

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Rules
of the Department of Public Safety
Governing Training and Certification of
Over-Dimensional Load Escort Drivers,
Minnesota Rules Chapter 7455

**CHIEF ADMINISTRATIVE LAW JUDGE'S
ORDER ON REVIEW OF RULES UNDER
MINN. STAT. § 14.16, SUBD. 2, AND MINN. R.
1400.2240, SUBP. 4**

The Minnesota Department of Public Safety ("Department") proposes to adopt the above-entitled rules pursuant to Minn. Stat. § 14.16. A public hearing regarding the proposed rules was held on November 29, 2011, and January 17, 2012. On March 29, 2012, Administrative Law Judge Barbara L. Neilson issued a Report in which she determined that the proposed rules were defective in certain respects. On April 3, 2012, the undersigned Chief Administrative Law Judge issued a Report approving Judge Neilson's Report.

In accordance with Minn. Stat. § 14.15, subd. 4, the Department issued notice of its decision not to follow all of Judge Neilson's suggested actions on August 24, 2012, and sent that notice, along with a copy of the proposed rules, to the Legislative Coordinating Commission and to the policy committees in the House of Representatives and Senate with primary jurisdiction over state government operations for advice and comment. The Department did not receive any advice or comment from the Legislature in response to this notice.

On October 29, 2012, the Department requested that the Chief Administrative Law Judge review modifications to the rules. At the request of the Office of Administrative Hearings, the Department supplemented the record by filing additional information, an Amended Order Adopting Rules, and additional modifications to the proposed rules. The record remained open until November 26, 2012, for the receipt of these additional materials.

The Chief Administrative Law Judge finds that the final proposed rules are not substantially different from those originally published by the Department in the *State Register* on September 12, 2011, and proposed at the public hearing.

Based upon a review of the materials and modifications submitted by the Board Minnesota Statutes, Minnesota Rules, the previous order issued in this matter, and comments filed on September 5, 2012, on behalf of Pats LLC,

IT IS HEREBY ORDERED: that the proposed rules, as modified and approved by the Revisor on November 15, 2012, are approved as to legality.

Dated: November 27, 2012.

s/Raymond R. Krause

RAYMOND R. KRAUSE
Chief Administrative Law Judge

November 27, 2012

The Honorable Ramona L. Dohman
Commissioner, Department of Public Safety
445 Minnesota Street, Suite 1000
St. Paul, MN 55101

RE: In the Matter of the Proposed Rules of the Department of Public Safety Governing Training and Certification of Over-Dimensional Load Escort Drivers, Minnesota Rules Chapter 7455; OAH Docket No. 11-2400-21771-1; Governor's Tracking Number AR 600

Dear Commissioner Dohman:

Enclosed please find the Order of the Chief Administrative Law Judge in the above-entitled matter. The modified rules have been approved as to legality. With the approval of the proposed rules, our office has closed this file and is returning the remainder of the rule record to you so that your agency can maintain the official rulemaking record in this matter as required by Minnesota Statutes, section 14.365.

Our office will file, via U.S. mail, four copies of 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 Board for its rulemaking record. We will notify you when this mailing to the Secretary of State occurs. You will then receive from the Revisor's Office the Notice of Adoption of your rule. Your next step is to arrange for publication of the Notice of Adoption in the State Register. In accordance with Minnesota Statutes, section 14.18, the rules will be effective five working days after the Notice of Adoption is published in the State Register.

If you have any questions regarding the remaining steps in the rulemaking process, please do not hesitate to contact Denise Collins at our office. Ms. Collins may be reached at (651) 361-7875.

Sincerely,

s/Raymond R. Krause
RAYMOND R. KRAUSE
Chief Administrative Law Judge

Enclosures

cc: Office of the Attorney General
Office of the Revisor of Statutes
Legislative Coordinating Commission
Office of the Governor