

STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES  
LICENSE BUREAU

IN THE MATTER OF PROPOSED RULES FOR  
STATE AGENCIES TO SELL  
CROSS-COUNTRY SKI PASSES

**STATEMENT OF NEED AND REASONABLENESS**

Minnesota Department of Natural Resources

July 1993

**The Legislative Commission to  
Review Administrative Rules**

**AUG - 9 1993**





## INTRODUCTION

This rule was developed to implement Laws of Minnesota 1993, Chapter 231, Section 3 (Attachment A). This change in Minnesota Statutes, section 85.41, subdivision 2 allows the Commissioner of the Department of Natural Resources to appoint other state agencies as agents for the sale of cross-country ski passes. The Minnesota Zoo is the only other state agency that has previously sold cross-country ski passes.

Language similar to this rule was previously contained in the Department's Game & Fish Commissioner's Orders, but was excluded when those regulations were converted to permanent rule. This rule amends the language of the permanent game and fish rule which becomes effective on September 1, 1993. The Notice of Adoption for that rule was published in the State Register on July 12, 1993.

This rule pertains to the application process for state agencies to sell cross-country ski passes, consignment of cross country ski passes to state agencies, required records, reports, and payments for issuance of cross-country ski passes by state agencies, and prohibitions and penalties applicable to state agencies issuing cross country ski passes. Because language in 6212.0800 was withheld from the permanent rule to ensure clarity when the changes of this rule were added, language that previously existed is included that prescribes application approval and processing for all parties applying to sell cross country ski passes and revocation of authorization to sell passes.

## GENERAL PROVISIONS

### **6212.0800 APPLICATIONS FOR AGENCIES TO SELL CROSS COUNTRY SKI PASSES.**

**Subp. 2. Applications must be approved (all new language).** Requires that all applications to sell cross country ski passes be signed by the applicant. Applications by state agencies must be approved by the commissioner and all others must be approved by the appropriate county auditors. An application contains the name of business, address and responsible person for agencies. Approval is necessary to verify eligibility of applicant (e.g., selling privileges have not been revoked). Non-state agency applicants must include the required surety bond with their application.

**Subp. 3. Applications made in triplicate (all new language).** Requires that all applications are made in triplicate and specifies how the county auditors and commissioner must distribute the copies. This ensures that copies are retained by the county auditor's office and the commissioner so that information is available on who sells cross country ski passes, where they are sold, and who the responsible party is for each agency.

### **6212.0900 CONSIGNMENT OF CROSS COUNTRY SKI PASSES.**

**Subp. 2. Issuance of passes to state agency on consignment basis (all new language).** Allows the commissioner to issue cross country ski

passes on a consignment basis to appointed state agencies. For example, this will allow passes to be available at the Minnesota Zoo where cross country ski trails are maintained.

**6212.1100 REQUIRED RECORDS, REPORTS, AND PAYMENTS FOR ISSUANCE OF CROSS COUNTRY SKI PASSES.**

**Subpart 1. Required records (amendment).** These amendments provide that state agencies selling cross country ski passes must comply with the same record keeping requirements that currently apply to county auditors. These records of passes issued are necessary so that a full accounting of all cross country ski passes can be made at any time.

**Subp. 3. Retention of sold passes (amendment).** These amendments provide that, in addition to county auditors, state agencies selling cross country ski passes must preserve all stubs on sold licenses for at least one year after the end of the pass year. This retention allows the state auditor to audit cross country ski pass accounts to ensure all payments due the state for the sale of cross country ski passes have been paid.

**Subp. 4. Payments and reports by county auditors (amendment).** This rule modifies existing language to require state agencies, in addition to county auditors, submit complete written reports to the department on or before the 15th of each month. Dates for monthly payments for sold passes are needed to ensure payments are made by the county auditor and state agencies to the commissioner on a monthly basis and in a timely manner. This rule also provides that the reports be made on either provided forms or in a prescribed format. Furthermore, it maintains the current requirement that county auditors submit, with their report, a warrant for 96% of the fees, excluding issuance fee, collected from the issuance of cross country ski passes and requires that state agencies submit a warrant for 100% of the fees collected through their sales.

**Subp. 5. Final report of unsold passes and partially sold books (amendment).** These amendments provide that, in addition to county auditors, state agencies selling cross country ski passes must prepare and submit a final report detailing the total number of unsold and void passes to be credited toward their account and a list of sequential numbers of such passes. This rule also states that state agencies are subject to the provision that they are accountable for all unsold or void cross country ski passes not reported for credit or redemption.

**6212.1300 PROHIBITIONS AND PENALTIES ON ISSUANCE OF CROSS COUNTRY SKI PASSES.**

**Subpart 1. Restriction on sale price of passes (amendment).** These amendments provide that, in addition to county auditors, state agencies selling cross country ski passes may only sell cross country ski passes at the fee prescribed in statute. This ensures that all parties selling cross country ski passes charges the same price.

**Subp. 3. Revocation of a state agency's authorization to sell passes (all new language).** Provides that the commissioner may revoke the authorization to sell cross country ski passes of a state agency or subagent if they are found in violation of any provision of law or rule relating to the sale and handling of passes or required reporting. This language ensures that agents act responsibly when selling and reporting cross country ski passes and remitting fees to the county auditors and the commissioner.

**IMPACT ON SMALL BUSINESS**

This rule replaces language previously existing in Commissioner's Order and does not cause increased impact on small business.

**IMPACT ON LOCAL GOVERNMENT**

This rule replaces language previously existing in Commissioner's Order and does not cause increased impact on local governments.

**IMPACT ON AGRICULTURAL LANDS**

This rule pertains to the sale of cross country ski passes and the required application and reporting procedures and has no impact on agricultural lands.

**FEES**

This rule does not establish any new fees.

By:   
Rodney W. Sando  
Commissioner, Department of Natural Resources

Date: 8-6-93

1 Subd. 3. The commissioner may ~~by-order-establish~~ adopt  
2 rules for the harvesting of wild rice on all public waters or  
3 portions thereof. ~~Such~~ The rules need not include the opening  
4 dates, days, and hours of the wild rice harvesting season.

5 The opening dates, days, and hours of harvest shall be  
6 established by the commissioner and ~~published-by-posting-at-such~~  
7 ~~places-and~~ publicized in such manner as the commissioner shall  
8 by rule prescribe, no less than 48 hours prior to the opening  
9 thereof.

10 After the season for the taking of wild rice has been  
11 designated, the commissioner may alter the season by changing  
12 the days and the hours of the day during which such harvest may  
13 be conducted on any or all public waters or portions thereof.  
14 Whenever the commissioner alters the season notice thereof shall  
15 be published by posting in the vicinity of the waters or rice  
16 beds affected by such alteration at such places and in such  
17 manner as the commissioner shall by rule prescribe, no less than  
18 12 hours prior to the time such alterations are to take effect.

19 Sec. 2. Minnesota Statutes 1992, section 84.1525,  
20 subdivision 2, is amended to read:

21 Subd. 2. [RULES.] The commissioner may adopt rules  
22 governing establishing criteria and procedures for:

23 (1) the issuance of stromatolite permits under-subdivision  
24 ± with reasonable conditions; and

25 (2) the denial, modification, suspension, or revocation of  
26 stromatolite permits for cause.

27 Sec. 3. Minnesota Statutes 1992, section 85.41,  
28 subdivision 2, is amended to read:

29 Subd. 2. [LICENSE AGENTS.] County auditors are appointed  
30 agents of the commissioner for the sale of cross-country ski  
31 passes. The commissioner may appoint other state agencies as  
32 agents for the sale of passes. A county auditor may appoint  
33 subagents within the county or within adjacent counties to sell  
34 passes. Upon appointment the auditor shall notify the  
35 commissioner of the name and address of the subagent. The  
36 auditor may revoke the appointment of a subagent, and the

1 commissioner may revoke the appointment of a state agency, at  
2 any time. Upon demand of the commissioner, the auditor shall  
3 revoke a subagent's appointment. The auditor shall furnish pass  
4 blanks on consignment to any subagent who furnishes a surety  
5 bond in favor of the county in an amount at least equal to the  
6 value of the blanks to be consigned to that subagent. A surety  
7 bond is not required of a state agency appointed by the  
8 commissioner. The county auditor shall be responsible for all  
9 blanks issued to, and user fees received by agents, except in  
10 St. Louis county or in a county where the county auditor does  
11 not retain fees paid for license purposes. In these counties,  
12 the responsibilities imposed upon the county auditor are imposed  
13 upon the county. The commissioner may promulgate additional  
14 rules as provided in section 97A.485, subdivision 11.

15 Any resident desiring to sell cross-country ski passes may  
16 either purchase for cash or obtain on consignment pass blanks  
17 from a county auditor in groups of not less than ten individual  
18 blanks. In selling passes, the resident shall be deemed a  
19 subagent of the county auditor and the commissioner, and shall  
20 observe all rules promulgated by the commissioner for the  
21 accounting and handling of licenses pursuant to section 97A.485,  
22 subdivision 11.

23 The county auditor shall promptly deposit all monies  
24 received from the sale of passes with the county treasurer, and  
25 shall promptly transmit any reports required by the  
26 commissioner, plus 96 percent of the price to each pass holder,  
27 exclusive of the issuing fee, for each pass sold or consigned by  
28 the auditor and subsequently sold to a pass holder during the  
29 accounting period. The county auditor shall retain as a  
30 commission four percent of all pass fees, excluding the issuing  
31 fee for passes consigned to subagents and the issuing fee on  
32 passes sold by the auditor to pass holders.

33 Unsold blanks in the hands of any subagent shall be  
34 redeemed by the commissioner if presented for redemption within  
35 the time prescribed by the commissioner. Any blanks not  
36 presented for redemption within the period prescribed shall be

1 conclusively presumed to have been sold, and the subagent  
2 possessing the same or to whom they are charged shall be  
3 accountable.

4 Sec. 4. Minnesota Statutes 1992, section 85.45, is amended  
5 to read:

6 85.45 [~~PENALTY~~ PENALTIES.]

7 Subdivision 1. [SKIING WITHOUT PASS.] No person may ski on  
8 a public cross-country ski trail, including a grant-in-aid cross-  
9 country ski trail, without a valid cross-country ski pass.  
10 Effective July 1, 1984, any person who violates the-provision-of  
11 this section subdivision is guilty of a petty misdemeanor.

12 Subd. 2. [FALSE STATEMENTS.] A person who knowingly makes  
13 a false statement related to an application for a cross-country  
14 ski pass is guilty of a petty misdemeanor.

15 Sec. 5. Minnesota Statutes 1992, section 97A.045,  
16 subdivision 4, is amended to read:

17 Subd. 4. [BOUNDARY WATERS.] The commissioner may regulate  
18 the taking, possession, and transportation of wild animals from  
19 state and international boundary waters. The rules may include:

20 (1) special seasons for taking fish; and

21 (2) restrictions on the limits of fish that may be taken,  
22 possessed, or transported from international boundary waters by  
23 a person possessing both a Minnesota angling license and an  
24 angling license from an adjacent Canadian province.

25 Sec. 6. Minnesota Statutes 1992, section 97A.045, is  
26 amended by adding a subdivision to read:

27 Subd. 9. [NOTICE OF RULEMAKING.] In addition to notice  
28 requirements under chapter 14, the commissioner shall attempt to  
29 notify persons or groups of persons affected by rules adopted  
30 under the game and fish laws by public announcements, press  
31 releases, and other appropriate means as determined by the  
32 commissioner.

33 Sec. 7. Minnesota Statutes 1992, section 97A.055, is  
34 amended by adding a subdivision to read:

35 Subd. 4. [PELTING FEES.] The commissioner may pay a  
36 pelting fee to a person who recovers, treats, preserves, or



STATE OF  
**MINNESOTA**  
**DEPARTMENT OF NATURAL RESOURCES**

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DNR INFORMATION  
(612) 296-6157

August 9, 1993

Maryanne Hruby  
Legislative Commission To Review  
Administrative Rules  
Room 55 State Office Building  
100 Constitution Avenue  
St. Paul, Minnesota 55155-1201

Dear Maryanne,

As prescribed by Minnesota Statutes, section 14.23, I have attached a copy of the statement of need and reasonableness for the department's proposed rule governing cross country ski passes. This rule has been submitted to the state register and will be published with a notice of intent to adopt a rule without a public hearing on August 23, 1993.

If you have any questions, please do not hesitate to call. My number is 297-7031.

Sincerely,

Chuck Armstrong  
Administrative Rule Coordinator

The Legislative Commission to  
Review Administrative Rules

AUG - 9 1993



