St. Paul, Minnesota 55101-5000
Phone: 651/296-6642 FAX: 651.297.5728 TTY: 651/282-6555
Internet: http://www.dps.state.mn.us

Received 12/1/2000

Alcohol & Gambling Enforcement

Bureau of Criminal Apprehension

Capitol Security

Driver & Vehicle Services

Drug Policy & Violence Prevention

Emergency Management/ Emergency Response Commission

State Fire Marshal/ Pipeline Safety

State Patrol

Traffic Safety

November 30, 2000

The Honorable Jesse Ventura
Governor, State of Minnesota

The Honorable Steve Sviggum, Chair
Legislative Coordinating Commission

Ms. Michele Timmons
Revisor of Statutes

The Honorable Jane B. Ranum, Chair
The Honorable Thomas M. Neuville
Senate Crime Prevention Committee

The Honorable John Marty, Chair
The Honorable David L. Knutson
Senate Judiciary

The Honorable Dean Johnson, Chair
Senate Transportation Budget Division

The Honorable Randy C. Kelly, Chair
Senate Crime Prevention and Judiciary
Budget Division

The Honorable Dean Johnson, Chair
The Honorable Mark Ourada
Senate Transportation Committee

The Honorable Rich Stanek, Chair
The Honorable Wes Skoglund
House Crime Prevention Committee

Chair
The Honorable Mary Murphy
House Judiciary Finance Committee

The Honorable Tom Workman, Chair
The Honorable Alice Hausman
House Transportation Policy Committee

The Honorable Carol Molnau, Chair
The Honorable Bernie Lieder
House Transportation Finance Committee

Subject: Annual Report on Obsolete, Unnecessary and Duplicative Rules Report Pursuant to Minnesota Statutes, section 14.05, subd. 5 (1998)

Dear Sir or Madam:

Minnesota Statutes, section 14.05, subdivision 5 (1998) requires all agencies to submit by December 1 of each year a list of any rules or portions of rules that are considered obsolete, unnecessary or duplicative of other state or federal statutes with a statement as to why the rule or portion of the rule falls under one of the above. Along with this list, each agency must either report a timetable for repeal of the identified rules or develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary or duplicative rule and identify the status of any rules deemed obsolete in the previous year's report. This report is to be submitted to the Governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency and the Revisor of Statutes,

I. 2000: Identified Obsolete, Unnecessary, or Duplicative Rules or Portions of Rules

The Department of Public Safety has identified the following rules as obsolete, unnecessary or duplicative of other state or federal statutes. The following list does not include rules that were identified as obsolete, duplicative or unnecessary in previous reports.

(1) 7411 Driver Training Improvement Clinics (parts 0300, .3100, .3200, and .3300)
The Department has identified these rules as redundant and obsolete. Repeal is scheduled to occur by the end of 2002 in conjunction with other revisions to provisions within chapter 7411.

II. 1999: Identified Obsolete Rules – STATUS

(1) 7409 Loss of Driving Privilege, Parts 3700 to 3770
The ignition interlock law, section 171.305, was revised during the 2000 session to provide an alternate standard for ignition interlock devices and to establish a pilot project. The existing rules, parts 7409.3700 to 37770, have not been repealed or revised pending the outcome of the pilot project to be reported to the legislature by February 1, 2002. The interested legislators are aware of this situation.

(2) 7402 Odometers
The odometer rules were repealed in conjunction with the amendment found in 2000 Laws, Chapter 426, section 30. The federal standards are now found in state law and therefore the need for duplicate state rules was eliminated.

III. 1998: Identified Obsolete Rules – STATUS of rules reported in 1999 as not resolved

(1) Firearms Permit Standards (Parts 7416.9911 and 9931)
The Department has determined that further changes must be made to the statute. At that time, the Department will amend these rules rather than pursue repeal.

(2) 7420 Emergency Vehicle Sirens
The statutory language authorizing the Department to approve emergency sirens was changed during the 2000 legislative session. 2000 Minn. Laws, Chapter 426, Section 26. As a result, the Department no longer retains the statutory authority to have these rules. No repealer, however, was included in the legislation that was enacted. However, the Department considers these rules to be repealed. Pursuant to Minnesota Statutes, §14.05, subdivision 1, when statutory authority that authorizes rules is repealed, the rules relying upon that authority are automatically repealed if no other authority exists authorizing the rules. In order to clarify this repeal, the Department felt it prudent to approach the Revisor's Office to omit from publication chapter 7420. Pursuant to Minnesota Statutes, §14.47, subdivision 6, paragraph b, the Revisor's Office may omit from publication rules that have become obsolete as a result of changes to an authorizing statute. The Department has submitted its request and explanation to the Revisor's Office and is currently waiting for a response.

(3) 7513/7505 Department of Emergency Management Rules
The Department has concluded that these rules may require revision but are not considered obsolete and therefore should not be repealed.

(4) 7409 Loss of Driving Privileges (parts .0400, .3400 and portions of .0900)
The Division of Driver and Vehicle Services has not reported any need for repeal of these rules this year.

III. Current Rulemaking Activities in the Department

The following are rules that are currently being revised and have commenced the rulemaking process. Any rules or portions of these rules determined to be obsolete, unnecessary, or duplicative, will be repealed during this process. The Department anticipates the following rulemaking activities to be completed in 2001.

7515 Liquor
This is an ongoing rulemaking. A Request for Comments has been published. Draft of the rules is completed. Statement of Need and Reasonableness is being edited and an informal comment period has commenced before the final draft of the rules and Notice of Intent to Adopt rules is submitted for publication.

7512 Fire Protection Systems
This chapter of the rules was recently amended and a hearing held in March 2000. A new Request for Comment will be published in December 2000 to reopen this rulemaking to finalize amendments to the rules that were not completed during the former rulemaking in March.

7450 Wheelchair Safety Devices
A Request for Comment has been published for this rule and the Statement of Need and Reasonableness is being drafted.

7470 School Bus Inspection Certificates
A Request for Comment has been published for this rule and the Statement of Need and Reasonableness is being drafted.

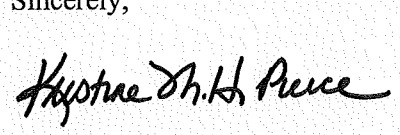
7510 Uniform Fire Code
A Request for Comment has been published for this rule and the Statement of Need and Reasonableness is being drafted as are the proposed rules.

3050 Crime Victims Reparations Rules
A Notice of Intent to Adopt Without Hearing has been published.

Except for the rules listed in section I of this report, the department rules are not obsolete, unnecessary or duplicative of other state or federal rules. Please note that the rule writer for Peace Officers Standards and Training Board will be submitting a separate report on the status of the POST Board rules.

If you need further assistance or have any questions, please feel free to contact me at (651)297-2379.

Sincerely,



Kristine M. Hernandez Pierce
Rules and Extradition Coordinator

CC: Charles Weaver, Jr., Commissioner
Mancel T. Mitchell, Deputy Commissioner
Sara Schlauderaff, Assistant Commissioner
Barbara Cox, Director of Public Affairs