

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Office of the Commissioner

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08 - 0438

January 28, 2008

The Honorable Tim Pawlenty
Governor, State of Minnesota

The Honorable James Metzen, Chair
Speaker Margaret Kelliher
Legislative Coordinating Commission

The Honorable Michael Paymar, Chair
The Honorable Steve Smith
House Public Safety Finance Division
Committee

The Honorable Bernard Lieder, Chair
The Honorable Doug Magnus
House Transportation Finance Division
Committee

The Honorable Phyllis Kahn, Chair
The Honorable Chris DeLaForest
House State Government Finance Division
Committee

Ms. Michele Timmons
Revisor of Statutes

The Honorable Linda Higgins, Chair
The Honorable Bill G. Ingebrigtsen
Senate Public Safety Budget
Division Committee

The Honorable Steve Murphy, Chair
The Honorable Michael J. Jungbauer
Senate Transportation Committee

The Honorable Don Betzold, Chair
The Honorable Claire A. Robling
Senate State Government Budget
Division Committee

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:

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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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

Alcohol
and Gambling
Enforcement

ARMER/911
Program

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Traffic Safety

State Fire
Marshal and
Pipeline Safety

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 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 the following rules of the Department of Public Safety that are obsolete, unnecessary, or duplicative and that should be repealed.

- **Minnesota Rules, Chapter 7507.0400: Material Safety Data Sheet Fee**
"A person must pay a \$10 fee per material safety data sheet when the person submits material safety data sheets in lieu of a hazardous chemical report form as provided for under United States Code, title 42, section 11021." This rule is obsolete, because HSEM does not request or accept MSDS's and have never collected the stipulated \$10 fee.
- **Minnesota Rules, Chapter 7513.0100: Form**
The hazardous substance notification report form, as required by Minnesota Statute, section 299F.094, is the 'Tier One – Emergency and Hazardous Chemical Inventory' form used by the state under the Superfund Amendments and Reauthorization Act of 1986, Public Law Number 99-499, title III, section 312. This rule should be repealed, because HSEM has never used the Tier One report form. The Tier Two report form is used in lieu of the Tier One report form for receipt of facility and chemical storage information.

In the prior report, we identified the Minnesota Rules listed below as being obsolete, unnecessary or duplicative. The current status of the rule is:

- **Minnesota Rules, Chapter 7405: Commercial Fleet Vehicle Registration**
This rule duplicates statute in several areas and DVS can carry out its function to register rental trucks and trailers through the language in statute thus making the rule unnecessary. We will proceed to repeal the rule in 2008.
- **Minnesota Rules, Chapter 7413: Motorcycle Insurance**
This rule had the two main sections (7413.0400 and 7413.0500) repealed in 2003 (Chapter 19, article 2, section 79). The remaining sections are duplicated in statute (169.796 and 169.797) or are unnecessary. We will proceed to repeal the remaining section of this rule in 2008. This action in no way affects the requirement to maintain motorcycle insurance or DVS' ability to enforce that requirement.

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- Minnesota Rules, Chapter 7503: Driver's License Revocation, Incidents
MR 7503.0200, subpart 2 can be repealed as it became obsolete when
Minnesota law lowered the BAC to .08. We will proceed to repeal this rule in
2008.
- Minnesota Rules, Chapter 7411: Driver Education
This was listed in the prior report. Sections 7411.5100 through 7411.5700 can be
repealed as they are obsolete. We will begin that process in 2008.

If you have any questions regarding this report, please contact me at (651) 201-7170.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Joseph Newton". The signature is written in a cursive, somewhat stylized font.

E. Joseph Newton
General Counsel