

Minnesota Department of Natural Resources

Division of Fish and Wildlife

REQUEST FOR COMMENTS

Possible Amendment to Rules Governing Electronic Licensing, *Minnesota Rules*, 6213.0100 to 6213.0800.

Subject of Rules. The Minnesota Department of Natural Resources requests comments on its possible amendment to rules governing Electronic Licensing. The Department is considering the following amendments:

Definitions

- Clarify: Expand the definition of “electronic licenses” to include any future licenses, passes, permits, etc. that may be added to the Electronic Licensing System (ELS).

Current Citation: Minnesota Rules, part 6213.0100

Selection of Agents

- Add: Business hours of operation for the entire year as a factor to be considered during selection process to ensure customer access to the ELS.

Current Citation: Minnesota Rules, part 6213.0310

Terms of Agent Contract

- Clarify: The hours of operations provided by the Agent during the selection process are for the duration of the contract.
- Add: Due to changes in technology, communication connections and electrical needs for Agent have changed, so a phone line will not be the only connection option to the new ELS system.
- Clarify: The deposit of up to \$500 is required per set of equipment.
- Add: The Agent’s deposit will be used towards the replacement of the Point of Sale terminal if the terminal is not returned within 30 days of cancellation of the contract, in order to help provide new Agents with terminals in a timely manner.
- Add: An Agent’s deposit may be applied to any outstanding debt owed to DNR.
- Add: An Agent must provide a location for the ELS equipment that protects it from damage and unauthorized use.
- Add: ELS data may only be used in the normal course of business for the use of processing ELS transactions.
- Change in statute: Match current statute that allows a 3% fee to be collected by Agent when customers use a bankcard and to allow for future changes.

Current Citation: Minnesota Rules, part 6213.0400

Duration of Agent Contract; Transferability

- Clarify: A request for termination of the contract by the Agent or a cancellation or suspension by DNR will be provided in writing.
- Clarify: Any change in operation (such as hours, type of business, or ownership) must be provided in writing to DNR. Changes in operation could affect customer access or representation of the DNR.
- Clarify: If there is a change in ownership, the new owner must submit a new application. Changes in operation could affect customer access or representation of the DNR.

Current Citation: Minnesota Rules, part 6213.0410

Forfeiture or Suspension of Contract

- Add: Agent contract may be canceled due to low sales volume, because it is important to get equipment distributed to the best locations to serve the public.
- Add: Agent contract may be canceled due misuse of ELS data.

Current Citation: Minnesota Rules, part 6213.0420

Sale of Electronic Licenses

- Change in statute: Current rule does not allow for a change in residency requirements. Change rule to allow for future changes to statutes regarding residency.

Current Citation: Minnesota Rules, part 6213.0500

Persons Affected. The amendment to the rules would likely affect Electronic Licensing Agents and the general public.

Statutory Authority. Minnesota Statutes, section 84.027, subdivision 15 (a) (6) authorizes the Department to adopt rules for Electronic Licensing.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on April 30, 2009. The Department does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Department has prepared a draft of the possible rules amendments.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules and requests for more information on these possible rules should be directed to: Ka Vang at the Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4020, 651-355-0141, Fax 651-297-8851, and ka.vang@dnr.state.mn.us. TTY users may call the Department at 651-296-5484 or 1-800-657-3929.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if, and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: _____, 2009

Mark Holsten, Commissioner
Department of Natural Resources