

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1138

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 3-13-85
DATE FOR REVIEW 3-22-85
DATE DUE 3-27-85

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

Approved 3.22.85 mjc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 3-25-85 Revisor approved 3/15/85 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR

✓ Order Adopting 3.1.85 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

_____ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
1.7.85 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

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement

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

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JOSEPH ALEXANDER, Commissioner
Department of Natural Resources

DATE: 3-25-85

ATTN: A. W. CLAPP, III
Special Assistant Attorney General

FROM : MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of Amending the Mississippi Wild and Scenic River 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.

MJC:sz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Natural Resources

Adopted Rule Relating to Missisippi River Land Use District, Amendment

Rule as Adopted

6105.0911 LAND USE DISTRICT DELETION.

Part 6105.0910 is amended by changing the land use acreages in Government Lots 1 and 2 of Section 26, T 121 N - R 23 W as follows:

A. Government Lot 1, East of Minn. Hwy. 101 and County Hwy. 36.

B. Government Lot 2, East of County Hwy. 36.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 2 5 1985
Joan Anderson Growe
Secretary of State
11:00 AM

APPROVED AS TO FORM AND LEGALITY
March 22 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Amending
The Mississippi Wild and Scenic
River Rules

ORDER ADOPTING RULE

Notice of intent to adopt the rule amendment without a public hearing was published in the State Register on January 7, 1985 and was sent by United States Mail to the persons on the list maintained by the department under Minn. Stat. § 14.14 subd. 1a on January 2, 1985. No written or oral comments or requests for hearing have been received. Having determined that the rule amendment is needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that this amendment, labelled Minn. Rule part 6105.0911, is adopted pursuant to the authority vested in me by Minn. Stat. § 104.35.

Dated: 1 May 85

JOSEPH N. ALEXANDER
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the
Proposed Adoption of
Amendments to the Rules for
The Mississippi Scenic and
Recreational River, Minn.
Rules 1983 6105.0910

ORDER FOR NOTICE OF
INTENT TO ADOPT RULES
WITHOUT PUBLIC HEARING

WHEREAS, it has been determined that the proposed amendments are non-controversial in nature;

NOW, THEREFORE, IT IS ORDERED that notice of intent to adopt rules without public hearing, be published in the State Register and mailed to all persons who have registered their names with the Department to receive notice of rulemaking.

Dated: December 20, 1984.

JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES
Division of Waters

Proposed Amendment to Rules Governing the Land Use District acreage of the Mississippi Scenic and Recreational River.

Notice of Intent to Adopt Rule Amendment Without a Hearing.

Notice is hereby given that the State Department of Natural Resources is proposing to adopt the above entitled amendment without a public hearing. The Commissioner of Natural Resources has determined that the proposed adoption of this amendment will be noncontroversial in nature and has elected to follow procedures set forth in Minnesota Stat. §§ 14.21-14.28.

An amendment is proposed concerning the Land Use District Acreage, where the amendment will remove approximately 38.8 acres from the Mississippi Recreational River Land Use District in Wright County. The area to be removed is the westerly portions of Government Lots 1 and 2 of Section 26, T121N - R23W. Persons interested shall have 30 days to submit comments on the proposed amendment. The proposed amendment may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. The written request must specify why a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. §§ 14.13-14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
Box 32
Centennial Office Building
St. Paul, MN 55155

The Department's authority to adopt rules is contained in Minn. Stat. §§ 104.34 and 104.35. A statement that describes the need for and reasonableness of the proposed amendment is available from the Department of Natural Resources upon request.

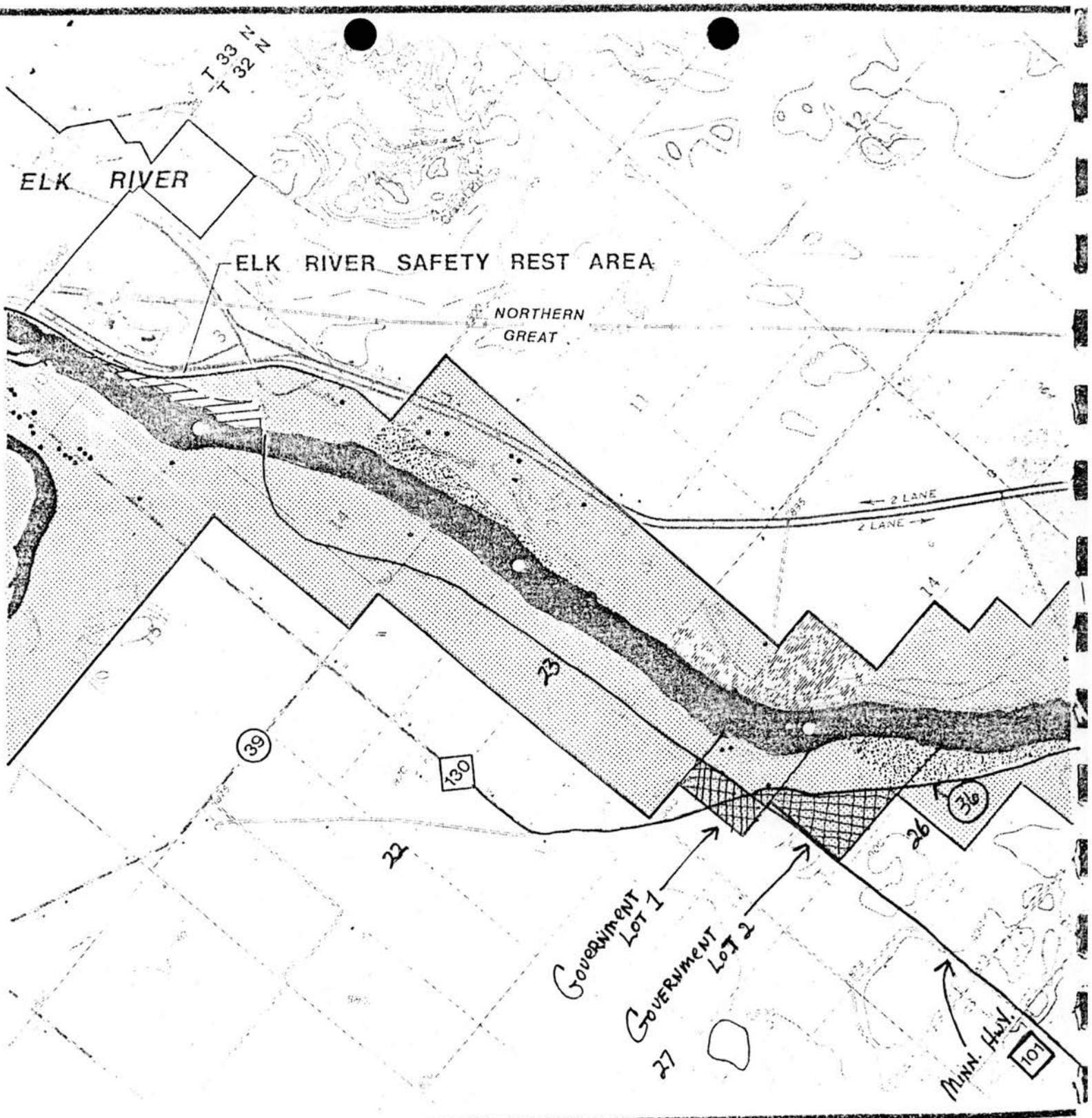
Upon adoption of the final amendment without a public hearing, the proposed amendment, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the 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 amendment as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or

administrative action by communicating or urging others to communicate with public officials; or b) who spends more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statutes provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St.Paul, MN. 55155, Telephone (612) 296-5616.

Dated: December 20, 1984

JOSEPH N. ALEXANDER, Commissioner
Department of Natural Resources



GOV. LOTS 1+2, SECTION 26, T121N- R23W, WRIGHT CO., MINN.

a management plan for the
MISSISSIPPI RIVER

Key:

LAND

- LAND USE DISTRICT
- LAND TO BE REMOVED FROM DISTRICT
- PUBLIC OWNERSHIP

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed
rule amendments to the Mississippi
Scenic and Recreational River

AFFIDAVIT OF MAILING

WILLIAM R. ZACHMANN deposes and says:

That on the 2ND day of January, 1985 at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached NOTICE OF PROPOSAL TO ADOPT AMENDMENTS WITHOUT A PUBLIC HEARING by depositing in the United States Mail, at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Commissioner of Natural Resources.

William R. Zachmann

Subscribed and sworn to before me
this 2ND day of January, 1985

Stephen C. Kartak

STEPHEN C. KARTAK
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
My Comm. Expires Feb. 10, 1985

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the matter of the proposed rule amendments to the Mississippi Scenic and Recreational River

CERTIFICATION

I hereby certify that the attached 69 labels and 3 sheets constitute the complete list of persons, associations, and other interested groups who as of 2:00 P.M. o'clock 2nd this Jan. day of _____, 1985 have requested pursuant to Minnesota Statutes, 1982, Section 14.14, Subdivision 1, 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 subject captioned above.

Joseph N. Alexander
Commissioner

By: Andy Brewer

z-11

Antitrust Division
MN Attorney General's Office
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Minneapolis, MN 55402

Frank Mixa
Executive Director
Lake Mtka. Conservation District
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Wayzata, MN 55391

General Mills, Inc.
Attn: J. W. Haun
P. O. Box 1113
Minneapolis, MN 55440

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Ave.
Minneapolis, MN 55488

Dr. Rollin Dennistoun, Dep. Co...
MN Dept. of Agriculture
90 W. Plato
St. Paul, MN 55107
INTEROFFICE

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ite 800
ls., MN 55420

JOHM M. BROEKER
2580 METRO DRIVE
SUITE 800
MPLS. MN 55420

City of Brooklyn Center
Brad Hoffman
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

Federal-State Reports
State Regulatory Division
5203 Leesburg Pike
Suite 1201
Falls Church, VA 22041

D. The training program developed or approved by the Department of Labor and Industry meets the requirements of this chapter.

Subp. 3. Training program for harmful physical agents. The training program for employees who may be routinely exposed to heat in an indoor work environment where the temperature may be expected to reach or exceed the permissible exposure limit shall be provided in a manner which can be reasonably understood by the employees. For employees who do not understand English, training must be provided in a language understood by the employees.

A. Training on heat must include the following:

(1) the known proper conditions for exposure and recommended protective measures;

(2) the known acute and chronic effects of exposure at hazardous levels;

(3) the known symptoms of the effects;

(4) appropriate emergency treatment; and

(5) the effects of heat to special at-risk groups such as persons with heart disease and high blood pressure.

B. A written copy of the information in item A must be available for employees' use. For employees who do not read English, a written notice in a language understood by the employee must be provided advising employees of the name and address of an agency that will translate the written information for them.

C. In lieu of an oral training program, written documentation of the information required in item A may be provided to employees. For employees who do not read English, the written documentation must be in a language understood by the employee.

5206.1800 AVAILABILITY OF INFORMATION.

Subp. 1. Data sheets. A written document containing the information required in the training programs described in part 5206.1700, subparts 2 and 3, shall be available for each hazardous substance or harmful physical agent to which employees are routinely exposed. Written information for hazardous substances must include the information required in part 5206.1700, subpart 2, item A, subitem (1), units (a), (c), (d), (f), and (g). Written information for heat must include the information required in part 5206.1700, subpart 3, item A.

Subp. 2. OSHA Form 20. Provision of a properly completed federal OSHA Form 20, "Material Safety Data Sheet," shall be prima facie proof of compliance with the information requirements of a data sheet or the requirements under Minnesota Statutes, section 182.653, subdivisions 4b, 4c, and 4e.

Subp. 3. Translation of data sheet information. For employees who do not read English, a written notice in a language understood by the employee must be included with the material safety data sheet indicating the name and address of an agency that will translate the information for the employee.

Subp. 4. Data sheets not available. If a material safety data sheet is not available from the manufacturer, label information must be provided to employees. The employer shall maintain a record of notices concerning the unavailability of data sheets.

5206.1900 LABELING.

Employers engaged in a farming operation must comply with the labeling requirements for hazardous substances and harmful physical agents found in parts 5206.1000 and 5206.1100. The registered Environmental Protection Agency label meets the requirements of this part. Label information must be provided to employees or their representatives within 24 hours of the request.

Department of Natural Resources

Proposed Rule Relating to Mississippi River Land Use District, Amendment

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Department of Natural Resources is proposing to adopt the above entitled

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.

amendment to Minn. Rules part 6105.0910 without a public hearing. The Commissioner of Natural Resources has elected to follow procedures set forth in Minnesota Stat. §§ 14.22-14.28 (1983 Supp. as amended by 1984 Minn. Laws ch. 640).

The amendment proposed concerns the land use district boundary. It will remove approximately 38.8 acres from the Mississippi Recreational River Land Use District in Section 26 of Otsego Township in Wright County (T 121 N R 23 W). In government lot 1, the area to be removed from the land use district is the land west of state highway 101 and the land west of county road 36. In government lot 2, the land being removed is that west of county road 36.

The Department believes that the proposed amendment will have no adverse impact on either small business or agriculture.

Persons interested shall have 30 days to submit comments on the proposed amendment. The proposed amendment may be modified prior to final adoption of modifications are supported by the data and views submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. The written request must specify why a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. §§ 14.14-14.20 (1983 Supp. as amended by 1984 Minn. Laws ch. 640).

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
Division of Waters, Box 32
500 Lafayette Road
St. Paul, MN 55146

The Department's authority to adopt rules is contained in Minn. Stat. §§ 104.34 and 104.35. A statement that describes the need for and reasonableness of the proposed amendment is available from the Department of Natural Resources upon request.

Upon adoption of the final amendment without a public hearing, the proposed amendment, this notice, the Statement of Need and Reasonableness, all written comments received, and the final amendment as adopted will be delivered to the Attorney General for review as to 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 amendment as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or b) who spends more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statutes provide certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, Telephone (612) 296-5616.

December 20, 1984

Joseph N. Alexander, Commissioner
Department of Natural Resources

Rule as Proposed (all new material)

6105.0911 LAND USE DISTRICT DELETION.

Part 6105.0910 is amended by changing the land use acreages in Government Lots 1 and 2 of Section 26, T 121 N-R 23 W as follows:

A. Government Lot 1, East of Minn. Hwy. 101 and County Hwy. 36.

B. Government Lot 2, East of County Hwy. 36.

STATE OF MINNESOTA

Department of Natural Resources
Division of Waters

In the Matter of the Proposed Adoption
of Amendments to the Rules for
the Mississippi Scenic and Recreational
River, Minn. Rules 1983 6105.0910

STATEMENT OF NEED
FOR AND REASONABLENESS
OF THE PROPOSED AMENDMENT

Whereas, it has been determined that the proposed amendment to the above mentioned rules are non-controversial in nature and a public hearing will not be held; and

Whereas, pursuant to Minn. Stat. §14.23, the agency shall prepare a statement of need and reasonableness of the proposed amendment and have the same available to the public;

Therefore, to fulfill the requirements of Minn. Stat. §14.23:

The proposed amendment to Minn. Rule 1983 6105.0910 will remove approximately 38.3 acres from the Mississippi River Recreational Land Use District in Government Lots 1 and 2, Section 26, T121N-R23W of Wright County, Minnesota (see attached map). This amendment is reasonable and needed because:

a) The areas being removed are on the landward side of State Hwy. 101 and Wright County Road 36. Inclusion of these areas in the Land Use District is not necessary and their removal from the district will not conflict with the original intent of land use district delineation for purposes of protecting the Mississippi River corridor in this area.

b) Given the existing boundaries of the Land Use District, land uses in the area proposed to be removed are unnecessarily restricted. Presently, existing commercial uses are not allowed to expand or new commercial use is not allowed. As this proposal would remove areas now occupied by commercial uses or areas anticipated for such use, the boundary amendment would more appropriately provide for land use consistent with the county's comprehensive planning efforts.

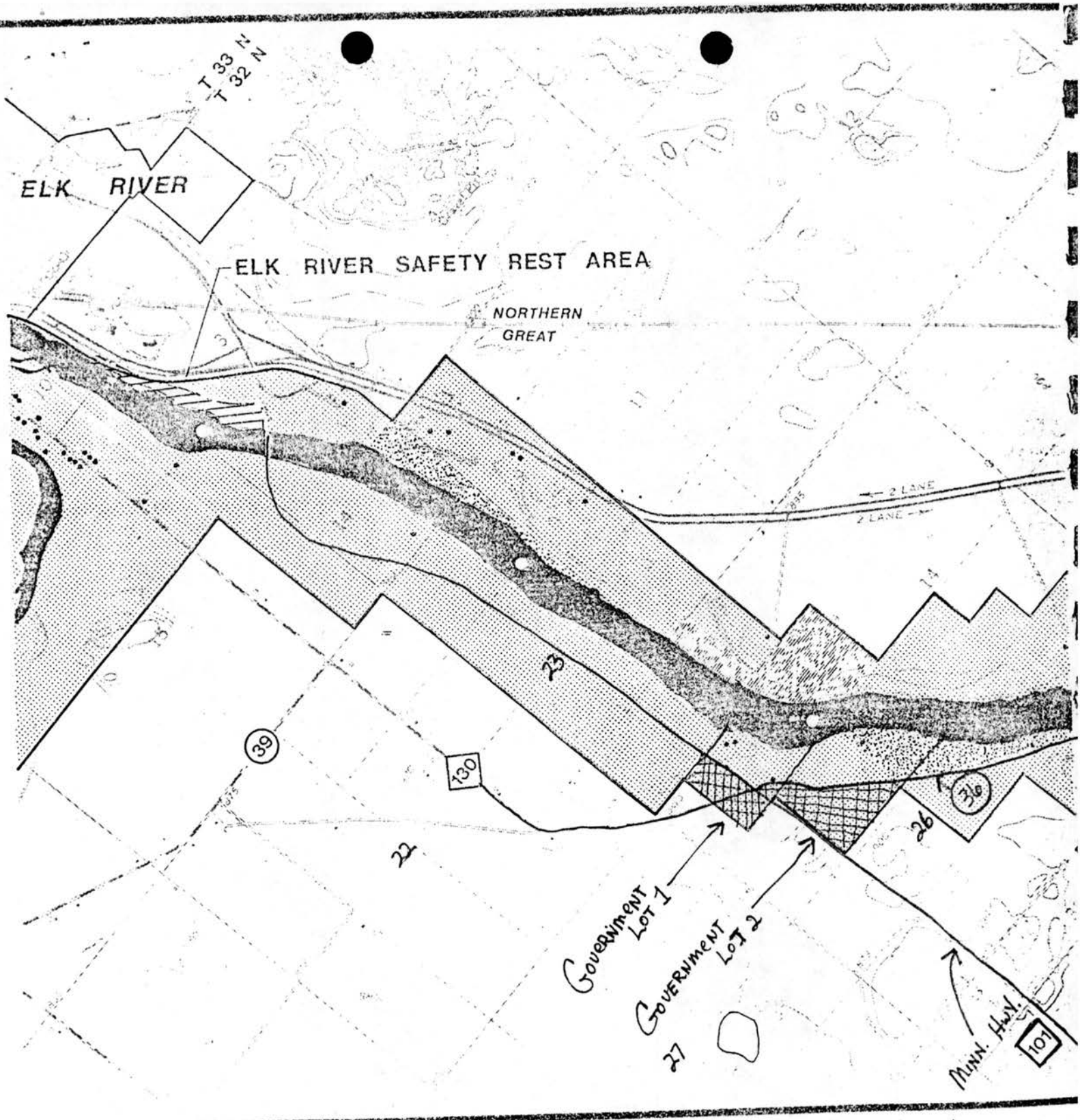
Land use controls would revert to predesignation zoning of B-1, Business District in the areas of Government Lot 1, west of Hwy. 101 and North of County Road 130, and for that area of Government Lot 1 & 2 west of County Road 36 and east of Hwy. 101.

Land use controls for the area of Government Lot 1, south of County Rd. 130 would revert to A-2, General Agriculture.

c) Removal of the areas from the land use district in Government Lots 1 and 2, as proposed, will not pose significant impacts to small businesses or agricultural uses in the area.

This concludes the statement of need and reasonableness of the proposed amendments to Minn. Rules 1983 6105.0910.

William R. Zachmann
Division of Waters
Department of Natural Resources
Box 32
500 Lafayette Road
St. Paul, MN 55146



GOV. LOTS 1+2, SECTION 26, T121N-R23W, WRIGHT CO., MINN.

M

a management plan for the
MISSISSIPPI RIVER

Key:

LAND

LAND USE DISTRICT

LAND TO BE REMOVED FROM DISTRICT

PUBLIC OWNERSHIP

In the Matter of the Adoption
of Amendments to the Rules for
the Mississippi Scenic and
Recreational River, Minn.
Rules 1983, 6105.0910

CERTIFICATE OF COMPLIANCE

I am familiar with the Minnesota laws and rules regarding rulemaking. I have reviewed the process followed in adoption the above-entitled rule amendment. I conclude that the process followed conformed to the laws and rules.

Dated: March 11, 1985

A. W. Clapp III

A. W. CLAPP III
Special Assistant Attorney General
2nd Floor Space Center
444 Lafayette Road
St. Paul, Minnesota 55101
612-297-1075