

November 28, 2011

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Subject: Annual Report on Obsolete, Unnecessary, or Duplicative Rules as Required by *Minnesota Statutes*, section 14.05, subdivision 5

Dear Governor Dayton, Senators, Representatives, Revisor Timmons, Director Hubinger:

Minnesota Statutes, section 14.05, subdivision 5, directs the Department of Natural Resources (DNR) has to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

1. The DNR previously declared its intention to update the following obsolete rules. Our timetable now for completing this rulemaking is by the end of 2012, through either a permanent rules package or using the process outlined in *Minnesota Statutes*, section 14.3895, whichever is appropriate.
 - a. *Minnesota Rules*, part 6110.2000, subpart 1, relating to separate accounts in each county for boat and water funds is obsolete and unnecessary because the county allocations are now done as reimbursements rather than advances on deposits.

2. The DNR previously declared its intention to update the following obsolete rules. The revisions will be included in a permanent rulemaking package that we intend to complete in 2012.
 - a. *Minnesota Rules*, part 6262.0500, subpart 2a, item B, contains an obsolete end date.
 - b. *Minnesota Rules*, part 6262.0600, subpart 2 relating to night bowfishing needs to be updated to reflect statute changes effective in 2009.
 - c. *Minnesota Rules*, part 6262.0200, subpart 1, item E, relating to the lake trout season end date for lake trout lakes outside the BWCAW needs to be updated to reflect statute changes effective in 20095.
 - d. *Minnesota Rules*, part 6266.0500, subpart 1, item A, relating to taking of fish on Minnesota-Wisconsin boundary waters is obsolete due to a name change to Canadian Pacific following a change in railroad ownership.
3. The Department has reviewed its rules and found that the following rules are or have become obsolete, unnecessary, or duplicative over the course of the last year. Our timetable for completing these rulemakings is by the end of 2012, through either a permanent rules package or using the process outlined in *Minnesota Statutes*, section 14.3895, whichever is appropriate.
 - a. At its meeting on October 5, 2011, the State Executive Council (the state's five constitutional officers) requested that the DNR review the rental rates for non-ferrous metallic minerals leases. The members of the council are of the opinion that the rates may be obsolete since the rules that establish the rates were last amended in 1995.

The DNR is currently reviewing the non-ferrous metallic mineral leasing rules (*Minnesota Rules*, part 6125.0700). Our timetable for completing this review is December of 2011. The DNR may either proceed to rulemaking or request legislation to enact changes as to the rental rate. If legislation is sought, the legislation will also request authority to adopt rule changes under *Minnesota Statutes*, section 14.388, subd. 1, clause (3).

The DNR has found no other rules that have become obsolete, unnecessary, or duplicative over the course of the last year.

If you have any questions, please contact Beth Carlson, DNR Administrative Rules Coordinator (651-259-5531 or beth.carlson@state.mn.us).

Sincerely,

/s/ Tom Landwehr, Commissioner
Department of Natural Resources

c: Beth Carlson, DNR Administrative Rules Coordinator

DATE: November 28, 2011

LEGISLATIVE REPORT – Cost of Preparation

NAME OF LEGISLATIVE REPORT:

Annual Report on Obsolete, Unnecessary, or Duplicative Rules, 2011

Based on: Communications from rule writing contacts in agency divisions

Minnesota Statute Reference: *Minnesota Statutes*, section 14.05, subdivision 5

Prepared by: Elizabeth P. Carlson, DNR Administrative Rules Coordinator

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Description of Cost	Further explanation if necessary	Amount
Staff Time		
Office of Management & Budget Services	5.0 hours	163.00
Office of Communications & Outreach	0.25 hours	10.00
Division of Fish & Wildlife	0.25 hours	10.00
Division of Lands and Minerals	0.25 hours	10.00
Duplication Cost (includes paper)		nominal
Other:		—
TOTAL TO PREPARE REPORT <i>(Note: Right click on amount cell and choose update to complete)</i>		193.00