



Minnesota Board of Peace Officer Standards and Training

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Minnesota Board of Peace Officer Standards and Training

Notice of Public Hearing Date Change

Proposed Amendments to Rules Governing the Education and Licensing of Law Enforcement Officers; Definitions; Examination Standards; Background Investigation; Psychological Screening; Minimum Selection Standards; Standards of Conduct; Reporting Obligations and Cooperation; and Required Agency Policies; Minnesota Rules, Chapter 6700; Proposed Repeal of Minnesota Rules, parts 6700.0601, subparts 2 and 3; 6700.070; 6700.1400, subpart 3; 6700.1500; 6700.1700, subparts 1, 3, and 4; 6700.2700; 6700.2701; 6700.2702; 6700.2703; and 6700.2704.

Revisor's ID Number 4641; OAH docket number 8-9007-38401

Public Hearing Date Change. The Board intends to adopt rules after a virtual public hearing following procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The Board is using this notice to announce that the virtual hearing, which was previously scheduled for October 11, 2022, and October 13, 2022, will instead take place at 9:00 a.m. on Tuesday, November 15, 2022 and at 5:30 p.m. on Wednesday, November 16, 2022. You can participate in the virtual hearings, which will be conducted by the administrative law judges, via WebEx by using the links below:

To join the November 15, 2022, hearing at 9 a.m. through an internet connection:

Enter <https://minnesota.webex.com>

Event number (access code): 2494 975 3153, Event password: blue

For audio connection only, join the hearing by phone: Call: 855-282-6330 toll free (webinar # or access code 2494-975-3153, password 2583)

To join the November 16, 2022, hearing at 5:30 p.m. through an internet connection:

Enter <https://minnesota.webex.com>

Event number (access code): 2487 698 4178, Event password: blue

For audio connection only, join the hearing by phone: Call: 855-282-6330 toll free (webinar # or access code 2487 698 4178, password 2583)

Note that the WebEx links will be available on the Board's website (<https://dps.mn.gov/entity/post/Pages/statute-rules.aspx>). All interested or affected persons will have an opportunity to participate in the hearing process by submitting either oral or

written data, statements, or arguments. Statements may be submitted without appearing at the hearing. See the “Public Comment” section of this Notice for more information about how to provide public comment in connection with the hearing.

Administrative Law Judges. Administrative Law Judge Eric L. Lipman and Administrative Law Judge Suzanne Todnem are assigned to conduct the hearing if a hearing is held. The judges’ Legal Assistant Michelle Severson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7874, facsimile (651) 539-0310 or Michelle.Severson@state.mn.us. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about rule hearing procedures to the administrative law judges.

Subject of Rules and Statutory Authority. The proposed rule amendments address the education and licensing of law enforcement officers, including definitions; background investigations, psychological screenings, minimum selection standards, standards of conduct, and required agency policies (*Minnesota Rules*, parts 6700.0100; 6700.0601; 6700.0670; 6700.0675; 6700.0700; 6700.1600; 6700.1610; and 6700.1615). The statutory authority to adopt these rules is *Minnesota Statutes*, section 626.843.

The Board is also proposing to repeal *Minnesota Rules*, parts 6700.0601, subparts 2 and 3; 6700.070; 6700.1400, subpart 3; 6700.1500; 6700.1700, subparts 1, 3, and 4; 6700.2700; 6700.2701; 6700.2702; 6700.2703; and 6700.2704. The proposed rules appeared in the Monday, June 20, 2022, Volume 46 Number 51 edition of the State Register at 46 SR 1489. and are available on the Board’s website at <https://dps.mn.gov/entity/post/Pages/statute-rules.aspx>.

Agency Contact Person. The agency contact person is Rebecca Gaspard, Rules and Legislative Coordinator at the Peace Officer Standards and Training Board, 1600 University Avenue, Suite 200, Saint Paul, Minnesota 55104, phone 651-201-7781, or email Rebecca.w.gaspard@state.mn.us.

Proposed Rules Statement of Need and Reasonableness. The statement of need and reasonableness (SONAR) explains the Board’s reasoning in proposing rule changes and summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. You may find the statement of need and reasonableness here: <https://dps.mn.gov/entity/post/Pages/statute-rules.aspx>. You may also review or obtain copies by contacting the agency contact person.

Modifications. Following the public comment period that ended July 20, 2022, the Board plans to propose additional modifications to the draft rules it published in the *State Register*. These modifications are posted on the Board’s website at <https://dps.mn.gov/entity/post/Pages/statute-rules.aspx>.

The Board may further modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the hearing process. The adopted rules may not be substantially different than these proposed rules, unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate.

Public Comment. All interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate in the hearing process by providing public comment. Public comment, whether in support or in opposition to some or all of the proposed rule, including proposed modifications, is encouraged. Comments must be provided directly to the administrative law judges either orally at the hearing or in writing at any time before the close of the hearing record. Submit written **comments to the administrative law judges at the address above or via the Office of Administrative Hearings Rulemaking eComments website** (<https://minnesotaoah.granicusideas.com/discussions>). All evidence you present should relate to the proposed rules. You may also submit written material to the administrative law judges to be recorded in the hearing record for twenty calendar days after the public hearing ends. Following the comment period, there is a five-working-day rebuttal period during which the Board and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses no later than 4:30 p.m. on the due date. All comments or responses are public and will be available for review at the Office of Administrative Hearings.

The Board requests that any person submitting comments to the administrative law judges before the hearing or during the comment or rebuttal period also submit a copy to the Board at POSTrules.POST@state.mn.us or to the POST Board at 1600 University Avenue, Suite 200, Saint Paul, Minnesota 55104.

Adoption Procedure after a Hearing. After the close of the hearing record, the administrative law judges will issue a report on the proposed rules. You may ask to be notified of the date that the administrative law judges' report will become available, and can make this request at the hearing or in writing to the administrative law judges. You may also ask to be notified of the date that the Board adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person listed above.

Lobbyist Registration. Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of 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.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: September 27, 2022 Erik Misselt, Executive Director