

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Office of the Commissioner

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Phone: 651.201.7160 • Fax: 651.297.5728 • TTY: 651.282.6555
www.dps.mn.gov

January 14, 2025

Alcohol
and Gambling
Enforcement

Bureau of
Criminal
Apprehension

Driver
and Vehicle
Services

Emergency
Communication
Networks

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Pipeline Safety

Office of
Traffic Safety

State Fire
Marshal

Via Email

Representative Kelly Moller
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Committee
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Via Email

Representative Paul Novotny
Public Safety Finance and Policy
Committee
rep.paul.novotny@house.mn.gov

Via Email

Representative Erin Koegel
Transportation Finance and Policy
Committee
rep.erin.koegel@house.mn.gov

Via Email

Representative Jon Koznick
Transportation Finance and Policy
Committee
rep.jon.koznick@house.mn.gov

Attn: Chris Steller

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St. Paul, MN 55155-1050
reports@lrl.mn.gov

Via Email

Senator Ron Latz
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sen.ron.latz@senate.mn

Via Email

Senator Warren Limmer
Judiciary and Public Safety Committee
sen.warren.limmer@senate.mn

Via Email

Senator Scott Dibble
Transportation Committee
sen.scott.dibble@senate.mn

Via Email

Senator John R. Jasinski
Transportation Committee
sen.john.jasinski@senate.mn

Re: Notice of Rules Adopted In 2024 Pursuant to Minn. Stat. § 14.116(a)

Dear Legislators,

January 14, 2025

Page 2

This letter provides the annual submission required by Minn. Stat. § 14.116(a), which provides:

By January 15 each year, each agency must submit its rulemaking docket maintained under section 14.366, and the official rulemaking record required under section 14.365 for any rule adopted during the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule.

The Department of Public Safety completed one rulemaking in 2024. That rulemaking was on the subject of soft body armor reimbursement. In 1989, the legislature established the Department's vest reimbursement program, which allows peace officers and heads of local law enforcement agencies to apply for partial reimbursement of purchased soft body armor. In 2023, the legislature significantly expanded the eligibility for the vest reimbursement program to include firefighters, emergency medical service providers, and the heads of public safety agencies that employ them. The rulemaking completed in 2024 set forth the application process, reimbursement requirements, and the prioritization of claims for the Department's vest reimbursement program in light of the 2023 expansion of the program by the legislature.

In accordance with Minn. Stat. § 14.116 (a), the official rulemaking record under § 14.365 is included as an attachment to this correspondence. The public rulemaking docket required under § 14.366 is included in that record. The Department of Public Safety does not have any other pending rules to include on a public rulemaking docket.

Per Minn. Stat. § 3.195, subd. 1, one electronic copy and one paper copy of this report and its attachment are being provided to the Legislative Reference Library. Pursuant to Minn. Stat. § 3.197, the cost to prepare this report was approximately sixty dollars.

If you have any questions, please contact me at 651-201-7170 or kim.parker@state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Parker", with a long horizontal flourish extending to the right.

Kim Parker
General Counsel
Department of Public Safety

Enclosure

October 15, 2024

VIA EFILING ONLY

Kim Parker
General Counsel
Minnesota Department of Public Safety
445 Minnesota St Ste 1000
Saint Paul, MN 55101
Kim.Parker@state.mn.us

**Re: In the Matter of the Proposed Permanent Rules Relating to Soft Body
Armor Reimbursement
OAH 25-9018-39833; Revisor R-4822**

Dear Kim Parker:

Enclosed herewith and served upon you is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.26** in the above-entitled matter. The Administrative Law Judge has determined there are no negative findings in these rules.

The Office of Administrative Hearings has closed this file and is returning the rule record so that the Minnesota Department of Public Safety can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. Please ensure that the agency's signed order adopting the rules is filed with our office. The Office of Administrative Hearings will request the finalized rules from the Revisor's office following receipt of that order. Our office will then file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the agency for its rulemaking record. The Department will then receive from the Revisor's office three copies of the Notice of Adoption of the rules.

The Department's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the State Register for publication. A permanent rule without a hearing does not become effective until five working days after a Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

Kim Parker
October 15, 2024
Page 2

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Nichole Sletten". The signature is written in a cursive style with a large, looping initial "N".

NICHOLE SLETTEN
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Revisor of Statutes

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement	OAH 25-9018-39833 Revisor R-4822
---	-------------------------------------

On October 15, 2024, a true and correct copy of the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.26** was served by electronic mail, unless otherwise indicated below, addressed to the following:

VIA EFILING ONLY

Kim Parker
General Counsel
Minnesota Department of Public Safety
445 Minnesota St Ste 1000
Saint Paul, MN 55101
Kim.Parker@state.mn.us

VIA EMAIL ONLY

Ryan Inman
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jason.kuenle@revisor.mn.gov
cindy.maxwell@revisor.mn.gov
traci.olinger@revisor.mn.gov

VIA EMAIL ONLY

Legislative Coordinating Commission
lcc@lcc.leg.mn

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Permanent
Rules Relating to Soft Body Armor
Reimbursement

**ORDER ON REVIEW OF
RULES UNDER
MINN. STAT. § 14.26**

The Minnesota Department of Public Safety (Department) is seeking review and approval of the above-entitled rules, which were adopted by the agency pursuant to Minn. Stat. § 14.26 (2024). On October 3, 2024, the Office of Administrative Hearings (OAH) received the documents that must be filed by the Department under Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2023). Based upon a review of the written submissions and filings, Minnesota Statutes, Minnesota Rules, and for the reasons in the Memorandum that follows,

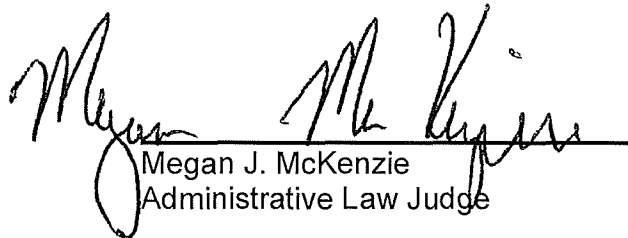
IT IS HEREBY DETERMINED:

1. The Department has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2024), and Minnesota Rules, Chapter 1400 (2023).
3. The record demonstrates the rules are needed and reasonable.
4. The definition of "Applicant" does not provide sufficient clarity and should be modified as described in the Memorandum.

IT IS HEREBY ORDERED THAT:

The Administrative Law Judge **APPROVES** the proposed rules as to legality but urges changes to the definition of "Applicant" to provide clarity and consistency.

Dated: October 15, 2024


Megan J. McKenzie
Administrative Law Judge

MEMORANDUM

The Department requested review and approval of its rules governing soft-body-armor reimbursement for legality and form according to Minnesota Statutes, section 14.26. The proposed rules set forth the application process, reimbursement requirements, and the prioritization of claims for the Department's vest reimbursement program in light of the 2023 expansion of the program by the legislature. Previously the vest reimbursement program included only peace officers and heads of local law-enforcement agencies. The 2023 legislation expanded the program to include firefighters, emergency medical service providers, and the heads of public-safety agencies and entities that employ them.¹

Historically, claims by peace officers exceeded the funding allocated by the legislature.² Despite an increase in program funds following the 2023 expansion of the program, claims are expected to continue to exceed program funds.³ Accordingly, the proposed rules create a waiting list and set forth the priority in which claims will be paid.⁴

The Department proposes, generally, to prioritize payment of claims by individual public safety officers over claims by public safety agencies. Public safety agencies will eventually be paid as part of the waiting list priority, if the program continues to be funded, but may have longer waiting times than individuals. The Department's justification is twofold: (1) to prevent one or more large agencies from receiving most or all the funds in a reimbursement period, and (2) individual applicants benefit more from reimbursement because they are less able to absorb the cost of purchasing a vest than a large agency.⁵ While the Department's proposed prioritization does not differentiate between large and small public safety agencies, it is a reasonable and rational method of allocating limited funds.

The Department include the following definition of Applicant in the proposed rules:

"Applicant" includes a public safety officer and a public safety agency.

Use of the work "and" in this definition is problematic. One reading of the definition suggests that both an individual officer and the employing department must jointly apply for reimbursement as one "Applicant." But under the prioritization proposed by the Department, an Applicant is either a public safety officer or a public safety agency, not both, and properly identifying the applicant as an individual or agency has practical consequences for payment.

¹ 2023 Minn. Laws, ch. 52, art. 5, sec. 13.

² SONAR, pgs. 1-3.

³ *Id.*

⁴ *See.*

⁵ SONAR, pg. 24.

To avoid confusion and the potential misclassification of claims, the proposed definition of Applicant should be modified to clarify that an applicant is either an individual or an entity seeking reimbursement. For example, the definition could state: "Applicant means the public safety officer or public safety agency seeking reimbursement."

The proposed rules are otherwise reasonable and are approved as written.

M.J.M.

Via eFiling

October 3, 2024

The Honorable Judge McKenzie

Administrative Law Judge

Office of Administrative Hearings

**In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement;
Revisor's ID No. R-4822; OAH Docket No. 25-9018-39833**

Dear Judge McKenzie,

The Department of Public Safety respectfully requests that you review and approve its rules governing soft-body-armor reimbursement for legality and form according to Minnesota Statutes, section 14.26. Enclosed for your review are the documents required under Minnesota Rules, part 1400.2310, items A to P. Paragraphs A to P of this letter are keyed to items A to P of part 1400.2310. Unless otherwise stated, the document is enclosed.

- A. the Request for Comments as published in the *State Register* on August 21, 2023.
- B. not enclosed: no petition for rulemaking was filed on the rules.
- C. the proposed rules dated July 8, 2024, with the revisor's certificate of approval.
- D. the Statement of Need and Reasonableness.
- E. the Notice of Intent to Adopt Rules Without a Hearing, as emailed and published in the *State Register* on August 19, 2024.
- F. not enclosed: the department included the text of the proposed rules with the Notice of Intent to Adopt Rules Without a Hearing published in the *State Register*.
- G. the Certificate of Emailing the Notice of Intent to Adopt Rules Without a Hearing and the Certificate of Accuracy of the Mailing List.
- H. a copy of the transmittal letter of Additional Notice.
- I. a copy of the transmittal letter showing that the department sent the Statement of Need and Reasonableness to the Legislative Reference Library.
- J. not enclosed: written comments and submissions on the proposed rules, requests for hearing, and withdrawals of requests for hearing received by the department, except those that only requested copies of documents. No comments or requests were received.
- K. not enclosed: the notice of withdrawal of hearing requests, evidence that the department sent notice of withdrawal to all persons who requested a hearing, and any responsive comments received. No hearing requests were withdrawn.
- L. a copy of the adopted rules dated September 17, 2024, showing modifications to the proposed rule.

L1. an explanation of the need for and reasonableness of the modifications to the proposed rules.

M. not enclosed: the department did not adopt substantially different rules.

N. the unsigned Order Adopting Rules that complies with part 1400.2090.

O. not enclosed: a notice of submission of rules to OAH and a copy of a transmittal letter or certificate of mailing the notice of submission of rules to OAH. No persons requested notification of the submission of the rules to OAH.

P.1. a copy of the transmittal letter showing that the department consulted with Minnesota Management and Budget and its memo dated July 24, 2024, in response.

P.2. a copy of the transmittal letter sending notice to legislators according to Minnesota Statutes, section 14.116.

If there are any questions or concerns, please contact me at kim.parker@state.mn.us.

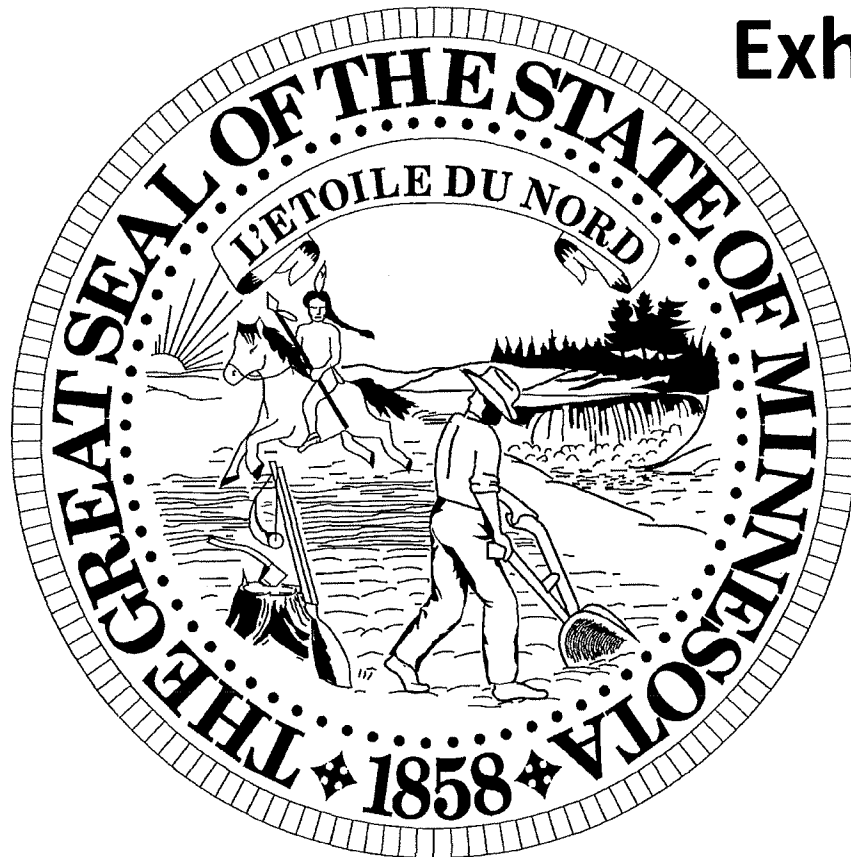
Sincerely,

Kim Parker
General Counsel

Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)

Exhibit A



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids,
Contracts and Grants**

**Monday 21 August 2023
Volume 48, Number 8
Pages 171 - 186**

Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 48 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#9	Monday 28 August	Noon Tuesday 22 August	Noon Thursday 17 August
#10	Tuesday 5 September	Noon Tuesday 29 August	Noon Thursday 24 August
#11	Monday 11 September	Noon Tuesday 5 September	Noon Thursday 31 August
#12	Monday 18 September	Noon Tuesday 12 September	Noon Thursday 7 September

PUBLISHING NOTICES: We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$13.50 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or \$81. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

SUBSCRIPTION SERVICES: E-mail subscriptions are available by contacting the editor at sean.plemmons@state.mn.us. Send address changes to the editor or at the Minnesota State Register, 50 Sherburne Avenue, Suite 309, Saint Paul, MN 55155.

SEE THE Minnesota State Register free at website: <https://mn.gov/admin/bookstore/register.jsp>

- Minnesota State Register: Online subscription – \$180, includes links, index, special section "CONTRACTS & GRANTS," with Sidebar Table of Contents, Early View after 4:00 pm Friday (instead of waiting for early Monday), and it's sent to you via E-mail.
- Single issues are available electronically via PDF for free.
- "Affidavit of Publication" includes a notarized "Affidavit" and a copy of the issue: \$15.00.

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(651) 201-2500

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(651) 201-3400

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(651) 296-2551

Communications and Planning Division: Curtis Yoakum
(651) 201-2771

Secretary of State: Steve Simon
(651) 296-2803

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Minnesota Legislative Information

Senate Public Information Office
(651) 296-0504
State Capitol, Room 231, St. Paul, MN 55155
<https://www.senate.mn/>

Minnesota State Court System
Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<http://www.mncourts.gov>

House Public Information Services
(651) 296-2146
State Office Building, Room 175
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

Federal Register
Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
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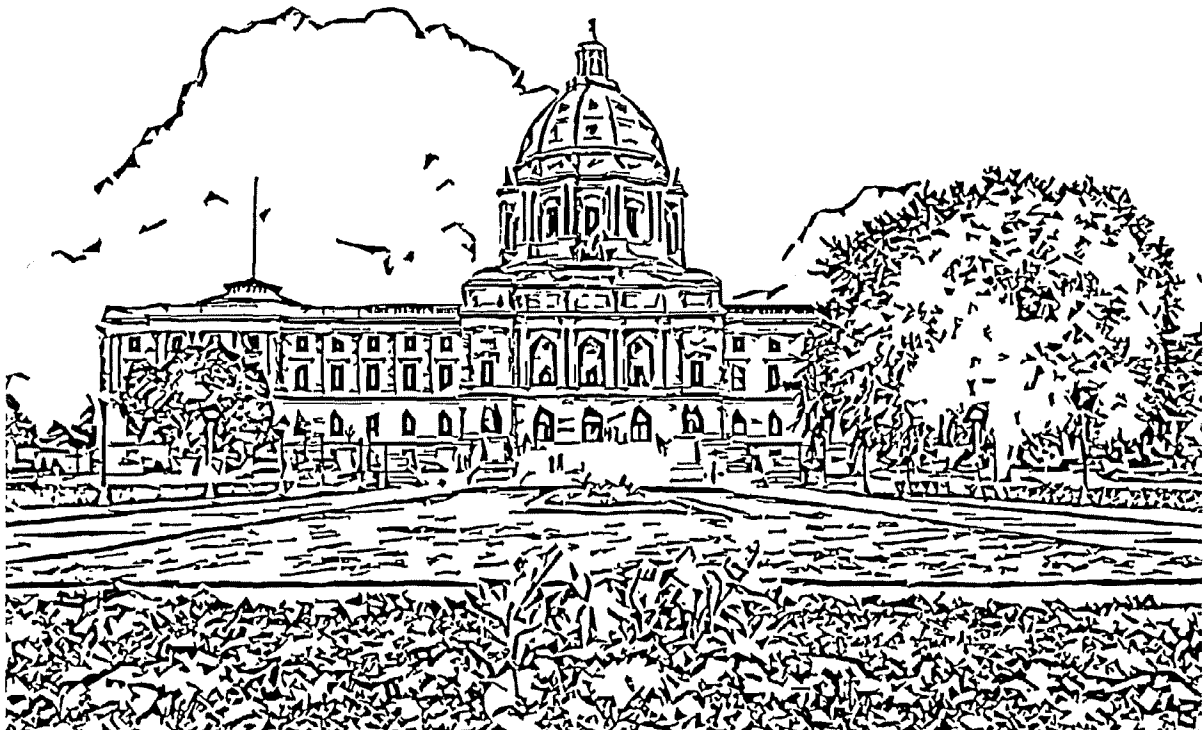
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Minnesota Management and Budget Notice of Workgroup on Expediting Rental Assistance Meetings

The Minnesota legislature created a Workgroup on Expediting Rental Assistance in Laws 2023, Regular Session chapter 69, article 6, section 14. The workgroup will have its first meeting on August 28 from 9 am to 12 pm. The workgroup will then meet monthly from September 2023 to February 2024; meetings will occur on the second Thursday of the month from 9 am to 12 pm. Meetings will be held virtually.

Members of the public who would like to view the meeting should visit <https://www.youtube.com/@RentalAssistanceWorkgroup>. A livestream video will become available on the channel at the time of each meeting.

Visit the workgroup's webpage for the full meeting schedule and future updates: <https://mn.gov/mmb/mad/clients/expediting-rental-assistance/>.

Department of Public Safety REQUEST FOR COMMENTS for Possible Rules Relating to Soft Body Armor Reimbursement; Revisor's ID Number R-04822

Subject of rules. The Minnesota Department of Public Safety requests comments on the department's possible rules under Minnesota Statutes, section 299A.38. The rules will be on the department's program for reimbursing public safety officers and heads of agencies and entities who buy soft body armor.

In the 2023 legislative session, the legislature significantly expanded who is eligible for the department's vest reimbursement program. Previously, only peace officers and heads of local law enforcement agencies were eligible to participate. But now, the legislature has expanded the program to firefighters, emergency medical service providers, and heads of agencies and entities.

To manage the program's expanded scope, the department seeks to adopt a new rule chapter that establishes a fair, efficient, and transparent process for vest reimbursement.

Persons affected. The rule will likely affect the following people and entities:

- volunteer, paid on-call, part-time, and career firefighters;
- peace officers and law enforcement agencies;
- emergency medical technicians, advanced emergency medical technicians, and paramedics actively employed by a Minnesota-licensed ambulance service;
- government entities such as cities, counties, and townships;
- Minnesota Management and Budget and state agencies eligible to purchase soft body armor; and
- vendors who sell soft body armor.

Statutory authority. The department has the statutory authority to amend and adopt rules under Minnesota Statutes, section 299A.38, subdivision 4, and Minnesota Laws 2023, chapter 52, article 5, section 77.

Public comment. Interested individuals or groups may email or mail comments or information on these possible rules until the department publishes a notice of intent to adopt the rules. The department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the publication date of this Request for Comments.

Rules drafts. The department has not yet drafted the possible rules but anticipates that rule drafts will be available on its website (<https://dps.mn.gov/divisions/co/programs/public-safety-vest-reimbursement/Pages/default.aspx>) as drafts become available.

Official Notices

Agency contact person. Written comments, questions, requests to receive rule drafts, and requests for more information on these possible rules should be directed to Kim Parker, General Counsel, Kim.Parker@state.mn.us, 651-201-7170, or the Department of Public Safety, 445 Minnesota Street, St. Paul, MN 55101.

Alternative format. Upon request, the information in this notice can be made available in an alternative format such as large print, braille, or audio. To make a request, please contact Kim Parker.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if a proceeding to adopt rules is started.

The department must submit to the judge only those written comments received in response to the rules after they are formally proposed in a notice of intent to adopt published in the *State Register*; if you submit comments before the notice is published and you want to ensure that the administrative law judge reviews your comments, you should resubmit your comments after the rules are formally proposed.

Dated: August 21, 2023

Bob Jacobson, Commissioner
Department of Public Safety

Minnesota Office of the Secretary of State

REQUEST FOR COMMENTS for the Possible Amendment of Rules Governing Election Administration, Voter Registration, Petitions, Absentee Ballots, Presidential Nomination Primary, Voting System Testing, Optical Scan Voting Systems, Recounts, Election Judge Training Program, Ballot Preparation and Redistricting, *Minnesota Rules*, 8200, 8205, 8210, 8215, 8220, 8230, 8235, 8240, 8250 and 8255; Revisor's ID Number R-04824

Subject of Rules. The Office of the Minnesota Secretary of State requests comments on its possible amendment to rules governing Election Administration, Voter Registration, Petitions, Absentee Ballots, Presidential Nomination Primary, Voting System Testing, Optical Scan Voting Systems, Recounts, Election Judge Training Program, Ballot Preparation, and Redistricting. The Office is considering rules and rule amendments including but not limited to amendments to reflect statutory changes made in recent years as well as: affecting voter registration generally, including but not limited to the manner, format, content of and procedures relating to voter registration materials, verification procedures, and records; petitions generally, including but not limited to the manner, format, content and procedures relating to petitions; absentee and mail balloting generally, including but not limited to the manner, format, content of and procedures for absentee and mail balloting materials and records; presidential nomination primary administration generally, including but not limited to ballot preparation, roster preparation and administration, absentee and mail voting administration, election judge training, and local expense reimbursement; voting system testing generally, including but not limited to the scope and standards for voting system examination and testing, the examination and certification of voting systems, the preparation and testing of election programs, the security of voting systems and programs; optical scan voting systems generally, including but not limited to procedures for central count optical scan voting systems and precinct-count optical scan voting systems; ballot marking devices generally, including but not limited to text and audio instructions for voters; election judge training programs generally, including but not limited to training requirements and standards, training methods and programs, courses and materials, records, plans, certifications, feedback and schedules; and ballot preparation generally, including but not limited to the format and layout of partisan and nonpartisan ballots, ballots for electronic voting systems, and redistricting, as well as other elections-related rule provisions that may arise but only as time permits, as well as changes suggested by the recipients of this request for comments, or the general public.

Persons Affected. The rules and possible amendments to rules would likely affect voters, local election officials and election staff, political parties, candidates, election equipment vendors and manufacturers, private and county attorneys, and election advocacy groups.

Office of the Revisor of Statutes

Administrative Rules



Exhibit C

TITLE: Proposed Permanent Rules Relating to Soft Body Armor Reimbursement

AGENCY: Department of Public Safety

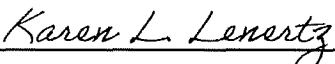
REVISOR ID: R-4822

MINNESOTA RULES: Chapter 7522

INCORPORATIONS BY REFERENCE:

Part 7522.0600, subpart 1: The National Institute of Justice's 2024 Compliant Products List: Ballistic Resistant Body Armor, and as subsequently amended, is incorporated by reference. The list is not subject to frequent change and is available on the department's website.

The attached rules are approved for
publication in the State Register


Karen L. Lenertz
Deputy Revisor

C001

1.1 **Department of Public Safety**

1.2 **Proposed Permanent Rules Relating to Soft Body Armor Reimbursement**

1.3 **7522.0100 APPLICABILITY.**

1.4 This chapter applies to the department's vest reimbursement program under Minnesota
1.5 Statutes, section 299A.38, and establishes the process for applying for and receiving
1.6 reimbursement for purchased vests.

1.7 **7522.0200 DEFINITIONS.**

1.8 Subpart 1. **Scope and applicability.** For purposes of this chapter, the terms used have
1.9 the meanings given in this part and Minnesota Statutes, section 299A.38, subdivision 1.

1.10 Subp. 2. **Applicant.** "Applicant" includes a public safety officer and a public safety
1.11 agency.

1.12 Subp. 3. **Department.** "Department" means the Department of Public Safety.

1.13 Subp. 4. **Proof of active status.** "Proof of active status" means a letter from a public
1.14 safety officer's agency attesting that the officer is a firefighter for the agency.

1.15 Subp. 5. **Public safety agency or agency.** "Public safety agency" or "agency" means
1.16 a governmental unit that employs a public safety officer.

1.17 **7522.0300 APPLICATION NOTICE AND APPLICATION PERIOD.**

1.18 Subpart 1. **Application notice.** On or before July 1 each year, the commissioner must
1.19 publish on the department's website a notice stating:

1.20 A. the funding amount available for reimbursement for applications submitted
1.21 during the application period;

1.22 B. how much of the available funding is designated for applicants on the waiting
1.23 list from the previous application period; and

1.24 C. the application period under subpart 2.

2.1 Subp. 2. **Application period.** An applicant may apply for reimbursement from July
2.2 1 through June 30 for a vest purchased within the previous 365 calendar days.

2.3 **7522.0400 APPLICATION REQUIREMENTS.**

2.4 Subpart 1. **Application form.** An applicant requesting reimbursement must apply on
2.5 a form available on the department's website.

2.6 Subp. 2. **Public safety officer applications.** A public safety officer requesting
2.7 reimbursement must provide the following:

2.8 A. the officer's contact information;

2.9 B. the employer's name;

2.10 C. for a peace officer, the officer's license number issued by the Peace Officer
2.11 Standards and Training Board;

2.12 D. for a qualified emergency medical service provider, proof of certification under
2.13 Minnesota Statutes, section 144E.28, and proof of employment by a Minnesota-licensed
2.14 ambulance service;

2.15 E. for a firefighter, proof of active status as a volunteer, paid on-call, part-time,
2.16 or career firefighter and the agency's Fire Department Identification Number;

2.17 F. an invoice and proof of purchase according to subpart 5; and

2.18 G. any other information requested by the commissioner as needed to determine
2.19 eligibility or to provide reimbursement under this chapter.

2.20 Subp. 3. **Agency applications.** An agency requesting reimbursement for an employee
2.21 must provide the following:

2.22 A. the agency's name;

2.23 B. an employer contact name and contact information;

3.1 C. for all reimbursement requests for the agency's employees:

3.2 (1) the employee's first and last name;

3.3 (2) for a peace officer, the officer's license number issued by the Peace Officer
3.4 Standards and Training Board;

3.5 (3) for a qualified emergency medical service provider, proof of certification
3.6 under Minnesota Statutes, section 144E.28, and proof of employment by a Minnesota-licensed
3.7 ambulance service;

3.8 (4) for a firefighter, proof of active status as a volunteer, paid on-call,
3.9 part-time, or career firefighter and the agency's Fire Department Identification Number;
3.10 and

3.11 (5) an invoice and proof of purchase according to subpart 5; and

3.12 D. any other information requested by the commissioner as needed to determine
3.13 eligibility or to provide reimbursement under this chapter.

3.14 Subp. 4. **Unavailable information.** If an applicant cannot provide the information
3.15 required under this part, they must explain on the application why they cannot provide the
3.16 information.

3.17 Subp. 5. **Invoice and proof of purchase required.**

3.18 A. With the application, an applicant must provide:

3.19 (1) an invoice for each purchased vest that legibly displays:

3.20 (a) the itemized cost of all items for which reimbursement is being
3.21 requested; and

3.22 (b) the purchase date of the items for which reimbursement is being
3.23 requested; and

4.1 (2) proof of purchase of the items for which reimbursement is being requested.

4.2 B. A packing slip does not constitute proof of purchase.

4.3 Subp. 6. **Signature required.** An applicant must sign the application by hand or
4.4 electronically.

4.5 **7522.0500 PUBLIC SAFETY OFFICERS AND AGENCIES; REIMBURSEMENT**
4.6 **ELIGIBILITY.**

4.7 Subpart 1. **Eligibility; generally.** In accordance with Minnesota Statutes, section
4.8 299A.38, subdivision 3, reimbursement is limited to public safety officers, or an agency
4.9 applying on behalf of public safety officers, who:

4.10 A. do not own a vest meeting the requirements of part 7522.0600, subparts 1 and
4.11 2; or

4.12 B. own a vest that is at least five years old.

4.13 Subp. 2. **Time limit to apply.** An applicant must apply for reimbursement within 365
4.14 calendar days of a vest's purchase.

4.15 Subp. 3. **Reimbursement limits.** A public safety officer, including an officer being
4.16 reimbursed by the officer's agency, may be reimbursed only once every five years. This
4.17 subpart applies even if a public safety officer is eligible for additional reimbursement because
4.18 the officer works for more than one agency or as more than one public safety officer.

4.19 **7522.0600 VESTS; REIMBURSEMENT ELIGIBILITY.**

4.20 Subpart 1. **Vest types eligible for reimbursement.**

4.21 A. Vest types that meet the requirements under Minnesota Statutes, section
4.22 299A.38, subdivision 3, are eligible for reimbursement. Eligible vests must:

4.23 (1) meet or exceed the standard of the National Institute of Justice for the
4.24 Ballistic Resistance of Body Armor in effect on the date of purchase; or

5.1 (2) be included on the National Institute of Justice's 2024 Compliant Products
5.2 List: Ballistic Resistant Body Armor in effect on the date of purchase.

5.3 B. The National Institute of Justice's 2024 Compliant Products List: Ballistic
5.4 Resistant Body Armor, and as subsequently amended, is incorporated by reference. The list
5.5 is not subject to frequent change and is available on the department's website.

5.6 Subp. 2. **Items ineligible for reimbursement.** The following vest-related items are
5.7 ineligible for reimbursement:

5.8 A. tactical ballistic items;

5.9 B. unauthorized carriers;

5.10 C. vest alterations;

5.11 D. shipping costs; and

5.12 E. sales tax.

5.13 Subp. 3. **Federal grants.** Nothing in this chapter prohibits an applicant from applying
5.14 for vest reimbursement from a federal grant program.

5.15 **7522.0700 REIMBURSEMENT AMOUNTS.**

5.16 A vest is eligible for a reimbursement amount in accordance with Minnesota Statutes,
5.17 section 299A.38, subdivisions 2 and 2a. The adjusted reimbursement amounts are available
5.18 on the department's website.

5.19 **7522.0800 DETERMINING REIMBURSEMENT ELIGIBILITY.**

5.20 Subpart 1. **Commissioner determination required.** Upon receiving an application,
5.21 the commissioner must:

5.22 A. determine the applicant's eligibility according to this chapter; and

5.23 B. process the application according to subpart 2.

6.1 Subp. 2. Reimbursement order.

6.2 A. For each application period, applications must be prioritized and processed in
6.3 the following order:

6.4 (1) public safety officer applications on a waiting list from a previous
6.5 application period;

6.6 (2) agency applications on a waiting list from a previous application period;
6.7 and

6.8 (3) for the current application period:

6.9 (a) public safety officer applications at the end of the calendar quarter
6.10 in which they are received; and

6.11 (b) agency applications at the end of the last calendar quarter, following
6.12 all public safety officer applications received in the last quarter.

6.13 B. The commissioner must not consider an application until it contains all the
6.14 information needed for the commissioner to determine the applicant's eligibility.

6.15 C. Subject to items A and B, applications must be reimbursed in the order that
6.16 they are received.

6.17 **7522.0900 REIMBURSEMENT METHOD.**

6.18 Reimbursement funds must be disbursed either electronically or by United States mail.

6.19 **7522.1000 FUNDING LIMITS; WAITING LIST.**

6.20 Subpart 1. Funding limit. For each application period, the commissioner may not
6.21 disburse more funding than what has been appropriated to the department to administer this
6.22 chapter for the applicable fiscal year.

7.1 Subp. 2. **Public notice.** Upon disbursing all available appropriated amounts for the
7.2 application period, the commissioner must publicly post on the department website that the
7.3 appropriation limit has been reached and that no more funds will be disbursed during the
7.4 application period.

7.5 Subp. 3. **Waiting list.**

7.6 A. If there are more eligible applicants than available funding, the commissioner
7.7 must place on a waiting list all eligible applicants that did not receive reimbursement during
7.8 the application period for which the applicants applied. An applicant placed on the waiting
7.9 list must be reimbursed during the next application period, subject to available funding, and
7.10 according to part 7522.0800, subpart 2.

7.11 B. The commissioner must notify an applicant that the applicant has been placed
7.12 on the waiting list and will be reimbursed during a subsequent application period, subject
7.13 to available funding, and according to part 7522.0800, subpart 2.



Exhibit D

STATEMENT OF NEED AND REASONABLENESS

Department of Public Safety

**Proposed Permanent Rules
Relating to Soft Body Armor
Reimbursement**

Revisor's ID No. R-4822

OAH Docket No. 25-9018-39833

August 19, 2024

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General Information

Availability. All required rulemaking notices and documents, including the SONAR and the proposed rule, are available on the department's rulemaking web page (<https://dps.mn.gov/Pages/rulemaking.aspx#search=rulemaking>). The SONAR has been available for public review as of August 19, 2024.

Rule records. You can track this rulemaking proceeding and search past department rulemaking records by using the Minnesota Rule Status System, located on the revisor's office website (<https://www.revisor.mn.gov/rules/status/>).

Alternative format. If you would like this SONAR in another language or an alternative format, such as large print, braille, or audio, please contact Kim Parker, General Counsel, kim.parker@state.mn.us, 651-201-7170, or the Department of Public Safety, 445 Minnesota Street, St. Paul MN 55101.

Abbreviations

APA: Administrative Procedure Act

MMB: Minnesota Management and Budget

OAH: Office of Administrative Hearings

SONAR: Statement of Need and Reasonableness

Statute- and Rule-Level Tags

Table 1

Statute	Rule
Subdivision: 1, 2, 3, etc.; Subdivision 1 and then Subd. 2, Subd. 3, etc.	Subpart: 1, 2, 3, etc.; Subpart 1 and then Subp. 2, Subp. 3, etc.
Paragraph: (a), (b), (c), etc.	Item: A., B., C., etc.
Clause: (1), (2), (3), etc.	Subitem: (1), (2), (3), etc.
Item: (i), (ii), (iii), etc.	Unit: (a), (b), (c), etc.
Unit: (A), (B), (C), etc.	Subunit: i., ii., iii., etc.

Shorthand	Shorthand
<i>Minn. Stat. § 299A.38, subd. 1(6):</i> Minnesota Statutes, section 299A.38, subdivision 1, clause (6)	<i>Minn. R. 7522.0400, subp. 3(C)(1):</i> Minnesota Rules, part 7522.0400, subpart 3, item C, subitem (1)

Introduction and Overview

1. Establishing the vest-reimbursement program.

In 1989, the legislature established the department's vest-reimbursement program, which allows peace officers and heads of local law-enforcement agencies to apply for partial reimbursement of purchased soft body armor.¹ The program serves as an important public-safety initiative by:

- supporting peace officers who use protective vests while serving the state and its citizens; and
- encouraging officers to replace old vests with newer vests that incorporate updated technology to better protect peace officers.

The department administers the program by processing applications and disbursing reimbursement payments to eligible applicants. The department has historically maintained a rolling application process in which applications are received on a first-come, first-served basis until all appropriated funding for the fiscal year is spent.

Limited funds coupled with high demand means that the department has never been able to fulfill all eligible reimbursement requests in any two-year budget cycle. This consistent backlog of requests hampers public safety by diminishing the affordability of protection that peace officers need to perform their jobs.

2. Expanding the vest-reimbursement program.

In the 2023 legislative session, the legislature significantly expanded eligibility for the vest-reimbursement program to include firefighters, emergency medical service providers, and the heads of public-safety agencies and entities that employ them.²

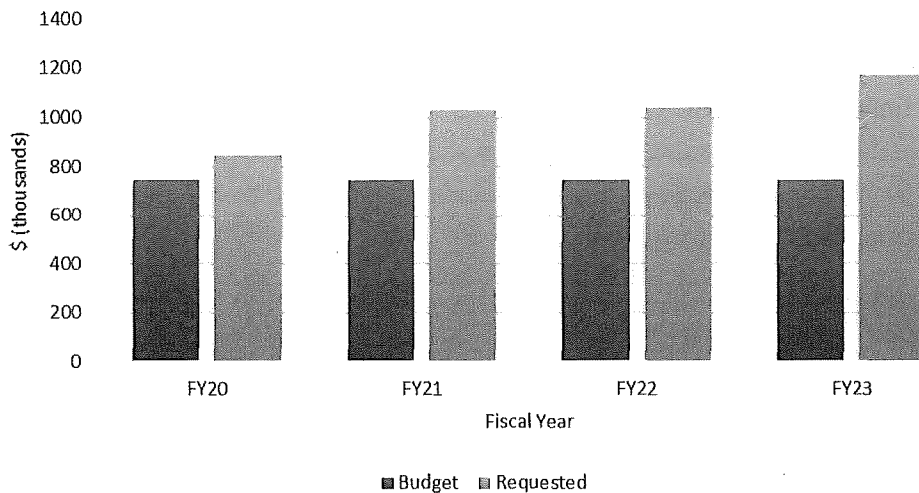
Together with expanding the program's scope, the legislature appropriated an additional \$1 million for fiscal years 2024 and 2025;³ this money is in addition to the program's base budget of \$745,000 each fiscal year. But as the following chart shows, even this additional appropriation will be unable to meet the expanded needs of public-safety officers.

¹ Minn. Stat. § 299A.38. Unless indicated otherwise, all statutory citations are to the 2022 *Minnesota Statutes* publication.

² 2023 Minn. Laws, ch. 52, art. 5, sec. 13.

³ 2023 Minn. Laws, ch. 52, art. 2, sec. 3, subd. 2(b).

Vest Budget vs. Requested Reimbursements



3. Rulemaking needed due to expanded eligibility.

Although the legislature originally granted the department statutory authority to adopt rules on the vest-reimbursement program, the department did not do so because the statute provided adequate guidance to the department, peace officers, and law-enforcement agencies. But to manage the program’s expanded scope, the department now seeks to adopt a new rule chapter that establishes a fair, efficient, and transparent process for vest reimbursement.

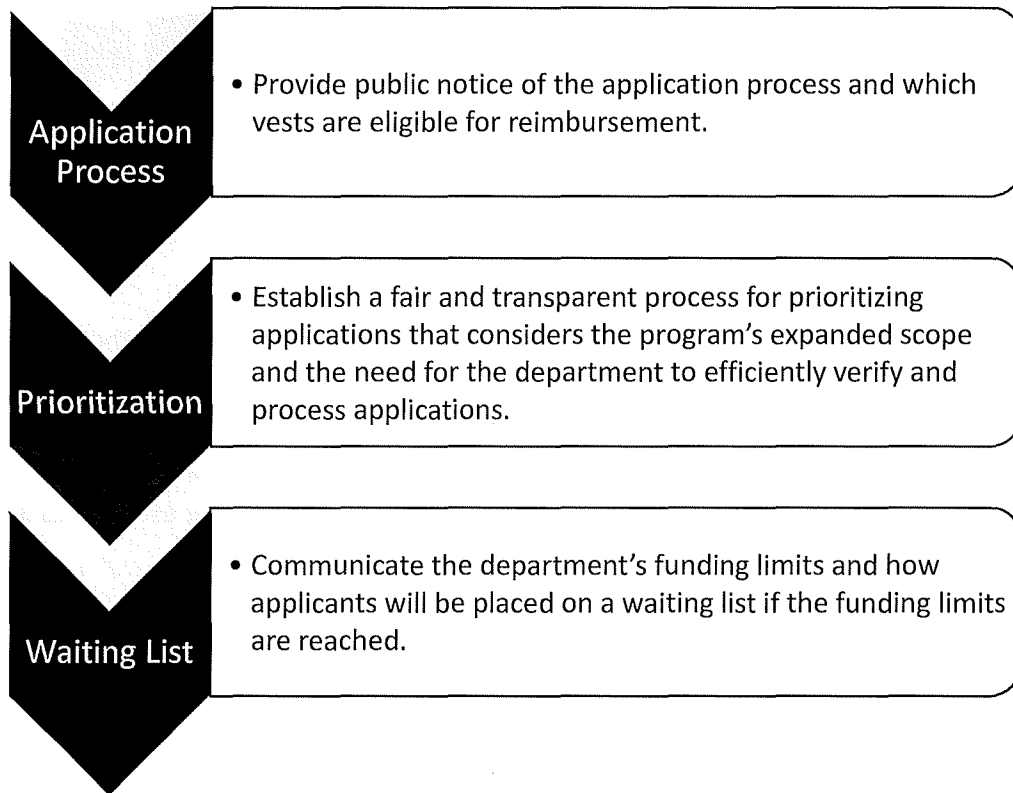
The new rule chapter is also needed and reasonable to guard against petitions of unadopted rulemaking and—because the legislature mandated department rulemaking—to maintain the department’s rulemaking authority so that the department can update the rules due to statutory changes.

4. Plain language.

The department’s proposed chapter is written in plain language. By writing in plain language, the department wants its requirements to be clear and accurate to its staff, its stakeholders, and the public.

Summary of Proposed Rule Changes

The department's proposed rules are simple and straightforward. The department mostly seeks to incorporate its current application process into rule, but the department also wants to ensure accountability and transparency, in line with the APA's purpose. To ensure both accountability and transparency, the department has three main goals.



Statutory Authority

The department was given the discretion to adopt rules on the vest-reimbursement program but has—until now—not exercised that authority.⁴ The legislature, however, has newly directed the department to adopt rules to account for the program’s expansion:

The commissioner of public safety shall amend rules adopted under Minnesota Statutes, section 299A.38, subdivision 4, to reflect the soft body armor reimbursement for public safety officers under that section.⁵

To follow the legislature’s directive and to keep its rulemaking authority,⁶ the department proposes to adopt a rule chapter for administering its program and to ensure agency accountability and transparency.

⁴ Minn. Stat. § 299A.38, subd. 4: “The commissioner may adopt rules under chapter 14 to administer this section.”

⁵ 2023 Minn. Laws, ch. 52, art. 5, sec. 77. Admittedly, the legislature’s directive is inaccurate because by using *amend* it assumes that the department had already adopted a rule chapter. The legislature’s intent, however, is unmistakable.

⁶ *See, e.g.*, Minn. Stat. § 14.125. Note that this APA section was not enacted until 1995, a half-dozen years after the vest-reimbursement program was established.

Regulatory Analysis

As part of its SONAR, the department must analyze eight factors.⁷

1. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

1.1. Classes of persons who probably will be affected by the proposed rule.

The department's proposed rules are likely to affect:

- a. fire departments and volunteer, paid on-call, part-time, and career firefighters;
- b. peace officers and law-enforcement agencies;
- c. emergency medical services providers and emergency medical technicians, advanced emergency medical technicians, and paramedics actively employed by a Minnesota-licensed ambulance service;
- d. government entities such as cities, counties, townships, and Tribal Nations; and
- e. state agencies eligible to purchase soft body armor.

1.2. Classes that will bear costs from the proposed rules.

No class will bear costs from the proposed rule because the vest-reimbursement program is optional for those seeking reimbursement. If a class seeks reimbursement, the application process is free and requires little time to apply.

1.3. Classes that will benefit from the proposed rule.

All classes seeking reimbursement should benefit from the proposed rule because the program encourages them to buy newer vests that will protect them in their public-safety work.

2. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The department estimates that costs for implementing its proposed rules will be minimal. The department has managed the vest-reimbursement program since

⁷ *Id.* § 14.131.

1989, and the rule largely follows existing department practice and policy from its online application process. The only new substantive requirement is the expansion in eligibility and the establishment of criteria for evaluating reimbursement requests. The department estimates that this cost will be covered by existing staff dedicated to the program and will be minimal.

The department is also modernizing and enhancing the functionality of the software it uses to process and pay claims for soft-body-armor reimbursement. The system will be expanded to include firefighters and emergency medical services personnel. It will also offer improved communication with requesters, track funds, and provide data for statistical analysis. The updated software will allow for (1) secure online collection and storage of personally identifiable information; (2) automated notifications, tracking, and approvals; and (3) payment processing workflows. The software upgrade costs will be borne by the department's existing budget.

Other state agencies will incur no costs when applying to the program. State agencies that may apply on behalf of their public-safety employees include the Departments of Natural Resources, Commerce, and Corrections.

3. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Because the legislature mandated that the department adopt rules on the vest-reimbursement program, the department has determined that there are no less-costly or less-intrusive methods for achieving the rule's purpose, which is to efficiently reimburse public-safety officers through a fair and transparent reimbursement process.

4. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

The department knows of no fair and equitable alternative method to achieve the purpose of the proposed rule, and the legislature has directed it to adopt rules to administer the program. Additionally, not adopting the rule would result in the department losing its statutory authority and invite petitions for unadopted rulemaking.

When developing the rule, the department considered whether to continue its first-come, first-served application process. One benefit to continuing this process would be continuity for applicants and keeping a simple, internal policy for processing applications. But because demand for reimbursement has always

exceeded appropriated money, the department determined that establishing standards for prioritizing applications would help limited money flow to those who most need reimbursement. Additionally, the program's expansion only reinforced the need to reexamine the first-come, first-served policy.

The department also weighed whether to prioritize certain public-safety officers over other public-safety officers—for example, whether peace officers should be prioritized for reimbursement because their need for the vests may be greater than that of other public-safety officers. Ultimately, this approach was disfavored given that the legislature increased appropriations for reimbursements and expanded the program eligibility to acknowledge the need for all public-safety officers.

5. The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

The statute provides for reimbursement of costs incurred by applicants, and the department is not imposing any new costs as a result of the rule. The application process is optional and free.

6. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

Not adopting the rule would affect the ability of eligible applicants to apply for reimbursement through a fair and transparent application process. The department would also be unable to add regulations in response to changing statutory requirements or other unforeseen changes that may affect the program. Last, the department would be subject to potential unadopted-rule petitions.

7. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

There is no federal regulation that affects the department's vest-reimbursement rule. There is, however, a federal grant award from the United States Department of Justice - Office of Justice Programs available for participating

jurisdictions.⁸ Applications for that grant program—the federal Patrick Leahy Bulletproof Vest Partnership—are voluntary, and the department’s vest-reimbursement program is unrelated.

There is also a Compliant Products List published by the National Institute of Justice (NIJ), which certifies products that comply with the NIJ Compliance Testing Program. Like the federal program, the department’s enabling legislation and its proposed rule require vests to be NIJ Compliant to be eligible for reimbursement.

8. An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

There is no cumulative effect because both the state and federal programs are optional and because the state program is separate from the federal one. Both programs contain simple application processes with the goal of protecting public-safety officers in the line of duty.

The federal grant program is available to jurisdictions only and not to individual public-safety officers. The department’s program is available to individual public-safety officers as well as agencies that employ public-safety officers.

Because both programs reimburse only up to 50% of the cost of a vest, reimbursement from either or both programs would not exceed the purchase price.

⁸ <https://www.ojp.gov/program/bulletproof-vest-partnership/overview>. This program reimburses states, local government units, and federally recognized Indian Tribes for up to 50% of the cost of body armor vests purchased for law-enforcement officers. In fiscal year 2022, 173 Minnesota jurisdictions received funding through the federal program.

Performance-Based Rules

The department must describe how it considered and implemented performance-based standards that emphasize (1) superior achievement in meeting the department's regulatory objectives, and (2) maximum flexibility for the regulated party and the department in meeting these goals.⁹

The department's proposed rules detail an application process that ensures legislatively appropriated money is subject to department internal controls. For example, the application process requires an applicant to prove that they are a public-safety officer and to provide an invoice and proof of purchase.

The department also demonstrates superior achievement toward its regulatory objectives with its software for processing applications—this new software will streamline and track applications in a cost-effective manner for the department and applicants.

The rules establish a simple and straightforward application process and provide public notice of how applications will be processed and prioritized. Additionally, the proposed rules achieve the legislature's directive in two main ways:

- 1) under part 7522.0400, subpart 4, the department allows an applicant the flexibility to not provide required application information if the applicant can explain why the information is unavailable; and
- 2) under part 7522.1000, the department establishes a waiting list to save time for applicants who would otherwise need to reapply if they aren't reimbursed during a given application period.

When developing the proposed rule changes, the department encouraged its stakeholders to submit comments and encouraged public participation by sharing drafts with the public and soliciting feedback from affected stakeholders.

Specifically, the department did the following stakeholder engagement:

- Posted on its website: (1) notice of the legislature's expansion of the program and the department's accompanying rulemaking initiative, (2) a Rulemaking FAQ and Rulemaking Fact Sheet, (3) the department's draft rule, (4) an invitation to submit comments by fillable form or email, and (5) contact information for those with questions or concerns.

⁹ Minn. Stat. §§ 14.002, .131.

- Emailed all 11 state Tribal Nations and each of their respective tribal law-enforcement agencies, as well as the Department of the Interior – Bureau of Indian Affairs (Bois Forte Band of Chippewa Indians).¹⁰
- Emailed the following professional associations: MN Chiefs of Police, MN Sheriffs' Association, MN Police and Peace Officers Association, MN Fire Chiefs Association, MN State Fire Department Association, MN Professional Fire Fighters Association, Emergency Medical Services Regulatory Board, MN Ambulance Association, and Fire Marshals Association of Minnesota.
- Emailed the following state agencies and boards: Departments of Corrections and Natural Resources, Bureau of Criminal Apprehension, State Patrol, Alcohol and Gambling Enforcement, and the Minnesota Board of Firefighter Training and Education.
- Addressed the program expansion and the department's accompanying rulemaking activity at speaking engagements, including the Weekly Tribal Leader Governor's Office Meeting (April 11, 2024).

¹⁰ Minnesota's 11 federally recognized Tribal Nations are the Shakopee Mdewakanton Sioux Community, Upper Sioux Community, Lower Sioux Indian Community, Mille Lacs Band of Ojibwe, Prairie Island Indian Community, Red Lake Nation, White Earth Nation, Grand Portage Band of Lake Superior Chippewa, Leech Lake Band of Ojibwe, and Fon Du Lac Band of Lake Superior Chippewa.

Additional SONAR Requirements

1. Consulting with MMB on local government impact.

The department must consult with MMB to help evaluate the fiscal impact and benefits of the proposed rule on units of local governments.¹¹ To consult with MMB, the department sent MMB the SONAR and proposed rules to help it determine the impact and benefits of the proposed rule on units of local governments.

MMB determined that because the department proposes to prioritize individual applicants, the cash flow of any local government that applies for reimbursement may be affected by a delay in reimbursement.¹² But this impact is undetermined, and all applicants that meet the application requirements will be reimbursed, subject to available funding appropriated by the legislature.

2. Cost of complying for small business or small city.

The department must determine if the cost of complying with the proposed rule in the first year after the rule is effective will exceed \$25,000 for (1) a business that has less than 50 full-time employees, or (2) a statutory or home rule charter city that has less than ten full-time employees.¹³

The cost of complying with the proposed rule will not exceed \$25,000 for any business or statutory or home rule charter city because the application process is free.

3. Determining whether the rules require local implementation.

The department must determine if a local government will be required to adopt or amend an ordinance or other regulation to comply with the department's proposed rule.¹⁴ The department has determined that the proposed rule does not affect local ordinances or regulations.

4. Impact on farming operations.

The proposed rule does not affect farming operations.

¹¹ Minn. Stat. § 14.131.

¹² See Exhibit P1.

¹³ Minn. Stat. § 14.127.

¹⁴ *Id.* § 14.128.

Additional Notice Plan

The department's Additional Notice Plan gives notice to persons or classes of persons who may be affected by the proposed rules. The department will email the rules, SONAR, and Notice of Intent to Adopt Rules to the legislature and everyone registered on the department's rulemaking list.¹⁵ The department did not notify the commissioner of agriculture because the rules do not affect farming operations.

The department's Additional Notice Plan complies with the APA because the department will publish notice of the proposed rules and SONAR in the *State Register* and will email copies of the notice, proposed rules, and SONAR to the department's rulemaking list and the following groups:

- 1) the department's Bureau of Criminal Apprehension, State Patrol, Alcohol and Gambling Enforcement Division, and State Fire Marshal's Division;
- 2) the Board of Firefighter Training and Education;
- 3) the Department of Natural Resources;
- 4) the Peace Officer Standards and Training Board;
- 5) the Department of Corrections;
- 6) the Department of Commerce's Insurance and Fraud Division;
- 7) the Emergency Medical Services Regulatory Board;
- 8) the Minnesota Ambulance Association;
- 9) the Minnesota Fire Chiefs Association;
- 10) the Minnesota Professional Fire Fighters Association;
- 11) the Minnesota State Fire Department Association;
- 12) the Fire Marshals Association of Minnesota;
- 13) the Minnesota Chiefs of Police Association;
- 14) the Minnesota Police and Peace Officers Association;
- 15) the Minnesota Sheriffs' Association;
- 16) the League of Minnesota Cities;
- 17) the Minnesota Association of Townships;

¹⁵ See *id.* §§ 14.22, subd. 1(a), .116(b), (c).

- 18) the Association of Minnesota Counties;
- 19) the Minnesota Indian Affairs Council; and
- 20) Office of the Governor, Tribal State Relations.

In Minnesota there are about 20,000 firefighters and 750 fire departments, 12,000 emergency medical service providers, and 10,500 licensed peace officers and 418 law-enforcement agencies. Required use of soft body armor is decided on by the individual department or agency.

The department doesn't plan to notify all individual public-safety officers and agencies because the department isn't the licensing body for the public-safety officers affected in rule. Additionally, the department doesn't have access to all individuals who are peace officers, firefighters, or emergency medical service providers. These public-safety officers are represented by robust associations, and the department is making reasonable efforts to notify classes of persons affected significantly affected by the rule.

The proposed rules, SONAR, and other notices will be published on the department's rulemaking web page¹⁶ and the department's vest-reimbursement web page.¹⁷ Additionally, an announcement about the rules will be posted on the home page of the department's website.

¹⁶ <https://dps.mn.gov/Pages/rulemaking.aspx#search=rulemaking>

¹⁷ <https://dps.mn.gov/divisions/co/programs/public-safety-vest-reimbursement/Pages/default.aspx>

Rule-By-Rule Analysis

1. Each proposed rule requirement must be needed and reasonable.

The most critical requirement of the SONAR is the rule-by-rule analysis, which explains the department's reasoning behind every proposed rule requirement. For each proposed rule requirement, the department must explain two key elements: why the rule is (1) needed, and (2) reasonable.

A rule is reasonable if it is based on an affirmative presentation of facts and evidence that rationally connect with the department's proposed regulatory choice. The department's proposed regulatory choice does not need to be the "best," but the proposed choice must be one that a rational person could have made and one that is not arbitrary or otherwise devoid of articulated reasons. For example, the department's proposed rule that requires applicants to apply using a department form is reasonable because the requirement affirms current practice, the department is responsible for approving eligible applicants, and the form contains eligibility criteria that is required by statute.

2. The rule-by-rule analysis is organized in numerical order of chapter 7522, divided into multiple categories.

At the beginning of each category, the department establishes a general overview of the need for the rule amendments within the category. This overview is meant to better inform the public about the requirements in each category and helps establish—on the record—the department's argument for adopting the proposed rules.

Table 2

Category	Rule Parts
Applicability and Definitions	7522.0100-.0200
Application Process	7522.0300-.0400
Reimbursement	7522.0500-.0700
Processing and Prioritization	7522.0800-.0900
Waiting List	7522.1000

Last, the department goes through a detailed rule-by-rule analysis within each rule chapter in which the department argues for the need and reasonableness of each rule amendment.

Applicability and Definitions

Parts 7522.0100 to 7522.0200 prescribe the rule's applicability and relevant definitions.

1. 7522.0100: Applicability.

This part notifies the public that the rule chapter is for the department's vest-reimbursement program and that the rule prescribes the application and reimbursement process.

2. 7522.0200: Definitions.

Most of the needed terms are already defined in statute, so it is more efficient to cross-reference to these terms and define other terms that are needed for applicants to understand and comply with the chapter.

The following terms are defined in statute:

- *Commissioner*
- *Firefighter*
- *Peace officer*
- *Public safety officer*
- *Qualified emergency medical service provider*
- *Vest*

In addition to these terms, it is needed and reasonable for the department to define the following terms to simplify the rule language and ensure plain language (that is, judiciously use language):

- Applicant
- Department
- Proof of active status (see page 20)
- Public safety agency

All these terms are needed for the department to enforce the program and for applicants to comply with program requirements.

Application Process

Parts 7522.0300 and 7522.0400 largely detail the department's current application process, a process that has been used since the program was created. This process ensures that the department can timely process applications and that applicants are eligible for reimbursement.

1. 7522.0300: Application notice and application period.

Subpart 1 requires the department to publicly post application details on the department's website. This notice is needed and reasonable because it alerts the public and potential applicants to how much funding is available for the application period, subject to funding already allocated for applicants on a waiting list.

Because the process under part 7522.0800 is like a first-come, first-served process, this public notice is critical to ensuring equal access to application information.

Subpart 2 clarifies that the vest-reimbursement program corresponds with the state's two-year budget cycle, where each fiscal year runs from July 1 through June 30.

2. 7522.0400: Application requirements.

This part establishes what information an applicant must provide when applying for reimbursement. The application is submitted online to provide a simple and easy process for applicants and for the department to process the applications.¹⁸ An application form ensures timely and efficient reimbursement.

The information required under subparts 2 and 3 allows the department to confirm that each applicant is a public-safety officer or an agency that meets the applicable statutory criteria:

- for a peace officer, their licensing number with the state's peace-officer licensing authority, the Peace Officer Standards and Training Board;¹⁹

¹⁸ <https://app.dps.mn.gov/vestrequest/>

¹⁹ See Minn. Stat. §§ 299A.38, subd. 1(3), 626.843.

- for a qualified emergency medical service provider, proof of certification with the Emergency Medical Services Regulatory Board or successor organization;²⁰ and
- for a firefighter, proof of active status (a letter from their agency confirming their position) and their department’s national Fire Department Identification Number.²¹

The criteria for each public-safety officer align with how the statute defines each officer. For example, a *peace officer* is defined as an individual licensed by the Peace Officer Standards and Training Board, so the department confirms that an applicant is licensed by requesting the applicant’s license number in their application.

Similarly, an applicant claiming reimbursement as a qualified emergency medical service provider is verified by their certification and proof of employment, as the statutory definition requires.

But unlike peace officers or qualified emergency medical service providers, firefighters aren’t defined under similar statutory requirements that can prove their employment status or certification. So to ensure that firefighter applicants are “serving a general population within the boundaries of the state,”²² the department proposes to require proof of active status.

Because there is no agency or body that tracks all Minnesota firefighters, the department cannot confirm an applicant’s license number like it can for peace officers. But the department can prove a firefighter’s active status with a letter from the firefighter’s agency. This is a needed and reasonable solution to ensure that public funds are being disbursed to active firefighters.

If the provided information is insufficient for the department to confirm that an applicant is eligible, the department may need to ask the applicant for other information to determine eligibility such as the applicant’s address or work-related information.

Subpart 4 allows for an applicant to not provide information required under subparts 2 and 3, but the applicant must explain why they are unable to provide

²⁰ See *id.*, subd. 1(5), 144E.28.

²¹ The Fire Department Identification Number is assigned by the Federal Emergency Management Agency to local firefighter departments listed in the National Fire Department Registry.

²² Minn. Stat. § 299A.38, subd. 1(2).

the required information. This subpart is needed and reasonable to provide flexibility to applicants on a case-by-case basis and allow for them to still receive reimbursement if the department can verify their eligibility.

Subpart 5 requires an applicant to prove that they have purchased a vest; the department uses the invoice and proof of purchase to determine if the applicant's purchase complies with the statute and criteria in rule, so this subpart is needed and reasonable for the department to determine that funds are going to eligible applicants.

Subpart 6 requires an applicant signature, a standard requirement for applications.

Reimbursement

Parts 7522.0500 to 7522.0700 detail the proposed reimbursement requirements such as an applicant's eligibility, the items eligible for reimbursement, and the reimbursement amounts.

1. 7522.0500: Reimbursement eligibility.

1.1. Subpart 1.

Statute delineates most of the eligibility requirements, the main one being that a public-safety officer seeking reimbursement must not have owned a NIJ-compliant vest before the purchase or must own a vest that is at least five years old. The new vest that the applicant is seeking reimbursement for must also comply with the department's proposed criteria under part 7522.0600.

1.2. Subpart 2.

As discussed in the introduction, the department has consistently received applications that exceed the funds that it has been appropriated. To help ensure that public-safety officers are reimbursed for recent vest expenses, it is reasonable to require applicants to apply for reimbursement within a year of purchasing their vests. This time limit will also encourage applicants to apply for timely reimbursement and simplify the department's internal process for verifying purchases.

1.3. Subpart 3.

This subpart prohibits a public-safety officer who serves in more than one capacity from seeking reimbursement twice. For example, an applicant who is a volunteer firefighter and an EMT cannot receive reimbursement for two purchased vests. Or a peace officer who works for two different agencies can't receive reimbursement for more than one purchased vest.

This is a needed and reasonable requirement that allows more applicants to receive reimbursement and fulfills the legislature's intent of reimbursing more public-safety officers when it expanded the program and appropriated additional funding.

2. 7522.0600: Vest eligibility.

Under statute, all vests must meet or exceed standard .0101.03 of the National Institute of Justice.²³ The National Institute of Justice is an agency under the United States Department of Justice that researches, develops, and evaluates criminal-justice policy.²⁴ The institute's current standard is 0101.07, and the institute maintains an associated compliant products list.²⁵

Because the products list changes as the standard changes, it is needed and reasonable for the department to incorporate the list by reference. The list will be easily available on the department's vest-reimbursement web page.

Under subpart 2, the department lists which items are ineligible for reimbursement. Because the institute doesn't test and certify ballistic items other than vests, these items are excluded. In addition, vests must maintain compliance with the institute's products list. Last, shipping costs and sales tax are excluded because they are ancillary costs to the actual cost of the vest.

In addition to the department program, jurisdictions can seek vest reimbursement from the federal Patrick Leahy Bulletproof Vest Partnership. Accordingly, subpart 3 clarifies that an agency applicant can still seek reimbursement from this federal program even if it was reimbursed under the department program. Neither the federal program nor the department's program reimburses more than 50% of the cost of a vest, so even if an agency were reimbursed for the same vest under both programs, the reimbursement amount would not exceed 100 percent the cost of the vest.

3. 7522.0700: Reimbursement amounts.

Reimbursement amounts are determined by statute and adjusted annually for inflation. The department posts these amounts on its vest-reimbursement web page to provide public notice to applicants.

²³ *Id.* § 299A.38, subd. 3(a).

²⁴ <https://nij.ojp.gov/sites/g/files/xyckuh171/files/media/document/nij-brochure-flier.pdf>

²⁵ <https://nij.ojp.gov/topics/equipment-and-technology/body-armor/ballistic-resistant-armor#0-0>

Processing and Prioritization

Because the department has more applicants than available funding, the department needs to develop a fair and transparent process for prioritizing applicants. This need is even greater with the program's expanded eligibility to firefighters and qualified emergency medical service providers.

1. 7522.0800: Determining reimbursement eligibility.

1.1. Subpart 1.

Eligibility is based solely on statutory requirements—as reflected in the proposed rules—and an applicant's ability to certify that they meet the statutory criteria for reimbursement and that they have complied with the rule requirements.

1.2. Subpart 2.

Subpart 2 outlines the reimbursement order, with the department prioritizing individual applicants—as opposed to agencies seeking reimbursement on behalf of their officers. The department proposes prioritizing individual applicants for two reasons: (1) so that one or more large departments do not receive most or all the funds in a reimbursement period, and (2) because individual applicants benefit more from reimbursement because they are less able to absorb the cost of purchasing a vest than a large department.

Because there are more applicants than available funding, the department's reimbursement order begins with applicants on a waiting list and then progresses to the current application period (aligned with the state's fiscal year). As in the waiting list order, the department is prioritizing individual applicants over agency applications.

It is also needed and reasonable for the department to not begin considering an application until it contains the required information under the rule and statute. This requirement also allows the department to timely process applications and reimburse applicants.

2. 7522.0900: Reimbursement method.

Most applicants receive their approved funds electronically, but it is needed and reasonable to provide applicants flexibility and allow for them to receive the funds by mail, if desired.

Waiting List

With limited funds and high demand, the department has historically placed applicants that haven't received funding on a rolling waiting list. Using a waiting list is a fair process that saves applicants the time of reapplying and the department time from reprocessing applications. Part 7522.1000 codifies the department's waiting-list policy and procedure.

1. Subpart 1: Funding limit.

Because the legislature has appropriated funds for a particular purpose, the department cannot disburse more funds than what the legislature has appropriated.

2. Subpart 2: Public notice.

This subpart ensures public transparency and provides notice when the department's funding limit has been reached.

3. Subpart 3: Waiting list.

A waiting list is needed and reasonable because applicants should not have to reapply if they are not reimbursed in a given application period. Besides being fair, a waiting list meets the legislature's directive for performance-based rules that provide applicants flexibility and maximize department efficiency.

Under item B, the department continues its commitment to transparency by notifying applicants when they have been placed on the waiting list.

Conclusion

In the SONAR, the department has established the need for and the reasonableness of the proposed rule chapter. The department has provided the necessary notice and complied with all applicable APA rulemaking requirements. Based on the evidence and information in the SONAR, the proposed amendments are both needed and reasonable.

Bob Jacobson, Commissioner
Department of Public Safety
August 19, 2024

MINNESOTA STATE REGISTER

MONDAY, AUGUST 19, 2024

VOLUME 49, NUMBER 8

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Exhibit E



Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 49 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#9	Monday 26 August	Noon Tuesday 20 August	Noon Thursday 15 August
#10	Tuesday 3 September	Noon Tuesday 27 August	Noon Thursday 22 August
#11	Monday 9 September	Noon Tuesday 3 September	Noon Thursday 29 August
#12	Monday 16 September	Noon Tuesday 10 September	Noon Thursday 5 September

PUBLISHING NOTICES: We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$13.50 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or \$81. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

SUBSCRIPTION SERVICES: E-mail subscriptions are available by contacting the editor at sean.plemmons@state.mn.us. Send address changes to the editor or at the Minnesota State Register, 50 Sherburne Avenue, Suite 309, Saint Paul, MN 55155.

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<https://www.senate.mn/>

Minnesota State Court System
Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<http://www.mncourts.gov>

House Public Information Services
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State Office Building, Room 175
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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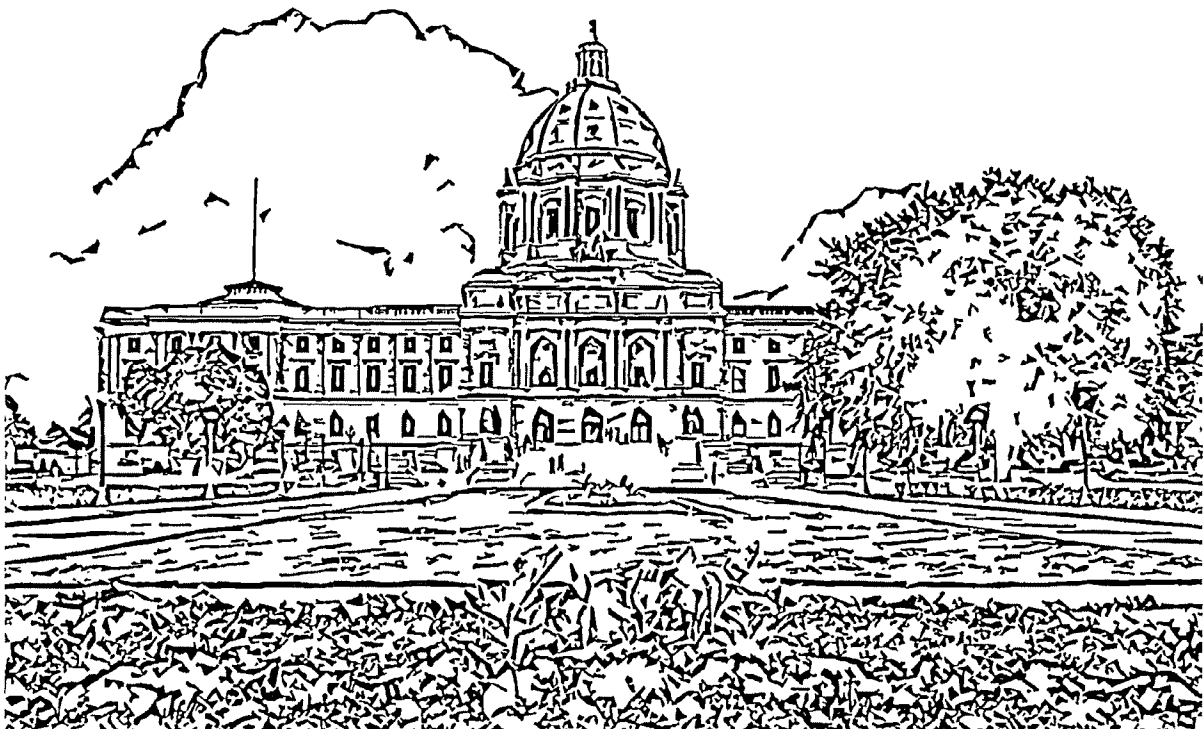
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Front Cover Artwork: *A loon searches for an evening meal on Long Lake, near Longville, Minnesota.*
Photo by Sean Plemmons



Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Public Safety

Proposed Permanent Rules Relating to Soft Body Armor Reimbursement; Notice of Intent to Adopt Rules Without a Public Hearing

In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement; Revisor's ID No. R-4822; OAH Docket No. 25-9018-39833

Introduction. The Department of Public Safety intends to adopt rules without a public hearing under Minnesota Rules, parts 1400.2300 to 1400.2310, and Minnesota Statutes, sections 14.22 to 14.28. By **4:30 p.m. Friday, September 20, 2024**, you may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency contact person. Please send questions to Kim Parker, dps.rulemaking@state.mn.us, 651-201-7170, or the Department of Public Safety, 445 Minnesota Street, St. Paul MN 55101.

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings' eComments website (<https://minnesotaoah.granicusideas.com/>).

Subject of rules and statutory authority. The proposed rules are on the department's program for reimbursing

Proposed Rules

public-safety officers and heads of agencies and entities that buy soft body armor.

In the 2023 legislative session, the legislature significantly expanded who is eligible for the department's vest reimbursement program. Previously, only peace officers and heads of local law-enforcement agencies were eligible to participate. But now, the legislature has expanded the program to firefighters, emergency medical service providers, and heads of agencies and entities that employ public-safety officers.

To manage the program's expanded scope, the department seeks to adopt a new rule chapter that establishes a fair, efficient, and transparent process for vest reimbursement.

The statutory authority to adopt the rules is Minnesota Statutes, section 299A.38, subdivision 4, and Minnesota Laws 2023, chapter 52, article 5, section 77. A copy of the proposed rules is published in the *State Register* and attached to this notice.

Comments. You have until **4:30 p.m. Friday, September 20, 2024**, to comment—supporting or opposing—on the proposed rules, including any specific rule part. **Comments on the rule or requests for a public hearing must be submitted via the OAH Rulemaking eComments website (<https://minnesotaoah.granicusideas.com>).** If you cannot use the eComments website, you may submit comments in person, via US mail, or by facsimile addressed to Judge McKenzie at the Office of Administrative Hearings, 600 Robert Street North, PO Box 64620, St. Paul, Minnesota 55164-0620, or fax (651) 539-0310.

The department strongly encourages public comment—especially if the proposed rules affect you—and your comments should identify which rule part you are commenting on, the reason for the comment, and any proposed change. Any comments that you have about the legality of the proposed rules must also be made during the comment period.

Requesting a public hearing. In addition to submitting comments, you may also request that the department hold a hearing on the rules. You must make your request for a public hearing by **4:30 p.m. Friday, September 20, 2024**. You must include your name and address in your request and identify the portion of the proposed rules that you object to or state that you oppose the entire rule. Any request that does not comply with these requirements is invalid and does not count as a request for hearing.

You are also encouraged to state why you are requesting a hearing and any changes that you want made to the proposed rules.

Holding a public hearing. If 25 or more people submit a written request for a public hearing within the comment period, the department must hold a public hearing. The department will then proceed according to Minnesota Statutes, sections 14.131 to 14.20, and must publish a notice of the public hearing in the *State Register* and notify people who submitted a written request for the public hearing.

Withdrawing requests for a public hearing. If enough requests for hearing are withdrawn to reduce the number of hearing requests below 25, the department must give written notice to all persons who requested a hearing and explain that enough persons have withdrawn their hearing requests. The department's notice on withdrawing requests must comply with additional requirements under Minnesota Statutes, section 14.25, subdivision 2.

Modifications. The department may modify the proposed rules because of public comment or as otherwise needed to comply with the Administrative Procedure Act. The department must support modifications with information or evidence, including public comments sent to the department. Unless the department follows the procedure under Minnesota Rules, part 1400.2110, the adopted rules may not be substantially different than the proposed rules.

Statement of Need and Reasonableness. In the Statement of Need and Reasonableness (SONAR), the department justifies why the proposed rules are needed to establish an application and reimbursement process for purchased vests and why the department's proposed rules are reasonable.

Proposed Rules

The department also describes who the rules will affect and estimates the rules' probable cost. The SONAR is now available upon request to Kim Parker or on the department's rulemaking web page (<https://dps.mn.gov/Pages/rulemaking.aspx#search=rulemaking>). You may review the SONAR or get a copy by contacting Kim Parker.

Lobbyist registration. A lobbyist must register with the State Campaign Finance and Public Disclosure Board (*see* Minnesota Statutes, chapter 10A). You may ask questions about this requirement by contacting the Campaign Finance and Public Disclosure Board at Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adopting and reviewing rules. If no hearing is required, the department may adopt the rules after the comment period ends. The department will then submit the rules and supporting documents to the Office of Administrative Hearings to review for legality. Please contact Kim Parker if you want to be notified when the department submits the rules to the office, receive a copy of the adopted rules, or register with the department to receive notice of future rule proceedings.

Alternative format. Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make a request, please contact Kim Parker.

Date: August 19, 2024

Bob Jacobson, Commissioner
Department of Public Safety

7522.0100 APPLICABILITY.

This chapter applies to the department's vest reimbursement program under Minnesota Statutes, section 299A.38, and establishes the process for applying for and receiving reimbursement for purchased vests.

7522.0200 DEFINITIONS.

Subpart 1. **Scope and applicability.** For purposes of this chapter, the terms used have the meanings given in this part and Minnesota Statutes, section 299A.38, subdivision 1.

Subp. 2. **Applicant.** "Applicant" includes a public safety officer and a public safety agency.

Subp. 3. **Department.** "Department" means the Department of Public Safety.

Subp. 4. **Proof of active status.** "Proof of active status" means a letter from a public safety officer's agency attesting that the officer is a firefighter for the agency.

Subp. 5. **Public safety agency or agency.** "Public safety agency" or "agency" means a governmental unit that employs a public safety officer.

7522.0300 APPLICATION NOTICE AND APPLICATION PERIOD.

Subpart 1. **Application notice.** On or before July 1 each year, the commissioner must publish on the department's website a notice stating:

A. the funding amount available for reimbursement for applications submitted during the application period;

B. how much of the available funding is designated for applicants on the waiting list from the previous application period; and

C. the application period under subpart 2.

Subp. 2. **Application period.** An applicant may apply for reimbursement from July 1 through June 30 for a vest pur-

Proposed Rules

chased within the previous 365 calendar days.

7522.0400 APPLICATION REQUIREMENTS.

Subpart 1. **Application form.** An applicant requesting reimbursement must apply on a form available on the department's website.

Subp. 2. **Public safety officer applications.** A public safety officer requesting reimbursement must provide the following:

A. the officer's contact information;

B. the employer's name;

C. for a peace officer, the officer's license number issued by the Peace Officer Standards and Training Board;

D. for a qualified emergency medical service provider, proof of certification under Minnesota Statutes, section 144E.28, and proof of employment by a Minnesota-licensed ambulance service;

E. for a firefighter, proof of active status as a volunteer, paid on-call, part-time, or career firefighter and the agency's Fire Department Identification Number;

F. an invoice and proof of purchase according to subpart 5; and

G. any other information requested by the commissioner as needed to determine eligibility or to provide reimbursement under this chapter.

Subp. 3. **Agency applications.** An agency requesting reimbursement for an employee must provide the following:

A. the agency's name;

B. an employer contact name and contact information;

C. for all reimbursement requests for the agency's employees:

(1) the employee's first and last name;

(2) for a peace officer, the officer's license number issued by the Peace Officer Standards and Training Board;

(3) for a qualified emergency medical service provider, proof of certification under Minnesota Statutes, section 144E.28, and proof of employment by a Minnesota-licensed ambulance service;

(4) for a firefighter, proof of active status as a volunteer, paid on-call, part-time, or career firefighter and the agency's Fire Department Identification Number; and

(5) an invoice and proof of purchase according to subpart 5; and

D. any other information requested by the commissioner as needed to determine eligibility or to provide reimbursement under this chapter.

Subp. 4. **Unavailable information.** If an applicant cannot provide the information required under this part, they must explain on the application why they cannot provide the information.

Subp. 5. **Invoice and proof of purchase required.**

Proposed Rules

A. With the application, an applicant must provide:

(1) an invoice for each purchased vest that legibly displays:

(a) the itemized cost of all items for which reimbursement is being requested; and

(b) the purchase date of the items for which reimbursement is being requested; and

(2) proof of purchase of the items for which reimbursement is being requested.

B. A packing slip does not constitute proof of purchase.

Subp. 6. **Signature required.** An applicant must sign the application by hand or electronically.

7522.0500 PUBLIC SAFETY OFFICERS AND AGENCIES; REIMBURSEMENT ELIGIBILITY.

Subpart 1. **Eligibility; generally.** In accordance with Minnesota Statutes, section 299A.38, subdivision 3, reimbursement is limited to public safety officers, or an agency applying on behalf of public safety officers, who:

A. do not own a vest meeting the requirements of part 7522.0600, subparts 1 and 2; or

B. own a vest that is at least five years old.

Subp. 2. **Time limit to apply.** An applicant must apply for reimbursement within 365 calendar days of a vest's purchase.

Subp. 3. **Reimbursement limits.** A public safety officer, including an officer being reimbursed by the officer's agency, may be reimbursed only once every five years. This subpart applies even if a public safety officer is eligible for additional reimbursement because the officer works for more than one agency or as more than one public safety officer.

7522.0600 VESTS; REIMBURSEMENT ELIGIBILITY.

Subpart 1. **Vest types eligible for reimbursement.**

A. Vest types that meet the requirements under Minnesota Statutes, section 299A.38, subdivision 3, are eligible for reimbursement. Eligible vests must:

(1) meet or exceed the standard of the National Institute of Justice for the Ballistic Resistance of Body Armor in effect on the date of purchase; or

(2) be included on the National Institute of Justice's 2024 Compliant Products List: Ballistic Resistant Body Armor in effect on the date of purchase.

B. The National Institute of Justice's 2024 Compliant Products List: Ballistic Resistant Body Armor, and as subsequently amended, is incorporated by reference. The list is not subject to frequent change and is available on the department's website.

Subp. 2. **Items ineligible for reimbursement.** The following vest-related items are ineligible for reimbursement:

A. tactical ballistic items;

B. unauthorized carriers;

Proposed Rules

- C. vest alterations;
- D. shipping costs; and
- E. sales tax.

Subp. 3. **Federal grants.** Nothing in this chapter prohibits an applicant from applying for vest reimbursement from a federal grant program.

7522.0700 REIMBURSEMENT AMOUNTS.

A vest is eligible for a reimbursement amount in accordance with Minnesota Statutes, section 299A.38, subdivisions 2 and 2a. The adjusted reimbursement amounts are available on the department's website.

7522.0800 DETERMINING REIMBURSEMENT ELIGIBILITY.

Subpart 1. **Commissioner determination required.** Upon receiving an application, the commissioner must:

- A. determine the applicant's eligibility according to this chapter; and
- B. process the application according to subpart 2.

Subp. 2. **Reimbursement order:**

A. For each application period, applications must be prioritized and processed in the following order:

- (1) public safety officer applications on a waiting list from a previous application period;
- (2) agency applications on a waiting list from a previous application period; and
- (3) for the current application period:
 - (a) public safety officer applications at the end of the calendar quarter in which they are received; and
 - (b) agency applications at the end of the last calendar quarter, following all public safety officer applications received in the last quarter.

B. The commissioner must not consider an application until it contains all the information needed for the commissioner to determine the applicant's eligibility.

C. Subject to items A and B, applications must be reimbursed in the order that they are received.

7522.0900 REIMBURSEMENT METHOD.

Reimbursement funds must be disbursed either electronically or by United States mail.

7522.1000 FUNDING LIMITS; WAITING LIST.

Subpart 1. **Funding limit.** For each application period, the commissioner may not disburse more funding than what has been appropriated to the department to administer this chapter for the applicable fiscal year.

Subp. 2. **Public notice.** Upon disbursing all available appropriated amounts for the application period, the commissioner must publicly post on the department website that the appropriation limit has been reached and that no more funds will be disbursed during the application period.

Proposed Rules

Subp. 3. Waiting list.

A. If there are more eligible applicants than available funding, the commissioner must place on a waiting list all eligible applicants that did not receive reimbursement during the application period for which the applicants applied. An applicant placed on the waiting list must be reimbursed during the next application period, subject to available funding, and according to part 7522.0800, subpart 2.

B. The commissioner must notify an applicant that the applicant has been placed on the waiting list and will be reimbursed during a subsequent application period, subject to available funding, and according to part 7522.0800, subpart 2.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Employment and Economic Development (DEED) Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under Minnesota Statutes 116J.8748

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (“DEED”) will conduct a public hearing on Wednesday, September 4, 2024, at 1:00 p.m., or as soon thereafter as reasonably possible at 180 East Fifth Street, 12th Floor, St. Paul, Minnesota 55101 on one (1) proposal to provide funding through the Minnesota Job Creation Fund Program (“JCF”) pursuant to authority granted under *Minnesota Statutes* 116J.8748 and *Minnesota Rules* Chapter 4301. This hearing is conducted in accordance with *Minnesota Statutes* 116J.994, Subd. 5.

Description of Project and Proposed JCF Funding:

Heliene USA Inc. (NAICS 334413) is looking to expand in Rogers (Hennepin County), Minnesota. Heliene USA Inc. is a solar module production company and currently operates two (2) lines of crystalline solar modules. The company is embarking on further capacity development to 1.3 Gigawatt of module production capacity to meet expected demand in the United States market. The proposed project would entail leasing a 230,000 square foot facility for combined manufacturing and warehouse/distribution center that will be retrofitted to suit the manufacturing line with various capital improvements in air handling, electrical, warehouse, office, etc. The total project cost is \$15,075,000 with \$2,027,000 being eligible for the capital investment rebate for renovations of an existing building, which would be rebated up to 5%. The tenant allowance of \$418,000 was excluded. Costs ineligible for rebate include machinery and equipment and other. The company expects to create 182 jobs within the first two (2) years at an average cash wage of \$25.05 per hour. The state is considering further participation with \$2,300,000 via the Minnesota Investment Fund, which \$1,300,000 would be forgiven. The project may be eligible for a job creation award of up to \$500,000 and a capital investment rebate of up to \$101,350 depending on final project specifications for a total of \$601,350 from the Minnesota Job Creation Fund.

All interested persons may appear and be heard at the time and place set forth above. Persons interested in

Exhibit G

Certificate of Emailing the Notice of Intent to Adopt Rules Without a Hearing to the Rulemaking Mailing List

Minnesota Department of Public Safety

In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement;
Revisor's ID No. R-4822; OAH Docket No. 25-9018-39833

I certify that on August 19, 2024, at least 30 days before the end of the comment period, in St. Paul, Ramsey County, Minnesota, I emailed the Notice of Intent to Adopt Rules Without a Hearing, SONAR, and proposed rules by sending an electronic copy to all persons on the rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a.

Paige Ecker

Paige Ecker

Office and Administrative Specialist – Commissioner's
Office

Certificate of Accuracy of the Mailing List

Minnesota Department of Public Safety

**In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement;
Revisor's ID No. R-4822; OAH Docket No. 25-9018-39833**

I certify that the list of persons that have requested that their names be placed on the Department of Public Safety's rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of August 19, 2024.

/s/ Kim Parker

Kim Parker
General Counsel

Exhibit H

From: [MN DPS Rulemaking](#)
To: [MN DPS Rulemaking](#)
Subject: DPS Proposed Vest-Reimbursement Rules
Date: Monday, August 19, 2024 10:08:00 AM
Attachments: [Notice of Intent to Adopt Rules Without a Hearing.pdf](#)
[Proposed rule.pdf](#)
[Statement of Need and Reasonableness.pdf](#)

Minnesota Department of Public Safety



Aug. 19, 2024

Important information regarding Public Safety Vest-Reimbursement Program rules

Dear DPS stakeholders,

In the 2023 legislative session, the legislature significantly expanded eligibility for the Department of Public Safety's vest reimbursement program. Previously, only peace officers and heads of state and local law enforcement agencies were eligible to participate. The legislature has expanded the program and increased program funding to now include firefighters, emergency medical service providers, and the heads of the agencies and entities that employ them.

Today we have published in the *State Register* a Notice of Intent to Adopt Rules Without a Hearing on our proposed rules for soft body armor reimbursement. We have identified you as likely to be affected by the proposed rules; accordingly, we are attaching the following documents:

- The Notice of Intent to Adopt Rules Without a Hearing, as published in the *State Register*
- The proposed rule
- The Statement of Need and Reasonableness

You can also find all three documents on our [rulemaking web page](#).

Please note: If you want to comment on the rules, you must comment **by 4:30 p.m. on Friday, Sept. 20, 2024**. To comment, you must use the [OAH eComments website](#). You can learn more about the rules by reading the Notice.

If you have any questions about the rule or the rulemaking procedures, please email dps.rulemaking@state.mn.us.

H001

Thank you!

From: [MN DPS Rulemaking](#)
To: [Park, Patina \(GOV\)](#)
Subject: DPS Proposed Vest-Reimbursement Rules
Date: Monday, August 19, 2024 1:36:10 PM
Attachments: [Notice of Intent to Adopt Rules Without a Hearing.pdf](#)
[Proposed rule.pdf](#)
[Statement of Need and Reasonableness.pdf](#)



MINNESOTA
Department of Public Safety

Aug. 19, 2024

Important information regarding Public Safety Vest-Reimbursement Program rules

Dear DPS stakeholders,

In the 2023 legislative session, the legislature significantly expanded eligibility for the Department of Public Safety's vest reimbursement program. Previously, only peace officers and heads of state and local law enforcement agencies were eligible to participate. The legislature has expanded the program and increased program funding to now include firefighters, emergency medical service providers, and the heads of the agencies and entities that employ them.

Today we have published in the *State Register* a Notice of Intent to Adopt Rules Without a Hearing on our proposed rules for soft body armor reimbursement. We have identified you as likely to be affected by the proposed rules; accordingly, we are attaching the following documents:

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Please note: If you want to comment on the rules, you must comment **by 4:30 p.m. on Friday, Sept. 20, 2024**. To comment, you must use the [OAH eComments website](#). You can learn more about the rules by reading the Notice.

If you have any questions about the rule or the rulemaking procedures, please email dps.rulemaking@state.mn.us.

H003

Thank you!

#	GROUPS TO NOTIFY	CONTACT NAME	CONTACT INFO.	WEBSITE
1	DPS - Bureau of Criminal Apprehension	Drew Evans	andrew.evans@state.mn.us	
2	DPS - State Patrol	Colonel Christina Bogojevic	christina.bogojevic@state.mn.us	
3	DPS - Alcohol and Gambling Enforcement Division	Carla Cincotta - Director	carla.cincotta@state.mn.us	
4	DPS - State Fire Marshal's Division	(-) Amanda Swenson - Chief Deputy State Fire Marshal (-) Daniel Krier	amanda.swenson@state.mn.us daniel.krier@state.mn.us	
5	Board of Firefighter Training and Education	Steve Flaherty - Executive Director	steve.flaherty@state.mn.us	https://www.mbfte.org
6	Department of Natural Resources	Sarah Strommen - Commissioner	sarah.strommen@state.mn.us	https://www.dnr.state.mn.us
7	Peace Officer Standards and Training Board	Erik Misselt - Executive Director	erik.misselt@state.mn.us	https://mn.gov/post/aboutus/boardstaff/
8	Department of Corrections	Paul Schnell - Commissioner	paul.schnell@state.mn.us	https://mn.gov/doc
9	Department of Commerce's Insurance and Fraud Division	Grace Arnold - Commissioner, Commerce Department	grace.arnold@state.mn.us	https://mn.gov/commerce/about/leadership/
10	Emergency Medical Services Regulatory Board	Dylan Ferguson - Executive Director	dylan.ferguson@state.mn.us	https://mn.gov/emsrb/about/stafflist/
11	Minnesota Ambulance Association	(-) Joe Newton (-) Michael Juntunen - President	joe.newton@essentialiahealth.org juntunen.michael@mayo.edu	https://www.mnems.org
12	Minnesota Fire Chiefs Association	(-) Eric Buller - Board President (-) Sandy Schueller - Executive Director	president@msfca.org sandy@msfca.org	https://www.msfea.org/contact-us
13	Minnesota Professional Fire Fighters Association	Scott Vadnais - President	scottv68@gmail.com	https://www.minnesotaprofessionalfirefighters.org
14	Minnesota State Fire Department Association	(-) Dave Yurczyk (-) DeeDee Jankovich - Executive Director	dave@davescustom.com deecee@msfda.org	https://www.msfta.org/board-of-directors
15	Fire Marshals Association of Minnesota	Tom Pitschneider - Board President	tpitschneider@shakopeemn.gov	https://fmaimn.org/about-fmam/board-of-directors/
16	Minnesota Chiefs of Police Association	(-) Jeff Potts - Executive Director (-) Luke Cardona - Comms Directors	jeff@mncchiefs.org luke@mncchiefs.org	https://www.mnchiefs.org
17	Minnesota Police and Peace Officers Association	Brian Peters - Executive Director	bpeters@mnpooa.com	https://mnpooa.com/index.php/about-us/staff-board-of-directors
18	Minnesota Sheriffs' Association	James Stuart - Executive Director & CEO	jstuart@mnsheriffs.org	https://www.mnsheriffs.org/mnsa-staff
19	League of Minnesota Cities	Luke Fischer - Executive Director	LFischer@lmc.org	https://www.lmc.org/news-publications/news/all/fischer-new-executive-director
20	Minnesota Association of Townships	Jeff Krueger - Executive Director	krueger@mmtownships.org	https://www.mmtownships.org/contact-us/
21	Association of Minnesota Counties	Julie Ring - Executive Director	ring@mncounties.org	https://www.mncounties.org/aboutmnc/ame/contact_us.php
22	Minnesota Indian Affairs Council	Shannon Geshick - Executive Director	shannon.geshick@state.mn.us	https://mn.gov/indian-affairs/about-us/m-ae-staff/
23	Office of the Governor, Tribal State Relations			https://mn.gov/tribal-tribal-relations/

Rulemaking list (8-19-2024)

annika_rockefeller@outlook.com

jill.freudenwald@state.mn.us

patti55316@gmail.com

sabirindahir16@gmail.com

shanda.sigler@adm.com

sheri.snetsinger@whiteearth-nsn.gov

Exhibit I

Via Email

August 16, 2024

Legislative Reference Library

sonars@lrl.leg.mn

Re: In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement; Revisor's ID No. R-4822; OAH Docket No. 25-9018-39833

Dear Legislative Reference Library:

The Minnesota Department of Public Safety intends to adopt rules on the department's program for reimbursing public-safety officers and heads of agencies and entities who buy soft body armor. On August 19, 2024, the department will publish in the *State Register* a Notice of Intent to Adopt Rules Without a Public Hearing.

As required under Minnesota Statutes, section 14.131, we are sending the library an electronic copy of the Statement of Need and Reasonableness.

If there are any questions or concerns, please contact me at kim.parker@state.mn.us.

Sincerely,

Kim Parker

General Counsel

Enclosure: Statement of Need and Reasonableness

1.1 **Department of Public Safety**

1.2 **Adopted Permanent Rules Relating to Soft Body Armor Reimbursement**

1.3 **7522.0100 APPLICABILITY.**

1.4 This chapter applies to the department's vest reimbursement program under Minnesota
1.5 Statutes, section 299A.38, and establishes the process for ~~applying~~ public safety officers
1.6 and agencies to apply for and receiving receive reimbursement for purchased vests.

1.7 **7522.0200 DEFINITIONS.**

1.8 Subpart 1. **Scope and applicability.** For purposes of this chapter, the terms used have
1.9 the meanings given in this part and Minnesota Statutes, section 299A.38, subdivision 1.

1.10 Subp. 2. **Applicant.** "Applicant" includes a public safety officer and a public safety
1.11 agency.

1.12 Subp. 3. **Department.** "Department" means the Department of Public Safety.

1.13 Subp. 4. **Fire department identification number.** "Fire department identification
1.14 number" means the identification number assigned by the Minnesota State Fire Marshal to
1.15 firefighter departments and listed in the National Fire Department Registry.

1.16 Subp. 4 5. **Proof of active status.** "Proof of active status" means a letter from a public
1.17 safety officer's agency attesting that the officer is a firefighter for the agency.

1.18 Subp. 5 6. **Public safety agency or agency.** "Public safety agency" or "agency" means
1.19 a governmental unit that employs a public safety officer.

1.20 **7522.0300 APPLICATION NOTICE AND APPLICATION PERIOD.**

1.21 Subpart 1. **Application notice.** On or before July 1 each year, the commissioner must
1.22 publish on the department's website a notice stating:

1.23 A. the funding amount available for reimbursement for applications submitted
1.24 during the application period;

2.1 B. how much of the available funding is designated for applicants on the waiting
2.2 list from the previous application period; and

2.3 C. the application period under subpart 2.

2.4 Subp. 2. **Application period.** An applicant may apply for reimbursement application
2.5 period runs from July 1 through June 30 for a vest vests purchased within the previous 365
2.6 calendar days.

2.7 **7522.0400 APPLICATION REQUIREMENTS.**

2.8 Subpart 1. **Application form.** An applicant requesting reimbursement must apply on
2.9 a form available on the department's website.

2.10 Subp. 2. **Public safety officer applications.** A public safety officer requesting
2.11 reimbursement must provide the following:

2.12 A. the officer's contact information;

2.13 B. the employer's name;

2.14 C. for a peace officer, the officer's license number issued by the Peace Officer
2.15 Standards and Training Board;

2.16 D. for a qualified emergency medical service provider, proof of certification under
2.17 Minnesota Statutes, section 144E.28, and proof of employment by a Minnesota-licensed
2.18 ambulance service;

2.19 E. for a firefighter, proof of active status as a volunteer, paid on-call, part-time,
2.20 or career firefighter and the agency's fire department identification number;

2.21 F. an invoice and proof of purchase according to subpart 5; and

2.22 G. any other information requested by the commissioner as needed to determine
2.23 eligibility or to provide reimbursement under this chapter.

3.1 Subp. 3. **Agency applications.** An agency requesting reimbursement for an employee
3.2 must provide the following:

3.3 A. the agency's name;

3.4 B. an employer contact name and contact information;

3.5 C. for all reimbursement requests for the agency's employees:

3.6 (1) the employee's first and last name;

3.7 (2) for a peace officer, the officer's license number issued by the Peace Officer
3.8 Standards and Training Board;

3.9 (3) for a qualified emergency medical service provider, proof of certification
3.10 under Minnesota Statutes, section 144E.28, and proof of employment by a Minnesota-licensed
3.11 ambulance service;

3.12 (4) for a firefighter, proof of active status as a volunteer, paid on-call,
3.13 part-time, or career firefighter and the agency's fire department identification number; and

3.14 (5) an invoice and proof of purchase according to subpart 5; and

3.15 D. any other information requested by the commissioner as needed to determine
3.16 eligibility or to provide reimbursement under this chapter.

3.17 Subp. 4. **Unavailable information.** If an applicant cannot provide the information
3.18 required under this part, they must explain on the application why they cannot provide the
3.19 information.

3.20 Subp. 5. **Invoice and proof of purchase required.**

3.21 A. With the application, an applicant must provide:

3.22 (1) an invoice for each purchased vest that legibly displays:

4.1 (a) the itemized cost of all items for which reimbursement is being
4.2 requested; and

4.3 (b) the purchase date of the items for which reimbursement is being
4.4 requested; and

4.5 (2) proof of purchase of the items for which reimbursement is being requested.

4.6 B. A packing slip does not constitute proof of purchase.

4.7 Subp. 6. **Signature required.** An applicant must sign the application by hand or
4.8 electronically.

4.9 **7522.0500 PUBLIC SAFETY OFFICERS AND AGENCIES; REIMBURSEMENT**
4.10 **ELIGIBILITY.**

4.11 Subpart 1. **Eligibility; generally.** In accordance with Minnesota Statutes, section
4.12 299A.38, subdivision 3, reimbursement is limited to public safety officers, or an agency
4.13 applying on behalf of public safety officers, who:

4.14 A. do not own a vest meeting the requirements of part 7522.0600, subparts 1 and
4.15 2; or

4.16 B. own a vest that is at least five years old.

4.17 Subp. 2. **Time limit to apply.** To be eligible for reimbursement, an applicant must
4.18 apply for reimbursement within 365 calendar days of a vest's purchase.

4.19 Subp. 3. **Reimbursement limits.** A public safety officer, including an officer being
4.20 reimbursed by the officer's agency, may be reimbursed only once every five years. This
4.21 subpart applies even if a public safety officer is eligible for additional reimbursement because
4.22 the officer works for more than one agency or as more than one public safety officer.

5.1 **7522.0600 VESTS; REIMBURSEMENT ELIGIBILITY.**

5.2 Subpart 1. **Vest types eligible for reimbursement.**

5.3 A. Vest types that meet the requirements under Minnesota Statutes, section
5.4 299A.38, subdivision 3, are eligible for reimbursement. Eligible vests must:

5.5 (1) meet or exceed the standard of the National Institute of Justice for the
5.6 Ballistic Resistance of Body Armor in effect on the date of purchase; or

5.7 (2) be included on the National Institute of Justice's 2024 Compliant Products
5.8 List: Ballistic Resistant Body Armor in effect on the date of purchase.

5.9 B. The National Institute of Justice's 2024 Compliant Products List: Ballistic
5.10 Resistant Body Armor, and as subsequently amended, is incorporated by reference. The list
5.11 is not subject to frequent change and is available on the department's website.

5.12 Subp. 2. **Items ineligible for reimbursement.** The following vest-related items are
5.13 ineligible for reimbursement:

5.14 A. tactical ballistic items;

5.15 B. unauthorized carriers;

5.16 C. vest alterations;

5.17 D. shipping costs; and

5.18 E. sales tax.

5.19 Subp. 3. **Federal grants.** Nothing in this chapter prohibits an applicant from applying
5.20 ~~for vest reimbursement from~~ to a federal grant program for vest reimbursement.

6.1 **7522.0700 REIMBURSEMENT AMOUNTS.**

6.2 A vest is eligible for a reimbursement amount in accordance with Minnesota Statutes,
6.3 section 299A.38, subdivisions 2 and 2a. The adjusted reimbursement amounts are available
6.4 on the department's website.

6.5 **7522.0800 DETERMINING REIMBURSEMENT ELIGIBILITY.**

6.6 Subpart 1. **Commissioner determination required.** Upon receiving an application,
6.7 the commissioner must:

6.8 A. determine the applicant's eligibility according to this chapter; and

6.9 B. process the application according to subpart 2.

6.10 Subp. 2. **Reimbursement order.**

6.11 A. For each application period, applications must be prioritized and processed in
6.12 the following order:

6.13 (1) public safety officer applications on a waiting list from a previous
6.14 application period;

6.15 (2) agency applications on a waiting list from a previous application period;

6.16 and

6.17 (3) for the current application period:

6.18 (a) public safety officer applications at the end of the calendar quarter
6.19 in which they are received; and

6.20 (b) agency applications at the end of the last calendar quarter, following
6.21 all public safety officer applications received in the last quarter.

6.22 B. The commissioner must not consider an application until it contains all the
6.23 information needed for the commissioner to determine the applicant's eligibility.

7.1 C. Subject to items A and B, applications must be reimbursed in the order that
7.2 they are received.

7.3 **7522.0900 REIMBURSEMENT METHOD.**

7.4 Reimbursement funds must be disbursed either electronically or by United States mail.

7.5 **7522.1000 FUNDING LIMITS; WAITING LIST.**

7.6 Subpart 1. **Funding limit.** For each application period, the commissioner may not
7.7 disburse more funding than what has been appropriated to the department to administer this
7.8 chapter for the applicable fiscal year.

7.9 Subp. 2. **Public notice.** Upon disbursing all available appropriated amounts for the
7.10 application period, the commissioner must publicly post on the ~~department~~ department's
7.11 website that the appropriation limit has been reached and that no more funds will be disbursed
7.12 during the application period.

7.13 Subp. 3. **Waiting list.**

7.14 A. If there are more eligible applicants than available funding, the commissioner
7.15 must place on a waiting list all eligible applicants that did not receive reimbursement during
7.16 the application period for which the applicants applied. An applicant placed on the waiting
7.17 list must be reimbursed during the next application period, subject to available funding, and
7.18 according to part 7522.0800, subpart 2.

7.19 B. The commissioner must notify an applicant that the applicant has been placed
7.20 on the waiting list and will be reimbursed during a subsequent application period, subject
7.21 to available funding, and according to part 7522.0800, subpart 2.

Exhibit L1 – Proposed Rule Modifications

The department proposes the following modifications to its proposed rule. Page-and-line references correspond to the AR-4822 draft.

1. Part 7522.0200, lines 1.13 to 1.15.

Subp. 4. Fire department identification number. “Fire department identification number” means the identification number assigned by the Minnesota State Fire Marshal to firefighter departments and listed in the National Fire Department Registry.

Explanation: This term was explained in the SONAR, but because the rule refers to the term, the department proposes to define the term in rule for clarity and to provide appropriate notice for applicants.

2. Part 7522.0300, lines 2.4 to 2.6.

Subp. 2. Application period. An applicant may apply for reimbursement application period runs from July 1 through June 30 for a vest vests purchased within the previous 365 calendar days.

Explanation: The stricken language is inconsistent with part 7522.0500, subpart 2, which requires an applicant to apply within 365 calendar days. This modification removes this inconsistency and clarifies the application period.

3. Part 7522.0500, line 4.17.

Subp. 2. Time limit to apply. To be eligible for reimbursement, an applicant must apply for reimbursement within 365 calendar days of a vest’s purchase.

Explanation: This modification clarifies the proposed intent of establishing an applicant’s time limit to apply for reimbursement, as detailed in the SONAR.

Other changes not mentioned are nonsubstantive modifications to make language smoother or internally consistent. These modifications—along with the modifications shown in this exhibit—are shown in Exhibit L.

Order Adopting Rules

Exhibit N

Minnesota Department of Public Safety

**In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement;
Revisor's ID No. R-4822; OAH Docket No. 25-9018-39833**

1. The Minnesota Department of Public Safety has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14; Minnesota Rules, chapter 1400; and other applicable law.
2. The department received no written comments and submissions on the rules and no requests for a public hearing. The department received no requests for notice of submission to the Office of Administrative Hearings.
3. The proposed rules have been modified, with a description and explanation for each modification attached to this order (Exhibit L1, as submitted under part 1400.2310).
These modifications are within the rule's scope and do not make the rule substantially different.
4. The rules are needed and reasonable.

ORDER

The rules, in the form published in the *State Register* on August 19, 2024, with the modifications as indicated in the revisor's draft, file number AR-4822, dated September 17, 2024, are adopted under my authority under Minnesota Laws 2023, chapter 52, article 5, section 77; and Minnesota Statutes, section 299A.38, subdivision 4.

Date

Bob Jacobson, Commissioner
Minnesota Department of Public Safety

Exhibit P1



Date: July 24, 2024

To: Kim Parker
General Counsel
Minnesota Department of Public Safety

From: Nick Lardinois
Executive Budget Officer
Minnesota Management & Budget

Subject: M.S. 14.131 Review of Proposed Revisions to Rules Relating to Soft Body Armor Reimbursement; Rules Chapter 7522, Rule Draft 4822

Background

The Minnesota Department of Public Safety (DPS) proposes to create Minnesota Rules, Chapter 7522, relating to soft body armor reimbursement for public safety officers. Minnesota Statutes 299A.38, subdivision 4, allows the commissioner of public safety to adopt rules for the soft body armor reimbursement program. Pursuant to Minnesota Statutes 14.131, DPS has requested Minnesota Management and Budget (MMB) evaluate the proposed amendments for fiscal impact and benefits on units of local government.

Evaluation

On behalf of the Commissioner of Minnesota Management and Budget, I have reviewed the proposed changes and the draft of the Statement of Need and Reasonableness to help evaluate the fiscal impact these rules may have on local governments. The proposal includes establishing new rules to direct the administration of the statutory soft body armor reimbursement program that provides reimbursement for eligible purchases of bullet-resistant vests by public safety officers or their employer agency. The proposed rules for reimbursement may have a fiscal cash flow impact on local governments because they may result in a delay in when local governments receive reimbursements through the program due to a change in how applications are prioritized for processing. The impacts are unknown and difficult to predict.

The new provisions under the proposed rule include details related to applicability, definitions, application processes, eligibility, determining reimbursement amounts, and reimbursement selection processes. Many of the new rules refer to existing statute or codify existing procedures. The most substantive change to current processes would relate to how applications are prioritized, as mentioned above. Under current processes, DPS processes eligible reimbursements on a first-come, first-serve basis. Under the proposed rule, DPS would be required to prioritize reimbursements in the following order: 1) public safety officers on the waiting list; 2) employer agency applications on the waiting list; 3) new public safety officer applications; and 4) new employer agency applications. In effect, this prioritizes reimbursing individuals over their employers, but maintains that applications on the waiting list are to be processed before applications for the current period. As a result, some employer agencies, such as local governments, may incur a longer wait to have their eligible purchases

reimbursed. However, these impacted agencies will likely still receive reimbursement as long as the program remains funded.

Sincerely,

Nick Lardinois

Executive Budget Officer (MMB)

Cc: Bob Jacobsen, Commissioner (DPS)
Joshua Riesen, Budget Policy and Analysis Director (MMB)
Ian Lewenstein, Rulemaking Manager (DOC)



Office of the Commissioner

445 Minnesota Street • Suite 1000 • Saint Paul, Minnesota 55101-5100
Phone: 651.201.7160 • Fax: 651.297.5728 • TTY: 651.282.6555
dps.mn.gov

Exhibit P2

August 19, 2024

- Alcohol and Gambling Enforcement
Bureau of Criminal Apprehension
Driver and Vehicle Services
Emergency Communication Networks
Homeland Security and Emergency Management
Minnesota State Patrol
Office of Communications
Office of Justice Programs
Office of Pipeline Safety
Office of Traffic Safety
State Fire Marshal

Representative Kelly Moller, Chair
Public Safety Finance and Policy Committee
rep.kelly.moller@house.mn.gov

Representative Paul Novotny
Republican Lead
Public Safety Finance and Policy Committee
rep.paul.novotny@house.mn.gov

Representative Frank Hornstein, Chair
Transportation Finance and Policy Committee
rep.frank.hornstein@house.mn.gov

Representative John Petersburg
Republican Lead
Transportation Finance and Policy Committee
rep.john.petersburg@house.mn.gov

Senator Ron Latz, Chair
Judiciary and Public Safety Committee
sen.ron.latz@mnsenate.gov

Senator Warren Limmer
Ranking Minority Member
Judiciary and Public Safety Committee
sen.warren.limmer@mnsenate.gov

Senator Scott Dibble, Chair
Transportation Committee
sen.scott.dibble@mnsenate.gov

Senator John R. Jasinski
Ranking Minority Member
Transportation Committee
sen.john.jasinski@mnsenate.gov

Legislative Coordinating Commission
lcc@lcc.leg.mn

Re: In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement; Revisor’s ID No. R-4822; OAH Docket No. 25-9018-39833

Dear Legislators:

The Department of Public Safety intends to adopt rules on the department’s program for reimbursing public safety officers and heads of agencies and entities who buy soft body armor.

In the 2023 legislative session, the legislature significantly expanded who is eligible for the department’s vest reimbursement program. Previously, only peace officers

and heads of local law enforcement agencies were eligible to participate. But the legislature has expanded the program to firefighters, emergency medical service providers, and heads of agencies and entities.

To manage the program's expanded scope, the department seeks to adopt a new rule chapter that establishes a fair, efficient, and transparent process for vest reimbursement.

On August 19, 2024, we will publish in the *State Register* a Notice of Intent to Adopt Rules Without a Public Hearing. As required by Minnesota Statutes, section 14.116, we are sending you a copy of the notice and the Statement of Need and Reasonableness. We are also enclosing a copy of the proposed rules.

If there are any questions or concerns, please contact me at kim.parker@state.mn.us.

Sincerely,

Kim Parker
General Counsel

Enclosures:

Dual Notice
Statement of Need and Reasonableness
Proposed Rules

cc: Legislative Coordinating Commission

July 25, 2024

VIA EMAIL ONLY

Kim Parker
General Counsel
Minnesota Department of Public Safety
445 Minnesota St
Saint Paul, MN 55101
Kim.Parker@state.mn.us

**Re: *In the Matter of the Proposed Permanent Rules Relating to Soft Body
Armor Reimbursement***
OAH 25-9018-39833; Revisor R-4822

Dear Kim Parker:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN AND NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING** in the above-entitled matter.

Prior to publishing the Notice of Intent to Adopt Rules in the State Register, please notify the Office of Administrative Hearings (OAH) at william.t.moore@state.mn.us in order to activate the agency's eComments page on the OAH's website. **Please note that if you do not notify us of the publication, the eComments site will not be available to receive public comments.**

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



MICHELLE GEDICKE
(F/K/A MICHELLE SEVERSON)
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement	OAH Docket No. 25-9018-39833 Revisor R-4822
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On July 25, 2024, a true and correct copy of the **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN AND NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING** was served by electronic mail, unless otherwise indicated below, addressed to the following:

VIA EMAIL ONLY

Kim Parker
General Counsel
Minnesota Department of Public Safety
445 Minnesota St
Saint Paul, MN 55101
Kim.Parker@state.mn.us

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Permanent
Rules Relating to Soft Body Armor
Reimbursement

**ORDER ON REVIEW
OF ADDITIONAL NOTICE
PLAN AND NOTICE OF INTENT TO
ADOPT RULES WITHOUT A HEARING**

This matter came before Administrative Law Judge Megan J. McKenzie upon the Minnesota Department of Public Safety's request for a legal review under Minn. R. 1400.2060, .2080 (2023) of the Additional Notice Plan and Notice of Intent to Adopt Rules Without a Hearing in the above-captioned proceeding.

Based upon a review of the written submissions by the Department,

IT IS HEREBY ORDERED THAT:

1. The Additional Notice Plan, as described in the Department's SONAR, is **APPROVED.**
2. The proposed Notice of Intent to Adopt Rules Without a Public Hearing is **APPROVED.**

Dated: July 25, 2024


MEGAN J. MCKENZIE
Administrative Law Judge

RECEIVED

By: OAH on 7/18/2024 10:02 AM

Notice of Intent to Adopt Rules Without a Public Hearing

Minnesota Department of Public Safety

In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement; Revisor's ID No. R-4822; OAH Docket No. 25-9018-39833

Introduction. The Department of Public Safety intends to adopt rules without a public hearing under Minnesota Rules, parts 1400.2300 to 1400.2310, and Minnesota Statutes, sections 14.22 to 14.28. By **4:30 p.m. Friday, September 20, 2024**, you may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency contact person. Please send questions to Kim Parker, dps.rulemaking@state.mn.us, 651-201-7170, or the Department of Public Safety, 445 Minnesota Street, St. Paul MN 55101.

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings' eComments website (<https://minnesotaoah.granicusideas.com/>).

Subject of rules and statutory authority. The proposed rules are on the department's program for reimbursing public-safety officers and heads of agencies and entities that buy soft body armor.

In the 2023 legislative session, the legislature significantly expanded who is eligible for the department's vest reimbursement program. Previously, only peace officers and heads of local law-enforcement agencies were eligible to participate. But now, the legislature has expanded the program to firefighters, emergency medical service providers, and heads of agencies and entities that employ public-safety officers.

To manage the program's expanded scope, the department seeks to adopt a new rule chapter that establishes a fair, efficient, and transparent process for vest reimbursement.

The statutory authority to adopt the rules is Minnesota Statutes, section 299A.38, subdivision 4, and Minnesota Laws 2023, chapter 52, article 5, section 77. A copy of the proposed rules is published in the *State Register* and attached to this notice.

Comments. You have until **4:30 p.m. Friday, September 20, 2024**, to comment—supporting or opposing—on the proposed rules, including any specific rule part. **Comments on the rule or requests for a public hearing must be submitted via the OAH Rulemaking eComments website (https://minnesotaoah.granicusideas.com).** If you cannot use the eComments website, you may submit comments in person, via US mail, or by facsimile addressed to Judge McKenzie at the Office of Administrative Hearings, 600 Robert Street North, PO Box 64620, St. Paul, Minnesota 55164-0620, or fax (651) 539-0310.

The department strongly encourages public comment—especially if the proposed rules affect you—and your comments should identify which rule part you are commenting on, the reason for the comment, and any proposed change. Any comments that you have about the legality of the proposed rules must also be made during the comment period.

Requesting a public hearing. In addition to submitting comments, you may also request that the department hold a hearing on the rules. You must make your request for a public hearing by **4:30 p.m. Friday, September 20, 2024**. You must include your name and address in your request and identify the portion of the proposed rules that you object to or state that you oppose the entire rule. Any request that does not comply with these requirements is invalid and does not count as a request for hearing.

You are also encouraged to state why you are requesting a hearing and any changes that you want made to the proposed rules.

Holding a public hearing. If 25 or more people submit a written request for a public hearing within the comment period, the department must hold a public hearing. The department will then proceed according to Minnesota Statutes, sections 14.131 to 14.20, and must publish a notice of the public hearing in the *State Register* and notify people who submitted a written request for the public hearing.

Withdrawing requests for a public hearing. If enough requests for hearing are withdrawn to reduce the number of hearing requests below 25, the department must give written notice to all persons who requested a hearing and explain that enough persons have withdrawn their hearing requests. The department's notice on withdrawing requests must comply with additional requirements under Minnesota Statutes, section 14.25, subdivision 2.

Modifications. The department may modify the proposed rules because of public comment or as otherwise needed to comply with the Administrative Procedure Act. The department must support modifications with information or evidence, including public comments sent to the department. Unless the department follows the procedure under Minnesota Rules, part 1400.2110, the adopted rules may not be substantially different than the proposed rules.

Statement of Need and Reasonableness. In the Statement of Need and Reasonableness (SONAR), the department justifies why the proposed rules are needed to establish an application and reimbursement process for purchased vests and why the department's proposed rules are reasonable.

The department also describes who the rules will affect and estimates the rules' probable cost. The SONAR is now available upon request to Kim Parker or on the department's rulemaking web page (<https://dps.mn.gov/Pages/rulemaking.aspx#search=rulemaking>). You may review the SONAR or get a copy by contacting Kim Parker.

Lobbyist registration. A lobbyist must register with the State Campaign Finance and Public Disclosure Board (*see* Minnesota Statutes, chapter 10A). You may ask questions about this requirement by contacting the Campaign Finance and Public Disclosure Board at Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adopting and reviewing rules. If no hearing is required, the department may adopt the rules after the comment period ends. The department will then submit the rules and supporting documents to the Office of Administrative Hearings to review for legality. Please contact Kim Parker if you want to be notified when the department submits the rules to the office, receive a copy of the adopted rules, or register with the department to receive notice of future rule proceedings.

Alternative format. Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make a request, please contact Kim Parker.

August 19, 2024

Bob Jacobson, Commissioner
Department of Public Safety

VIA EFILING

July 18, 2024

The Honorable Judge McKenzie
Administrative Law Judge
Office of Administrative Hearings

**In the Matter of the Proposed Permanent Rules Relating to Soft Body Armor Reimbursement;
Revisor's ID No. R-4822; OAH Docket No. 25-9018-39833**

Dear Judge McKenzie:

The Department of Public Safety requests that you review and approve our Additional Notice Plan for giving Notice of Intent to Adopt Rules Without a Public Hearing under Minnesota Statutes, section 14.22. The Additional Notice Plan is on the department's proposed rules relating to soft-body-armor reimbursement.

Enclosed with this letter are the documents for your review, as required by Minnesota Rules, part 1400.2060, subpart 2, item B:

1. A draft of the proposed rules, with a certificate of approval as to form by the revisor's office.
2. A draft of the Statement of Need and Reasonableness.
3. The proposed Notice of Intent to Adopt Rules Without a Public Hearing under part 1400.2080.

The department also requests that you approve our Additional Notice Plan. Our Additional Notice Plan is described on page 14 of the SONAR and reflects reasonable efforts to notify persons or classes of persons who might be significantly affected by our rules. We will notify the legislature, everyone registered on the department's rulemaking list, and the following groups:

- the department's Bureau of Criminal Apprehension, State Patrol, Alcohol and Gambling Enforcement Division, and State Fire Marshal's Division;
- the Board of Firefighter Training and Education;
- the Department of Natural Resources;
- the Peace Officer Standards and Training Board;
- the Department of Corrections;
- the Department of Commerce's Insurance and Fraud Division;
- the Emergency Medical Services Regulatory Board;
- the Minnesota Ambulance Association;
- the Minnesota Fire Chiefs Association;

- the Minnesota State Fire Department Association;
- the Fire Marshals Association of Minnesota;
- the Minnesota Chiefs of Police Association;
- the Minnesota Police and Peace Officers Association;
- the Minnesota Sheriffs' Association;
- the League of Minnesota Cities;
- the Minnesota Association of Townships;
- the Association of Minnesota Counties;
- the Minnesota Indian Affairs Council; and
- Office of the Governor, Tribal State Relations.

Given the varied stakeholders affected by the proposed rules and the reasonably available methods to contact them, we believe that we have made reasonable efforts to notify significantly affected persons through other means of communication according to Minnesota Statutes, section 14.22, subdivision 1, paragraph (a).

If there are any questions or concerns, please contact me at kim.parker@state.mn.us.

Sincerely,

Kim Parker
General Counsel

Enclosures:

SONAR draft
Rule draft
Notice of Intent to Adopt Rules Without a Public hearing

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Soft Body Armor Reimbursement

AGENCY: Department of Public Safety


REVISOR ID: R-4822

MINNESOTA RULES: Chapter 7522

INCORPORATIONS BY REFERENCE:

Part 7522.0600, subpart 1: The National Institute of Justice's 2024 Compliant Products List: Ballistic Resistant Body Armor, and as subsequently amended, is incorporated by reference. The list is not subject to frequent change and is available on the department's website.

The attached rules are approved for
publication in the State Register


Karen L. Lenertz
Deputy Revisor

1.1 **Department of Public Safety**

1.2 **Proposed Permanent Rules Relating to Soft Body Armor Reimbursement**

1.3 **7522.0100 APPLICABILITY.**

1.4 This chapter applies to the department's vest reimbursement program under Minnesota
1.5 Statutes, section 299A.38, and establishes the process for applying for and receiving
1.6 reimbursement for purchased vests.

1.7 **7522.0200 DEFINITIONS.**

1.8 Subpart 1. **Scope and applicability.** For purposes of this chapter, the terms used have
1.9 the meanings given in this part and Minnesota Statutes, section 299A.38, subdivision 1.

1.10 Subp. 2. **Applicant.** "Applicant" includes a public safety officer and a public safety
1.11 agency.

1.12 Subp. 3. **Department.** "Department" means the Department of Public Safety.

1.13 Subp. 4. **Proof of active status.** "Proof of active status" means a letter from a public
1.14 safety officer's agency attesting that the officer is a firefighter for the agency.

1.15 Subp. 5. **Public safety agency or agency.** "Public safety agency" or "agency" means
1.16 a governmental unit that employs a public safety officer.

1.17 **7522.0300 APPLICATION NOTICE AND APPLICATION PERIOD.**

1.18 Subpart 1. **Application notice.** On or before July 1 each year, the commissioner must
1.19 publish on the department's website a notice stating:

1.20 A. the funding amount available for reimbursement for applications submitted
1.21 during the application period;

1.22 B. how much of the available funding is designated for applicants on the waiting
1.23 list from the previous application period; and

1.24 C. the application period under subpart 2.

2.1 Subp. 2. **Application period.** An applicant may apply for reimbursement from July
2.2 1 through June 30 for a vest purchased within the previous 365 calendar days.

2.3 **7522.0400 APPLICATION REQUIREMENTS.**

2.4 Subpart 1. **Application form.** An applicant requesting reimbursement must apply on
2.5 a form available on the department's website.

2.6 Subp. 2. **Public safety officer applications.** A public safety officer requesting
2.7 reimbursement must provide the following:

2.8 A. the officer's contact information;

2.9 B. the employer's name;

2.10 C. for a peace officer, the officer's license number issued by the Peace Officer
2.11 Standards and Training Board;

2.12 D. for a qualified emergency medical service provider, proof of certification under
2.13 Minnesota Statutes, section 144E.28, and proof of employment by a Minnesota-licensed
2.14 ambulance service;

2.15 E. for a firefighter, proof of active status as a volunteer, paid on-call, part-time,
2.16 or career firefighter and the agency's Fire Department Identification Number;

2.17 F. an invoice and proof of purchase according to subpart 5; and

2.18 G. any other information requested by the commissioner as needed to determine
2.19 eligibility or to provide reimbursement under this chapter.

2.20 Subp. 3. **Agency applications.** An agency requesting reimbursement for an employee
2.21 must provide the following:

2.22 A. the agency's name;

2.23 B. an employer contact name and contact information;

3.1 C. for all reimbursement requests for the agency's employees:

3.2 (1) the employee's first and last name;

3.3 (2) for a peace officer, the officer's license number issued by the Peace Officer
3.4 Standards and Training Board;

3.5 (3) for a qualified emergency medical service provider, proof of certification
3.6 under Minnesota Statutes, section 144E.28, and proof of employment by a Minnesota-licensed
3.7 ambulance service;

3.8 (4) for a firefighter, proof of active status as a volunteer, paid on-call,
3.9 part-time, or career firefighter and the agency's Fire Department Identification Number;
3.10 and

3.11 (5) an invoice and proof of purchase according to subpart 5; and

3.12 D. any other information requested by the commissioner as needed to determine
3.13 eligibility or to provide reimbursement under this chapter.

3.14 Subp. 4. **Unavailable information.** If an applicant cannot provide the information
3.15 required under this part, they must explain on the application why they cannot provide the
3.16 information.

3.17 Subp. 5. **Invoice and proof of purchase required.**

3.18 A. With the application, an applicant must provide:

3.19 (1) an invoice for each purchased vest that legibly displays:

3.20 (a) the itemized cost of all items for which reimbursement is being
3.21 requested; and

3.22 (b) the purchase date of the items for which reimbursement is being
3.23 requested; and

4.1 (2) proof of purchase of the items for which reimbursement is being requested.

4.2 B. A packing slip does not constitute proof of purchase.

4.3 Subp. 6. **Signature required.** An applicant must sign the application by hand or
4.4 electronically.

4.5 **7522.0500 PUBLIC SAFETY OFFICERS AND AGENCIES; REIMBURSEMENT**
4.6 **ELIGIBILITY.**

4.7 Subpart 1. **Eligibility; generally.** In accordance with Minnesota Statutes, section
4.8 299A.38, subdivision 3, reimbursement is limited to public safety officers, or an agency
4.9 applying on behalf of public safety officers, who:

4.10 A. do not own a vest meeting the requirements of part 7522.0600, subparts 1 and
4.11 2; or

4.12 B. own a vest that is at least five years old.

4.13 Subp. 2. **Time limit to apply.** An applicant must apply for reimbursement within 365
4.14 calendar days of a vest's purchase.

4.15 Subp. 3. **Reimbursement limits.** A public safety officer, including an officer being
4.16 reimbursed by the officer's agency, may be reimbursed only once every five years. This
4.17 subpart applies even if a public safety officer is eligible for additional reimbursement because
4.18 the officer works for more than one agency or as more than one public safety officer.

4.19 **7522.0600 VESTS; REIMBURSEMENT ELIGIBILITY.**

4.20 Subpart 1. **Vest types eligible for reimbursement.**

4.21 A. Vest types that meet the requirements under Minnesota Statutes, section
4.22 299A.38, subdivision 3, are eligible for reimbursement. Eligible vests must:

4.23 (1) meet or exceed the standard of the National Institute of Justice for the
4.24 Ballistic Resistance of Body Armor in effect on the date of purchase; or

5.1 (2) be included on the National Institute of Justice's 2024 Compliant Products
5.2 List: Ballistic Resistant Body Armor in effect on the date of purchase.

5.3 B. The National Institute of Justice's 2024 Compliant Products List: Ballistic
5.4 Resistant Body Armor, and as subsequently amended, is incorporated by reference. The list
5.5 is not subject to frequent change and is available on the department's website.

5.6 Subp. 2. **Items ineligible for reimbursement.** The following vest-related items are
5.7 ineligible for reimbursement:

5.8 A. tactical ballistic items;

5.9 B. unauthorized carriers;

5.10 C. vest alterations;

5.11 D. shipping costs; and

5.12 E. sales tax.

5.13 Subp. 3. **Federal grants.** Nothing in this chapter prohibits an applicant from applying
5.14 for vest reimbursement from a federal grant program.

5.15 **7522.0700 REIMBURSEMENT AMOUNTS.**

5.16 A vest is eligible for a reimbursement amount in accordance with Minnesota Statutes,
5.17 section 299A.38, subdivisions 2 and 2a. The adjusted reimbursement amounts are available
5.18 on the department's website.

5.19 **7522.0800 DETERMINING REIMBURSEMENT ELIGIBILITY.**

5.20 Subpart 1. **Commissioner determination required.** Upon receiving an application,
5.21 the commissioner must:

5.22 A. determine the applicant's eligibility according to this chapter; and

5.23 B. process the application according to subpart 2.

6.1 Subp. 2. Reimbursement order.

6.2 A. For each application period, applications must be prioritized and processed in
6.3 the following order:

6.4 (1) public safety officer applications on a waiting list from a previous
6.5 application period;

6.6 (2) agency applications on a waiting list from a previous application period;
6.7 and

6.8 (3) for the current application period:

6.9 (a) public safety officer applications at the end of the calendar quarter
6.10 in which they are received; and

6.11 (b) agency applications at the end of the last calendar quarter, following
6.12 all public safety officer applications received in the last quarter.

6.13 B. The commissioner must not consider an application until it contains all the
6.14 information needed for the commissioner to determine the applicant's eligibility.

6.15 C. Subject to items A and B, applications must be reimbursed in the order that
6.16 they are received.

6.17 **7522.0900 REIMBURSEMENT METHOD.**

6.18 Reimbursement funds must be disbursed either electronically or by United States mail.

6.19 **7522.1000 FUNDING LIMITS; WAITING LIST.**

6.20 Subpart 1. Funding limit. For each application period, the commissioner may not
6.21 disburse more funding than what has been appropriated to the department to administer this
6.22 chapter for the applicable fiscal year.

7.1 Subp. 2. **Public notice.** Upon disbursing all available appropriated amounts for the
7.2 application period, the commissioner must publicly post on the department website that the
7.3 appropriation limit has been reached and that no more funds will be disbursed during the
7.4 application period.

7.5 Subp. 3. **Waiting list.**

7.6 A. If there are more eligible applicants than available funding, the commissioner
7.7 must place on a waiting list all eligible applicants that did not receive reimbursement during
7.8 the application period for which the applicants applied. An applicant placed on the waiting
7.9 list must be reimbursed during the next application period, subject to available funding, and
7.10 according to part 7522.0800, subpart 2.

7.11 B. The commissioner must notify an applicant that the applicant has been placed
7.12 on the waiting list and will be reimbursed during a subsequent application period, subject
7.13 to available funding, and according to part 7522.0800, subpart 2.



STATEMENT OF NEED AND REASONABLENESS

Department of Public Safety

**Proposed Permanent Rules
Relating to Soft Body Armor
Reimbursement**

Revisor's ID No. R-4822

OAH Docket No. 25-9018-39833

August 19, 2024

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General Information

Availability. All required rulemaking notices and documents, including the SONAR and the proposed rule, are available on the department's rulemaking web page (<https://dps.mn.gov/Pages/rulemaking.aspx#search=rulemaking>). The SONAR has been available for public review as of August 19, 2024.

Rule records. You can track this rulemaking proceeding and search past department rulemaking records by using the Minnesota Rule Status System, located on the revisor's office website (<https://www.revisor.mn.gov/rules/status/>).

Alternative format. If you would like this SONAR in another language or an alternative format, such as large print, braille, or audio, please contact Kim Parker, General Counsel, kim.parker@state.mn.us, 651-201-7170, or the Department of Public Safety, 445 Minnesota Street, St. Paul MN 55101.

Abbreviations

APA: Administrative Procedure Act

MMB: Minnesota Management and Budget

OAH: Office of Administrative Hearings

SONAR: Statement of Need and Reasonableness

Statute- and Rule-Level Tags

Table 1

Statute	Rule
Subdivision: 1, 2, 3, etc.; Subdivision 1 and then Subd. 2, Subd. 3, etc.	Subpart: 1, 2, 3, etc.; Subpart 1 and then Subp. 2, Subp. 3, etc.
Paragraph: (a), (b), (c), etc.	Item: A., B., C., etc.
Clause: (1), (2), (3), etc.	Subitem: (1), (2), (3), etc.
Item: (i), (ii), (iii), etc.	Unit: (a), (b), (c), etc.
Unit: (A), (B), (C), etc.	Subunit: i., ii., iii., etc.

Shorthand	Shorthand
<i>Minn. Stat. § 299A.38, subd. 1(6):</i> Minnesota Statutes, section 299A.38, subdivision 1, clause (6)	<i>Minn. R. 7522.0400, subp. 3(C)(1):</i> Minnesota Rules, part 7522.0400, subpart 3, item C, subitem (1)

Introduction and Overview

1. Establishing the vest-reimbursement program.

In 1989, the legislature established the department's vest-reimbursement program, which allows peace officers and heads of local law-enforcement agencies to apply for partial reimbursement of purchased soft body armor.¹ The program serves as an important public-safety initiative by:

- supporting peace officers who use protective vests while serving the state and its citizens; and
- encouraging officers to replace old vests with newer vests that incorporate updated technology to better protect peace officers.

The department administers the program by processing applications and disbursing reimbursement payments to eligible applicants. The department has historically maintained a rolling application process in which applications are received on a first-come, first-served basis until all appropriated funding for the fiscal year is spent.

Limited funds coupled with high demand means that the department has never been able to fulfill all eligible reimbursement requests in any two-year budget cycle. This consistent backlog of requests hampers public safety by diminishing the affordability of protection that peace officers need to perform their jobs.

2. Expanding the vest-reimbursement program.

In the 2023 legislative session, the legislature significantly expanded eligibility for the vest-reimbursement program to include firefighters, emergency medical service providers, and the heads of public-safety agencies and entities that employ them.²

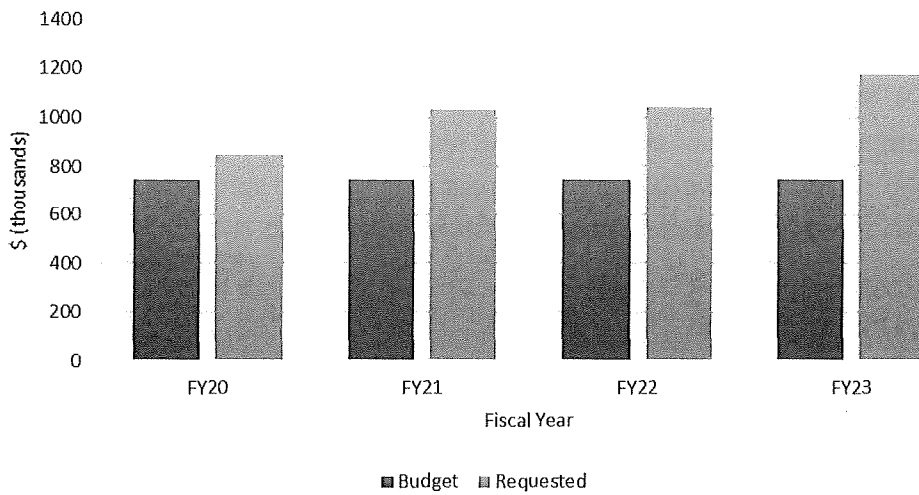
Together with expanding the program's scope, the legislature appropriated an additional \$1 million for fiscal years 2024 and 2025;³ this money is in addition to the program's base budget of \$745,000 each fiscal year. But as the following chart shows, even this additional appropriation will be unable to meet the expanded needs of public-safety officers.

¹ Minn. Stat. § 299A.38. Unless indicated otherwise, all statutory citations are to the 2022 *Minnesota Statutes* publication.

² 2023 Minn. Laws, ch. 52, art. 5, sec. 13.

³ 2023 Minn. Laws, ch. 52, art. 2, sec. 3, subd. 2(b).

Vest Budget vs. Requested Reimbursements



3. Rulemaking needed due to expanded eligibility.

Although the legislature originally granted the department statutory authority to adopt rules on the vest-reimbursement program, the department did not do so because the statute provided adequate guidance to the department, peace officers, and law-enforcement agencies. But to manage the program’s expanded scope, the department now seeks to adopt a new rule chapter that establishes a fair, efficient, and transparent process for vest reimbursement.

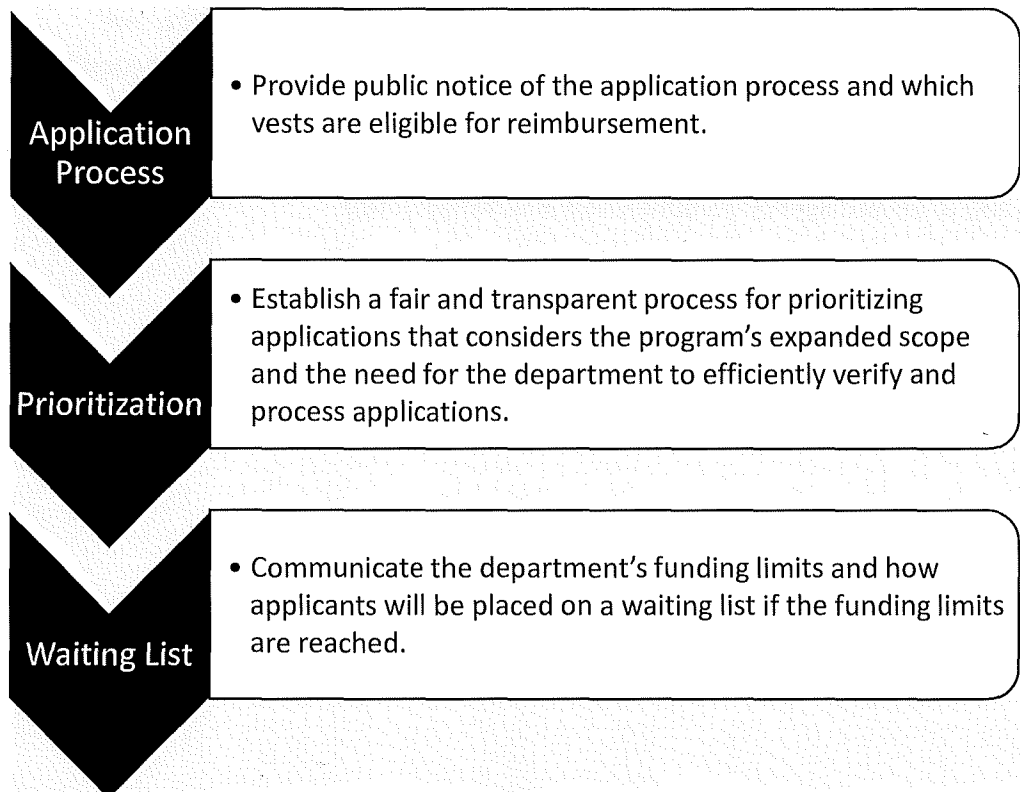
The new rule chapter is also needed and reasonable to guard against petitions of unadopted rulemaking and—because the legislature mandated department rulemaking—to maintain the department’s rulemaking authority so that the department can update the rules due to statutory changes.

4. Plain language.

The department’s proposed chapter is written in plain language. By writing in plain language, the department wants its requirements to be clear and accurate to its staff, its stakeholders, and the public.

Summary of Proposed Rule Changes

The department's proposed rules are simple and straightforward. The department mostly seeks to incorporate its current application process into rule, but the department also wants to ensure accountability and transparency, in line with the APA's purpose. To ensure both accountability and transparency, the department has three main goals.



Statutory Authority

The department was given the discretion to adopt rules on the vest-reimbursement program but has—until now—not exercised that authority.⁴ The legislature, however, has newly directed the department to adopt rules to account for the program’s expansion:

The commissioner of public safety shall amend rules adopted under Minnesota Statutes, section 299A.38, subdivision 4, to reflect the soft body armor reimbursement for public safety officers under that section.⁵

To follow the legislature’s directive and to keep its rulemaking authority,⁶ the department proposes to adopt a rule chapter for administering its program and to ensure agency accountability and transparency.

⁴ Minn. Stat. § 299A.38, subd. 4: “The commissioner may adopt rules under chapter 14 to administer this section.”

⁵ 2023 Minn. Laws, ch. 52, art. 5, sec. 77. Admittedly, the legislature’s directive is inaccurate because by using *amend* it assumes that the department had already adopted a rule chapter. The legislature’s intent, however, is unmistakable.

⁶ See, e.g., Minn. Stat. § 14.125. Note that this APA section was not enacted until 1995, a half-dozen years after the vest-reimbursement program was established.

Regulatory Analysis

As part of its SONAR, the department must analyze eight factors.⁷

1. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

1.1. Classes of persons who probably will be affected by the proposed rule.

The department's proposed rules are likely to affect:

- a. fire departments and volunteer, paid on-call, part-time, and career firefighters;
- b. peace officers and law-enforcement agencies;
- c. emergency medical services providers and emergency medical technicians, advanced emergency medical technicians, and paramedics actively employed by a Minnesota-licensed ambulance service;
- d. government entities such as cities, counties, townships, and Tribal Nations; and
- e. state agencies eligible to purchase soft body armor.

1.2. Classes that will bear costs from the proposed rules.

No class will bear costs from the proposed rule because the vest-reimbursement program is optional for those seeking reimbursement. If a class seeks reimbursement, the application process is free and requires little time to apply.

1.3. Classes that will benefit from the proposed rule.

All classes seeking reimbursement should benefit from the proposed rule because the program encourages them to buy newer vests that will protect them in their public-safety work.

2. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The department estimates that costs for implementing its proposed rules will be minimal. The department has managed the vest-reimbursement program since

⁷ *Id.* § 14.131.

1989, and the rule largely follows existing department practice and policy from its online application process. The only new substantive requirement is the expansion in eligibility and the establishment of criteria for evaluating reimbursement requests. The department estimates that this cost will be covered by existing staff dedicated to the program and will be minimal.

The department is also modernizing and enhancing the functionality of the software it uses to process and pay claims for soft-body-armor reimbursement. The system will be expanded to include firefighters and emergency medical services personnel. It will also offer improved communication with requesters, track funds, and provide data for statistical analysis. The updated software will allow for (1) secure online collection and storage of personally identifiable information; (2) automated notifications, tracking, and approvals; and (3) payment processing workflows. The software upgrade costs will be borne by the department's existing budget.

Other state agencies will incur no costs when applying to the program. State agencies that may apply on behalf of their public-safety employees include the Departments of Natural Resources, Commerce, and Corrections.

3. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Because the legislature mandated that the department adopt rules on the vest-reimbursement program, the department has determined that there are no less-costly or less-intrusive methods for achieving the rule's purpose, which is to efficiently reimburse public-safety officers through a fair and transparent reimbursement process.

4. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

The department knows of no fair and equitable alternative method to achieve the purpose of the proposed rule, and the legislature has directed it to adopt rules to administer the program. Additionally, not adopting the rule would result in the department losing its statutory authority and invite petitions for unadopted rulemaking.

When developing the rule, the department considered whether to continue its first-come, first-served application process. One benefit to continuing this process would be continuity for applicants and keeping a simple, internal policy for processing applications. But because demand for reimbursement has always

exceeded appropriated money, the department determined that establishing standards for prioritizing applications would help limited money flow to those who most need reimbursement. Additionally, the program's expansion only reinforced the need to reexamine the first-come, first-served policy.

The department also weighed whether to prioritize certain public-safety officers over other public-safety officers—for example, whether peace officers should be prioritized for reimbursement because their need for the vests may be greater than that of other public-safety officers. Ultimately, this approach was disfavored given that the legislature increased appropriations for reimbursements and expanded the program eligibility to acknowledge the need for all public-safety officers.

5. The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

The statute provides for reimbursement of costs incurred by applicants, and the department is not imposing any new costs as a result of the rule. The application process is optional and free.

6. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

Not adopting a rule would affect the ability of eligible applicants to apply for reimbursement through a fair and transparent application process. The department would also be unable to add regulations in response to changing statutory requirements or other unforeseen changes that may affect the program. Last, the department would be subject to potential unadopted-rule petitions.

7. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

There is no federal regulation that affects the department's vest-reimbursement rule. There is, however, a federal grant award from the United States Department of Justice - Office of Justice Programs available for participating

jurisdictions.⁸ Applications for that grant program—the federal Patrick Leahy Bulletproof Vest Partnership—are voluntary, and the department’s vest-reimbursement program is unrelated.

There is also a Compliant Products List published by the National Institute of Justice (NIJ), which certifies products that comply with the NIJ Compliance Testing Program. Like the federal program, the department’s enabling legislation and its proposed rule require vests to be NIJ Compliant to be eligible for reimbursement.

8. An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

There is no cumulative effect because both the state and federal programs are optional and because the state program is separate from the federal one. Both programs contain simple application processes with the goal of protecting public-safety officers in the line of duty.

The federal grant program is available to jurisdictions only and not to individual public-safety officers. The department’s program is available to individual public-safety officers as well as agencies that employ public-safety officers.

Because both programs reimburse only up to 50% of the cost of a vest, reimbursement from either or both programs would not exceed the purchase price.

⁸ <https://www.ojp.gov/program/bulletproof-vest-partnership/overview>. This program reimburses states, local government units, and federally recognized Indian Tribes for up to 50% of the cost of body armor vests purchased for law-enforcement officers. In fiscal year 2022, 173 Minnesota jurisdictions received funding through the federal program.

Performance-Based Rules

The department must describe how it considered and implemented performance-based standards that emphasize (1) superior achievement in meeting the department's regulatory objectives, and (2) maximum flexibility for the regulated party and the department in meeting these goals.⁹

The department's proposed rules detail an application process that ensures legislatively appropriated money is subject to department internal controls. For example, the application process requires an applicant to prove that they are a public-safety officer and to provide an invoice and proof of purchase.

The department also demonstrates superior achievement toward its regulatory objectives with its software for processing applications—this new software will streamline and track applications in a cost-effective manner for the department and applicants.

The rules establish a simple and straightforward application process and provide public notice of how applications will be processed and prioritized. Additionally, the proposed rules achieve the legislature's directive in two main ways:

- 1) under part 7522.0400, subpart 4, the department allows an applicant flexibility to not provide required application information if the applicant can explain why the information is unavailable; and
- 2) under part 7522.1000, the department establishes a waiting list to save time for applicants who would otherwise need to reapply if they aren't reimbursed during a given application period.

When developing the proposed rule changes, the department encouraged its stakeholders to submit comments and encouraged public participation by sharing drafts with the public and soliciting feedback from affected stakeholders.

Specifically, the department did the following stakeholder engagement:

- posted on its website: (1) notice of the legislature's expansion of the program and the department's accompanying rulemaking initiative, (2) a Rulemaking FAQ and Rulemaking Fact Sheet, (3) the department's draft rule, (4) an invitation to submit comments by fillable form or email, and (5) contact information for those with questions or concerns;

⁹ Minn. Stat. §§ 14.002, .131.

- emailed all 11 state Tribal Nations and each of their respective tribal law-enforcement agencies, as well as the Department of the Interior – Bureau of Indian Affairs (Bois Forte Band of Chippewa Indians);¹⁰
- emailed the following professional associations: MN Chiefs of Police, MN Sheriffs' Association, MN Police and Peace Officers Association, MN Fire Chiefs Association, MN State Fire Department Association, MN Professional Fire Fighters Association, Emergency Medical Services Regulatory Board, MN Ambulance Association, and Fire Marshals Association of Minnesota;
- emailed the following state agencies and boards: Departments of Corrections and Natural Resources, Bureau of Criminal Apprehension, State Patrol, Alcohol and Gambling Enforcement, and the Minnesota Board of Firefighter Training and Education; and
- addressed the program expansion and the department's accompanying rulemaking activity at speaking engagements, including the Weekly Tribal Leader Governor's Office Meeting (April 11, 2024).

¹⁰ Minnesota's 11 federally recognized Tribal Nations are the Shakopee Mdewakanton Sioux Community, Upper Sioux Community, Lower Sioux Indian Community, Mille Lacs Band of Ojibwe, Prairie Island Indian Community, Red Lake Nation, White Earth Nation, Grand Portage Band of Lake Superior Chippewa, Leech Lake Band of Ojibwe, and Fon Du Lac Band of Lake Superior Chippewa.

Additional SONAR Requirements

1. Consulting with MMB on local government impact.

The department must consult with MMB to help evaluate the fiscal impact and benefits of the proposed rule on units of local governments.¹¹ To consult with MMB, the department sent MMB the SONAR and proposed rules to help it determine the impact and benefits of the proposed rule on units of local governments.

MMB determined [insert MMB determination when available]¹²

2. Cost of complying for small business or small city.

The department must determine if the cost of complying with the proposed rule in the first year after the rule is effective will exceed \$25,000 for (1) a business that has less than 50 full-time employees, or (2) a statutory or home rule charter city that has less than ten full-time employees.¹³

The cost of complying with the proposed rule will not exceed \$25,000 for any business or statutory or home rule charter city because the application process is free.

3. Determining whether the rules require local implementation.

The department must determine if a local government will be required to adopt or amend an ordinance or other regulation to comply with the department's proposed rule.¹⁴ The department has determined that the proposed rule does not affect local ordinances or regulations.

4. Impact on farming operations.

The proposed rule does not affect farming operations.

¹¹ Minn. Stat. § 14.131.

¹² See Exhibit P1.

¹³ *Id.* § 14.127.

¹⁴ *Id.* § 14.128.

Additional Notice Plan

The department's Additional Notice Plan gives notice to persons or classes of persons who may be affected by the proposed rules. The department will email the rules, SONAR, and Notice of Intent to Adopt Rules to the legislature and everyone registered on the department's rulemaking list.¹⁵ The department did not notify the commissioner of agriculture because the rules do not affect farming operations.

The department's Additional Notice Plan complies with the APA because the department will publish notice of the proposed rules and SONAR in the *State Register* and will email copies of the notice, proposed rules, and SONAR to the department's rulemaking list and the following groups:

- 1) the department's Bureau of Criminal Apprehension, State Patrol, Alcohol and Gambling Enforcement Division, and State Fire Marshal's Division;
- 2) the Board of Firefighter Training and Education;
- 3) the Department of Natural Resources;
- 4) the Peace Officer Standards and Training Board;
- 5) the Department of Corrections;
- 6) the Department of Commerce's Insurance and Fraud Division;
- 7) the Emergency Medical Services Regulatory Board;
- 8) the Minnesota Ambulance Association;
- 9) the Minnesota Fire Chiefs Association;
- 10) the Minnesota Professional Fire Fighters Association;
- 11) the Minnesota State Fire Department Association;
- 12) the Fire Marshals Association of Minnesota;
- 13) the Minnesota Chiefs of Police Association;
- 14) the Minnesota Police and Peace Officers Association;
- 15) the Minnesota Sheriffs' Association;
- 16) the League of Minnesota Cities;
- 17) the Minnesota Association of Townships;

¹⁵ See *id.* §§ 14.14, subd. 1a(a), .116(b), (c).

- 18) the Association of Minnesota Counties;
- 19) the Minnesota Indian Affairs Council; and
- 20) Office of the Governor, Tribal State Relations.

In Minnesota there are about 20,000 firefighters and 750 fire departments, 12,000 emergency medical service providers, and 10,500 licensed peace officers and 418 law-enforcement agencies. Required use of soft body armor is decided on by the individual department or agency.

The department doesn't plan to notify all individual public-safety officers and agencies because the department isn't the licensing body for the public-safety officers affected in rule. Additionally, the department doesn't have access to all individuals who are peace officers, firefighters, or emergency medical service providers. These public-safety officers are represented by robust associations, and the department is making reasonable efforts to notify classes of persons affected significantly affected by the rule.

The proposed rules, SONAR, and other notices will be published on the department's rulemaking web page¹⁶ and the department's vest-reimbursement web page.¹⁷ Additionally, an announcement about the rules will be posted on the home page of the department's website.

¹⁶ <https://dps.mn.gov/Pages/rulemaking.aspx#search=rulemaking>

¹⁷ <https://dps.mn.gov/divisions/co/programs/public-safety-vest-reimbursement/Pages/default.aspx>

Rule-By-Rule Analysis

1. Each proposed rule requirement must be needed and reasonable.

The most critical requirement of the SONAR is the rule-by-rule analysis, which explains the department’s reasoning behind every proposed rule requirement. For each proposed rule requirement, the department must explain two key elements: why the rule is (1) needed, and (2) reasonable.

A rule is reasonable if it is based on an affirmative presentation of facts and evidence that rationally connect with the department’s proposed regulatory choice. The department’s proposed regulatory choice does not need to be the “best,” but the proposed choice must be one that a rational person could have made and one that is not arbitrary or otherwise devoid of articulated reasons.

For example, the department’s proposed rule that requires applicants to apply using a department form is reasonable because the requirement affirms current practice, the department is responsible for approving eligible applicants, and the form contains eligibility criteria that is required by statute.

2. The rule-by-rule analysis is organized in numerical order of chapter 7522, divided into multiple categories.

At the beginning of each category, the department establishes a general overview of the need for the rule amendments within the category. This overview is meant to better inform the public about the requirements in each category and helps establish—on the record—the department’s argument for adopting the proposed rules.

Table 2

Category	Rule Parts
Applicability and Definitions	7522.0100-.0200
Application Process	7522.0300-.0400
Reimbursement	7522.0500-.0700
Processing and Prioritization	7522.0800-.0900
Waiting List	7522.1000

Last, the department goes through a detailed rule-by-rule analysis within each rule chapter in which the department argues for the need and reasonableness of each rule amendment.

Applicability and Definitions

Parts 7522.0100 to 7522.0200 prescribe the rule's applicability and relevant definitions.

1. 7522.0100: Applicability.

This part notifies the public that the rule chapter is for the department's vest-reimbursement program and that the rule prescribes the application and reimbursement process.

2. 7522.0200: Definitions.

Most of the needed terms are already defined in statute, so it is more efficient to cross-reference to these terms and define other terms that are needed for applicants to understand and comply with the chapter.

The following terms are defined in statute:

- *Commissioner*
- *Firefighter*
- *Peace officer*
- *Public safety officer*
- *Qualified emergency medical service provider*
- *Vest*

In addition to these terms, it is needed and reasonable for the department to define the following terms to simplify the rule language and ensure plain language (that is, judiciously use language):

- Applicant
- Department
- Proof of active status (see page 20)
- Public safety agency

All these terms are needed for the department to enforce the program and for applicants to comply with program requirements.

Application Process

Parts 7522.0300 and 7522.0400 largely detail the department's current application process, a process that has been used since the program was created. This process ensures that the department can timely process applications and that applicants are eligible for reimbursement.

1. 7522.0300: Application notice and application period.

Subpart 1 requires the department to publicly post application details on the department's website. This notice is needed and reasonable because it alerts the public and potential applicants to how much funding is available for the application period, subject to funding already allocated for applicants on a waiting list.

Because the process under part 7522.0800 is like a first-come, first-served process, this public notice is critical to ensuring equal access to application information.

Subpart 2 clarifies that the vest-reimbursement program corresponds with the state's two-year budget cycle, where each fiscal year runs from July 1 through June 30.

2. 7522.0400: Application requirements.

This part establishes what information an applicant must provide when applying for reimbursement. The application is submitted online to provide a simple and easy process for applicants and for the department to process the applications.¹⁸ An application form ensures timely and efficient reimbursement.

The information required under subparts 2 and 3 allows the department to confirm that each applicant is a public-safety officer or agency that meets the applicable statutory criteria:

- for a peace officer, their licensing number with the state's peace-officer licensing authority, the Peace Officer Standards and Training Board;¹⁹

¹⁸ <https://app.dps.mn.gov/vestrequest/>

¹⁹ See Minn. Stat. §§ 299A.38, subd. 1(3), 626.843.

- for a qualified emergency medical service provider, proof of certification with the Emergency Medical Services Regulatory Board or successor organization;²⁰ and
- for a firefighter, proof of active status (a letter from their agency confirming their position) and their department’s national Fire Department Identification Number.²¹

The criteria for each public-safety officer align with how the statute defines each officer. For example, a *peace officer* is defined as an individual licensed by the Peace Officer Standards and Training Board, so the department confirms that an applicant is licensed by requesting the applicant’s license number in their application.

Similarly, an applicant claiming reimbursement as a qualified emergency medical service provider is verified by their certification and proof of employment, as the statutory definition requires.

But unlike peace officers or qualified emergency medical service providers, firefighters aren’t defined under similar statutory requirements that can prove their employment status or certification. So to ensure that firefighter applicants are “serving a general population within the boundaries of the state,”²² the department proposes to require proof of active status.

Because there is no agency or body that tracks all Minnesota firefighters, the department cannot confirm an applicant’s license number like it can for peace officers. But the department can prove a firefighter’s active status with a letter from the firefighter’s agency. This is a needed and reasonable solution to ensure that public funds are being disbursed to active firefighters.

If the provided information is insufficient for the department to confirm that an applicant is eligible, the department may need to ask the applicant for other information to determine eligibility such as the applicant’s address or work-related information.

Subpart 4 allows for an applicant to not provide information required under subparts 2 and 3, but the applicant must explain why they are unable to provide

²⁰ See *id.*, subd. 1(5), 144E.28.

²¹ The Fire Department Identification Number is assigned by the Federal Emergency Management Agency to local firefighter departments listed in the National Fire Department Registry.

²² Minn. Stat. § 299A.38, subd. 1(2).

the required information. This subpart is needed and reasonable to provide flexibility to applicants on a case-by-case basis and allow for them to still receive reimbursement if the department can verify their eligibility.

Subpart 5 requires an applicant to prove that they have purchased a vest; the department uses the invoice and proof of purchase to determine if the applicant's purchase complies with the statute and criteria in rule, so this subpart is needed and reasonable for the department to determine that funds are going to eligible applicants.

Subpart 6 requires an applicant signature, a standard requirement for applications.

Reimbursement

Parts 7522.0500 to 7522.0700 detail the proposed reimbursement requirements such as an applicant's eligibility, the items eligible for reimbursement, and the reimbursement amounts.

1. 7522.0500: Reimbursement eligibility.

1.1. Subpart 1.

Statute delineates most of the eligibility requirements, the main one being that a public-safety officer seeking reimbursement must not have owned a NIJ-compliant vest before the purchase or must own a vest that is at least five years old. The new vest that the applicant is seeking reimbursement for must also comply with the department's proposed criteria under part 7522.0600.

1.2. Subpart 2.

As discussed in the introduction, the department has consistently received applications that exceed the funds that it has been appropriated. To help ensure that public-safety officers are reimbursed for recent vest expenses, it is reasonable to require applicants to apply for reimbursement within a year of purchasing their vests. This time limit will also encourage applicants to apply for timely reimbursement and simplify the department's internal process for verifying purchases.

1.3. Subpart 3.

This subpart prohibits a public-safety officer who serves in more than one capacity from seeking reimbursement twice. For example, an applicant who is a volunteer firefighter and an EMT cannot receive reimbursement for two purchased vests. Or a peace officer who works for two different agencies can't receive reimbursement for more than one purchased vest.

This is a needed and reasonable requirement that allows more applicants to receive reimbursement and fulfills the legislature's intent of reimbursing more public-safety officers when it expanded the program and appropriated additional funding.

2. 7522.0600: Vest eligibility.

Under statute, all vests must meet or exceed standard .0101.03 of the National Institute of Justice.²³ The National Institute of Justice is an agency under the United States Department of Justice that researches, develops, and evaluates criminal-justice policy.²⁴ The institute's current standard is 0101.07, and the institute maintains an associated compliant products list.²⁵

Because the products list changes as the standard changes, it is needed and reasonable for the department to incorporate the list by reference. The list will be easily available on the department's vest-reimbursement web page.

Under subpart 2, the department lists which items are ineligible for reimbursement. Because the institute doesn't test and certify ballistic items other than vests, these items are excluded. In addition, vests must maintain compliance with the institute's products list. Last, shipping costs and sales tax are excluded because they are ancillary costs to the actual cost of the vest.

In addition to the department program, jurisdictions can seek vest reimbursement from the federal Patrick Leahy Bulletproof Vest Partnership. Accordingly, subpart 3 clarifies that an agency applicant can still seek reimbursement from this federal program even if it was reimbursed under the department program. Neither the federal program nor the department's program reimburses more than 50% of the cost of a vest, so even if an agency were reimbursed for the same vest under both programs, the reimbursement amount would not exceed 100 percent the cost of the vest.

3. 7522.0700: Reimbursement amounts.

Reimbursement amounts are determined by statute and adjusted annually for inflation. The department posts these amounts on its vest-reimbursement web page to provide public notice to applicants.

²³ Minn. Stat. § 299A.38, subd. 3(a).

²⁴ <https://nij.ojp.gov/sites/g/files/xyckuh171/files/media/document/nij-brochure-flier.pdf>

²⁵ <https://nij.ojp.gov/topics/equipment-and-technology/body-armor/ballistic-resistant-armor#0-0>

Processing and Prioritization

Because the department has more applicants than available funding, the department needs to develop a fair and transparent process for prioritizing applicants. This need is even greater with the program's expanded eligibility to firefighters and qualified emergency medical service providers.

1. 7522.0800: Determining reimbursement eligibility.

1.1. Subpart 1.

Eligibility is based solely on statutory requirements—as reflected in the proposed rules—and an applicant's ability to certify that they meet the statutory criteria for reimbursement and that they have complied with the rule requirements.

1.2. Subpart 2.

Subpart 2 outlines the reimbursement order, with the department prioritizing individual applicants—as opposed to agencies seeking reimbursement on behalf of their officers. The department proposes prioritizing individual applicants for two reasons: (1) so that one or more large departments do not receive most or all the funds in a reimbursement period, and (2) because individual applicants benefit more from reimbursement because they are less able to absorb the cost of purchasing a vest than a large department.

Because there are more applicants than available funding, the department's reimbursement order begins with applicants on a waiting list and then progresses to the current application period (aligned with the state's fiscal year). As in the waiting list order, the department is prioritizing individual applicants over agency applications.

It is also needed and reasonable for the department to not begin considering an application until it contains the required information under the rule and statute. This requirement also allows the department to timely process applications and reimburse applicants.

2. 7522.0900: Reimbursement method.

Most applicants receive their approved funds electronically, but it is needed and reasonable to provide applicants flexibility and allow for them to receive the funds by mail, if desired.

Waiting List

With limited funds and high demand, the department has historically placed applicants that haven't received funding on a rolling waiting list. Using a waiting list is a fair process that saves applicants the time of reapplying and the department time from reprocessing applications. Part 7522.1000 codifies the department's waiting-list policy and procedure.

1. Subpart 1: Funding limit.

Because the legislature has appropriated funds for a particular purpose, the department cannot disburse more funds than what the legislature has appropriated.

2. Subpart 2: Public notice.

This subpart ensures public transparency and provides notice when the department's funding limit has been reached.

3. Subpart 3: Waiting list.

A waiting list is needed and reasonable because applicants should not have to reapply if they are not reimbursed in a given application period. Besides being fair, a waiting list meets the legislature's directive for performance-based rules that provide applicants flexibility and maximize department efficiency.

Under item B, the department continues its commitment to transparency by notifying applicants when they have been placed on the waiting list.

Conclusion

In the SONAR, the department has established the need for and the reasonableness of the proposed rule chapter. The department has provided the necessary notice and complied with all applicable APA rulemaking requirements.

Based on the evidence and information in the SONAR, the proposed amendments are both needed and reasonable.

Bob Jacobson, Commissioner
Department of Public Safety

DATE

RECEIVED

By: OAH on 2/8/2024 9:48 AM

OAH Docket Number: _____

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Permanent
Rules Relating to Soft Body Armor
Reimbursement

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**¹

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: Kim Parker, General Counsel, Department of Public Safety

Email: Kim.Parker@state.mn.us

Telephone: (651) 201-7170

Mailing Address: 445 Minnesota Street, St. Paul MN 55101

Party's/Agency's Attorney: _____

Firm Name: _____

Email: _____ Telephone: _____

Mailing Address: _____

Respondent's/Opposing Party's Name: _____

Email: _____ Telephone: _____

Mailing Address: _____

Dated: February 7, 2024

Signature of Party/Agency or Attorney



¹ In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. See 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2023).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.