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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1859

March 18, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to state government; merging Board of Private Detective and Protective
1.3 Agent Services and the Board of Peace Officer Standards and Training; amending
1.4 Minnesota Statutes 2008, sections 214.01, subdivision 3; 214.04, subdivision
1.5 1; 326.32, subdivisions 2, 3; 326.3361, subdivision 4; 626.842, subdivision 2;
1.6 626.843, subdivision 1; 626.845; repealing Minnesota Statutes 2008, sections
1.7 326.32, subdivision 11; 326.33, subdivisions 1, 2, 6; 326.3311; 326.3321;
1.8 326.3331.

1.9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.10 Section 1. Minnesota Statutes 2008, section 214.01, subdivision 3, is amended to read:

1.11 Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing board"
1.12 means the Board of Teaching established pursuant to section 122A.07, the Board of Barber
1.13 Examiners established pursuant to section 154.001, the Board of Assessors established
1.14 pursuant to section 270.41, the Board of Architecture, Engineering, Land Surveying,
1.15 Landscape Architecture, Geoscience, and Interior Design established pursuant to section
1.16 326.04, ~~the Private Detective and Protective Agent Licensing Board established pursuant~~
1.17 ~~to section 326.33~~, the Board of Accountancy established pursuant to section 326A.02, and
1.18 the Peace Officer Standards and Training Board established pursuant to section 626.841.

1.19 Sec. 2. Minnesota Statutes 2008, section 214.04, subdivision 1, is amended to read:

1.20 Subdivision 1. **Services provided.** (a) The commissioner of education with respect
1.21 to the Board of Teaching; ~~the commissioner of public safety with respect to the Board of~~
1.22 ~~Private Detective and Protective Agent Services~~; the panel established pursuant to section
1.23 299A.465, subdivision 7; the Board of Peace Officer Standards and Training; and the
1.24 commissioner of revenue with respect to the Board of Assessors, shall provide suitable
1.25 offices and other space, joint conference and hearing facilities, examination rooms, and

2.1 the following administrative support services: purchasing service, accounting service,
2.2 advisory personnel services, consulting services relating to evaluation procedures and
2.3 techniques, data processing, duplicating, mailing services, automated printing of license
2.4 renewals, and such other similar services of a housekeeping nature as are generally
2.5 available to other agencies of state government. Investigative services shall be provided
2.6 the boards by employees of the Office of Attorney General. The commissioner of health
2.7 with respect to the health-related licensing boards shall provide mailing and office supply
2.8 services and may provide other facilities and services listed in this subdivision at a
2.9 central location upon request of the health-related licensing boards. The commissioner of
2.10 commerce with respect to the remaining non-health-related licensing boards shall provide
2.11 the above facilities and services at a central location for the remaining non-health-related
2.12 licensing boards. The legal and investigative services for the boards shall be provided
2.13 by employees of the attorney general assigned to the departments servicing the boards.
2.14 Notwithstanding the foregoing, the attorney general shall not be precluded by this section
2.15 from assigning other attorneys to service a board if necessary in order to insure competent
2.16 and consistent legal representation. Persons providing legal and investigative services
2.17 shall to the extent practicable provide the services on a regular basis to the same board
2.18 or boards.

2.19 (b) The requirements in paragraph (a) with respect to the panel established in section
2.20 299A.465, subdivision 7, expire July 1, 2008.

2.21 Sec. 3. Minnesota Statutes 2008, section 326.32, subdivision 2, is amended to read:

2.22 Subd. 2. **Board.** "Board" means the Board of ~~Private Detective and Protective~~
2.23 ~~Agent Services~~ Peace Officer Standards and Training.

2.24 Sec. 4. Minnesota Statutes 2008, section 326.32, subdivision 3, is amended to read:

2.25 Subd. 3. **Board member.** "Board member" means any person appointed as a
2.26 member of the Board of ~~Private Detective and Protective Agent Services~~ Peace Officer
2.27 Standards and Training.

2.28 Sec. 5. Minnesota Statutes 2008, section 326.3361, subdivision 4, is amended to read:

2.29 Subd. 4. **Full-time peace officers.** A person licensed as a peace officer by the board
2.30 of ~~Peace Officer Standards and Training~~ meets the training requirements of this section.

2.31 Sec. 6. Minnesota Statutes 2008, section 626.842, subdivision 2, is amended to read:

3.1 Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership
3.2 terms, compensation, removal of members and the filling of vacancies for members
3.3 appointed pursuant to section 626.841, clauses (1), (2), (4), and (5) on the board; the
3.4 provision of staff; administrative services and office space; the review and processing of
3.5 complaints; the setting of fees, unless otherwise provided in sections 326.32 to 326.339;
3.6 and other matters relating to board operations shall be as provided in chapter 214.

3.7 Sec. 7. Minnesota Statutes 2008, section 626.843, subdivision 1, is amended to read:

3.8 Subdivision 1. **Rules required.** The board shall adopt rules with respect to:

3.9 (1) the certification of peace officer training schools, programs, or courses including
3.10 training schools for the Minnesota State Patrol. Such schools, programs and courses shall
3.11 include those administered by the state, county, school district, municipality, or joint
3.12 or contractual combinations thereof, and shall include preparatory instruction in law
3.13 enforcement and minimum basic training courses;

3.14 (2) minimum courses of study, attendance requirements, and equipment and facilities
3.15 to be required at each certified peace officers training school located within the state;

3.16 (3) minimum qualifications for instructors at certified peace officer training schools
3.17 located within this state;

3.18 (4) minimum standards of physical, mental, and educational fitness which shall
3.19 govern the recruitment and licensing of peace officers within the state, by any state,
3.20 county, municipality, or joint or contractual combination thereof, including members of
3.21 the Minnesota State Patrol;

3.22 (5) minimum standards of conduct which would affect the individual's performance
3.23 of duties as a peace officer. These standards shall be established and published. The
3.24 board shall review the minimum standards of conduct described in this clause for possible
3.25 modification in 1998 and every three years after that time;

3.26 (6) minimum basic training which peace officers appointed to temporary or
3.27 probationary terms shall complete before being eligible for permanent appointment,
3.28 and the time within which such basic training must be completed following any such
3.29 appointment to a temporary or probationary term;

3.30 (7) minimum specialized training which part-time peace officers shall complete in
3.31 order to be eligible for continued employment as a part-time peace officer or permanent
3.32 employment as a peace officer, and the time within which the specialized training must
3.33 be completed;

3.34 (8) content of minimum basic training courses required of graduates of certified law
3.35 enforcement training schools or programs. Such courses shall not duplicate the content

4.1 of certified academic or general background courses completed by a student but shall
4.2 concentrate on practical skills deemed essential for a peace officer. Successful completion
4.3 of such a course shall be deemed satisfaction of the minimum basic training requirement;

4.4 (9) grading, reporting, attendance and other records, and certificates of attendance
4.5 or accomplishment;

4.6 (10) the procedures to be followed by a part-time peace officer for notifying
4.7 the board of intent to pursue the specialized training for part-time peace officers who
4.8 desire to become peace officers pursuant to clause (7), and section 626.845, subdivision
4.9 1, clause (7);

4.10 (11) the establishment and use by any political subdivision or state law enforcement
4.11 agency which employs persons licensed by the board of procedures for investigation and
4.12 resolution of allegations of misconduct by persons licensed by the board. The procedures
4.13 shall be in writing and shall be established on or before October 1, 1984;

4.14 (12) the issues that must be considered by each political subdivision and state law
4.15 enforcement agency that employs persons licensed by the board in establishing procedures
4.16 under section 626.5532 to govern the conduct of peace officers who are in pursuit
4.17 of a vehicle being operated in violation of section 609.487, and requirements for the
4.18 training of peace officers in conducting pursuits. The adoption of specific procedures and
4.19 requirements is within the authority of the political subdivision or agency;

4.20 (13) supervision of part-time peace officers and requirements for documentation of
4.21 hours worked by a part-time peace officer who is on active duty. These rules shall be
4.22 adopted by December 31, 1993;

4.23 (14) citizenship requirements for full-time and part-time peace officers;

4.24 (15) driver's license requirements for full-time and part-time peace officers; ~~and~~

4.25 (16) such other matters as may be necessary consistent with sections 626.84 to
4.26 626.863. Rules promulgated by the attorney general with respect to these matters may be
4.27 continued in force by resolution of the board if the board finds the rules to be consistent
4.28 with sections 626.84 to 626.863; and

4.29 (17) the selection, training, conduct, discipline, and licensing of private detectives
4.30 and protective agents, and any other matters necessary to carry out duties imposed by
4.31 sections 326.32 to 326.339.

4.32 Sec. 8. Minnesota Statutes 2008, section 626.845, is amended to read:

4.33 **626.845 POWERS AND DUTIES.**

4.34 Subdivision 1. **Powers and duties.** The board shall have the following powers
4.35 and duties:

5.1 (1) to certify peace officers' training schools or programs administered by state,
5.2 county and municipalities located within this state in whole or in part no later than 90
5.3 days after receipt of an application for certification. The reasons for noncertification of
5.4 any school or program or part thereof shall be transmitted to the school within 90 days
5.5 and shall contain a detailed explanation of the reasons for which the school or program
5.6 was disapproved and an explanation of what supporting material or other requirements
5.7 are necessary for the board to reconsider. Disapproval of a school or program shall not
5.8 preclude the reapplication for certification of the school or program;

5.9 (2) to issue certificates to schools, and to revoke such certification when necessary to
5.10 maintain the objectives and purposes of sections 626.841 to 626.863;

5.11 (3) to certify, as qualified, instructors at peace officer training schools, and to issue
5.12 appropriate certificates to such instructors;

5.13 (4) to license peace officers who have satisfactorily completed certified basic training
5.14 programs, and passed examinations as required by the board;

5.15 (5) to cause studies and surveys to be made relating to the establishment, operation,
5.16 and approval of state, county, and municipal peace officer training schools;

5.17 (6) to consult and cooperate with state, county, and municipal peace officer training
5.18 schools for the development of in-service training programs for peace officers;

5.19 (7) to consult and cooperate with universities, colleges, and technical colleges for the
5.20 development of specialized courses of instruction and study in the state for peace officers
5.21 and part-time peace officers in police science and police administration;

5.22 (8) to consult and cooperate with other departments and agencies of the state and
5.23 federal government concerned with peace officer standards and training;

5.24 (9) to perform such other acts as may be necessary and appropriate to carry out the
5.25 powers and duties as set forth in the provisions of sections 626.841 to 626.863;

5.26 (10) to coordinate the provision, on a regional basis, of skills oriented basic training
5.27 courses to graduates of certified law enforcement training schools or programs;

5.28 (11) to obtain criminal conviction data for persons seeking a license to be issued or
5.29 possessing a license issued by the board. The board shall have authority to obtain criminal
5.30 conviction data to the full extent that any other law enforcement agency, as that term is
5.31 defined by state or federal law, has to obtain the data;

5.32 (12) to prepare and transmit annually to the governor a report of its activities with
5.33 respect to allocation of moneys appropriated to it for peace officers training, including
5.34 the name and address of each recipient of money for that purpose, the amount awarded,
5.35 and the purpose of the award; ~~and~~

6.1 (13) to assist and cooperate with any political subdivision or state law enforcement
 6.2 agency which employs persons licensed by the board to establish written procedures for
 6.3 the investigation and resolution of allegations of misconduct of persons licensed by the
 6.4 board, and to enforce licensing sanctions for failure to implement such procedures;

6.5 (14) to receive, review, and approve applications for private detectives and protective
 6.6 agent licenses and issue or reissue licenses as provided in sections 326.32 to 326.339;

6.7 (15) to deny applications for private detective and protective agent licenses if the
 6.8 applicants do not meet the requirements of sections 326.32 to 326.339. Upon denial of
 6.9 a license application, the board shall notify the applicant of the denial and the facts and
 6.10 circumstances that constitute the denial. The board shall advise the applicant of the right
 6.11 to a contested case hearing under chapter 14;

6.12 (16) to enforce all laws and rules governing private detectives and protective agents;
 6.13 and

6.14 (17) to suspend or revoke the license of a private detective or protective agent or
 6.15 impose a civil penalty on a licensed private detective or protective agent for violations of
 6.16 any provision of sections 326.32 to 326.339.

6.17 In addition, the board may maintain data received from law enforcement agencies
 6.18 under section 626.87, subdivision 5, provide the data to requesting law enforcement
 6.19 agencies who are conducting background investigations, and maintain data on applicants
 6.20 and licensees as part of peace officer license data. The data that may be maintained
 6.21 include the name of the law enforcement agency conducting the investigation and data on
 6.22 the candidate provided under section 626.87, subdivision 5, clauses (1) and (2).

6.23 **Sec. 9. TRANSFER OF BOARD OF PRIVATE DETECTIVE AND**
 6.24 **PROTECTIVE AGENT SERVICES TO THE BOARD OF PEACE OFFICER**
 6.25 **STANDARDS AND TRAINING.**

6.26 Subdivision 1. **Transfer of duties.** (a) In order to improve the efficiency of state
 6.27 government, the functions, powers, duties, and responsibilities of the Board of Private
 6.28 Detective and Protective Agent Services are transferred to the director of the Board of
 6.29 Peace Officer Standards and Training.

6.30 (b) Rulemaking authority of the Board of Private Detective and Protective Agent
 6.31 Services is transferred to the Board of Peace Officer Standards and Training. All rules
 6.32 adopted by the Board of Private Detective and Protective Agent Services remain in effect
 6.33 and shall be enforced until amended or repealed in accordance with law by the Board
 6.34 of Peace Officer Standards and Training.

7.1 (c) The Board of Peace Officer Standards and Training is the legal successor in all
7.2 respects of the Board of Private Detective and Protective Agent Services. Any bonds,
7.3 resolutions, contracts, and liabilities of the Board of Private Detective and Protective
7.4 Agent Services become the bonds, resolutions, contracts, and liabilities of the Board of
7.5 Peace Officer Standards and Training. Any proceedings, court actions, prosecution, or
7.6 other business or matter pending on the effective date of the transfer may be conducted
7.7 and completed by the Board of Peace Officer Standards and Training in the same manner,
7.8 under the same terms and conditions, and with the same effect, as though they involved
7.9 or were commenced and conducted or completed prior to the transfer from the Board of
7.10 Private Detective and Protective Agent Services.

7.11 Subd. 2. **Transfer of Board of Private Detective and Protective Agent Services**
7.12 to the Board of Peace Officer Standards and Training. Effective September 1, 2009,
7.13 the duties and responsibilities of the Board of Private Detective and Protective Agent
7.14 Services covered in Minnesota Statutes, sections 326.32 to 326.339, are transferred to the
7.15 director of the Board of Peace Officer Standards and Training.

7.16 Subd. 3. **Transfer of staff.** (a) A person who holds the position of executive
7.17 director of the Board of Private Detective and Protective Agent Services is transferred
7.18 to the Board of Peace Officer Standards and Training under Minnesota Statutes, section
7.19 15.039, except that the Board of Peace Officer Standards and Training may rename the
7.20 transferred person's position at its discretion. Notwithstanding Minnesota Statutes, section
7.21 626.843, subdivision 2, the person shall be employed by the Board of Peace Officer
7.22 Standards and Training in the unclassified service. The Board of Peace Officer Training
7.23 and Standards shall prescribe the person's duties pursuant to Minnesota Statutes, section
7.24 626.843, subdivision 2.

7.25 (b) The person described in paragraph (a) shall not suffer job loss, have a salary
7.26 reduced, or have employment benefits reduced as a result of reorganization mandated by
7.27 this section. No employment action taken by the Board of Peace Officer Standards and
7.28 Training after September 1, 2010, including but not limited to reclassification of the
7.29 person described in paragraph (a) in the classified service, shall be considered a result of
7.30 the reorganization for the purposes of this section.

7.31 Subd. 4. **Report to legislature.** By January 15, 2010, the Board of Peace Officer
7.32 Standards and Training shall provide a report to the appropriate chairs of the committees
7.33 of the legislature that have jurisdiction over public safety that shall address the following:

7.34 (1) identify any private detective and protective agent services duties, functions, and
7.35 responsibilities that are obsolete and should be abolished; and

8.1 (2) describe how the board shall operationally address the separation of its private
 8.2 detective and protective agent services regulatory role from its peace officer regulatory
 8.3 role.

8.4 Subd. 5. **Remaining balance.** Any balance remaining as of September 1, 2009,
 8.5 from any account of the Board of Private Detective and Protective Agent Services in the
 8.6 state treasury shall be transferred to the Board of Peace Officer Standards and Training
 8.7 accounts.

8.8 **Sec. 10. REVISOR'S INSTRUCTION.**

8.9 (a) The revisor of statutes shall renumber each section of Minnesota Statutes listed
 8.10 in column A with the number listed in column B. The revisor shall also make necessary
 8.11 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
 8.12 numbering.

8.13	<u>Column A</u>	<u>Column B</u>
8.14	<u>326.32</u>	<u>626.8951</u>
8.15	<u>326.3341</u>	<u>626.8952</u>
8.16	<u>326.336</u>	<u>626.8953</u>
8.17	<u>326.3361</u>	<u>626.8954</u>
8.18	<u>326.338</u>	<u>626.8955</u>
8.19	<u>326.3381</u>	<u>626.8956</u>
8.20	<u>326.3382</u>	<u>626.8957</u>
8.21	<u>326.3383</u>	<u>626.8958</u>
8.22	<u>326.3384</u>	<u>626.8959</u>
8.23	<u>326.3385</u>	<u>626.8960</u>
8.24	<u>326.3386</u>	<u>626.8961</u>
8.25	<u>326.3387</u>	<u>626.8962</u>
8.26	<u>326.3388</u>	<u>626.8963</u>
8.27	<u>326.3389</u>	<u>626.8964</u>
8.28	<u>326.339</u>	<u>626.8965</u>

8.29 (b) The revisor of statutes shall delete "Board of Private Detective and Protective
 8.30 Agent Services" and substitute "board" or "Board of Peace Officer Standards and
 8.31 Training," as appropriate, in Minnesota Rules, chapter 7506. The revisor shall renumber
 8.32 Minnesota Rules, chapter 7506, as chapter 6705, and shall correct references to the
 8.33 renumbered parts and chapter.

8.34 (c) The revisor of statutes shall correct the statutory reference of "sections 626.84
 8.35 to 626.863" wherever it appears in Minnesota Statutes, sections 626.84, subdivision 1;
 8.36 626.843; and 626.845, subdivision 1, clause (9), so that the reference also includes the
 8.37 renumbered sections from paragraph (a).

9.1 Sec. 11. **REPEALER.**

9.2 Minnesota Statutes 2008, sections 326.32, subdivision 11; 326.33, subdivisions 1, 2,
9.3 and 6; 326.3311; 326.3321; and 326.3331, are repealed.

9.4 Sec. 12. **EFFECTIVE DATE.**

9.5 Sections 1 to 11 are effective September 1, 2009.

326.32 DEFINITIONS.

Subd. 11. **Public member.** "Public member" means a person who is not, nor ever was, a member of the profession or occupation being licensed, or the spouse of any such person or a person who has not, nor ever has had, a material or financial interest in either the providing of the professional service being licensed or regulated or an activity directly related to the profession being licensed.

326.33 BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES.

Subdivision 1. **Members.** There is hereby created a Board of Private Detective and Protective Agent Services, consisting of the superintendent of the Bureau of Criminal Apprehension or an assistant superintendent designated by the superintendent, and the following members appointed by the commissioner of public safety: a licensed protective agent, or qualified representative for a licensed protective agent partnership or corporation, a licensed private detective, or qualified representative for a licensed private detective partnership or corporation, and two public members. Filling of member vacancies shall be the responsibility of the commissioner of public safety. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, unless otherwise provided in sections 326.32 to 326.339; administrative services and office space; the review and processing of complaints; the setting of board fees, unless otherwise provided in sections 326.32 to 326.339; and other provisions relating to board operations shall be as provided in chapter 214.

Subd. 2. **Meetings; chair.** The board shall meet at the times it considers necessary to conduct business ascribed to the board by the provisions of sections 326.32 to 326.339. The board shall designate one of its members to fill the position of board chair, and that person may remain in the capacity of chair for a term of one year. The board has the option of replacing a board member as chair.

Subd. 6. **Compensation to board members.** Members of the Board of Private Detective and Protective Agent Services shall receive, in addition to necessary traveling and lodging expenses, a per diem payment as specified in section 214.09, subdivision 3, per day for each day actually engaged in board activities, provided, however, members of the board who are state employees will be governed by state rules regarding travel expense and per diem payments.

326.3311 POWERS AND DUTIES.

The board has the following powers and duties:

- (1) to receive and review all applications for private detective and protective agent licenses;
- (2) to approve applications for private detective and protective agent licenses and issue, or reissue licenses as provided in sections 326.32 to 326.339;
- (3) to deny applications for private detective and protective agent licenses if the applicants do not meet the requirements of sections 326.32 to 326.339; upon denial of a license application, the board shall notify the applicant of the denial and the facts and circumstances that constitute the denial; the board shall advise the applicant of the right to a contested case hearing under chapter 14;
- (4) to enforce all laws and rules governing private detectives and protective agents; and
- (5) to suspend or revoke the license of a license holder or impose a civil penalty on a license holder for violations of any provision of sections 326.32 to 326.339 or the rules of the board.

326.3321 EMPLOYEES.

Subdivision 1. **Executive director.** The commissioner of public safety shall appoint an executive director to serve in the unclassified service at the pleasure of the commissioner. The executive director shall perform the duties as the board and commissioner shall prescribe.

Subd. 2. **Others.** The board may employ and assign duties to other employees or agents as it considers necessary to discharge the functions of the board.

326.3331 RULEMAKING.

APPENDIX

Repealed Minnesota Statutes: 09-2714

The board shall adopt rules under chapter 14 to govern the selection, training, conduct, discipline, and licensing of private detectives and protective agents, and any other matters necessary to carry out duties imposed by sections 326.32 to 326.339.