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STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

August 22, 1994

Maryanne Hruby, Exec. Director
Legislative Commission to Review
Administrative Rules
55 State Office Building
St. Paul, Minnesota 55155

Dear Ms. Hruby:

Please be notified that the Department of Public Safety has filed the enclosed Notice of Intent To Adopt Rules Without a Hearing, as well as the accompanying Statement of Need and Reasonableness ("SNR"), regarding proposed permanent rules relating to the uniform tag for dangerous dogs.

The enclosed SNR includes a description of the nature and effect of the proposed rule, in its Rule-By-Rule provisions. The notice was submitted to the State Register today and is expected to appear in the register on Tuesday, September 6, 1994.

If you have any questions or concerns regarding this matter, please feel free to call me at (612) 296-5083. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric A. McFarland".

Eric A. McFarland
Rules Writer

Enclosures (2)

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

In the Matter of the Proposed
Adoption of the Rule of the
State Department of Public
Safety Governing the Design of
Uniform Dangerous Dog Tag

NOTICE OF INTENT
TO ADOPT A RULE
WITHOUT A PUBLIC
HEARING

Notice is hereby given that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 347.51, subdivision 7.

You have until 4:30 p.m., October 5, 1994 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the above due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change(s) proposed.

In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing

must be in writing and must be received by the agency contact person by 4:30 p.m. on October 5, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any change(s) you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Commissioner of the Department of Public Safety will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Eric A. McFarland
Officer of the Commissioner
Minnesota Department of Public Safety
445 Minnesota Street, Suite 100
St. Paul, MN 55101-2156
(612) 296-5083

The proposed rule may also be modified as a result of public comment. The modifications must be supported by data and views submitted to the Commissioner of the Department of Public Safety and may not result in a substantial change in the proposed rule as attached and printed in the State Register. If the proposed rule affects you in any way, you are encouraged to participate in

the rulemaking process.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Eric A. McFarland, at the above address, upon request.

In preparing the rule, the Commissioner of the Department of Public Safety has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rule will not directly affect small businesses.

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rule.

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of the rule will not have an impact on agricultural land.

Minnesota Statutes, section 16A.1285, subdivisions 4 and 5, do not apply because the rule does not establish or adjust departmental charges.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the above named representative.

17 August 1994

Date

Michael S. Jordan

Michael S. Jordan, Commissioner

Department of Public Safety

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

In The Matter Of The Proposed Rules
Of The Department Of Public Safety
Relating To The Design of The
Uniform Dangerous Dog Tag

STATEMENT OF NEED
AND REASONABLENESS

General Statement

The Commissioner of Public Safety is authorized to specify the design of the uniform dangerous dog warning symbol and to provide by rule for the design of the uniform dangerous dog tag, after consultation with animal control professionals. The Commissioner of Public Safety has consulted with animal control professionals regarding the uniform dangerous dog warning symbol and a consensus has been reached thereon. The proposed uniform dangerous dog tag will have the agreed upon warning symbol inscribed on or attached to it.

The purpose of the proposed rule is to establish the design of the uniform dangerous dog tag, to be inscribed on or attached to each dangerous dog tag and affixed to each dangerous dog's collar at all times. This will allow children and others to recognize a dangerous dog from a distance and increase the safety of potential victims of dangerous dogs. The proposed rule also clarifies that the uniform dangerous dog tag shall be separate

and apart from the dog tag that dogs are required to wear pursuant to Minnesota Rule 1720.1555. The rule should also dispose of any potential confusion as to whether a dangerous dog must wear the uniform dangerous dog tag if it already has the other dog tag on.

Statutory Authority

The specific authority for the promulgation of the rule is Minnesota Statutes, section 347.51, subdivision 7, as enacted in Minnesota Laws 1993, chapter 550, section 2, which states:

"A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times. The commissioner of public safety, after consultation with animal control professionals, shall provide by rule for the design of the tag."

The Commissioner also has general rulemaking authority under Minnesota Statutes, section 299A.01, subdivision 6, "to promulgate such rules pursuant to chapter 14, as are necessary to carry out the duties of the Commissioner."

Small Business Considerations

Minnesota Statutes, section 14.115, requires the Department

of Public Safety to consider the effect on small businesses when it adopts rules. Minnesota Statutes, section 14.115, subdivision 2, states in part:

"When an agency proposes a new rule, or an amendment to an existing rule, which may affect small businesses . . . , the agency shall consider each of the following methods for reducing the impact of the rule on small businesses:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule."

Minnesota Statutes, section 14.115, subdivision 3, requires agencies to incorporate into proposed rules any of the above methods "that it finds to be feasible, unless doing so would be

contrary to the statutory objectives that are the basis of the proposed rulemaking."

The proposed new rule does not have a direct impact on small businesses.

Fees Imposed By The Rules

Minnesota Statutes, section 16A.1285, subdivisions 4 and 5, do not apply because the rule does not establish or change fees.

Fiscal Impact

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of the rule will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rule.

Agricultural Land Impact

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of the rule will not have an impact on agricultural land.

Witnesses

If the rule goes to a public hearing, it is anticipated that the agency will call witnesses. A list of witnesses will be

attached to this Statement of Need and Reasonableness and will be sent to all persons who requested a copy of the Statement of Need and Reasonableness.

Rule-By-Rule Analysis

7417.0100 Purpose and Scope.

Subpart 1. **Purpose.** The purpose of parts 7417.0100 to 7417.0400 is to establish the design of the uniform dangerous dog tag, to be inscribed on or attached to each dangerous dog's tag and affixed to each dangerous dog's collar at all times.

Subpart 2. **Scope.** The scope of parts 7417.0100 to 7417.0400 is to be consistent with the provisions of Minnesota Statutes, section 347.51, subdivision 7.

7417.0200 Uniform Dangerous Dog Tag.

Subpart 1. **Description.** Describes the uniform dangerous dog tag to be circular in shape and 1-1/2 inches in diameter with a ring one-fourth inch in diameter affixed to the top center of the tag. The description of the tag further includes the dimensions of the uniform dangerous dog warning symbol that is to be inscribed onto or attached onto the tag.

Subpart 2. **Construction, registration number, inscription.** This subpart states that each of the uniform dangerous dog tags shall be made of 1/16" thick aluminum and shall have the dangerous dog's registration number inscribed on the back of the tag. It also sets forth a standard statement regarding the

statutory authority for this required tag and that the tag shall be affixed to the dog's collar at all times. This subpart is reasonable and necessary to further ensure uniformity of the dangerous dog tags as well as increase the recognition of a dangerous dog from a distance.

7417.0300 Tag Worn By Each Dangerous Dog.

Subpart 1. **Requirement.** This subpart requires each dangerous dog registered under Minnesota Statutes, section 347.51 to have a uniform dangerous dog tag affixed to the dangerous dog's collar at all times. This is reasonable and necessary so that children and others will be able to recognize a dangerous dog from a distance. This will also increase the safety of potential victims of dangerous dogs.

Subpart 2. **Separate tag.** This subpart clarifies that the uniform dangerous dog tag shall be separate and apart from the dog tag that dogs are required to wear pursuant to Minnesota Rule 1720.1555. This rule is reasonable and necessary to dispose of any potential confusion as to whether a dangerous dog must wear the uniform dangerous dog tag if it already has the other dog tag on.

7417.0400 Uniform Dangerous Dog Tag Graphic.

This part of the rule presents a graphic diagram of the uniform dangerous dog tag. This is reasonable and necessary to increase the public's awareness of the tag's appearance.

Conclusion

Based on the foregoing, the Department's proposed rules are both reasonable and necessary.

17 August 1994

Date

Michael S. Jordan

Michael S. Jordan, Commissioner

Department of Public Safety