

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: July 17, 1991

TO: JOHN HELLQUIST
Division of Forestry

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Parks and Recreation Areas

The above-referenced rule has been approved as to its legality by the Attorney General on July 15, 1991.

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

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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.

MJC:sc

cc: William Clapp
William Brown, Chief Judge
MaryAnn Hruby

Department of Natural Resources

Adopted Permanent Rules Relating to Parks and Recreation Areas

Rules as Adopted

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

A person's conduct shall be as prescribed in Minnesota Statutes, section 609.72.

Without prior permission from the park manager or forest officer, no person shall make noise tending reasonably to arouse alarm or resentment of others by means of a public address system, radio, stereo, amplifier, or power equipment, or by any other means.

It is unlawful for any person in a state park, state forest campground, or state forest day use area to consume intoxicating liquors, or to display in public intoxicating liquor containers. Possession of 3.2 beer in a keg is unlawful without written permission of the park manager or forest officer.

No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

A person's possession and use of drugs shall be in accordance with state laws.

6100.1610 SWIMMING AT STATE FOREST CAMPGROUNDS OR STATE FOREST DAY USE AREAS.

It is unlawful to swim in or enter any area where posted to prohibit entry. It is unlawful in any area where swimming is permitted, including designated beaches, to:

A. allow any dog or other pet to enter the water with swimmers;

B. enter the water before sunrise or after sunset;

C. engage in any activity which is hazardous and could cause injury to others; or

D. use any soap, detergent, or shampoo.

In addition to items A to D, it is unlawful to possess glass containers; to enter with any boat, canoe, or raft; fish; or change clothes except in a facility designated for that use, where a facility is provided.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 3 1991
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 16 1991
Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
July 15 19 91
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL
3:25 P.M.
M

RULE REVIEW CHECKLIST

File No. 1837
DATE RECEIVED 7-2-91
REVIEW DATE 7-11-91
DUE DATE 7-16-91
(DIS)APPROVED 7.15.91 MJC
WITHDRAWN

Docket No. 05 0009 0579
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 7-9-91
REVISOR (DIS)APPROVED 7.15-91
FILED W/SEC. OF STATE 7/16/91
RETURNED TO AGENCY 7-17-91

✓ Rule as adopted (4 copies)

Notice to Solicit Outside Information/Opinion (if applicable)
Date published in State Register
Comments

Petition for Adoption of a Rule

Board's Authorizing Resolution
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
84.03, 85.052, 85.20, 89.01 Statutory Authority 89.19 89.21
Statement Small Business Statement
5-6-91 Expenditure of public money statement
Signature

✓ Statement of Need and Reasonableness (if applicable)
NA Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
May 6, 1991 Dated (30)/25 days before adoption May 17, 1991
Notice attached indicates it is attached
✓ Copy of rule or summary attached

✓ Publication in State Register
May 20, 1991 Date (30)/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

Resolution Adopting
Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
June 26, 1991 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Bill Clapp Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

IN THE MATTER OF THE PROPOSED RULES REVISION FOR PARKS AND TRAILS: PUBLIC USE OF STATE PARKS AND OTHER RECREATIONAL AREAS

STATEMENT OF NEED AND REASONABLENESS

April 28, 1991

INTRODUCTION

Minnesota's state forests were created by the Legislature to produce timber and other forest crops, provide outdoor recreation, protect watersheds and to perpetuate rare and distinctive species of native flora and fauna.

The Department of Natural Resources has determined that the rules for state forest campgrounds and day use areas which have been in effect since April of 1990 are inadequate and in need of revision to protect the health and safety of users of state fotest campgrounds and day use areas.

The Department believes that these rule amendments have no fiscal impact on local governments, no impact on small business, and no impact on agricultural lands.

The Department of Natural Resources is experiencing an ever-increasing demand by various user groups to provide settings in which to pursue new recreational interests. Occasionally these activities are not allowed in state forest campgrounds and day use areas because of user conflicts, impacts to the natural, historical and cultural resources, or because they are determined not to be in the public interest.

Through these proposed rule changes and additions, the Department hopes to strike a balance between needs and demands of various users and protecting the resources and facilities of the state forest campgrounds and day use areas.

The proposed rule amendments make changes in subpart 6100.0700 Personal Conduct and Prohibitions and by adding a subpart 6100.1610 which prohibits certain activities at state forest campgrounds and day use areas/beaches.

GENERAL PROVISIONS

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

The prohibition on consumption of intoxicating liquors and display of containers of intoxicating liquor has been added for state forest campgrounds and day use areas. The Division of Forestry is adding this language for state forest campgrounds and day use areas because of unique problems that have occurred at state forest recreation facilities since the rule was changed to allow the consumption of alcohol. The Division has experienced problems with alcohol consumption and the containers that it is packaged in. This amendment would allow forest officers, conservation officers and county sheriffs to more readily intervene in situations where liquor related disturbances were occurring and allow them to have the liquor removed. This change will help to protect the health and safety of the users of state forest recreation facilities and will also make it easier for law enforcement officers to break up parties that have occurred after our recreation facilities are closed to the public for the day and which disturb other campers and in some instances adjacent cabin owners.

Possession of 3.2 beer (not defined as intoxicating liquor) in a keg would also be prohibited at state forest campgrounds and day use areas without a permit. This is reasonable because kegs of beer tend to congregate people and increase the level of disturbance for other users in the vicinity. Permits for kegs would be issued to groups based on factors such as the number in the group, the number of other users that will be affected (time of year, day of the week) the facilities ability to provide a location where disruption of other users is less likely, and potential damage to forest resources would be minimized.

6100.1610 SWIMMING AT STATE FOREST CAMPGROUNDS OR DAY USE AREAS.

A new subpart has been added which makes certain provisions of the state park beach rules apply at state forest campgrounds and day use areas. This is necessary for safety reasons, to protect forest resources and facilities, and to minimize user conflicts.

Language concerning dogs and pets has been added to reflect that these animals are not allowed in the water with swimmers; This rule is necessary to protect swimmers from being scratched or harassed by pets swimming in the water.

Language has also been added to prohibit people from swimming before sunrise or after sunset. This rule is necessary to eliminate safety problems that occur when people swim at night.

Language has been added to prohibit hazardous activities to protect users of the beach and to prohibit the use of soaps to protect water quality.

Possession of glass containers has been added to protect beach users from broken glass which can occur when glass containers break or are left lying around.

Boats, canoes, rafts and fishing are prohibited because these activities can cause injury to swimmers and beach users. Clothes changing except in a designated facility is prohibited to control inappropriate behavior and to allow for enjoyment of the beach.

Prepared by John Hellquist, Division of Forestry

Department of Natural Resources

Proposed Permanent Rules Relating to Parks and Recreation Areas

Rules as Proposed

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

A person's conduct shall be as prescribed in Minnesota Statutes, section 609.72.

Without prior permission from the park manager or forest officer, no person shall make noise tending reasonably to arouse alarm or resentment of others by means of a public address system, radio, stereo, amplifier, or power equipment, or by any other means.

It is unlawful for any person in a state park, state forest campground, or state forest day use area to consume intoxicating liquors, or to display in public intoxicating liquor containers. Possession of 3.2 beer in a keg is unlawful without written permission of the park manager or forest officer.

No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

A person's possession and use of drugs shall be in accordance with state laws.

6100.1610 SWIMMING AT STATE FOREST CAMPGROUNDS OR STATE FOREST DAY USE AREAS.

It is unlawful to swim in or enter any area where posted to prohibit entry. It is unlawful in any area where swimming is permitted, including designated beaches, to:

A. allow any dog or other pet to enter the water with swimmers;

B. enter the water before sunrise or after sunset;

C. engage in any activity which is hazardous and could cause injury to others; or

D. use any soap, detergent, or shampoo.

Approved by Revisor PER

In addition to items A to D, it is unlawful to possess glass containers; to enter with any boat, canoe, or raft; fish; or change clothes except in a facility designated for that use, where a facility is provided.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Parks and Recreation Areas

AGENCY: Department of Natural Resources

MINNESOTA RULES: Chapter 6100

The attached rules are approved for publication in the State Register

Paul E. Rohde

Paul E. Rohde
Senior Assistant Revisor

Stat Authority

Minn. Stat. 84.03

The commissioner may adopt and promulgate reasonable rules, not inconsistant with law, governing the use and enjoyment of state land reserved from sale . . .

85.052

The commissioner may make rules for the use of state parks including:

85.20 Any person who, within the limits of any state park, state monument

89.031

All state forest lands shall be under the management and control of the commissioner

89.19

The commissioner may prescribe rules governing the use of forest lands under the authority of the commissioner

89.21 The commissioner is authorized to establish and develop state forest campgrounds

Rec 7-2-91

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Amending
the Rules Relating to State
Parks and State Forest
Recreation Areas

DECLARATION
OF COUNSEL

I have examined the above-captioned rule amendments and the support rulemaking record. Based on that, I conclude that the Administrative Procedures Act and Minnesota Rules chapter 2010 have been followed.

DATE: 7-1-91

HUBERT H. HUMPHREY, III
Attorney General
State of Minnesota

By: A. W. Clapp III

A. W. CLAPP III
Special Assistant
Attorney General
Atty. Reg. No. 17036
Suite 200
520 Lafayette Road
St. Paul, Minnesota 55155
Telephone: (612) 296-0686

ATTY GENERAL
27 JAN 91 10:35

STATE OF MINNESOTA

OFFICE MEMORANDUM

DEPARTMENT : NATURAL RESOURCES
DIVISION OF FORESTRY

DATE : June 27, 1991

FILE : 1100-2-1

TO : Bill Clapp
Special Assistant Attorney General

FROM : John Hellquist J.W.H.
Recreation and Land
Program Coordinator

PHONE : 612-297-3508

SUBJECT : State Forest Recreation Rule Amendments

Attached for your review and examination are all of the documents required to be submitted to you in order to finalize rule amendments. Please examine these and forward them on to whoever else needs to review them in order to complete this rule making process.

Please call if you have any questions.

Office of the Revisor of Statutes

Administrative Rules

Paul E. Rohde
Senior Assistant Revisor
296-0953



700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

April 17, 1991

John Hellquist
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4044

RE: File No. 1871

Dear Mr. Hellquist:

I am enclosing six copies of your rules, approved as to form. Please submit two copies to the State Register for publication.

If you have any questions, please call me.

Very truly yours,

Paul E. Rohde

Paul E. Rohde

DEPARTMENT OF NATURAL RESOURCES

Proposed Permanent Rules Relating to State Parks and State Forest Recreation Areas

Notice of Intent to Adopt Rule Amendments Without a Hearing

(1) Notice is hereby given that the Minnesota Department of Natural Resources - Division of Forestry intends to adopt the above entitled amendments without a public hearing, following the procedures set forth in Minnesota Statutes 14.21-14.28. The statutory authorities to adopt these rules are Minnesota Statutes 84.03, 85.052, 85.20, 89.031, 89.19, and 89.21.

Changes are proposed to Part 6100.0700 and the addition of a Part 6100.1610 to take care of problems that are occurring at state forest campgrounds and day use areas. The proposed rule changes protect forest resources while allowing for public enjoyment of the facilities.

The agency believes that these rule amendments have no fiscal impact on local governments, no impact on small business and no (14) impact on agricultural lands.

(2) Persons interested shall have 30 days to submit written comments in support of or in opposition to the proposed rule or any part or sub-part thereof. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

(4) Any person may make a written request for a public hearing on

the rule within the 30 day comment period. A public hearing will not be held unless 25 or more persons submit a written request for a public hearing. Any person requesting a public hearing must submit his or her name and address and specify the amendment that they desire a public hearing on. Identification of the specific objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes 14.131 to 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 amendments, should address their correspondence to:

John Hellquist

Division of Forestry

Box 44, 500 Lafayette Road

St. Paul, MN 55155-4044

Phone (612) 297-3508

The proposed rule may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rule as noticed.

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

A statement that describes the need for and reasonableness of each provision of the proposed amendments is available from the Department upon request at the above address.

Upon adoption of the final amendments without a public hearing, the proposed amendments, 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 amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that Minnesota Statutes Chapter 10A requires a lobbyist to register with the State Ethical Practices Board within 5 days after he/she commences lobbying. The statute provides some exceptions. Questions should be directed to the Ethical Practices Board, 625 Robert Street, St. Paul, MN 55101-2520, telephone (612) 296-5148.

Rodney W. Sando
Commissioner of Natural Resources

Date 5-6-91

DEPARTMENT OF NATURAL RESOURCES

Proposed Permanent Rules Relating to State Parks and State Forest Recreation Areas

CERTIFICATION OF DNR RULEMAKING MAILING LIST

STATE OF MINNESOTA

COUNTY OF RAMSEY

ANDY BREWER, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Department of Natural Resources rule-making mailing list is accurate, complete, and current as of this 6th day of May, 1991.

Andy Brewer
Name

Dir, Regulatory & Legislative Services
Title

Subscribed and sworn to before me this 6th day of May, 1991.

Karen L. Singer

Karen L. Singer
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires May 16, 1991

DEPARTMENT OF NATURAL RESOURCES

Proposed Permanent Rules Relating to State Parks and State Forest Recreation Areas

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA

COUNTY OF RAMSEY

John Hellquist, being sworn says:

That on the 17 day of MAY, 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

John W. Hellquist
Name

Rec. & Trail Prog. Coord.
Title

Subscribed and sworn to before me
this 17 day of May, 1991.

Teresa Thews

TERESA R. THEWS
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Mar. 1, 1997

G. establish a good biosecurity program; and

H. not raise other poultry on the premises unless they are well segregated or of the same classifications.

1710.1500 AUTHORIZED TESTING AGENTS.

Subpart 1. **Program training course.** A person who wants to become an authorized testing agent shall attend and complete a program training course and perform satisfactory work at a field school. Temporary authorizations may be issued by the board. A veterinarian is not required to attend a program training course.

Subp. 2. **Term of authorization.** Authorization is valid for three years unless revoked or suspended by the board for failure to comply with parts 1710.1300 to 1710.1530 or for performing unsatisfactory work.

Subp. 3. **Fees.** Any authorized testing agent fees must be paid by the flockowner or hatchery.

Subp. 4. **Limitation.** Only testing agents with current authorization may collect samples or conduct Pullorum-Typhoid tests.

Subp. 5. **Records.** All tests must be recorded on an official test chart furnished by the board and the original must be submitted to the board within ten days following completion of the test.

1710.1510 DEALER RESPONSIBILITIES.

A poultry dealer shall:

A. maintain holding areas in a clean and sanitary condition;

B. not keep, maintain, or sell sick poultry and properly dispose of all sick or dead poultry;

C. report to the board any poultry showing signs or diagnosed as having a control program disease;

D. permit inspection of buildings, equipment, vehicles, and records at any reasonable time by agents of the board;

E. use only new or cleaned and disinfected poultry boxes; and

F. maintain adequate records to show the origin and distribution of all poultry for two years. Records must contain the number, breed, sex, and age of the poultry in each transaction.

1710.1520 ADVERTISING.

A person may not advertise poultry or a hatchery for any disease control classification which the poultry or hatchery does not have.

1710.1530 REVOCATION OF PERMIT.

The board may refuse to issue or may revoke a permit or authorization for failure to comply with parts 1710.1300 to 1710.1530. Upon receipt of a written notice of the violations from the board, the recipient has ten days to comply with parts 1710.1300 to 1710.1530. Failure to comply within this time is grounds for refusing to issue or to revoke the permit as well as to charge the violator with misdemeanor charges as applied to *Minnesota Statutes*, chapter 35. The board shall give written notice of the refusal to issue or the revocation by personal delivery or certified mail. The violator may, within 30 days, file a notice of appeal with the board for a hearing by the board.

REPEALER. *Minnesota Rules*, parts 1710.0010; 1710.0020; 1710.0030; 1710.0040; 1710.0050; 1710.0060; 1710.0070; 1710.0080; 1710.0090; 1710.0100; 1710.0110; 1710.0120; 1710.0130; 1710.0140; 1710.0150; 1710.0160; 1710.0170; 1710.0180; 1710.0190; 1710.0200; 1710.0210; 1710.0220; 1710.0230; 1710.0240; 1710.0250; 1710.0260; 1710.0270; 1710.0280; 1710.0290; 1710.0300; 1710.0310; 1710.0320; 1710.0330; 1710.0340; 1710.0550; 1710.0560; 1710.0570; 1710.0580; 1710.0590; 1710.0600; 1710.0610; 1710.0620; 1710.0630; 1710.0640; 1710.0650; 1710.0660; 1710.0670; 1710.0680; 1710.0690; 1710.0700; 1710.0710; 1710.0720; 1710.0730; 1710.0740; 1710.0750; 1710.0760; 1710.0770; 1710.0780; 1710.0790; 1710.0800; 1710.0810; 1710.0820; 1710.0830; 1710.0840; 1710.0850; 1710.0860; 1710.0870; 1710.0880; 1710.0890; 1710.0900; 1710.0910; 1710.0920; 1710.0930; 1710.0940; 1710.0950; 1710.0960; 1710.0970; 1710.0980; 1710.0990; 1710.1000; 1710.1010; 1710.1020; 1710.1030; 1710.1040; 1710.1050; 1710.1060; 1710.1070; 1710.1080; 1710.1090; 1710.1100; 1710.1110; 1710.1120; 1710.1130; 1710.1140; 1710.1150; 1710.1160; 1710.1170; 1710.1180; 1710.1190; 1710.1200; 1710.1210; 1710.1220; 1710.1230; 1710.1240; 1710.1250; 1710.1260; 1710.1270; 1710.1280; and 1710.1290, are repealed.

Department of Natural Resources

Proposed Permanent Rules Relating to Parks and Recreation Areas

Notice of Intent to Adopt Rule Amendments Without a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources—Division of Forestry intends to adopt the

above entitled amendments without a public hearing, following the procedures set forth in *Minnesota Statutes* 14.21-14.28. The statutory authorities to adopt these rules are *Minnesota Statutes* 84.03, 85.052, 85.20, 89.031, 89.19, and 89.21.

Changes are proposed to Part 6100.0700 and the addition of a Part 6100.1610 to take care of problems that are occurring at state forest campgrounds and day use areas. The proposed rule changes protect forest resources while allowing for public enjoyment of the facilities.

The agency believes that these rule amendments have no fiscal impact on local governments, no impact on small business and no impact on agricultural lands.

Persons interested shall have 30 days to submit written comments in support of or in opposition to the proposed rule or any part or sub-part thereof. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. A public hearing will not be held unless 25 or more persons submit a written request for a public hearing. Any person requesting a public hearing must submit his or her name and address and specify the amendment that they desire a public hearing on. Identification of the specific objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* 14.131 to 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 amendments, should address their correspondence to:

John Hellquist
Division of Forestry
Box 44, 500 Lafayette Road
St. Paul, MN 55155-4044
Phone (612) 297-3508

The proposed rule may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rule as noticed.

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

A STATEMENT THAT DESCRIBES THE NEED FOR AND REASONABLENESS of each provision of the proposed amendments is available from the Department upon request at the above address.

Upon adoption of the final amendments without a public hearing, the proposed amendments, 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 amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* Chapter 10A requires a lobbyist to register with the State Ethical Practices Board within 5 days after he/she commences lobbying. The statute provides some exceptions. Questions should be directed to the Ethical Practices Board, 625 Robert Street, St. Paul, MN 55101-2520, telephone (612) 296-5148.

Dated: 6 May 1991

Rodney W. Sando
Commissioner of Natural Resources

Rules as Proposed

6100.0700 PERSONAL CONDUCT AND PROHIBITIONS.

A person's conduct shall be as prescribed in *Minnesota Statutes*, section 609.72.

Without prior permission from the park manager or forest officer, no person shall make noise tending reasonably to arouse alarm or resentment of others by means of a public address system, radio, stereo, amplifier, or power equipment, or by any other means.

It is unlawful for any person in a state park, state forest campground, or state forest day use area to consume intoxicating liquors, or to display in public intoxicating liquor containers. Possession of 3.2 beer in a keg is unlawful without written permission of the park manager or forest officer.

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.

No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

A person's possession and use of drugs shall be in accordance with state laws.

6100.1610 SWIMMING AT STATE FOREST CAMPGROUNDS OR STATE FOREST DAY USE AREAS.

It is unlawful to swim in or enter any area where posted to prohibit entry. It is unlawful in any area where swimming is permitted, including designated beaches, to:

A. allow any dog or other pet to enter the water with swimmers;

B. enter the water before sunrise or after sunset;

C. engage in any activity which is hazardous and could cause injury to others; or

D. use any soap, detergent, or shampoo.

In addition to items A to D, it is unlawful to possess glass containers; to enter with any boat, canoe, or raft; fish; or change clothes except in a facility designated for that use, where a facility is provided.

Department of Public Safety

Driver and Vehicle Services Division

Proposed Permanent Rules Relating to Disposition of Driver's License Following Non-Alcohol-Related Vehicle Offenses

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing If Twenty-five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled rules without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the proposed rules is *Minnesota Statutes*, sections 65B.68, subdivision 1, 169.795, and 14.06.

All persons have 30 days, until 4:30 p.m., June 19, 1991, in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. Any requests or comments must be received by the Department of Public Safety no later than 4:30 p.m. on the final day of the comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20. **PLEASE NOTE: That if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on July 23, 1991, unless a sufficient number withdraw their request. The hearing will be in accordance with the notice of pubic hearing on these same rules published in this *State Register* and mailed to persons registered with the Department of Public Safety.** To verify whether a hearing will be held, please call the Department of Public Safety, Driver and Vehicle Services Division, on or after June 20, 1991, between the hours of 8:00 a.m. and 4:30 p.m. at (612) 296-2608.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to: Laura Nehl-Trueman, Department of Public Safety, 208 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, (612) 296-2608.

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A free copy of these rules is available on request for your review from Laura Nehl-Trueman at the address and telephone number listed above.

The proposed rules set forth existing departmental policy and practice with regard to driver's license withdrawal for non-alcohol-related vehicle offenses. The proposed rules address the revocation, suspension, and cancellation of a person's driver's license for violations of insurance laws under *Minnesota Statutes*, sections 65B.67, 169.791, and 169.792, for violations of traffic laws under Chapters 169 and 171, and for violations of other laws related to the operation of a motor vehicle. The proposed rules also address limited licenses and reinstatement procedures, as well as procedures for administrative review.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Adoption of the Rules for Public Use of State Parks and Other Recreational Areas

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT A PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on May 20, 1991 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 1a and 14.22 on May 17, 1991. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rule-making list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rule-making. (5) One request for a public hearing was received by the agency.

(7) One comment on the rule was received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comment and evidence in the record I find the following:

That comments submitted concerning part 6100.0700, "Consuming Intoxicating Liquor" while a valid concern, do not justify changing the rules and no change is necessary. The purpose of this rule is to bring rules for state forest campgrounds and day use areas in line with other recreation units in the Department. The intent of the rule on intoxicating liquor is to give enforcement officers another tool to use when patrolling state forest campgrounds. The officers are expected to use discretion when enforcing this rule and the intent is not to harass innocent people who are not causing problems for other campers. Under this rule campers can still enjoy 3.2% beer which is considered non-intoxicating liquor under Minnesota Statutes 340A.101.

(8) The above captioned rule is needed and reasonable.

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as Permanent Rules Relating to Public Use of State Parks and Recreation Areas are adopted this 26th day of June, 1991, pursuant to the authority vested in me by Minnesota Statutes, sections 84.03, 85.052, 85.20, 89.031, 89.19, and 89.21.

Rodney W. Sando
Commissioner of Natural Resources

Fact1.jwh

548 S. Arrowhead Lane
Moose Lake, Mn. 55767
May 23, 1991

Mr. John Helquist
Division of Forestry
Box 44, Lafayette Road
St. Paul, Mn. 55155-4044

Dear John:

I am writing to you in opposition to the proposed change in Recreation Rule 6100.0700, regarding State Forest Campgrounds. I oppose the "to consume intoxicating liquors" portion only. I am speaking as a State Forest Campground user as well as a rule enforcer. I believe the problems attached to the misuse of alcohol in campgrounds can be dealt with through better monitoring and patrolling of campgrounds. The complete ban of alcohol in our campgrounds will result in making basically honest people violators and also a drop in attendance at our campgrounds. I and all the adults that I camp with enjoy a beer now and then. We are already looking for private facilities.

The concept of selective enforcement will eventually place our officers in difficult positions. The rule will have to be enforced without exception. Other sections of our "Rules" provide us with chargeable offences for the true violator. They are under age consumption, disorderly conduct, and past 10 P.M. noise levels, to mention a few.

I ask that this be given to the public to decide.

Sincerely,

Brian L. Garvey