

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1313 Docket No. 05.0009.0583

DATE RECEIVED 9/12
REVIEW DATE 9/22
DUE DATE 9/25

APPROVED 9/22/86
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED 9/17
REVISOR DISAPPROVED
FILED W/SEC. STATE 9/23
RETURNED TO AGENCY 9/23

✓ Rule as adopted (4 copies)

___ Notice to Solicit Outside Information/Opinion
___ Date published in State Register
___ Comments

___ ~~Petition for Adoption of a Rule~~

___ ~~Board's Authorizing Resolution~~

✓ Proposed rule
Paul E Rohde Revisor's Certificate

✓ Notice of Intent to Adopt Rule
85.05 Statutory Authority
none Small business statement
none Expenditure of public money statement
Yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
July 10, 1986 Date (30)/25 days before adoption

✓ Publication in State Register
May 5, 1986 Date (30)/25 days before adoption

___ ~~Resolution Adopting~~

N/A Findings of Fact, Conclusions & Order Adopting
___ Date

___ ~~Written requests, submissions or comments~~

✓ Declaration of attorney
DA Kannas Name of SAAG representing agency

___ ~~Notice of Submission to Attorney General~~

___ ~~Affidavit of Mailing Notice to Attorney General~~

✓ Order Adopting Rule
✓ Statement of Compliance

SF-00006-03

File

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: RON NICKERSON
Department of Natural Resources

DATE: 9/23/86

ATTN: DONALD A. KANNAS
Special Assistant Attorney General

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: Adopted Rule Relating to Special Daily Vehicle Permits for Groups

The above-referenced rule has been approved as to its legality by the Attorney General on September 22, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

JMM/rmk
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1313

Department of Natural Resources

Parks and Recreation Division

Adopted Rule Relating to Special Daily Vehicle Permits for Groups

Rule as Adopted

6100.1710 GROUP DAILY VEHICLE PERMITS.

All state park managers will have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of $1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally limited, such as weekdays, weekends in some parks, or off-season weekends.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 2 3 1986
Joan Anderson Growe
Secretary of State

3:22PM

APPROVED AS TO FORM AND LEGALITY
9/22 1986
HUBERT H. HUMPHREY III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

Department of Natural Resources

Parks and Recreation Division

Proposed Rule Relating to Special Daily Vehicle Permits for Groups

Rule as Proposed (all new material)

6100.1710 GROUP DAILY VEHICLE PERMITS.

All state park managers will have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of $1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally limited, such as weekdays, weekends in some parks, or off-season weekends.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY: PER

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD914

Agency: Department of Natural Resources

Division: Parks and Recreation Division

Agency Contact: Ron Nickerson

Minnesota Rules: Part 6100.1710

Title: Proposed Rule Relating to Special Daily Vehicle Permits for Groups

Type of Rules: Permanent

Incorporations by Reference: None
Rule Number: Material Incorporated:

Steven C. Cross
Revisor of Statutes

Paul E. Rohde
Senior Assistant Revisor
Phone: 296-0953
Date: March 31, 1986

Department of Natural Resources

Parks and Recreation Division

Proposed Rule Relating to Special Daily Vehicle Permits for Groups

Rule as Proposed (all new material)

6100.1710 GROUP DAILY VEHICLE PERMITS.

All state park managers will have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of $1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally limited, such as weekdays, weekends in some parks, or off-season weekends.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY: PSR

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD914

Agency: Department of Natural Resources

Division: Parks and Recreation Division

Agency Contact: Ron Nickerson

Minnesota Rules: Part 6100.1710

Title: Proposed Rule Relating to Special Daily Vehicle Permits for Groups

Type of Rules: Permanent

Incorporations by Reference: None
Rule Number: Material Incorporated:

Steven C. Cross
Revisor of Statutes

Paul E. Rohde
Senior Assistant Revisor
Phone: 296-0953

Date: March 31, 1986

Department of Natural Resources

Parks and Recreation Division

Proposed Rule Relating to Special Daily Vehicle Permits for Groups

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APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY: PER

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD914

Agency: Department of Natural Resources

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Agency Contact: Ron Nickerson

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Rule Number: Material Incorporated:

Steven C. Cross
Revisor of Statutes

Paul E. Rohde
Senior Assistant Revisor
Phone: 296-0953
Date: March 31, 1986

STATEMENT OF NEED AND REASONABLENESS

SUBJECT: Adoption of a Rule related to a Special Group Daily Vehicle Permit for Groups using MN State Parks.

An amendment to Minnesota Statutes 85.05 enacted by the 1985 legislature has granted the Commissioner of Natural Resources the authority to establish by rule, a special daily vehicle permit fee for groups using State Park facilities.

The Division of Parks and Recreation sought the enabling legislation for this rule as a marketing tool to enhance use of State Park facilities during otherwise slow periods. The $1.50 per permit fee was selected because the Division's Senior Citizens and handicapped daily vehicle permit fees are $1.50 and it is our desire to keep the group fee in line with these other special fees. The Division chose to define a group as a party of composed of 10 or more vehicles because this would be large enough to be called a group (about 40 people) but small enough to accommodate smaller family gatherings. We also believe that such a definition of group size will discourage attempts at abuse of the fee.

The group permit will be limited to one day's use because the Division already offers a group camping fee for overnight use, and the particular functions that we hope to attract with the permit are generally day use functions. The park manager will be given the authority to decide when to issue the permit because he/she is best able to monitor use patterns and make maximum use of the permit.

Prepared by the DNR, Division of Parks and Recreation

S2/042

FI-00194-04

Department of Finance

Fee Review

Department/Agency: Natural Resources	Budget Activity: Parks & Recreation Maintenance & Operations
Fee Name: Special Daily Vehicle Permit for Groups	
Legal Citation: M.S. 85.05	Fee Set By: ☐ Law ☒ Agency Rule
Purpose of Fee: To provide a reduced vehicle permit fee for groups as a marketing tool to encourage use of State Park facilities during otherwise slow periods. (weekdays, off-season, etc.).	
☒ Dedicated ☐ Non-Dedicated	Revenue Code: 320
APID: 31500-80-20 / Accumulated Difference Thru 1984: N/A	Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 85	Actual F.Y. 86	Estimated F.Y. 87	Requested F.Y. 88	Requested F.Y. 89
Actual/Anticipated Receipts	N/A	N/A	4,500	N/A	N/A
Less Actual/ Anticipated Costs	"	"	N/A	"	"
Current Difference	"	"	N/A	"	"
Accumulated Difference	"	"	N/A	"	"
Number Paying Fee	"	"	3,000 vehicles	"	"
Present Fee	"	"	$1.50	"	"
Date Fee Last Changed	"	"	NEW	"	"

Remarks:

A) This is a new fee that the Division wishes to adopt by Rule. See Attached Statement of Need and Reasonableness for details and explanation.

B) The FY88-89 fee projections will be developed as a part of the biennial budget process.

C) The estimated Revenue was calculated according to an estimated 200 groups with an average of 15 vehicles for the first year. A more accurate estimate will be available following a year of use.

D) This is one of several fees that the system collects. It is not possible to determine the cost of administration of any single fee. Overall 25% of the Division's Maintenance and Operations budget is generated from various fees, the balance is funded from the General Fund.

Finance Department Recommendation:

Approved B.J. Reddemann 7-11-86

B.J. Reddemann, Director
Budget Operations & Support

Department Authorized Signature: Aaron A. Youngamp	Executive Budget Officer Signature: T.A. Spiess for D. Watness

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Prepared by the DNR, Division of Parks and Recreation

Department of Natural Resources

Parks and Recreation Division

Proposed Rule Relating to Special Daily Vehicle Permits for Groups

Rule as Proposed (all new material)

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2000.9945 AFFIDAVIT OF MAILING.

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Group Daily Vehicle Permits for use of State Parks

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

Ron Nickerson, being first duly sworn deposes and says:

That on the 10 day of July, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of (Hearing/Intent to Adopt Rules Without Public Hearing) by depositing in the (State of Minnesota Central Mail System for United States mailing (or United States Mail) at said City of St., Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State of Minnesota, Department of Natural Resources for the purpose of receiving notice of the proposed adoption of rules of the Department of Natural Resources.

Ronald A. Nickerson

Subscribed and sworn to before me this 10th day of July 19 86

S2/042

DAWN C. THELL
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My Commission Expires Apr. 2, 1992

. M. Twitley
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ord Motor Company
utomotive Assembly Division
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llen Park, Mich. 48121

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lessian, McKasy & Soderberg
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Marylee Fithian
Director
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G. Robert Johnson
4344 IDS Center
Minneapolis, MN 55402

Frank Mixa
Executive Director
Lake Mtka. Conservation Distric
402 E. Lake St.
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. Comm
MN Dept. of Agriculture
90 W. Plato
St. Paul, MN 55107
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N Attorney General's Office
nd Floor, Ford Bldg.
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St. Paul, MN 55155

Professor Robert Synder
248 Classroom-Office Bldg.
University of Minnesota
St. Paul, MN 55108

Thomas M. Polt
McCarthy Bldg.
Eyota, MN 55934

President
Interstate Power Co.
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Dubuque, IA 52001

Harriet Lykken
4600 Emerson Ave. So.
Mpls., MN 55409

Kenneth Peterson, Exec. Director
MPIRG
2412 University Ave. SE
Mpls., MN 55414

Nelson French
3715 E. 26th St.
Mpls., MN 55406

BROEKER, HARTFELDT, HEDLES &
Grant
Suite 800
2850 Metro Drive
Bloomington, MN 55420

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811 First Nat'l. Bank Bldg.
Duluth, MN 55802

John H. Herman
Suite 930
Ten South Fifth St.
Mpls., MN 55401

Anoka Co. Community Health &
Social Services Dept.
c/o Robert M. Hutchison
Courthouse-4th Floor
Anoka, MN 55303

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Steve O'Neil
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Maryann S. Marino, Ph. D.
Koppers Company, Inc.
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Shakopee, MN 55379

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Blandin Paper Co.
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Doran Horner
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Marcella Gonsorowski
Marshall County
Newfolden, MN 56738

Karl Kjemperud
Littlefork, MN 56653

County Auditor -Box 10
Bagley, MN 56621

Albert Boomgoardner
Rt. 1
Pitt, MN 56665

Roseau Co. Board Chairman
Roseau, MN 56751

Donald Sanbeck
Rt. 8
International Falls, MN 56649

Board Clerk
Courthouse
International Falls, MN 56649

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Natural Resources

Parks and Recreation Division

Proposed Rule Relating to Special Daily Vehicle Permits for Groups

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the Minnesota Department of Natural Resources proposes to adopt the above-entitled rule without a public hearing. The Commissioner of Natural Resources has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rule, and shall have 30 days to do so. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department 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 rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to: Ron Nickerson, Minnesota Department of Natural Resources, Box 39-500 Lafayette Road, St. Paul, Minnesota 55146, (612) 296-2270.

Authority to adopt this rule is contained in Minnesota Statutes, 1985 Supplement, Section 85.05. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ron Nickerson.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule 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 rule as adopted, should submit a written statement of such request to Ron Nickerson.

The proposed rule will not impact small business as defined in Minnesota Statutes, Section 14.115, because this rule relates to local administration of a state program.

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by contacting Ron Nickerson.

24 April 1986

Don D. Davison, Director
Division of Parks and Recreation

Rule as Proposed (all new material)

6100.1710 GROUP DAILY VEHICLE PERMITS.

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2000.9977 ORDER ADOPTING NONCONTROVERSIAL RULES.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESORUCES

In the Matter of Proposed Adoption of Rules of the State of Minnesota Governing State Parks

ORDER ADOPTING RULE

Notice of the Commissioner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on May 5, 1986 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1 on July 10, 1986. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rule,

NOW THEREFORE, IT IS ORDERED that this rule identified as Special Daily Vehicle Permit for groups is adopted this 2 day of Sept, 1986 pursuant to authority vested in me by the Minnesota Statutes, section 84.03.

STATE OF MINNESOTA

COMMISSIONER OF NATURAL RESOURCES

s3/046

2000.9925 STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES.

In the Matter of Proposed Adoption of Rules of the State of Minnesota Governing State Parks.	STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, (Special Assistant Attorney General) DA Kannas, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

D A Kannas

(Special Assistant Attorney General)

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : NATURAL RESOURCES-Parks & Recreation

DATE : September 8, 1986

TO : Mike Miles
Assistant Attorney General

FROM : Don Davison
Director

RECEIVED
SEP 12 1986
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

PHONE : 296-2270

SUBJECT : Request for Review of Rule for Form and Legality

Attached for your review are three copies of a new rule adopted by the Department of Natural Resources, Division of Parks & Recreation establishing a Special Daily Vehicle Permit for groups using state park facilities. The Division has adopted this without public hearing pursuant to M.S. 84.03. As the attached statement of need and reasonableness indicates the authority for the rule is found in MN Statute 85.05 as amended during the 1985 legislative session.

The attached excerpt from the State Register inviting public comment was published on May 5, 1986 and expressed the Division's desire to adopt the Rule without a hearing. The attached letter of July 9, 1986, was mailed to each person on the Department's list of citizens interested in being notified by pending rule changes. As of today's date we have received no comments pro or con relative to the proposed rule. A fee review approved by the Department of Finance indicating projected revenues from this rule is also attached for your information.

We would like to proceed with the required review of this rule as to form and legality that is conducted by your office as quickly as possible. The Division has sought the authority for this rule as a marketing tool to enhance use of state park facilities.

If you have further questions or need further assistance please feel free to contact me or Ron Nickerson (296-2760) of my staff.

S2/041
attachment(s)
c: Wayland Porter
Ron Hains
Ron Nickerson