

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Office Memorandum

TO : Attorney General
Administration Division

DATE: Dec. 30, 1982

FROM : Kim Elverum, Boat & Water Safety Coordinator
Bureau of Information & Education

PHONE: 6-3336

SUBJECT: Final Rules-Boat and Water Safety

Attached are the final rules, order and support materials for technical and housekeeping changes in the boat and water safety rules. There was no comment from the public and the rules are the same as proposed. A copy of the rule is being forwarded to the revisor at their request.

If you wish you may call this office upon completion of review and we will pick up the materials. Thanks!

KAE:kb
Attachment

RECEIVED
JAN 3 - 1983
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Our File No. 872

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-3-83
DATE FOR REVIEW 1-12-83
DATE DUE 1-17-83

Adopted w/a hearing _____
Adopted w/o hearing ↘
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR

? Order Adopting 12.27.82 Date see my comment

N/A Notice of Intent to Solicit Outside Opinion

_____ Order for rulemaking does not exist
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
11.10.82 At least 30 days prior to hearing/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.22.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact no changes from rules as proposed

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : JOSEPH N. ALEXANDER
Commissioner

DATE: 1/12/83

Attn: A.W. CLAPP, III, Spec. Asst. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: Amendments to the Boat and Water Safety Rules

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS/ls

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Natural Resources

Adopted Amendments to Rules Governing Boat and Water Safety

Rule as Adopted

6 MCAR S 1.0200 Licensing of watercraft.

(a) [Reletter as A.]

B. Display of license certificate. No person shall operate or use a watercraft, except a nonmotorized canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell required to be licensed unless the license certificate for such watercraft is on board and available for inspection by authorized enforcement officers. Owners of nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, or rowing shells shall produce the license certificate for such watercraft within a reasonable time upon request of authorized enforcement officers. The owner of rental watercraft may keep the license certificate available for inspection on the premises from which the watercraft is rented, provided that the owner's business is legibly printed on the rear half and on both sides of the watercraft in the same size and manner as required for the license number in C.

C. Display of license number and validation decal on motorized watercraft. The license number, on all watercraft, except nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, and rowing shells shall be securely affixed on each side of the forward half of the watercraft for which it was issued in such a position as to provide clear and legible identification. The letters and numerals must be of a color that contrasts with the background and may be reflectorized decals or metal or may be painted. The letters and numerals shall read from left to right and shall not be less than three inches in height, of block type, of a stroke not less than one-half inch or more than three-fourths inch in width, not including a border. The license number shall be maintained so that it is clearly visible and legible, and the letter groups must be separated from the numeral groups by a space of not less

than three inches nor more than four inches. Adjacent letters and numerals within each group must be spaced not less than one-half inch nor more than three-fourths inch apart. A state validation decal for the current license period must be affixed toward the stern of the boat and not more than four inches from the first or last letter of the license number on each side of the boat.

D. Marking of nonmotorized canoes, kayaks, paddle boats, and rowing shells. All nonmotorized canoes, kayaks, paddle boats, and rowing shells shall display decals furnished by the Department of Natural Resources for such watercraft. These decals shall be securely affixed on each side of the forward half of the watercraft for which the decal was issued, in such a position as to provide clear and legible identification.

(e) and (f) [Reletter as E. and F.]

G. Other insignia. No person shall operate any watercraft, except a nonmotorized canoe, kayak, rowing shell, sailboard, paddle boat, or sailboat, which has any number, letter, design, or insignia displayed on either side thereof which is closer than 24 inches to any part of the watercraft license number or validation decal.

H. Dealer license numbers. The last two characters of all dealers' license numbers shall be the letters DD. No other license number shall include both such letters. Dealers' license numbers shall be displayed in accordance with C., except that such numbers may be so affixed as to be readily detachable and must be attached to any watercraft owned by the dealer when such watercraft is being used for demonstration purposes or any other purpose incident to the usual and customary conduct of the business of manufacturing, selling, or trading of watercraft. A dealer may use as many detachable sets of numbers as is necessary in the conduct of his business.

(i) and (j) [Reletter as I. and J.]

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Department of Natural Resources AR0286

Division:

Agency Contact: Kim Elverum

Rule Numbers: 6 MCAR S 1.0200

Title: Licensing of Watercraft

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rule is approved as to form.

Steven C. Cross
Revisor of Statutes

Paul E. Rohde
Senior Assistant Revisor
Phone: 296-0953
Date: January 5, 1983

APPROVED AS TO LEGALITY

January 12, 1983

Hubert H. Humphrey, III, Attorney General

BY Jerry D. Jones

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 12 1983
3:15 PM

Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

- - - - - - -

In the Matter of Rules for

Boat and Water Safety

ORDER
ADOPTING
RULES

- - - - - - -

WHEREAS notice has been given as required by law for the adoption of rules without public hearing and whereas no comments were received,

NOW THEREFORE IT IS ORDERED that the proposed rules published in the State Register are adopted, with no changes.

Dated December 27, 1982.

JOSEPH N. ALEXANDER
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rule amendments for Boat and Water Safety.

AFFIDAVIT OF MAILING

Kathleen Buttermore, being first duly sworn, deposes and says:

That on the 10th day of November, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, and with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Commissioner of Natural Resources.

Kathleen Buttermore

Subscribed and worn to before me this 10th day of November, 1982.

Karen L. Singer

KAREN L. SINGER
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MAY 13, 1984

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STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed
rule amendments for Boat and
Water Safety.

CERTIFICATION

I hereby certify that the attached 72 labels and 0 sheets constitute the complete list of persons, associations, and other interested groups who as of 9:00 ~~AM~~ o'clock A.M., this 8TH day of NOVEMBER, 1982, have requested pursuant to Minnesota Statutes 1980, Section 15.0412, Subdivision 4, that their names be placed on file with the Department of Natural Resources for the purpose of receiving notice of public hearings on proposed rules on the subjects captioned above.

Joseph N. Alexander
Commissioner

BY: Andy Brewer

14. unnecessary or duplication of services, for example, testing;

15. charges beyond the hourly fee for testimony at a judicial hearing when the QRC or vendor has provided rehabilitation service under the plan;

16. extraordinary travel costs; and

17. any disputed services and fees in regard to rehabilitation services provided.

Department of Natural Resources

Proposed Amendments to Rules Governing Boat and Water Safety

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources intends to adopt an amendment to the above-referenced rules without public hearing because of the noncontroversial nature of the amendment.

The proposed amendments to these rules are necessary due to recent changes in Minnesota Statutes §§ 361.02-.03 governing the licensing of watercraft.

Persons interested in these rules shall have 30 days to submit comment on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications are desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Kim Elverum, Department of Natural Resources, Box 46-Centennial Bldg., St. Paul, MN 55155, (612) 296-3336.

Authority to adopt these rules is contained in Minnesota Statutes § 361.25. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available for inspection by the public during regular hours, at the above address.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Elverum.

The proposed rules follow this notice.

November 8, 1982

Joseph N. Alexander, Commissioner
Department of Natural Resources

Rule as Proposed

~~NR200~~ 6 MCAR § 1.0200 Licensing of watercraft.

(a) [Reletter as A.]

~~(b)~~ B. Display of license certificate. No person shall operate or use a watercraft, except a nonmotorized canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell required to be licensed unless the license certificate for such watercraft is on board and available for inspection by authorized enforcement officers. Owners of nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, or rowing shells shall produce the license certificate for such watercraft within a reasonable time upon request of authorized enforcement officers. The owner of rental watercraft may keep the license certificate available for inspection on the premises from which the watercraft is rented, provided that the owner's business is legibly printed on the rear half and on both sides of the watercraft in the same size and manner as required for the license number in ~~NR 200, section (c)~~ C.

~~(c)~~ C. Display of license number and validation decal on motorized watercraft. The license number, on all watercraft, except nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, and rowing shells shall be securely affixed on each side of the forward half of the watercraft for which it was issued in such a position as to provide clear and legible identification. The letters

and numerals must be of a color that contrasts with the background and may be reflectorized decals or metal or may be painted. The letters and numerals shall read from left to right and shall not be less than ~~3~~ three inches in height, of block type, of a stroke not less than ~~1/2~~ one-half inch or more than ~~3/4~~ three-fourths inch in width, not including a border. The license number shall be maintained so that it is clearly visible and legible, and the letter groups must be separated from the numeral groups by a space of not less than ~~3~~ three inches nor more than 4 four inches. Adjacent letters and numerals within each group must be spaced not less than ~~1/2~~ one-half inch nor more than ~~3/4~~ three-fourths inch apart. A state validation decal for the current license period must be affixed toward the stern of the boat and not more than 4 four inches from the first or last letter of the license number on each side of the boat.

~~(d)~~ D. Marking of nonmotorized canoes, kayaks, paddle boats, and rowing shells. All nonmotorized canoes, kayaks, paddle boats, and rowing shells shall display decals furnished by the Department of Natural Resources for such watercraft. These decals shall be securely affixed on each side of the forward half of the watercraft for which the decal was issued, in such a position as to provide clear and legible identification.

(e) and (f) [Reletter as E. and F.]

~~(g)~~ G. Other insignia. No person shall operate any watercraft, except a nonmotorized canoe, kayak, rowing shell, sailboard, paddle boat, or sailboat, which has any number, letter, design, or insignia displayed on either side thereof which is closer than 24 inches to any part of the watercraft license number ~~of~~ or validation decal.

~~(h)~~ H. Dealer license numbers. The last two characters of all dealers' license numbers shall be the letters DD. No other license number shall include both such letters. Dealers' license numbers shall be displayed in accordance with ~~NR 200, section (e)~~ C., except that such numbers may be so affixed as to be readily detachable and must be attached to any watercraft owned by the dealer when such watercraft is being used for demonstration purposes or any other purpose incident to the usual and customary conduct of the business of manufacturing, selling, or trading of watercraft. A dealer may use as many detachable sets of numbers as is necessary in the conduct of his business.

(i) and (j) [Reletter as I. and J.]

Waste Management Board

Proposed Rules Governing the Solid Waste Processing Facilities Demonstration Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Waste Management Board proposes to adopt the above-entitled rules without a public hearing. The Waste Management Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Waste Management Board
Attn: Ed Welsch
123 Thorson Building
7323 - 58th Avenue North
Crystal, MN 55428
(612) 536-0816

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Proposed Amendments to
The Rules for Boat and
Water Safety NR 200
(To be redesignated
6 MCAR § 1.0200)

STATEMENT OF
NEED AND
EVIDENCE

The authority of the Commissioner of Natural Resources to promulgate rules regarding boat and water safety is found in Minnesota Statutes, Section 361.25. The rules currently in effect are identified as NR 200.

The Commissioner of Natural Resources proposes to amend NR 200 because of the following:

1. A revision in M.S. §§ 361.02-.03 by the 1982 Legislature added paddle boats to the list of watercraft eligible for the $7.00/3 year license fee. This category previously included only canoes, kayaks, sailboats, sailboards, and rowing shells. Because of their inclusion in this category they must now also be added to the list of craft authorized to display the circular decal designated for this watercraft classification.

2. Other changes on the rules are a result of updates in rule numbering and style changes required by the Revisor of Statutes. They do not alter the interpretation of the rules.

Dated November 8, 1982

Kim A. Elverum

KIM A. ELVERUM, Boat & Water Safety Coord.
Minnesota Department of Natural Resources

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Amendments to the
Boat and Water Safety Rules

CERTIFICATE
OF
COMPLIANCE

I, Special Assistant Attorney General A.W. Clapp, III, declare that I have examined the proposed rules amendments and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Dated December 30, 1982.

A. W. Clapp, III
Special Assistant Attorney General