

**1998**

**NATURAL RESOURCES LEGISLATION**

NATURAL RESOURCE RELATED LAWS AND THEIR SUMMARIES  
FROM THE 1998 REGULAR SESSION  
OF THE  
EIGHTIETH MINNESOTA LEGISLATURE

**MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
LEGISLATIVE UNIT**

**JUNE, 1998**

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## Chapter 252 Fish House Restrictions and License Periods Modified

Chapter 252 amends the statutes defining the annual fishing license valid period, the fish house/dark house license period, the window when a house may be on the ice.

### Section 1. Minnesota Statutes 1997 Supplement, section 97A.411, subdivision 1, is amended to read:

Subdivision 1. [LICENSE PERIOD.] (a) Except as provided in ~~paragraph~~ paragraphs (b) and (c), a license is valid during the lawful time within the license year that the licensed activity may be performed. A license year begins on the first day of March and ends on the last day of February.

(b) A license issued under section 97A.475, subdivision 6, clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2), is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

© When the last day of February falls on a Saturday, an annual resident or nonresident fish house or dark house license, including a rental fish house or dark house license, obtained for the license year covering the last day of February, is valid through Sunday, March 1 and the angling license of the fish house licensee is extended through March 1.

### Sec. 2. Minnesota Statutes 1996, section 97C.355, subdivision 7, is amended to read:

Subd. 7. [DATES AND TIMES HOUSES MAY REMAIN ON ICE.]

A fish house or dark house may not be on the ice between 12:00 one hour before sunrise after the following dates:

(1) ~~February 28~~ the last day of February, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and

(2) March 15, for other state waters.

A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the contents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

© When the last day of February, under paragraph (a), clause (1), or March 15, under paragraph (a), clause (2), falls on a Saturday, a fish house or dark house may be on the ice between 12:00 a.m. and one hour before sunrise until 12:00 a.m. the following Monday.

**Chapter 252, Section 1** amends Minnesota Statutes, 1997 Supplement, section 97A.411 to add an exception to the license period for an annual fishing license. In years when the last day of February falls on a Saturday, the fishing license of the holder of a fish house or dark house license remains valid for the following Sunday, March 1. The dark house or fish house license is likewise extended.

Date Signed: February 13, 1998

**Chapter 252, Section 2** amends Minnesota Statutes 1996, section 97C.335 to extend the dates when fish houses and dark houses can be on the ice to add February 29, in leap years. This applies to the southern portion of the state, as delineated in statute. When the fish house /dark house season expires on a Saturday, this section also allows the owner of the house to leave the house on the ice until 12:00 a.m. Monday.

Date Signed: February 13, 1998

**Sec. 3. [EXTENDING CERTAIN ANGLING SEASONS.]**

Notwithstanding Minnesota Statutes, sections 97C.345, subdivisions 1 and 2, paragraph (b), 97C.371, subdivision 4, and 97C.395, subdivision 1, paragraph (a), clause (1), the 1997-1998 angling season for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass and the 1997-1998 spearing season for roughfish, catfish, lake whitefish, and northern pike is extended through March 1, 1998, except that no spearing will be permitted on Cass lake, Beltrami and Cass counties, during this extension. The commissioner of natural resources by order may close the season in all or parts of the state before March 1, 1998, if the commissioner finds it necessary for protection of the resource or public safety. Such an order is effective upon filing with the secretary of state. The rulemaking provisions of Minnesota Statutes, chapter 14, section 84.027, subdivision 13, and sections 97A.0451 to 97A.0459, do not apply to this section.

**Sec. 4. [EFFECTIVE DATE.]**

Sections 1 to 3 are effective the day following final enactment.

Presented to the governor February 12, 1998

**Chapter 252, Section 3** provides a one time extension through March 1, 1998 of the 1997-98 angling season for walleye, sauger, northern pike, muskellunge, largemouth bass, smallmouth bass. Spearing season is also extended for most lakes for roughfish, catfish, lake whitefish, and northern pike through March 1, 1998. The DNR Commissioner was provided special powers to end this one time extension for safety or resource protection.

Date Signed: February 13, 1998

**Chapter 312**

**Watershed Management and Wetland Replacement Plans Review Requirements Modification**

Chapter 312 amends statutes governing water planning and project implementation

**Section 1. Minnesota Statutes 1996, section 103B.231, subdivision 9, is amended to read:**

Subd. 9. [APPROVAL BY THE BOARD.] After completion of the review under subdivision 8, the ~~board of water and soil resources shall review the plan as provided in sections 103D.401 and 103D.405.~~ The board shall review the plan for conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. If the capital improvement program is the subject of a dispute between counties, the board of water and soil resources shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved. The board shall complete its review under this section within 90 days.

**Sec. 2. Minnesota Statutes 1996, section 103D.105, is amended to read:**

103D.105 [BOARD HEARINGS.]

Subdivision 1. [PROCEDURE.] (a) A rulemaking hearing must be conducted under chapter 14.

~~(b) A hearing in a proceeding to establish or terminate a watershed district must be conducted.~~

(b) Notwithstanding chapter 14, other hearings under this chapter, except hearings under paragraph (a), shall be conducted by the board under this section. The board may refer the hearing to one or more members of the board or an administrative law judge

**Chapter 312, Section 1** amends M.S. 1996, section 103B.231, subdivision 9 governs watershed plan approval. The amendment deletes, as a standard for review, MS 1996, sections 103D.401 and 103D.405, which are in the enabling statutes for watershed districts and define watershed management plans and their revisions and the review of those plans, including Met Council duties and notice requirements.

**Chapter 312, Section 2** amends M.S. 1996, section 103D.105, watershed district enabling statutes defining requirements of board hearings. The amendment removes hearings to terminate or establish a watershed district from the category of actions requiring a board hearing. It also ensures rulemaking hearings will be conducted under the Administrative Procedures Act.

The amendment further corrects an incorrect internal reference to nonexistent subd. 1 (a) and leaves the process to establish or terminate a watershed district to be guided by M.S. 1997, section 103D.205 through 103D.271.

to hear evidence and make findings of fact and report them to the board.

Subd. 2. [PROCEDURE FOR NONCONTROVERSIAL PLANS OR PETITIONS.] (a) If the board finds that a watershed management plan or petition that would be given a hearing under subdivision 1, paragraph (b), is noncontroversial, the board may, except in a proceeding to establish or terminate a watershed district, proceed under this subdivision.

(b) The board must give notice that the watershed management plan or petition has been filed. The notice must be made:

(1) by publication in a legal newspaper in each county affected by the watershed district;

(2) by mail to the auditor of each county affected by the watershed management plan or petition; and

(3) by mail to the chief executive officer of each city affected.

© The notice must:

(1) describe the actions proposed by the plan or petition;

(2) invite written comments on the plan or petition for consideration by the board;

(3) state that a person who objects to the actions proposed in the plan or petition may submit a written request for hearing to the board within 30 days of the last publication of the notice of filing of the plan or petition; and

(4) state that if a timely request for hearing is not received, the board may make a decision on the plan or petition at a future meeting of the board.

(d) If one or more timely requests for hearing are received, the board must hold a hearing on the plan or petition.

**Sec. 3. Minnesota Statutes 1996, section 103D.641, is amended to read:**

103D.641 [WORK WITHOUT BID.]

If the managers find that the estimated cost of repair, including all fees and costs incurred for proceedings relating to it, is less than ~~\$20,000~~ \$25,000, it may have the work done by contract without advertising for bids.

**Sec. 4. Minnesota Statutes 1996, section 103G.2242, subdivision 8, is amended to read:**

Subd. 8. [PUBLIC COMMENT PERIOD.] Except for activities impacting less than 10,000 square feet of wetland, before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period of ~~30 days~~ 15 days or more, as determined by the local government unit.

**Sec. 5. Minnesota Statutes 1997 Supplement, section 103G.2243, subdivision 1, is amended to read:**

Subdivision 1. [GENERAL REQUIREMENTS; NOTICE AND PARTICIPATION.] (a) As an alternative to the rules adopted under section 103G.2242, subdivision 1, and the public value criteria established or approved under section 103B.3355, a comprehensive wetland protection and management plan may be developed by a local government unit, or one or more local government units operating under a joint powers agreement, provided that:

(1) a notice is made at the beginning of the planning process to the board, the commissioner of natural resources, the pollution

**Chapter 312, Section 3** amends M.S. 1996, section 103D.641, which sets the ceiling for obtaining services to repair a drainage system without going through competitive bidding. The ceiling is raised from \$20,000 to \$25,000.

**Chapter 312, Section 4** amends M.S. 1996, section 103G.2242, subdivision 8. Chapter 103G provides the statutes governing administration of the waters of Minnesota. The amended section and subdivision address replacement plans for wetlands and the public comment period prior to adoption of those kinds of plans. The amendment shortens the required comment period from 30 days to 15 days, however the amendment also provides the local authority with the power to stipulate a longer comment period.

**Chapter 312, Section 5** amends M.S. 1997, section 103G.2243, subdivision 1 guiding local comprehensive wetland protection and management plan development and adoption. Subdivision 1 describes how to give notice of the intent to develop a plan. The amendment adds the Commissioner of Agriculture to the list of officials who must be notified at the beginning of plan development.

control agency, the commissioner of agriculture, local government units, and local citizens to actively participate in the development of the plan; and

(2) the plan is implemented by ordinance as part of the local government's official controls under chapter 394, for a county; chapter 462, for a city; chapter 366, for a town; and by rules adopted under chapter 103D, for a watershed district; and chapter 103B, for a watershed management organization.

(b) An organization that is invited to participate in the development of the local plan, but declines to do so and fails to participate or to provide written comments during the local review process, waives the right during board review to submit comments, except comments concerning consistency of the plan with laws and rules administered by that agency. In determining the merit of an agency comment, the board shall consider the involvement of the agency in the development of the local plan.

**Sec. 6. [MINELAND RECLAMATION PERMITS.]**

Notwithstanding Minnesota Statutes, section 103G.222, subdivision 1, the commissioner of natural resources shall approve the location of wetland replacements, through mineland reclamation permits authorized pursuant to Minnesota Statutes, section 93.481, for projects where replacement was begun prior to January 1, 1997, in accordance with individual permits issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344.

**Sec. 7. [WETLAND LAW CONSOLIDATION REPORT.]**

By March 1, 1999, the commissioner of natural resources, in conjunction with the executive director of the board of water and soil resources, shall submit a report to the house and senate environment and natural resources committees regarding the simplification of wetland law by consolidating public waters wetlands laws with the wetlands conservation act. The report shall include a discussion of the problems and benefits of a consolidation.

**Chapter 312, Section 6** allows USX Corporation and Inland Steel to compensate for wetland losses in St. Louis County with land in Aitkin County. Replacement is accomplished under a mining permit approved by the DNR.

In 1996, Inland Steel Mining Co. and U.S. Steel Co. bought lands in Aitkin County to mitigate for future loss of wetlands mined in St. Louis County. When the Corps issued the federal 404 permit, the Minnesota wetland conservation law requiring same county mitigation were not raised. The Corps decisions issuance of this permit necessitate this law to suspend the wetland conservation law requirement.

**Chapter 312, Section 7** mandates DNR and BWSR to assess the merits of consolidating and simplifying the public water laws with the wetland conservation act. The report is due March 1, 1999, and is to be submitted to the House and Senate Environment, Agriculture, and Natural Resources policy committees.

## Chapter 318 Gateway Trail Extension

Chapter 318 is an extension of the Gateway Trail into Chisago County and to the State Capitol.

**Section 1. Minnesota Statutes 1996, section 85.015, subdivision 14, is amended to read:**

Subd. 14. [STATE TRAIL, CHISAGO, RAMSEY, AND WASHINGTON COUNTIES.] (a) The trail shall originate at milepost 446.19 on the Soo Line Railroad right-of-way in the Southeast Quarter of Section 19, Township 29 North, Range 22 West, Ramsey county, and shall extend in an easterly and northeasterly direction along the Soo Line Railroad right-of-way to milepost 438.33 in the Southwest Quarter of Section 5, Township 29 North, Range 21 West, in Washington county; the state capitol

**Chapter 318, Section 1** amends M.S. 1996, section 85.015, subdivision 14. This section defines the route of state trails, as defined in M.S. 86A. This extends the trail to the north, northeast to Taylors Falls in Chisago County, and southwest to the State Capitol.

Effective Date: July 30, 1998

and shall extend northerly and northeasterly to William O'Brien state park, thence northerly to Taylors Falls in Chisago county, and there terminate.

(b) The trail shall be developed primarily for hiking and nonmotorized riding.

© In addition to the authority granted in Minnesota Statutes, section 85.015, subdivision 1, lands and interests in lands for the trail may be acquired by eminent domain.

(d) The commissioner of natural resources, after consulting with all local units of government affected by the trail, and with the commissioner of transportation and the metropolitan council, shall prepare a master plan for the trail. After completion of the master plan, any land or interest in land not needed for the trail may be disposed of by the commissioner of natural resources as follows:

(1) by transfer to the department of transportation, the historical society, or another state agency;

(2) by sale at not less than the purchase price to a city, town, school district, park district, or other political subdivision whose boundaries include or are adjacent to the land, for public purposes only, after written notice to each of these political subdivisions; or

(3) if no offer to purchase is received from any political subdivision within one year after the completion of the master plan, then by public sale, at not less than the purchase price, upon notice published in the manner provided in section 92.14, and otherwise in the same manner as trust fund lands are sold, so far as applicable.

All proceeds derived from sales of unneeded land and interest in land shall be deposited in the state bond fund. For the purposes of United States Code, title 23, section 138, and title 49, section 1653(f), any land or interest in land not needed for the trail and transferred to another state agency, or sold, does not constitute permanent park, recreation area, or wildlife or waterfowl refuge facility land.

## Chapter 342

### Constitutional Question Extending the Deposit of Lottery Proceeds to the Environmental Trust Fund

Chapter 342 inserts a constitutional question in the November 1998 election ballot. The question, whether or not to extend the deposit of 40% of lottery proceeds into the Environmental Trust for 25 more years, requires a yes vote from a majority of those voting in the November 1998 election, as defined in Article 9 of the Minnesota Constitution. Abstentions are considered NO votes.

#### Section 1. [CONSTITUTIONAL AMENDMENT PROPOSED.]

An amendment to the Minnesota Constitution, article XI, section 14, is proposed to the people. If the amendment is adopted, the section will read as follows:

~~Sec. 14. A permanent Minnesota environment and natural resources trust fund is established in the state treasury. The principal of the environment and natural resources trust fund must be perpetual and inviolate forever, except appropriations may be made from up to 25 percent of the annual revenues deposited in the fund until fiscal year 1997 and Loans may be made of up to five percent of the principal of the fund for water system improvements as provided by law. This restriction does not prevent the sale of investments at less than the cost to the fund, however, all losses not offset by gains shall be repaid to the fund from the earnings of~~

#### ARTICLE IX

#### AMENDMENTS TO THE CONSTITUTION

**Section 1.** AMENDMENTS; RATIFICATION. A majority of the members elected to each house of the legislature may propose amendments to this constitution. Proposed amendments shall be published with the laws passed at the same session and submitted to the people for their approval or rejection at a general election. If a majority of all the electors voting at the election vote to ratify an amendment, it becomes a part of this constitution. If two or more amendments are submitted at the same time, voters shall vote for or against each separately.

**Chapter 342, Section 1** directs the vote on the amendment to Article 11, Section 14, the establishment of an Environment and Natural Resources Trust Fund. The amendment to the section are:

~~the fund:~~ The ~~net earnings from assets of~~ the fund shall be appropriated ~~in a manner prescribed~~ by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. The amount appropriated each year of a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, may be up to 5-1/2 percent of the market value of the fund on June 30 one year before the start of the biennium. Not less than 40 percent of the net proceeds from any state-operated lottery must be credited to the fund until the year ~~2001~~ 2025.

- Eliminating the reference to Minnesota in the title of the Trust Fund;
- Deletes language preventing use of the principle or corpus of the Environment and Natural Resources Trust Fund and allowing appropriations of only the net earnings;
- Amends the article so as to no longer require the principle be repaid from earnings for losses incurred in the sale of securities;
- Provides a new method of using monies from the Trust Fund that provides a biennial appropriation from the Trust Fund of 11 percent of the market value as calculated on June 30 one year prior to the beginning of the biennium.

**Sec. 2. [SUBMISSION TO PEOPLE.]**

The proposed amendment shall be submitted to the people at the 1998 general election. The question submitted shall be: "Shall the Minnesota Constitution be amended to extend to the year 2025 the dedication of lottery proceeds to the environment and natural resources trust fund and to maximize the long-term total return to the fund?"

Yes .....  
No ....."

**Chapter 342, Section 2** shows the question as it will appear on the ballot.

Effective Date: March 24, 1998

**Chapter 352  
Claims Bill**

Chapter 352 is the claims bill. The claims bill affords a process to compensate citizens for actions of agencies which they believe harmed them. This is a non-judicial, non-administrative remedy to disputes.

**Sec. 6. [DEPARTMENT OF NATURAL RESOURCES.]**

The department of natural resources shall pay \$6,250 to the town of Urness in Douglas county to be used to partially reimburse Red Rock lake shore owners for their contributions in 1994 to the cost of construction of a culvert necessary to lower the level of the lake.

**Chapter 352, Section 6** instructs the DNR to pay the town of Urness \$6,350, which the town shall use to reimburse property owners on Red Rock Lake for half of the costs they paid to install a culvert to lower the level of Red Rock Lake.

Effective Date: April 7, 1998

**Chapter 383  
Tornado and Other Weather Disaster Relief Bill**

Chapter 383 is the tornado disaster bill designed to address the damage from the tornados that struck southern Minnesota, including the City of St. Peter and the Town of Comfrey. The bill provides administrative relief to executive branch agencies involved in the recovery

**Sec. 11. [TEMPORARY WAIVER OF FEES.]**

Notwithstanding any law to the contrary, for fiscal years 1998 and 1999, an agency, with the approval of the governor, may waive fees that would otherwise be charged for agency services. The waiver of fees must be confined to geographic areas within counties included in the area designated under Presidential Declaration of Major Disaster, DR1212, whether included in the original declaration or added later by federal government action, and to the minimum periods of times necessary to deal with the emergency situation. The agency must promptly report the reasons

**Chapter 383, section 11** temporarily permits executive branch agencies to waive fees for agency services such as permits and other fees. The waiver must be confined to counties under the Presidential Disaster Declaration. The ability to waive fees expires January 15, 1999. For DNR, the House and Senate Environment, Agriculture, and Natural Resources policy and budget committees must be informed of any waiver, with a description of the reason for the waiver and the impact.

Effective Date: April 10, 1998



for and the impact of any suspended fees to the chairs of the legislative committees that oversee the policy and budgetary affairs of the agency. This section expires January 15, 1999.

**Sec. 26. [TEMPORARY AUTHORITY TO SUSPEND RULES.]**

Notwithstanding any law to the contrary, for fiscal years 1998 and 1999, an agency with the approval of the governor, may temporarily suspend specific agency rules because of the effects of the March 29, 1998 tornadoes. The suspension of rules must be confined to geographic areas affected within counties located in the area designated under Presidential Declaration of Major Disaster, DR1212, whether included in the original declaration or added later by federal government action, and to the minimum periods of time necessary to deal with the emergency situation. The agency must promptly report the reasons for and the impact of any suspended rules to the chairs of the legislative committees that oversee the policy and budgetary affairs of the agency and to the chairs of the legislative committees on governmental operations. This section expires January 15, 1999.

**Sec. 27. [FEDERAL FUNDS.]**

State agencies may apply for any federal funds available for tornado relief. Notwithstanding Minnesota Statutes, section 3.3005, the commissioner of finance may submit the request to receive and spend federal funds to the legislative advisory commission required under Minnesota Statutes, section 3.3005, any time after the application is made for those funds. If a recommendation is not made within five days, no further review by the legislative advisory commission is required, and the commissioner shall approve or disapprove the request. If a recommendation is made for further review, the commissioner may proceed according to Minnesota Statutes, section 3.3005, subdivision 5. This section expires January 15, 1999.

**Chapter 383, section 26** provides temporary authority to the executive branch to suspend agency rules in the area described in the Presidential Disaster Declaration. The ability to suspend rules expires January 15, 1999. For DNR, the House and Senate Environment, Agriculture, and Natural Resources policy and budget committees must be informed of any waiver, with a description of the reason for the waiver and the impact.

Effective Date: April 10, 1998

**Chapter 383, section 27** streamlines the legislative review of planned expenditures of federal funds, if those funds are available for tornado relief. The changes allow prospective requests for permission to spend, and limit the Legislative Advisory Committee's time for review to five days. This streamlined process expires January 15, 1999.

Effective Date: April 10, 1998

## **Chapter 388 Drivers Licence Provisions Modifications**

Chapter 388 contains changes in the Minnesota Drivers Licence. While most of this chapter changed the requirements for youth drivers, section 17 effected the Firearms Safety Training designation.

**Sec. 17. Minnesota Statutes 1996, section 171.07, is amended by adding a subdivision to read:**

Subd. 13. [FIREARMS SAFETY DESIGNATION.] (a) When an applicant presents a firearms safety certificate issued for successfully completing a firearms safety course administered under section 97B.015, voluntarily requests a driver's license or identification card described in paragraph (b), pays the required fees, and otherwise qualifies, the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card described in paragraph (b).

(b) Pursuant to paragraph (a), the department shall issue a driver's license or Minnesota identification card bearing a designation or symbolic representation, as designed by the commissioner in consultation with the commissioner of natural resources, indicating that the applicant has successfully completed a firearms safety

**Chapter 388, Section 17** amends M.S. 1996, section 171.07, which defines the information on licenses and identification cards. The amendment requires the Department of Public Safety to issue a drivers license or identification card designating successful completion of a firearms safety education program by the holder, if an applicant for such a card presents a firearms safety certificate and requests the card carry the designation.

Effective Date: January 1, 1999

course and is knowledgeable in firearms safety.

## Chapter 389 Omnibus Tax Bill

Chapter 389 is the Omnibus Tax Bill. From time to time, natural resource issues are addressed in this bill. In 1998, the Omnibus tax bill addressed flood prevention project financing, land sales, and lakeshore land lease disposition.

### ARTICLE 4 GENERAL LEVY LIMITS AND STATE AIDS

#### Sec. 13. [TEMPORARY LOCAL GOVERNMENT AID INCREASES.]

For payments in calendar year 1998 only, the city of East Grand Forks shall receive an additional payment of \$9,200,000 and the city of Warren shall receive an additional payment of \$800,000 under the provisions of Minnesota Statutes, sections 477A.011 to 477A.014. For payments in calendar year 1999 only, the city of East Grand Forks shall receive an additional aid payment of \$4,600,000 and the city of Warren shall receive an additional payment of \$400,000 under the provisions of Minnesota Statutes, sections 447A.011 to 477A.014. The amounts of these payments shall not be included in the calculation of any other aids provided under Minnesota Statutes, chapter 477A, or other law, or in any limitations on levies or expenditures. \$10,000,000 is appropriated in fiscal year 1999 and \$5,000,000 is appropriated in fiscal year 2000 to the commissioner of revenue from the general fund to make the payments under this section.

**Chapter 389, Article 4, Section 13** temporarily increases the local government aid to Warren, MN and East Grand Forks, MN. Warren receives an additional \$800,000 in FY 1998 and \$400,000 in FY 1999. East Grand Forks receives an additional \$9,200,000 in FY 1998 and \$4,600,000 in FY 1999. These funds are part of a larger funding package for flood prevention efforts initiated after the floods of 1997.

Effective for aids payable in 1998 and 1999 only

### ARTICLE 10 TACONITE TAXES

#### Sec. 5. Minnesota Statutes 1996, section 298.22, subdivision 2, is amended to read:

Subd. 2. There is hereby created the iron range resources and rehabilitation board, consisting of 11 members, five of whom ~~shall be~~ are state senators appointed by the subcommittee on committees of the rules committee of the senate, and five of whom ~~shall be~~ are representatives, appointed by the speaker of the house of representatives, ~~their terms of office to commence on May 1, 1943, and continue until January 3rd, 1945, or until their successors are appointed and qualified. Their successors~~ The members shall be appointed each two years in the same manner as the original members were appointed; in January of every second odd-numbered year, commencing in January, 1945. The 11th member of ~~said~~ the board ~~shall be~~ is the commissioner of natural resources ~~of the state of Minnesota.~~ Vacancies on the board shall be filled in the same manner as the original members were chosen. At least a majority of the legislative members of the board shall be elected from state senatorial or legislative districts in which over 50 percent of the residents reside within a tax relief area as defined in section 273.134. All expenditures and projects made by the commissioner of iron range resources and rehabilitation shall first be submitted to ~~said~~ the iron range resources and rehabilitation board for approval by at least eight board members of expenditures and projects for rehabilitation purposes as provided by this section,

**Chapter 389, Article 10, Section 5** amends M.S. 1996, section 298.22, subdivision 2, the statute creating the Iron Range Resources and Rehabilitation Board. The amendment clarifies the existing statute removing the reference to the original appointment year, substituting reference to January of the odd numbered year. This retains the current membership term that coincides with the biennial term of elected office. The commissioner of DNR remains a member.

Effective Date: July 30, 1998

and the method, manner, and time of payment of all ~~said~~ funds proposed to be disbursed shall be first approved or disapproved by ~~said~~ the board. The board shall biennially make its report to the governor and the legislature on or before November 15 of each even-numbered year. The expenses of ~~said~~ the board shall be paid by the state of Minnesota from the funds raised pursuant to this section.

**Sec. 17. Minnesota Statutes 1997 Supplement, section 298.28, subdivision 9b, is amended to read:**

Subd. 9b. [TACONITE ENVIRONMENTAL FUND.] Five cents per ton for distributions in 1998 ~~and~~, 1999, and 2000 shall be paid to the taconite environmental fund for use under section 298.2961. No distribution may be made under this paragraph in any year in which total industry production falls below 30,000,000 tons.

**Sec. 18. Minnesota Statutes 1996, section 298.28, subdivision 10, is amended to read:**

Subd. 10. [INCREASE.] Beginning with distributions in 2000, the amounts determined under subdivisions 6, paragraph (a), and 9 shall be increased in ~~1979 and subsequent years prior to 1988 in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. The amount distributed in 1988 shall be increased according to the increase that would have occurred in the rate of tax under section 298.24 if the rate had been adjusted according to the implicit price deflator for 1987 production. Those amounts shall be increased in 1989, 1990, and 1991 in the same proportion as the increase in the implicit price deflator as provided in section 298.24, subdivision 1. In 1992 and 1993, the amounts determined under subdivisions 6, paragraph (a), and 9, shall be the distribution per ton determined for distribution in 1991. In 1994, the amounts determined under subdivisions 6, paragraph (a), and 9, shall be the distribution per ton determined for distribution in 1991 increased in the same proportion as the increase between the fourth quarter of 1989 and the fourth quarter of 1992 in the implicit price deflator as defined in section 298.24, subdivision 1. Those amounts shall be increased in 1995 and subsequent years in the same proportion as the increase in the implicit price deflator as provided in section 298.24, subdivision 1.~~

The distributions per ton determined under subdivisions 5, paragraphs (b) and (d), and 6, ~~paragraphs paragraph (b) and~~ paragraph (b) and for distribution in 1988 and subsequent years shall be the distribution per ton determined for distribution in 1987. The distribution per ton under subdivision 6, paragraph (c), for distribution in 2000 and subsequent years shall be 81 percent of the distribution per ton determined for distribution in 1987.

**Article 12  
BORDER CITY ZONES**

**Sec. 3. Minnesota Statutes 1996, section 469.169, is**

**Chapter 389, Article 10, Section 17** amends M.S. 1997 supplement, section 298.22, subdivision 9b, to extend by one year - the year 2000, the number of years that a nickel per ton of taconite ore extracted is deposited into the Taconite Environmental Fund. This deposit takes place only if the annual total production is 30,000,000 tons or over.

Effective Date: July 30, 1998

**Chapter 389, Article 10, Section 18** amends M.S. 1996, section 298.22, subdivision 10, to delete archaic distribution formulae for the Taconite Environmental Fund directing distribution in years prior to 1995.

Additionally, the last paragraph of subdivision 10 is amended in a manner that reduces property tax relief payments from taconite taxes for an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite and located in a school district other than a school district in which the mining and concentrating processes are conducted.

Effective for distributions in year 2000

**Chapter 389, Article 12, Section 3** provides Breckenridge, Dilworth, East Grand Forks, Moorhead and Ortonville with the ability to establish enterprise zones and reduce taxes on new or

**amended by adding a subdivision to read:**

Subd. 12. [ADDITIONAL ZONE ALLOCATIONS.] In addition to tax reductions authorized in subdivisions 7, 8, 9, 10, and 11, the commissioner shall allocate tax reductions to border city enterprise zones located on the western border of the state. The cumulative total amount of tax reductions for all years of the program under sections 469.1731 to 469.1735, is limited to:

- (1) for the city of Breckenridge, \$394,000;
- (2) for the city of Dilworth, \$118,200;
- (3) for the city of East Grand Forks, \$788,000;
- (4) for the city of Moorhead, \$591,000; and
- (5) for the city of Ortonville, \$78,800.

Allocations made under this subdivision may be used for tax reductions provided in section 469.1732 or 469.1734 or for reimbursements under section 469.1735, subdivision 3, but only if the municipality determines that the granting of the tax reduction or offset is necessary to enable a business to expand within a city or to attract a business to a city. Limitations on allocations under subdivision 7 do not apply to this allocation.

**Sec. 6. [469.1731] [BORDER CITY DEVELOPMENT ZONES.]**

Subdivision 1. [DESIGNATION.] To encourage economic development, to revitalize the designated areas, to expand tax base and economic activity, and to provide job creation, growth, and retention, the following border cities may designate, by resolution, areas of the city as development zones after a public hearing upon 30-day notice.

(a) The city of Breckenridge may designate all or any part of the city as a zone.

(b) The city of Dilworth may designate between one and six areas of the city as zones containing not more than 100 acres in the aggregate.

© The city of East Grand Forks may designate all or any part of the city as a zone.

(d) The city of Moorhead may designate between one and six areas of the city as zones containing not more than 100 acres in the aggregate.

(e) The city of Ortonville may designate between one and six areas of the city as zones containing not more than 100 acres in the aggregate.

Subd. 2. [DEVELOPMENT PLAN.] (a) Before designating a development zone, the city must adopt a written development plan that addresses:

(1) evidence of adverse economic conditions within the area resulting from competition with the bordering state or the 1997 floods or both;

(2) the viability of the development plan;

(3) public and private commitment to and other resources available for the area;

(4) how designation would relate to a development and revitalization plan for the city as a whole; and

(5) how the local regulatory burden will be eased for businesses operating in the area.

(b) The development plan must include:

(1) a map of the proposed zone that indicates the geographic

expanding businesses in these zones. These communities received damage in the floods of 1997. This section aids rebuilding of the business community.

Effective Date: July 30, 1998

**Chapter 389, Article 12, Section 6** details the procedures necessary for designation and the limits to enterprise zones for commercial flood damage abatement. Breckenridge may designate any part of the city as an enterprise. The other cities are limited to no more than 6 areas totaling no more than 100 acres. A development plan is required prior to designation.

Effective Date: April 22, 1998

boundaries, the total area, and the present use and conditions generally of land and structures within the area;

(2) evidence of community support and commitment from business interests;

(3) a description of the methods proposed to increase economic opportunity and expansion, facilitate infrastructure improvement, and identify job opportunities; and

(4) the duration of the zone designation, not to exceed 15 years.

Subd. 3. [FILING.] The city must file a copy of the resolution and development plan with the commissioner of trade and economic development. The designation takes effect for the first calendar year that begins more than 90 days after the filing.

## **Article 16 MISCELLANEOUS**

### **Sec. 30. [PRIVATE SALE OF SURPLUS LAND; RED LAKE COUNTY.]**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale to the adjacent land owner, for a consideration equal to the appraised value, the surplus land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 94.

(b) The conveyance shall be in a form approved by the attorney general.

© The land that may be sold is located in Red Lake county, consists of about 50 acres, and is described as follows:

(1) Government lot 5, section 25, Township 152 North, Range 40 West;

(2) Government lot 7, section 25, Township 152 North, Range 40 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership.

### **Sec. 31. [EXCHANGE OF LAKESHORE LEASED LOTS.]**

Subdivision 1. [ANALYSIS OF LOTS.] By January 15, 1999, the commissioner of natural resources must submit a report to the chairs of the senate and house environment and natural resources committees, the house environment, natural resources, and agriculture finance committee, the senate environment and agriculture budget division, the senate children, families and learning committee, and the house education committee. The report must provide the results of the field inspection required by this section, recommendations on appropriations needed to accomplish the purposes of this section, and additional recommendations on methods to preserve public lakeshore in the state. The commissioner must conduct a field inspection of all lands leased pursuant to Minnesota Statutes, section 92.46, subdivision 1. The commissioner must identify all lots within the following classifications:

(1) the lot contains all or part of an unusual resource, such as a historical or archaeological site, or a sensitive ecological resource, or contains unique habitat, or has a high scenic value;

**Chapter 389, Article 16, Section 30** allows the DNR to sell land on Red Lake, in Red Lake County. This land was historically thought to be in private ownership. Due to improved surveying techniques the land was recently discovered to be in private ownership.

Effective Date: April 22, 1998

**Chapter 389, Article 12, Section 31, Subdivision 1** requires DNR to evaluate each state-owned lakeshore parcel leased to private individuals. The evaluation is the foundation for a land exchange program to resolve the conflict between lakeshore lease holders and the state, where the state is required to maximize the return on lakeshore lots that are on school trust land (over 80%) and lease holders prefer to minimize the expense of their lakeshore cabin. The evaluation will identify only lots that fall into one of the categories below. Lots that:

Have unusual resources such as unique historic, archeologic, ecologic, scenic, or habitat qualities;

Provide access to adjacent state land; or

Are part of the Horseshoe Bay settlement as referenced in Minnesota Laws of 1997, chapter 216, section 151.

The report must be presented to the following committees by January 15, 1999:

(2) the lot provides access for adjacent state land; or  
(3) the lot is part of the trust land in Horseshoe Bay, as  
referenced in Laws 1997, chapter 216, section 151.

Subd. 2. [EXCHANGE OF COUNTY LAKESHORE LAND  
FOR LEASED LAKESHORE LOTS.] (a) For the purposes of this  
section:

(1) "county land" includes, but is not limited to, tax-forfeited  
land administered by any county; and

(2) "leased lakeshore lots" means lands leased by the state  
pursuant to Minnesota Statutes, section 92.46, subdivision 1.

(b) By June 1, 1999, a county board with leased lakeshore lots  
must petition the land exchange board with a plan for an exchange  
of county land for leased lakeshore lots in the county that are not  
listed by the commissioner pursuant to subdivision 1.  
Notwithstanding Minnesota Statutes, section 94.342, the land  
proposed for the exchange must be land bordering on or adjacent to  
meandered or other public waters. A county board proposing an  
exchange under this section may include tax-forfeited land  
administered by another county in the proposal with the consent of  
that county board.

© In determining the value of the leased lakeshore lots for  
purposes of the exchange, the land exchange board must review an  
appraisal of each lot prepared by an appraiser licensed by the  
commissioner of commerce. The selection of the appraiser must be  
agreed to by the commissioner of natural resources and the county  
board of the county containing the leased lakeshore lot. The  
commissioner of natural resources must pay the costs of appraisal  
and may recover these costs as provided in this section. The  
commissioner must submit appraisals under this paragraph to the  
land exchange board by June 1, 1999.

(d) The land exchange board must determine whether the land  
offered for exchange by a county under this section is lakeshore of  
substantially equal value to the leased lakeshore lots included in  
the county's petition. In making this determination, the land  
exchange board must review an appraisal of the land offered for  
exchange prepared by an appraiser licensed by the commissioner of  
commerce. The selection of the appraiser must be agreed to by the  
commissioner of natural resources and the county board of the  
county containing the leased lakeshore lots. The county must pay  
the costs of this appraisal and may recover those costs as provided  
in this section.

(e) Before the proposed exchange may be submitted to the land  
exchange board, the commissioner of natural resources must ensure  
that, whenever possible, state lands are added to the leased  
lakeshore lots when necessary to provide conformance with zoning  
requirements. The lands added to the leased lakeshore lots must  
be included in the appraised value of the lots. If the commissioner  
is unable to add the necessary land to a lot, the lot shall be treated  
as if purchased at the time the state first leased the site, for the  
purposes of local zoning ordinances at the time of sale of the lot by  
the county.

(f) The land exchange board must determine whether the lots are  
of substantially equal value and may approve the exchange,  
notwithstanding the requirements of Minnesota Statutes, sections  
94.342 to 94.347, relating to the approval process. If the board  
approves the exchange, the commissioner must exchange the  
leased lakeshore lots for the county lands, subject to the  
requirements of the Minnesota Constitution, article XI, section 10,

Senate Environment, Agriculture and Natural Resources Policy;

House Environment, Agriculture and Natural Resources Policy;

House Environment, Agriculture and Natural Resources Finance;

Senate Environment, Agriculture and Natural Resources Budget  
Division of the Senate State Department Finance Committee;

Senate Children Families and Learning Committee; and the

House Education Committee.

Additional recommendations on ways to preserve public  
lakeshore are authorized.

Chapter 389, Article 12, Section 31, Subdivision 2 requires  
counties to bring before the Land Exchange Board, a plan to  
exchange county land for leased lakeshore lots in each county. The  
plan may only address lots not in one of the classes identified above.  
Land offered for exchange must border public water (including  
meandered public water). Counties are authorized to offer, with the  
consent of another county, tax forfeited lands in the other county.

Each leased lot in the exchange must be appraised by a licensed  
appraiser, agreed to by the DNR and the county board of the county  
containing the lot. DNR will pay the cost of the appraisal and  
submit the appraisal to the Land Exchange Board.

The land offered in exchange must be of approximately equal  
value based on an appraisal by a licensed appraiser. The licensed  
appraiser must be agreed to by the DNR and the county board.

Prior to submission of the exchange plan by the county, the DNR  
must examine each leased lot in the plan and, where possible, add  
land to leased lot to ensure that it conforms to zoning requirements.  
Nonconforming lots are grandfathered into local zoning.

The Land Exchange Board must rule on whether or not the  
exchange represents a value for value exchange. Board approval is  
not limited by those portions of the land exchange statutes relating  
to the approval process. The DNR must exchange the lands, if the  
plan is approved, however mineral and water power rights remain  
with the state.

Chapter 389, Article 12, Section 31, Subdivision 3 binds the  
county to sell the land gained in the exchange to the lessee within  
90 days. Appraisal costs may be included in the sale. In the event  
the lessee elects not to buy the land, the county may sell it by public  
sale at the expiration of the current lakeshore leases and at no less  
than the value of the land as determined by the county board plus  
the costs of appraisal and the value of improvements on the land.  
The county must reimburse the lessee for the development, less the  
costs of the appraisal. Monies gained by the county as a result of a  
charge for appraisal must be transferred to the DNR.

Chapter 389, Article 12, Section 31, Subdivision 4 all  
proceeds to the county from the sale of land under this section  
must be deposited in an Environmental Trust Fund established by  
the county. Interest earned on the corpus of that trust fund must be  
used for purposes related to the improvement of natural resources.  
If a county uses tax forfeited land of another county as part of its  
exchange plan, the other county's land must be considered in the  
deposit of the sale proceeds. The proceeds from sales must be  
apportioned to and credited to the trust funds of the various counties

relating to the reservation of mineral and water power rights.

Subd. 3. [COUNTY SALE.] Notwithstanding Minnesota Statutes, section 282.018, or any other law to the contrary, a county board must offer land that it has acquired through an exchange under this section for sale to the lessee of the land within 90 days from the date of acquisition for the value of the land as determined by the county board. The county board may include the cost of appraisal of the county land for the purposes of this section in the value of the land. If the lessee does not elect to purchase the land, the county board may sell the land by public sale at the expiration of the lease term for no less than the value of the land as determined by the county board, including the cost of appraisal required by this section, and the value of improvements to the land. The county board must reimburse the lessee for the value of the improvements to the land and the county may retain a sum from the proceeds of the sale equivalent to the cost of appraisal. The county board must reimburse the commissioner of natural resources for the costs of appraisal under subdivision 2, paragraph (c), from the proceeds of the sale.

Subd. 4. [COUNTY ENVIRONMENTAL TRUST FUND.] Notwithstanding the provisions of Minnesota Statutes, chapter 282, and any other law relating to the apportionment of proceeds from the sale of tax-forfeited land, and except as otherwise provided in this section, a county board must deposit the money received from the sale of land under subdivision 3 into an environmental trust fund established by the county under this subdivision. The principal from the sale of the land may not be expended, and the county board may spend interest earned on the principal only for purposes related to the improvement of natural resources. To the extent money received from the sale is attributable to tax-forfeited land from another county, the money must be deposited in an environmental trust fund established under this section by that county board.

Subd. 5. [NOTICE.] The commissioner must mail notice of this section to each lessee of a leased lakeshore lot and to each affected county board by July 1, 1998.

in accordance with the value of each county's land as shown in the approved exchange land.

Chapter 389, Article 12, Section 31, Subdivision 5 requires DNR to notice each lessee of a lakeshore lease of the provisions of this law by July 1, 1998.

Effective Date: April 22, 1998

## **Chapter 391 State Park Boundary Bill**

Chapter 391 redefines the boundaries of state parks and recreation areas. Prior to acquiring land for a state park, the boundary of that state park must be legislatively described. Once described, the state may proceed to acquire privately held land within that boundary from willing sellers. This process must be followed when initially establishing a state park and when expanding a state park. The boundary descriptions are in M.S. 1996, chapter 85. Additionally, this bill may contain constrains or added powers regarding the use and disposition of lands within boundaries.

### **Section 1. Minnesota Statutes 1996, section 85.054, is amended by adding a subdivision to read:**

Subd. 8. [ZIPPEL BAY STATE PARK.] A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the parking area located adjacent to county state aid highway No. 4 at Zippel Bay state park, Lake of the Woods county.

### **Sec. 2. [ADDITIONS TO STATE PARKS.]**

**Chapter 391, Section 1** amends M.S. 1996, section 85.054, governing state park permit exemptions. The amendment adds an exemption for use of a parking area in Zippel Bay State Park. No permit or other fee is required for using the described area, which is a parking lot within the northeast corner of the park. The exemption solves a problem created by a neighboring public access, which created parking problems on adjacent residential streets.

**Chapter 391, Section 2** amends various subdivisions of M.S.

Subdivision 1. [85.012] [Subd. 14.] [CROW WING STATE PARK, CROW WING, CASS, AND MORRISON COUNTIES.] The following areas are added to Crow Wing state park, all in Section 25, Township 44 North, Range 32 West, Crow Wing county:

(1) the West Half of the Northeast Quarter; and  
(2) that part of the Southeast Quarter lying north and west of the state highway 371 right-of-way, EXCEPT that part thereof described as follows: Commencing at a point 39 rods North of the southwest corner of the Southeast Quarter of Section 25; thence running East to the right-of-way of state highway 371; thence in a southwesterly direction along the highway right-of-way until it intersects the west line of the Southeast Quarter; thence North to the place of beginning.

Subd. 2. [85.012] [Subd. 23a.] [GLEN DALOUGH STATE PARK, OTTER TAIL COUNTY.] The following areas are added to Glendalough state park, all in Township 133 North, Range 40 West, Otter Tail county:

(1) that part of Government Lot 7 of Section 24 lying westerly of the following described line: Commencing at the northeast corner of Government Lot 1 of Section 25; thence North 89 degrees 22 minutes 29 seconds West on an assumed bearing along the north line of said Section 25 a distance of 75.00 feet to the point of beginning; thence on a bearing of North 37 feet, more or less, to the shoreline of Molly Stark lake and there terminating; and

(2) that part of Government Lot 1 of Section 25 lying northerly of county state aid highway no. 16 and easterly of the following described line: Commencing at the northeast corner of said Government Lot 1; thence on an assumed bearing of South along the east line of said Government Lot 1 a distance of 822.46 feet; thence North 77 degrees 59 minutes 14 seconds West 414.39 feet to the point of beginning; thence North 04 degrees 28 minutes 54 seconds East 707 feet, more or less, to the shoreline of Molly Stark lake and there terminating.

Subd. 3. [85.012] [Subd. 32.] [KILEN WOODS STATE PARK, JACKSON COUNTY.] The following areas are added to Kilen Woods state park, all in Township 103 North, Range 35 West, Jackson county:

(1) the South Half of the Southeast Quarter of the Northwest Quarter, Section 16;  
(2) the South Half of the Southwest Quarter of the Northwest Quarter, Section 16;  
(3) the Northeast Quarter of the Southwest Quarter, Section 16;  
(4) Lots 15 and 16 of State Subdivision, Section 16;  
(5) the West Half of the Southeast Quarter, Section 6;  
(6) the East Half of the Southwest Quarter, Section 6; and  
(7) the Northwest Quarter of the Southwest Quarter, Section 6.

Subd. 4. [85.012] [Subd. 33.] [LAKE BEMIDJI STATE PARK, BELTRAMI COUNTY.] The following area is added to Lake Bemidji state park: That part of Government Lot 6, Section 19, Township 147 North, Range 32 West, Beltrami county, lying northerly and westerly of the northerly right-of-way of the abandoned Burlington Northern railroad.

Subd. 5. [85.012] [Subd. 43.] [MINNEOPA STATE PARK, BLUE EARTH COUNTY.] The following areas are added to Minneopa state park, all in Blue Earth county:

(1) Lots 1, 4, and 5 of Auditor's Subdivision of Government Lot

85.012, the section of Chapter 85 that delineates the boundaries of state parks. The amendment adds property to the statutory boundaries of:

Crow Wing State Park;  
Glendalough State Park;  
Kilen Woods State Park;  
Lake Bemidji State Park;  
Minneopa State Park;  
Savanna Portage State Park; and  
Tettegouche State Park.



- 1, Section 34, Township 109 North, Range 28 West;
- (2) Government Lots 5, 6, 7, and 8, Section 1, Township 108 North, Range 28 West;
- (3) the Southwest Quarter of the Southeast Quarter, Section 1, Township 108 North, Range 28 West;
- (4) the Southwest Quarter, EXCEPT that part of said Southwest Quarter lying southwesterly of the Dakota, Minnesota, and Eastern railroad right-of-way, Section 1, Township 108 North, Range 28 West;
- (5) Government Lots 4, 6, and 7, Section 2, Township 108 North, Range 28 West;
- (6) the West Half of Government Lot 5, Section 2, Township 108 North, Range 28 West;
- (7) the Southwest Quarter of the Northwest Quarter, Section 2, Township 108 North, Range 28 West;
- (8) the South Half, EXCEPT that part of said South Half lying southwesterly of the Dakota, Minnesota, and Eastern railroad right-of-way, Section 2, Township 108 North, Range 28 West;
- (9) Government Lots 2 and 3, Section 3, Township 108 North, Range 28 West;
- (10) the South Half of the Northeast Quarter, Section 3, Township 108 North, Range 28 West;
- (11) that part of the East Half of the Northwest Quarter of Section 3 lying northerly of Minnesota trunk highway no. 68, EXCEPT for the following: Commencing at the northwest corner of the Northeast Quarter of the Northwest Quarter of Section 3; thence South 385 feet; thence East 108 feet; thence North 385 feet; thence West 108 feet to the place of beginning, Township 108 North, Range 28 West;
- (12) that part of the Northeast Quarter, the North Half of the Southeast Quarter, and the Southeast Quarter of the Northwest Quarter lying northerly of Minnesota trunk highway no. 68, Section 12, Township 108 North, Range 28 West;
- (13) the North Half of the Northwest Quarter, EXCEPT that part of said North Half of the Northwest Quarter lying southwesterly of the Dakota, Minnesota, and Eastern railroad right-of-way, Section 12, Township 108 North, Range 28 West;
- (14) Government Lots 3, 4, 5, and 6, Section 7, Township 108 North, Range 27 West;
- (15) that part of the West Half of the Southwest Quarter lying northerly of Minnesota trunk highway no. 68, Section 7, Township 108 North, Range 27 West;
- (16) Government Lots 5 and 6, Section 15, Township 108 North, Range 27 West;
- (17) the Northwest Quarter of the Southwest Quarter, Section 15, Township 108 North, Range 27 West;
- (18) that part of Government Lot 8 lying northerly of the Dakota, Minnesota, and Eastern railroad right-of-way, Section 16, Township 108 North, Range 27 West; and
- (19) the West 208 feet of Outlot 9 and all of Outlot 10, South Bend, lying northerly of the Dakota, Minnesota, and Eastern railroad right-of-way, Section 15, Township 108 North, Range 27 West.
- Subd. 6. [85.012] [Subd. 51.] [SAVANNA PORTAGE STATE PARK, AITKIN AND ST. LOUIS COUNTIES.] The following areas are added to Savanna Portage state park, all in Township 49 North, Range 23 West, Aitkin county:
- (1) Government Lot 7, Section 6; and

(2) Government Lot 1, Section 8.

Subd. 7. [85.012] [Subd. 55a.] [TETTEGOUCHE STATE PARK, LAKE COUNTY.] The following area is added to Tettegouche state park: The South Half of Government Lot 2, Section 22, Township 56 North, Range 7 West, Lake county.

**Sec. 3. [GARDEN ISLAND STATE RECREATION AREA.]**

Subdivision 1. [85.013] [Subd. 11a.] [GARDEN ISLAND STATE RECREATION AREA, LAKE OF THE WOODS COUNTY.] Garden Island state recreation area is established in Lake of the Woods county.

Subd. 2. [BOUNDARIES.] The following described lands are located within the boundaries of Garden Island state recreation area, all in Township 166 North, Range 33 West, Lake of the Woods county:

(1) Government Lots 1, 2, 3, 4, and 5, Section 22;

(2) Government Lots 1 and 2, Section 23;

(3) Government Lots 1, 3, 4, and 5, Section 25;

(4) Government Lots 1, 2, 3, 4, 5, and 6, Section 26;

(5) the Northeast Quarter of the Northwest Quarter, Section 26;  
and

(6) Government Lot 1, Section 27.

Subd. 3. [ADMINISTRATION.] The commissioner of natural resources shall administer the area according to Minnesota Statutes, section 86A.05, subdivision 3, subject to existing rules and regulations for state recreation areas and shall allow hunting in the area. The commissioner may not adopt new rules or regulations that would limit or restrict recreational uses of Garden Island as a state recreation area without legislative approval. The commissioner shall hold a public meeting in Lake of the Woods county in conjunction with developing a management plan for the area.

**Chapter 391, Section 3** adds a new state recreation area by amending M.S. 85.013, the chapter defining state monuments, recreation areas, and waysides. The law requires hunting in the recreation area, a traditional use. It also prevents limiting recreation use of the area, beyond current limitations, without consent of the legislature.

## Chapter 400 Personal Watercraft Bill

Chapter 400, is the 1998 Personal Watercraft Regulation bill. It amends statutes governing regulation of water surface use.

**Section 1. Minnesota Statutes 1996, section 86B.101, subdivision 2, is amended to read:**

Subd. 2. [YOUTH WATERCRAFT SAFETY COURSE.] (a) The commissioner shall establish an educational course and a testing program for personal watercraft and watercraft operators and for persons age 12 or older but younger than age 18 required to take the watercraft safety course. The commissioner shall prescribe a written test as part of the course. A personal watercraft educational course and testing program that emphasizes safe and legal operation must be required for persons age 13 or older but younger than age 18 operating personal watercraft. (b) The commissioner shall issue a watercraft operator's permit to a person age 12 or older but younger than age 18 who successfully completes the educational program and the written test.

**Sec. 2. Minnesota Statutes 1996, section 86B.313, subdivision 1, is amended to read:**

Subdivision 1. [GENERAL REQUIREMENTS.] (a) In addition to requirements of other laws relating to watercraft, ~~it is unlawful~~

**Chapter 400, Section 1** amends M.S. 1996, section 86B.101, which defines Minnesota's water safety program. The amendment adds personal watercraft operators as a separate class of operators for which the youth watercraft safety course is authorized. Youth are described as persons age 13 through 17. The program must emphasize safe and legal personal watercraft operation, and must test students.

Effective Date: April 21, 1998

**Chapter 400, Section 2** amends M.S. 1996, section 86B.313, subdivision 1. The section delineates the regulation of personal watercraft. Subdivision 1 is contains the general requirements of

~~to a person may not~~ operate or to permit the operation of a personal watercraft:

(1) without each person on board the personal watercraft wearing a United States Coast Guard approved Type I, II, III, or V personal flotation device;

(2) between one hour before sunset and ~~8:00~~ 9:30 a.m.;

(3) at greater than slow-no wake speed within ~~100~~ 150 feet of:

(i) a shoreline;

(ii) a dock;

(iii) a swimmer; ~~or;~~

(iv) a raft used for swimming or diving raft; or

(v) a moored, anchored, or nonmotorized watercraft at greater than slow-no wake speed;

(4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless:

(i) an observer is on board; or

(ii) the personal watercraft is equipped with factory-installed or factory-specified accessory mirrors that give the operator a wide field of vision to the rear;

(5) without the lanyard-type engine cutoff switch being attached to the person, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;

(6) if any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;

(7) to chase or harass wildlife;

(8) through emergent or floating vegetation at other than a slow-no wake speed;

(9) in a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within ~~100~~ 150 feet of the other watercraft, or operating the watercraft while facing backwards; ~~or~~

(10) in any other manner that is not reasonable and prudent; ~~or~~

(11) without a personal watercraft rules decal, issued by the commissioner, attached to the personal watercraft so as to be in full view of the operator.

(b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft to launch or land a person on water skis, a kneeboard, or similar device by the most direct route to open water.

**Sec. 3. Minnesota Statutes 1996, section 86B.313, subdivision 3, is amended to read:**

Subd. 3. [OPERATOR'S PERMIT.] Except in the case of an emergency, a person 13 years of age or over but less than 18 years of age may not operate a personal watercraft, regardless of horsepower, without possessing a valid watercraft operator's permit as required by section 86B.305, unless there is a person ~~18~~ 21 years of age or older on board the craft. In addition to the permit requirement, a person 13 years of age operating a personal watercraft must ~~maintain unaided observation~~ remain under visual supervision by a person ~~18~~ 21 years of age or older. ~~It is unlawful for the~~ An owner of a personal watercraft ~~to may not~~ permit the personal watercraft to be operated contrary to this subdivision.

lawful operation. The amendments:

Shorten the hours of operation by 90 minutes, in the morning;

Extend, by 50 feet to a distance of 150 feet, the set-back for operating a personal watercraft at greater than slow-no wake speed. The set-back is measured from either shore, a swimming apparatus, a moored watercraft, an anchored watercraft, or any non-motorized watercraft;

Extend the setback for jumping the wake of another watercraft in a personal watercraft from 100 feet to 150 feet..;

Prohibit operating a personal watercraft while facing backwards;

Requires a decal, delineating personal watercraft rules and issued by the Commissioner of DNR, be attached to every personal watercraft in a place in which it is in full view of the operator.

A person operating a personal watercraft in the course of launching or landing a person on water skis, kneeboard, or similar device may exceed the slow-no wake speed prohibitions, so long as the route taken by the operator is the most direct route to open water.

Effective Date: June 1, 1998

**Chapter 400, Section 3** amends M.S. 1996, section 86B.313, subdivision 3. This section governs the requirements for possession of an operator's permit while operating a personal watercraft. The amendment effects a statutory provision that allows someone 13 through 17 years old, who does not have an operator's permit, to operate a personal watercraft is accompanied by an adult. The change made by the amendment is to raise the minimum age of the accompanying adult from 18 years old to 21 years old.

The section also changes the minimum age for the required observing adult who must observe a licensed youth operator 13 years old with an operator's permit operating a personal watercraft solo. The minimum age of the individual is increased from 18 to 21. The adult must maintain visual supervision, which implies the ability to expediently direct or redirect the youth operator.

Effective Date: June 1, 1998

**Sec. 4. Minnesota Statutes 1996, section 86B.313, subdivision 4, is amended to read:**

Subd. 4. [DEALERS AND RENTAL OPERATIONS.] (a) A dealer of personal watercraft shall distribute a summary of the laws and rules governing the operation of personal watercraft and, upon request, shall provide instruction to a purchaser regarding:

- (1) the laws and rules governing personal watercraft; and
- (2) the safe operation of personal watercraft.

(b) A person who offers personal watercraft for rent:

(1) shall provide a summary of the laws and rules governing the operation of personal watercraft and provide instruction regarding the laws and rules and the safe operation of personal watercraft to each person renting a personal watercraft; ~~and~~

(2) shall provide a United States Coast Guard approved Type I, II, III, or V personal flotation device and any other required safety equipment to all persons who rent a personal watercraft at no additional cost; and

(3) shall require that a watercraft operator's permit from this state or from the operator's state of residence be shown each time a personal watercraft is rented to any person younger than age 18 and shall record the permit on the form provided by the commissioner.

© Each dealer of personal watercraft or person offering personal watercraft for rent shall have the person who purchases or rents a personal watercraft sign a form provided by the commissioner acknowledging that the purchaser or renter has been provided a copy of the laws and rules regarding personal watercraft operation and has read them. The form must be retained by the dealer or person offering personal watercraft for rent for a period of six months following the date of signature and must be made available for inspection by sheriff's deputies or conservation officers during normal business hours.

**Sec. 5. Minnesota Statutes 1996, section 86B.805, is amended by adding a subdivision to read:**

Subd. 3. [EXEMPTIONS FOR ENFORCEMENT WATERCRAFT.] The restrictions on hours and location of operation in this chapter do not apply to emergency, safety, and enforcement watercraft.

**Chapter 400, Section 4**, amends M.S. 86B.313, subdivision 4, governing personal watercraft dealers and rental operators. The amendment adds two new requirements to the rental agent or the dealer -- to require each renter younger than 18 to have a personal watercraft operators permit to rent a personal watercraft, and have each renter or purchaser of a personal watercraft sign a form acknowledging that the buyer/renter has been given and has read the laws and rules governing personal watercraft operation. For six months, the form must be kept by the seller/renter and must be made available for inspection.

Effective Date: June 1, 1998

**Chapter 400, Section 5**, amends M.S. 1996, section 86B.805 by adding a subdivision exempting enforcement watercraft from having to observe the restrictions on hours and location of operation.

Effective Date: June 1, 1998

## Chapter 401 Environment, Agriculture and Natural Resources Supplemental Budget

Chapter 401 is the supplemental budget bill for the agencies in the environmental area. These include DNR, PCA, BWSR, OEA, and the Department of Agriculture. This bill is supplemental to the main budget bill assembled and passed in the odd numbered sessions (e.g. 1993, 1995 and 1997). The traditional purpose of this bill is to fill funding gaps created by the main, odd-year bill. Often, the bill is limited to funding emergency items. In other years, such as 1998, the bill includes non-emergency funding that implements objectives shared by the legislative and executive branches of government.

In addition to supplemental funding, this bill is often the vehicle for policy language. Bills on separate items, introduced and heard on their own, often end up in this bill, especially if they have fiscal impact. This is generally done to reduce bill management problems for authors and to ensure that bills with fiscal impact are duly considered by the finance committees and divisions.

This years supplemental funding bill, chapter 401 of 1997-98 session laws provides over \$18,000,000 to the environmental agencies. The vast majority of this is from the general fund.

**Section 1. [ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.]**

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to

the agencies and for the purposes specified in this act to be available for the fiscal years indicated for each purpose. The figures "1998" and "1999," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1998, or June 30, 1999, respectively.

**SUMMARY BY FUND**

	1998	1999
General Fund	\$5,294,000	\$12,498,000
Natural Resources Fund	-0-	500,000
Total	5,294,000	12,998,000

**APPROPRIATIONS**

Available for the Year  
Ending June 30  
1998                      1999

**Sec. 2. POLLUTION CONTROL AGENCY**  
**180,000                      1,210,000**

\$350,000 in fiscal year 1999 is added to the appropriation for county feedlot program grants in Laws 1997, chapter 216, section 2, subdivision 2. In fiscal year 1999 delegated counties shall be eligible to receive a grant of either: \$40 multiplied by the number of livestock or poultry farms with sales greater than \$10,000, as reported in the 1992 Census of Agriculture, published by the United States Bureau of Census; or \$50 multiplied by the number of feedlots with greater than ten animal units, as determined by a level 2 or level 3 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991.

\$50,000 in fiscal year 1999 is for the bioaccumulative residues research program at the University of Minnesota-Duluth to analyze fish contaminants, including researching the presence of selenium in fish samples. As a condition of this grant, the University of Minnesota-Duluth must submit a work program and submit semiannual progress reports as provided in Minnesota Statutes, section 116P.05, subdivision 2, paragraph (c). This is a one-time appropriation. \$180,000 in fiscal year 1998 is for the cost of administering the wastewater infrastructure program. This appropriation is available until June 30, 2002.

\$50,000 in fiscal year 1999 is for a scoping study for a cost-benefit model to analyze the costs of water quality standards. This is a one-time appropriation.

\$375,000 in fiscal year 1999 is for acceleration of research being conducted on deformities and possible causes found in amphibians. The funding must be shared with the departments of agriculture, natural resources, and health and with the appropriate University of Minnesota departments. \$39,000 of the appropriation must be shared with Hamline University for its friends of the frog program. The money must be used for research and monitoring of amphibian deformities, including, but not limited to, a possible groundwater surface water interconnection. The money may be used as a match for any federal dollars available. This is a one-time appropriation. \$300,000 in fiscal year 1999 is for expansion of permitting activities under the federal Clean Water Act that affect feedlots in excess of 1,000 animal units. The availability of the appropriation in Laws 1997, chapter 216, section 15, subdivision 14, paragraph (c), to monitor and research the effects of endocrine disrupting chemicals in surface waters is extended to June 30, 2000.

\$85,000 in fiscal year 1999 is for a grant to Benton county to pay

**Chapter 401, Section 2** appropriates \$1,390,000 to the Pollution Control Agency. The money is earmarked as follows:

<b>APPROPRIATION</b>	<b>FY98</b>	<b>FY99</b>
Feedlot program grants		\$350,000
Bioaccumulative residues research - UMD		\$50,000
Wastewater infrastructure program administration		\$180,000
Water quality standards cost benefit scoping study		\$50,000
Amphibian deformity research acceleration (\$39,000 of the above for Hamline U.)		\$375,000
Expanded permitting under federal Clean Water Act		\$300,000
Mixed municipal waste environmental response litigation settlement bond principal defrayment		<u>\$85,000</u>
<b>TOTAL</b>		<b>\$1,390,000</b>

Effective Date: April 22, 1998  
Appropriations effective for the fiscal year noted

the principal amount due in fiscal year 1999 on bonds issued by the county to pay part of a final order or settlement of a lawsuit for environmental response costs at a mixed municipal solid waste facility. This money and any future money appropriated for this purpose must be apportioned by Benton county among the local units of government that were parties to the final order or settlement in the same proportion that the local units of government agreed to as their share of the liability. This is a one-time appropriation.

**Sec. 4. NATURAL RESOURCES 2,974,000 7,717,000**  
 Summary by Fund

General Fund	2,974,000	7,267,000
Natural Resources Fund	-0-	450,000

\$1,504,000 in fiscal year 1999 is for flood-related activities in the division of waters. \$200,000 of this appropriation is for alternative flood control measures beneficial to the environment, such as culvert downsizing on man-made waterways and wetland restoration. \$10,000 of this appropriation is for a grant to the Marine-on-St. Croix watershed management organization for engineering analysis of flooding problems along Twin lake. Notwithstanding Minnesota Statutes, section 103F.161, subdivision 2, paragraph (c), this appropriation may be combined with a flood hazard mitigation grant previously awarded to the watershed management organization. \$75,000 of this appropriation is for a grant under Minnesota Statutes, section 103F.161, to Swift county for improvement at Lake Oliver. \$30,000 of this appropriation is for a grant under Minnesota Statutes, section 103F.161, to the Chisago Lake improvement district for improvements to the outlet project. The portion of this appropriation to be included in the department's base is \$1,189,000 for each fiscal year. \$150,000 in fiscal year 1999 is for transfer to the Minnesota forest resources council for implementation of the Sustainable Forest Resources Act pursuant to Minnesota Statutes, chapter 89A. This is a one-time appropriation. \$476,000 in fiscal year 1998 is for sealing inactive wells on state-owned land. The commissioner shall determine project priorities as appropriate based upon need. This appropriation is available until June 30,2002. \$430,000 in fiscal year 1999 is for operations at Fort Snelling park and for statewide resource protection. The portion of this appropriation to be included in the department's base is \$200,000 in each fiscal year. \$250,000 in fiscal year 1999 is for population and habitat objectives of the nongame wildlife management program. \$180,000 in fiscal year 1998 and \$120,000 in fiscal year 1999 are for increased public involvement in white pine management planning and to accelerate white pine management on state forest lands. Any amount of this appropriation not used in fiscal year 1998 is available in fiscal year 1999. \$370,000 in fiscal year 1998 and \$230,000 in fiscal year 1999 are for improvement of camper safety and security in state forest campgrounds and to make repairs to selected state forest campgrounds. \$450,000 in fiscal year 1999 is from the water recreation account in the natural resources fund for enforcement of personal watercraft laws. At least one-half of the conservation officers hired pursuant to this item must be from the protected classes. \$225,000 of this appropriation is for grants to counties where there is significant use of personal watercraft on waters in and bordering the counties. The grants must be used for personal watercraft safety education and law enforcement, pursuant to Minnesota Statutes, section 86B.415, subdivision 7a. \$250,000 in fiscal year 1999 is for operational costs related to wildlife management at the area level.

**Chapter 401, Section 4** appropriates \$10,691,000 to the DNR. Almost three million (\$2,974,000) is available for expenditure in the 1997-98 fiscal year. Accounts for fiscal year 1998-99 will receive a \$7,717,000 supplement. All of the funds, except \$450,000 in FY 1998-99, is from the general fund. In addition, some past appropriations scheduled to expire on July 1, 1998 are extended.

The funds are directed as follows:

APPROPRIATION	FY1998	FY1999
<b>Flood related activities</b>		
Alternative flood control measures beneficial to the environment		\$200,000
Marine-on-St. Croix WMO grant for analysis of flooding problems at Twin Lake		\$10,000
Grant to Swift County for improvements On Lake Oliver		\$75,000
Grant to Chisago Lake Improvement District For improvements to the outlet		\$30,000
Other flood related activities (added to base)		<u>\$1,189,000</u>
TOTAL		\$1,504,000
Minnesota Forest Resources Council's Sustainable Forest Resource Act implementation		\$150,000
Inactive well sealing (available to June 30, 2002)	\$476,000	
Fort Snelling State Park Operations and Statewide State Park resource protection (\$200,000 per year in base budget)		\$430,000
Nongame wildlife management population and habitat		\$250,000
White Pine planning and accelerated management	\$180,000	\$120,000
Camper safety and security improvements in State Forest campgrounds	\$370,000	\$230,000
Personal Watercraft Enforcement Acceleration (50% of officers from protected class)		\$450,000

\$470,000 in fiscal year 1998 and \$250,000 in fiscal year 1999 are for the interpretation, management, and monitoring of scientific and natural areas.

\$340,000 in fiscal year 1999 is for technical assistance and grants to assist local government units and organizations in the metropolitan area to acquire and develop natural areas and greenways.

\$300,000 in fiscal year 1999 is for state trail maintenance and amenities. \$250,000 in fiscal year 1999 is for a grant to the city of North St. Paul for improvements including trail connections, lighting, and landscaping related to the trail bridge over Highway 36 in North St. Paul. This is a one-time appropriation. \$500,000 in fiscal year 1999 is for further work to develop protected water flow recommendations on Minnesota streams and for support of river restoration expertise and its application to the Whitewater river and Sandy river. \$300,000 of this amount is a one-time appropriation for stream protection on Brown's creek in Washington county.

\$53,000 in fiscal year 1999 is for minerals cooperative environmental research. \$26,500 is available only as matched by \$1 of nonstate money for each \$1 of state money. This appropriation is added to the appropriation in Laws 1997, chapter 216, section 5, subdivision 2.

\$75,000 in fiscal year 1998 is to repair state forest land in Morrison, Mille Lacs, Kanabec, and Crow Wing counties.

\$100,000 in fiscal year 1998 is for development and maintenance of habitat and facilities, and data management system development at Swan lake wildlife management area.

\$1,175,000 in fiscal year 1999 is for wildlife habitat improvement, wildlife population surveys, monitoring, private lands cost-sharing for wildlife habitat and forest stewardship, and project grants to local governments and private organizations to enhance fish, wildlife, and native plant habitats. Of this amount, \$375,000 is for brush land and forest habitat renewal for sharp-tailed grouse and other species of birds dependent on open brush lands in forest areas by providing financial and technical assistance to landowners as well as brush land renewal on public lands; \$300,000 is for wildlife habitat improvements through cost-sharing and technical assistance to private landowners; \$300,000 is for forest stewardship improvements through cost-sharing and technical assistance to private landowners; and \$200,000 is for wildlife population surveys, monitoring, evaluation, and constituent surveys. The portion of this appropriation to be included in the department's base is \$1,075,000 in each fiscal year. The base amounts for each specific item are \$325,000, \$275,000, \$275,000, and \$200,000, respectively.

\$100,000 in fiscal year 1998 is for engineering and hydraulic studies in conjunction with the proposed development of an urban whitewater trail along the Mississippi river in the lower St. Anthony Falls area below the stone arch bridge in Minneapolis and to examine the economic impact, market use potential, public safety concerns, environmental considerations, and land and water use impacts of the proposed Mississippi Whitewater trail. The commissioner must coordinate and work with affected local, state, and federal governments and interested citizen groups, including, but not limited to, the National Park Service, the United States Army Corps of Engineers, the University of Minnesota, the Minnesota historical society, the metropolitan parks and open space commission, the Minneapolis park board, and the Mississippi Whitewater Park Development Corporation. The commissioner must report to the senate environment and agriculture budget division and the house environment, natural resources, and

Personal watercraft grants to counties near areas of significant PWC use		\$225,000
Area level Wildlife Management Area operational costs		\$250,000
Scientific and Natural Area interpretation management and monitoring	\$470,000	\$250,000
Metro Greenways technical assistance grants to LUGs		\$340,000
State trail maintenance and amenities		\$300,000
N. St. Paul/Hwy 36 trail connection improvements including lighting, bridge and landscaping		\$250,000
Stream flow protection program implementation and Whitewater/Big Sandy river restoration – \$250,000 is a one time appropriation for Brown's Creek stream protection		\$500,000
Minerals cooperative environmental research (requires dollar for dollar nonstate match for \$26,500 of the appropriation)		\$53,000
Repair of forested state land in Morrison, Mille Lacs, Kanabec, and Crow Wing counties		\$75,000
Swan Lake WMA habitat and facilities maintenance and data management		\$100,000
Brush land and forest habitat renewal on public and private lands for sharp-tailed grouse and other birds dependent on open brush lands. (\$325,000 base)		\$375,000
Wildlife habitat improvement cost-sharing with, and technical assistance to, private landowners. (\$275,000 base)		\$300,000
Forest Stewardship cost-sharing with, and technical assistance to, private landowners. (\$275,000 base)		\$300,000
Wildlife population surveys, monitoring, evaluation, and constituent surveys. (\$275,000 base)		\$200,000
Studies at Lower St. Anthony Falls of engineering, hydraulics, economic impact, market use potential, public safety concerns ,environmental concerns, and land/water use impacts for whitewater trail. The work must be coordinated with affected local, state and federal governments and interested citizen groups including National Park Service, U.S.Army Corps of Engineers, U of MN, Minnesota		

agriculture finance committee by November 1, 1999, on the findings from the studies required under this item. This appropriation is available until June 30, 1999.

**Line Item Veto**

~~\$100,000 in fiscal year 1998 is for a grant to the township of Linwood in Anoka county to construct a surface water drainage system to control water pollution. This appropriation is available until expended. Expenses incurred by Linwood township related to the proposed project, prior to this appropriation, may be considered as part of the total project cost for purposes of satisfying the requirements of Minnesota Statutes, section 103F.161, subdivision 2, paragraph (c).~~

\$200,000 in fiscal year 1998 is added to the appropriation in Laws 1997, chapter 216, section 15, subdivision 4, paragraph (c), clause (4), for the statewide conservation partners program.

\$215,000 in fiscal year 1998 and \$250,000 in fiscal year 1999 are to enhance customer service and data access through the collaborative use of technology, to improve communication with citizens and stakeholders, to provide technical assistance and data delivery to citizens and local government, and for the Minnesota Environmental/Natural Resource Electronic Library (MENREL) to accelerate the development of integrated and indexed environmental and geographic data catalogs, cross-agency search and retrieval, and content-rich libraries of environmental data and information.

\$350,000 in fiscal year 1998 is to serve as the state match to federal money to remove surplus sediment along the east bank of the Mississippi river at Little Falls. The commissioner must coordinate and work with the United States Army Corps of Engineers on this project. This appropriation is available until expended.

\$203,000 in fiscal year 1998 is for a forestry information management system to improve the timber sale program, forest development model, and fire management.

\$35,000 in fiscal year 1998 and \$115,000 in fiscal year 1999 are for expansion of the "Becoming an Outdoors Woman Program," and for a position to coordinate shooting range development on a statewide basis. Of this amount, \$35,000 in fiscal year 1998 is available until June 30, 1999, to match an equal amount of nonstate money for shooting range partnership agreements and is a one-time appropriation.

\$50,000 in fiscal year 1998 is for ecosystem-based management workshops for teams of local officials, natural resource managers, and citizens.

\$200,000 in fiscal year 1999 is for aquatic plant restoration.

\$125,000 in fiscal year 1999 is for local initiatives grants program administration.

\$150,000 in fiscal year 1999 is for long-term monitoring of lake ecosystems.

The appropriations in Laws 1996, chapter 407, section 3, for the Iron Range off-highway vehicle recreation area are available until June 30, 2000.

\$100,000 in fiscal year 1999 is for an enhanced lake classification system to provide comprehensive lake descriptions. This appropriation is added to the base in fiscal year 2000 only.

\$200,000 in fiscal year 1999 is to identify lake watershed boundaries for lakes greater than 100 acres in a geographic information system format. This appropriation is added to the base

Historical Society, Metro Parks and Open Space Commission, Mpls. Park Board, and the Mississippi River Whitewater Development Corporation. The report is due November 1, 1999. \$100,000

Conservation Partners Grants (added to 1997 LCMR program, so over metro/greater MN balancing applies) \$200,000

Enhanced customer service, data access and technical assistance for citizens and stakeholders, as well as for accelerated Minnesota Environmental/Natural Resources Electronic Library (MENREL) development of integrated, indexed environmental and geographic data catalogs, cross-agency search and retrieval, and content-rich libraries of environmental data and information \$215,000 \$250,000

Mississippi River/Little Falls sediment removal. This appropriation provides a state match to the U.S. Army Corps of Engineers federal appropriation. \$350,000

Forest information management system timber sale, forest development, and fire management component improvements \$203,000

Becoming an Outdoors Woman Shooting Range Coordinator. FY 1998 money available to June 30, 1999 to match, dollar for non-state dollar, shooting range partnership agreements \$35,000 \$115,000

Ecosystem-based management workshops for teams of local officials and citizens \$50,000

Aquatic plant restoration \$200,000

Local initiatives grants program administration \$125,000

Long-term monitoring of lake ecosystems \$150,000

Enhanced lake classification system development, so as to provide comprehensive lake descriptions. (In FY 2000 base only) \$100,000

Large lake (>100 acres) watershed boundary digitization. (In FY 2000 base only) \$200,000

Development of a methodology to estimate cumulative impacts of development on lakes. (In FY 2000 base only) \$150,000

Upper Swede Hollow improvement grant for plantings, improvements to the railway trestles, trail repair, pond outlet reconstruction, and other trail improvements. \$100,000

Brownfield mitigation strategy agreement



in fiscal year 2000 only.  
 \$150,000 in fiscal year 1999 is to develop methodologies to assess the cumulative effects of development on lakes. This appropriation is added to the base in fiscal year 2000 only.  
 \$100,000 in fiscal year 1999 is for a grant to the Upper Swede Hollow Association for improvements in and around Swede Hollow Park. The appropriation must be used for plantings, improvements to railway trestles, trail repair, reconstruction of the pond outlet, and other trail improvements. This is a one-time appropriation.  
 \$50,000 in fiscal year 1998 and \$50,000 in fiscal year 1999 are for an agreement with the University of Minnesota College of Architecture and Landscape Architecture to develop environmental brownfields mitigation strategies. This is a one-time appropriation. The appropriation in Laws 1997, chapter 216, section 5, subdivision 4, for grants to local community forest ecosystem health programs is available until June 30, 2000.  
 \$25,000 in fiscal year 1999 is for promotion and enhanced public awareness of the RIM critical habitat license plate program.

with the U of MN Architecture and Landscape Architecture Department. \$50,000 \$50,000  
 Promotion of RIM Critical Habitat license plates \$25,000

**APPROPRIATION EXTENSIONS DATE EXTENDED TO**

M.L. 1996, Chapter 407, Section 3 for the Iron Range off-highway recreation area June 30, 2000

M.L. 1997, Chapter 216, Section 5, Subdivision 4, for local community forest ecosystem health programs June 30, 2000

Effective Date: April 22, 1998  
 Appropriations effective for the fiscal year noted

**Chapter 401, Section 5** appropriates \$1,400,000 to the Board of Water and Soil Resources. The appropriation is for the following purposes:

APPROPRIATION	FY 1998	FY 1999
Grant to Faribault County SWCD for the Quad-Lakes restoration in Faribault and Blue Earth Counties	\$200,000	
Cost-share grants to soil and water conservation districts for water quality management on feedlots		\$1,000,000
Grant to U of MN to improve their existing Extension Shoreline Guidance and related books	\$100,000	
Pilot cost-share grant program to soil and water conservation districts for contracts with private landowners for native species snow fences		\$100,000

Effective Date: April 22, 1998  
 Appropriations effective for the fiscal year noted

**Chapter 401, Section 6** appropriates \$2,469,000 to the Department of Agriculture. The appropriation is for the following purposes:

APPROPRIATION	FY 1998	FY 1999
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**Sec. 5. BOARD OF WATER AND SOIL RESOURCES 300,000 1,100,000**

\$200,000 in fiscal year 1998 is for a grant to the Faribault county soil and water conservation district for the quad-lakes restoration project in Faribault and Blue Earth counties and is available until expended.  
 \$1,000,000 in fiscal year 1999 is for grants to soil and water conservation districts for cost-sharing contracts for water quality management on feedlots. Priority must be given to feedlot operators who have received a notice of violation and for feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.  
 \$100,000 in fiscal year 1998 is for a grant to the University of Minnesota extension service to improve existing Minnesota extension shoreland guidance and other related guidebooks. This is a one-time appropriation, available until expended.  
 \$100,000 in fiscal year 1999 is for a pilot grant program to soil and water conservation districts for cost-sharing contracts with landowners to establish and maintain plantings of trees, shrubs, and grass strips that are native species of a local ecotype for the primary purpose of controlling snow deposition for the benefit of public transportation. The board, in consultation with the Minnesota Association of Soil and Water Conservation Districts, shall select at least five districts for participation in the pilot program. Up to 20 percent of the appropriation may be used for the technical and administrative expenses of soil and water conservation districts to implement this item. The board shall enter into grant agreements to accomplish the transfer of funds to soil and water conservation districts and to establish guidelines to implement this item. Cost-sharing contracts between soil and water conservation districts and landowners may provide for annual payments to landowners for maintenance. This appropriation is available until spent.

**Sec. 6. AGRICULTURE**                      **310,000**              **2,169,000**

\$110,000 in fiscal year 1998 and \$250,000 in fiscal year 1999 are for expansion of efforts to prevent the establishment and spread of gypsy moths in Minnesota.

\$25,000 in fiscal year 1998 and \$325,000 in fiscal year 1999 are for a state meat inspection program.

\$75,000 in fiscal year 1999 is for additional matching funds for the WIC coupon program.

\$25,000 in fiscal year 1999 is for additional livestock depredation payments pursuant to Minnesota Statutes, section 3.737.

\$50,000 in fiscal year 1999 is added to the appropriation in Laws 1997, chapter 216, section 7, subdivision 4, for beaver damage control grants. This is a one-time appropriation.

Any unencumbered balance from the appropriation in Laws 1997, chapter 216, section 7, subdivision 4, for beaver damage control grants for the first year of the biennium is available for the second year of the biennium.

\$100,000 in fiscal year 1998 is added to the appropriation in Laws 1997, chapter 216, section 7, subdivision 4, to accomplish reform of the federal milk market order system and for legal actions opposing the Northeast Dairy Compact. This appropriation is available until June 30, 1999.

\$500,000 in fiscal year 1999 is added to the appropriation for dairy diagnostic teams in Laws 1997, chapter 216, section 7, subdivision 2, and is added to the department's base.

\$267,000 in fiscal year 1999 is for a pilot program to expand the concept of the Minnesota grown program. The program is to assist low-income families in accessing nutritious and affordable food and to promote economic development by creating new markets and food distribution systems. \$17,000 of this appropriation is for costs of administration. \$87,000 of this appropriation is for payment to the Sustainable Resources Center for the purposes of this appropriation.

\$163,000 of this appropriation is for food coupons. The coupons shall be distributed and administered according to this section, subject to the approval of the commissioner of agriculture. The portion of this appropriation to be included in the department's base for fiscal year 2001 is \$200,000, which may only be used for food coupons.

The Sustainable Resources Center, in conjunction with the Minnesota Food Association, and subject to the approval of the commissioner of agriculture, shall select up to two urban and up to two rural communities as locations for activities that will serve as models for sustainable community food systems. These activities shall include but are not limited to:

- (1) conducting food system assessments in each community to identify assets and needs;
- (2) supporting the creation of producer distribution networks to establish direct links to low-income consumers; and
- (3) working with food processing plants in the selected community to develop the support services needed to make entry-level jobs accessible to low-income people.

During each fiscal year beginning in fiscal year 1999, the commissioner of agriculture, within the funds available, shall provide coupons to the Sustainable Resources Center for distribution to participating eligible individuals. The coupons must be issued in two allocations each fiscal year. Eligible individuals may receive up to \$100 in coupons per year, subject to the limitation that additional eligible individuals who reside in the same household may receive up to \$20 in coupons per year, up to a

Gypsy moth prevention	\$110,000	\$250,000
State meat inspection program	\$25,000	\$325,000
Matching funds for WIC coupon program		\$75,000
Livestock depredation payments (MS 3.737)		\$25,000
Beaver damage control grants		\$50,000
Legal fees for litigation of the Northeast Dairy Compact	\$100,000	
Dairy diagnostic teams		\$500,000
Pilot Minnesota grown program expansion (Includes \$87,000 Sustainable Resource Center grant)		\$267,000
Food coupons		\$163,000
Value-added agricultural product processing an marketing grants		\$160,000
Passing on the Farm Center		\$25,000
Revolving loan program for demonstration projects featuring farm manure digester technology		\$200,000
U of MN grant to research design and development of a low-cost alternative to pasteurization of fruit juice	\$50,000	
U of MN grant to study factors associated with farms experiencing varying levels of livestock depredation by Timber Wolves	\$25,000	
Program development funds for the Commercial Animal Waste Technician program		\$107,000

Effective Date: April 22, 1998  
 Appropriations effective for the fiscal year noted

maximum of \$200 per household per year. Eligible individuals include individuals who are residents of the communities in the pilot project and are eligible for the Minnesota grown coupons under this section. Eligible individuals include:

- (1) individuals who are in a state-verified income program; and
- (2) individuals who are selected by the Sustainable Resources Center based on guidelines targeting specific populations within the pilot communities.

The amount of the Minnesota grown coupons must be excluded as income under the AFDC, refugee cash assistance, general assistance, MFIP, MFIP-R, MFIP-S, food stamp programs, state housing subsidy programs, low-income energy assistance programs, and other programs that do not count food stamps as income.

The coupons must be clearly labeled as redeemable only for products licensed to use the Minnesota grown logo or labeling statement under Minnesota Statutes, section 17.102. Coupons may be redeemed by farmers, custom meat processors, community-supported agriculture farms, and other entities approved by the commissioner of agriculture. The person accepting the coupon is responsible for its redemption only on products licensed to use the Minnesota grown logo or labeling statement. The commissioner must receive and reimburse all valid coupons redeemed pursuant to this section.

The commissioner may establish criteria for vendor eligibility and may enforce the Minnesota grown coupon program according to Minnesota Statutes, sections 17.982 to 17.984.

\$160,000 in fiscal year 1999 is for value-added agricultural product processing and marketing grants under Minnesota Statutes, section 17.101, subdivision 5. This appropriation and the appropriation in Laws 1997, chapter 216, section 7, subdivision 3, for grants under Minnesota Statutes, section 17.101, subdivision 5, are available until June 30, 2001.

#### **Line Item Veto**

~~\$125,000 in fiscal year 1999 is for a grant to the Market Champ, Inc. board. This is a one-time appropriation.~~

\$25,000 in fiscal year 1999 is for the Passing on the Farm Center established in Minnesota Statutes, section 17.985. This is a one-time appropriation. \$200,000 in fiscal year 1999 is to expand the shared savings loan program under Minnesota Statutes, section 17.115, to include a program of revolving loans for demonstration projects of farm manure digester technology. Notwithstanding the limitations of Minnesota Statutes, section 17.115, subdivision 2, paragraphs (b) and (c), loans under this program are no-interest loans in principal amounts not to exceed \$200,000 and may be made to any resident of this state. Loans for one or more projects must be made only after the commissioner seeks applications. Loans under this program may be used as a match for federal loans or grants. Money repaid from loans must be returned to the revolving fund for future projects. This is a one-time appropriation. \$50,000 in fiscal year 1998 is for a grant to the University of Minnesota for investigation, screening, and a survey of existing research into the design and development of low-cost alternatives to pasteurization that provide comparable bacteria count reduction in fruit juice. The commissioner must report to the chair of the house environment, natural resources, and agriculture finance committee and the chair of the senate environment and agriculture budget division by January 15, 1999, regarding the results of the research and with a recommendation for further action. \$25,000 in fiscal year 1998 is for a grant to the University of Minnesota to study

factors associated with farms that experience varying levels of livestock depredation caused by timber wolves. The university shall make recommendations to the commissioner to assist in the development of best management practices to prevent timber wolf depredation on livestock farms. This appropriation is available until June 30, 1999.

**Line Item Veto**

~~\$60,000 in fiscal year 1999 is for payment of attorney general and other costs of assisting local government units in the process of adoption, review, or modification of ordinances relating to animal feedlots. This appropriation is available until June 30, 1999.~~

\$107,000 in fiscal year 1999 is for development of the program under Minnesota Statutes, section 18C.430. This is a one-time appropriation.

As a condition of receiving state funds, the ethanol production plant in St. Paul must provide year-round public access to the well that was publicly accessible when the plant was a brewery.

**Sec. 7. UNIVERSITY OF MINNESOTA -0- 292,000**

For alternative and sustainable hog production facilities and programs. \$125,000 of this appropriation is for a grant to the Minnesota Institute for Sustainable Agriculture to extend funding for the Alternative Swine Production Systems Task Force and coordinator. \$30,000 of this appropriation is for a grant to the Minnesota Institute for Sustainable Agriculture for alternative and sustainable hog production programs and program support, including on-farm systems research. \$137,000 of this appropriation is to establish a faculty position in agricultural and community sociology at the University of Minnesota-Morris, focusing on the sustainability of agricultural systems and rural communities. The position shall be defined by the Alternative Swine Production Systems Task Force. This is a one-time appropriation.

**Sec. 9. ADMINISTRATION -0- 350,000**  
 Summary by Fund  
 General Fund -0- 300,000  
 Natural Resources Fund -0- 50,000

\$50,000 is from the water recreation account in the natural resources fund for a study by a qualified consultant to determine the actual percentage of all gasoline received in and produced or brought into the state, except gasoline used for aviation purposes, that is being used as fuel for watercraft in this state. The study must include a determination of the amount of gasoline consumed by vehicles in the course of transporting watercraft on the highways of this state. The commissioner shall consult with the commissioners of revenue, transportation, and natural resources in preparing the request for proposals for the study and in selecting the consultant to perform the study. The commissioner shall report to the chairs of the senate and house environment and natural resources committees, the senate environment and agriculture budget division, the house environment, natural resources, and

**Chapter 401, Section 7** appropriates \$292,000 to the University of Minnesota. The appropriation is for the following purposes:

APPROPRIATION	FY 1998	FY 1999
Alternative Swine Production Systems Task Force coordinator		\$125,000
Grant to the Minnesota Institute for Sustainable Agriculture for alternative, sustainable hog production programs		\$30,000
Faculty position at U of MN Morris, in agriculture and sociology, focusing on sustainable agriculture systems and rural communities		\$137,000

Effective Date: April 22, 1998  
 Appropriations effective for the fiscal year noted

**Chapter 401, Section 9** appropriates \$350,000 to the Department of Administration. The appropriation is for the following purposes:

APPROPRIATION	FY 1998	FY 1999
Gas Tax study on gas burned in watercraft in Minnesota and gas burned in vehicles transporting watercraft on highways of Minnesota. (Due February 1, 1999)		
	1998	1999
	\$50,000	
Year 2000 modifications for DNR business systems		\$300,000

Effective Date: April 22, 1998  
 Appropriations effective for the fiscal year noted

agriculture finance committee, the senate transportation committee, and the house transportation and transit committee on the results of the study by February 1, 1999.

This is a one-time appropriation. \$300,000 is for modifications of department of natural resources business systems to address year 2000 changes. This appropriation is added to the appropriation for technology management in Laws 1997, chapter 202, article 1, section 12, subdivision 7. This is a one-time appropriation.

**Sec. 11. Minnesota Statutes 1996, section 3.737, subdivision 1, is amended to read:**

Subdivision 1. [COMPENSATION REQUIRED.] (a) Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a livestock owner shall be compensated by the commissioner of agriculture for livestock that is destroyed by a timber wolf or is so crippled so by a timber wolf that it must be destroyed ~~by an animal classified as endangered under the federal Endangered Species Act of 1973.~~ The owner is entitled to the fair market value of the destroyed livestock, not to exceed ~~\$400~~ \$750 per animal destroyed, as determined by the commissioner, upon recommendation of ~~the county~~ a university extension agent ~~for the owner's county~~ and a conservation officer.

(b) Either the agent or the conservation officer must make a personal inspection of the site. The agent or the conservation officer must take into account factors in addition to a visual identification of a carcass when making a recommendation to the commissioner. The commissioner, upon recommendation of the agent and conservation officer, shall determine whether the livestock was destroyed ~~by an animal described in this subdivision~~ a timber wolf and any deficiencies in the owner's adoption of the best management practices developed in subdivision 5. The commissioner may authorize payment of claims only if the agent and the conservation officer have recommended payment. The owner shall file a claim on forms provided by the commissioner and available at the ~~county~~ university extension agent's office.

**Sec. 12. Minnesota Statutes 1996, section 3.737, subdivision 4, is amended to read:**

Subd. 4. [PAYMENT, DENIAL OF COMPENSATION.] (a) If the commissioner finds that the livestock owner has shown that the loss of the livestock was likely caused ~~more probably than not~~ by an animal classified as an endangered species a timber wolf, the commissioner shall pay compensation as provided in this section and in the rules of the department.

(b) For a timber wolf depredation claim submitted by a livestock owner after September 1, 1999, the commissioner shall, based on the report from the university extension agent and conservation officer, evaluate the claim for conformance with the best management practices developed by the commissioner in subdivision 5. The commissioner must provide to the livestock owner an itemized list of any deficiencies in the livestock owner's adoption of best management practices that were noted in the university extension agent's or conservation officer's report.

© If the commissioner denies compensation claimed by an owner under this section, the commissioner shall issue a written decision based upon the available evidence. It shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be mailed to the owner.

(d) A decision to deny compensation claimed under this section is not subject to the contested case review procedures of chapter 14,

**Chapter 401, Section 11** amends M.S. 1996, Section 3.737, Subdivision 1, the statutes governing livestock depredation payments. The first amendment, to clause (a), replaces the reference to animals classified as endangered with the reference timber wolf. This anticipated delisting wolves. The second amendment to clause (a) raises the payment from \$450 to \$750. The third amendment to this clause empowers a university extension agent rather than a county agent to recommend payment (along with a conservation officer).

Clause (b) is amended to require the inspecting agent or officer to personally inspect the site of the kill, and to consider factors in addition to visual identification of the carcass when making a recommendation to the commissioner of DNR regarding payment. The second amendment to clause (b) directs the agent or officer inspecting the site to determine if the livestock owner had deficient timber wolf best management practices. The same amendment restricts the commissioner's discretion to issue payment to those instances where both the officer and agent recommended payment.

Effective Date: April 22, 1998

**Chapter 401, Section 12** amends M.S. 1996, section 3.737, Subdivision 4, governing livestock depredation payments, so as to continue wolf depredation payments when the Timber Wolf is delisted as an endangered species. More importantly, Beginning in September 1999, it requires the commissioner to evaluate the best management practices of livestock owners suffering wolf depredation. In addition, the commissioner must give the owner a list showing any best management practices that inspecting officers/agents noted the owner has not sufficiently implemented.

Effective Date: April 22, 1998

but may be reviewed upon a trial de novo in a court in the county where the loss occurred. The decision of the court may be appealed as in other civil cases. Review in court may be obtained by filing a petition for review with the administrator of the court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator shall mail a copy to the commissioner and set a time for hearing within 90 days of the filing.

**Sec. 13. Minnesota Statutes 1996, section 3.737, is amended by adding a subdivision to read:**

Subd. 5. [TIMBER WOLF BEST MANAGEMENT PRACTICES.] By September 1, 1999, the commissioner must develop best management practices to prevent timber wolf depredation on livestock farms. The commissioner shall periodically update the best management practices when new practices are found by the commissioner to prevent timber wolf depredation on livestock farms. The commissioner must provide an updated copy of the best management practices for timber wolf depredation to all livestock owners who are still engaged in livestock farming and have previously submitted livestock claims under this section.

**Sec. 18. Minnesota Statutes 1996, section 35.82, subdivision 2,**

**is amended to read:**

Subd. 2. [DISPOSITION OF CARCASSES.] (a) Except as provided in subdivision 1b and paragraph (d), every person owning or controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass at least three feet deep at a depth adequate to prevent scavenging by other animals in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive secretary, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as required by law, to transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

© An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does

**Chapter 401, Section 13** amends M.S. 1996, Section 3.737, governing livestock depredation payments, to require DNR to adopt a listing or report describing best management practices. The report/listing must be in place by September 1, 1999. Each livestock owner who has submitted a claim for payment for wolf depredation must be given a copy of the adopted best management practices.

Effective Date: April 22, 1998

**Chapter 401, Section 18** amends M.S. 1996, section 35.82, which governs the Department of Agriculture's regulation of animal health. Specifically, this section directs the manner of disposal of dead domestic animals. It amends previous statute specifying a burial at a depth of three feet or more. It deletes the depth requirement and leaves the dead domestic animal owner to determine the depth adequate to prevent scavenging by other animals, and to bury the dead animal at that depth. This amendment is part of the revision of statutes effecting feedlot operators.

Effective Date: April 22, 1998

not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leakproof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose. A carcass on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run at large.

(d) A sheep producer may compost sheep carcasses owned by the producer on the producer's land without a permit and is exempt from compost facility specifications contained in rules of the board.

(e) The board shall develop best management practices for dead animal disposal and the pollution control agency feedlot program shall distribute them to livestock producers in the state.

**Sec. 21. Minnesota Statutes 1997 Supplement, section 84.8205, is amended to read:**

84.8205 [SNOWMOBILE STATE TRAIL ~~PERMIT~~ STICKER.] Subdivision 1. [STICKER REQUIRED; FEE.] A person may not operate a snowmobile that is not registered in this state ~~may not be operated~~ on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile ~~operator has in possession a snowmobile state trail permit~~. The commissioner of natural resources shall issue a permit sticker upon application and payment of a \$15 fee. The permit sticker is valid from November 1 through April 30. Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Subd. 2. [PLACEMENT OF STICKER.] The state trail sticker shall be permanently affixed to the forward half of the snowmobile directly above or below the headlight of the snowmobile.

Subd. 3. [LICENSE AGENTS.] County auditors are appointed agents of the commissioner for the sale of snowmobile state trail stickers. The commissioner may appoint other state agencies as agents for the sale of the stickers. A county auditor may appoint subagents within the county or within adjacent counties to sell stickers. Upon appointment of a subagent, the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent, and the commissioner may revoke the appointment of a state agency at any time. The commissioner may require an auditor to revoke a subagent's appointment. The auditor shall furnish stickers on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the stickers to be consigned to that subagent. A surety bond is not required for a state agency appointed by the commissioner. The county auditor shall be responsible for all stickers issued to and user fees received by agents except in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed by this section upon the county auditor are imposed upon the county. The commissioner may promulgate additional rules governing the accounting and procedures for handling state trail stickers as provided in section 97A.485.

**Chapter 401, Section 21** amends M.S. 1996, DNR's general enabling legislation and specifically the section governing the requirement for and distribution of stickers permitting use of state or grant-in-aid snowmobile trails. This section is applicable only to snowmobiles not registered in Minnesota. It requires the sled to have affixed a sticker allowing use of state trails and grant-in-aid trails. The sticker replaces the permit authorized in M.L. 1997. The sticker placement requirements ensure it is readily visible to enforcement officers, and thus more easily enforced than a permit which is usually concealed on the operator or machine.

Distribution of the sticker is directed to the county auditors, who distribute this sticker in the same manner as the fishing and hunting licenses. Surety bonds are required for subagents taking stickers on consignment. The bond is in the name of the county. The commissioner has rule making authority to promulgate rules necessary to manage accounting for and handling the stickers. Individuals may also acquire and sell the stickers, in lots no less than 10 stickers. The county auditor shall retain 4 percent of the price of the sticker, less the issuing fee of \$1, which goes to the issuing subagent. This fee of \$1.00 for issuing the sticker is new. The commissioner shall redeem unsold stickers presented for redemption, however, the commissioner may limit the redemption period.

The commissioner may designate subagents and distribute directly to those subagents.

Effective Date: April 22, 1998

subdivision 11.

Any resident desiring to sell snowmobile state trail stickers may either purchase for cash or obtain on consignment stickers from a county auditor in groups of not less than ten individual stickers. In selling stickers, the resident shall be deemed a subagent of the county auditor and the commissioner, and shall observe all rules promulgated by the commissioner for accounting and handling of licenses and stickers pursuant to section 97A.485, subdivision 11.

The county auditor shall promptly deposit all money received from the sale of the stickers with the county treasurer and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price paid by each stickerholder, exclusive of the issuing fee, for each sticker sold or consigned by the auditor and subsequently sold to a stickerholder during the accounting period. The county auditor shall retain as a commission four percent of all sticker fees, excluding the issuing fee for stickers consigned to subagents and the issuing fee on stickers sold by the auditor to stickerholders.

Unsold stickers in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any stickers not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

Subd. 4. [DISTRIBUTION OF STICKERS.] The commissioner shall provide stickers to all agents authorized to issue stickers by the commissioner.

Subd. 5. [AGENT'S FEE.] The fee for a sticker shall be increased by the amount of an issuing fee of \$1 per sticker. The issuing fee may be retained by the seller of the sticker.

**Sec. 22. Minnesota Statutes 1997 Supplement, section 84.86, subdivision 1, is amended to read:**

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

- (1) Registration of snowmobiles and display of registration numbers.
- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails, including, but not limited to, the use of specified metal traction devices and nonmetal traction devices.
- (4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.
- (6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray a portion of the expenses of training and certifying snowmobile operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the youth and young adult training and a fee established under chapter 16A from each person who receives the adult training. The commissioner shall deposit the fee in the snowmobile trails and

**Chapter 401, Section 22** amends M.S. 1996, 84.86, subdivision 1, is the commissioner of DNR's rulemaking authority to regulate snowmobiling in Minnesota. Section 22 amends that authority to allow the commissioner to promulgate rules specific to snowmobiles on public land, waters, or grant-in-aid trails and using metal and nonmetal traction devices.

Effective Date: April 22, 1998



enforcement account and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

**Sec. 23. Minnesota Statutes 1996, section 84.871, is amended to read:**

84.871 [MUFFLERS EQUIPMENT REQUIREMENTS.]

Subdivision 1. [MUFFLERS.] Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events held on (1) private lands, with the permission of the owner, lessee, or custodian of the land; (2) public lands and water under the jurisdiction of the commissioner of natural resources, with the commissioner's permission; or (3) other public lands, with the consent of the public agency owning the land. No person shall have for sale, sell, or offer for sale on any new snowmobile any muffler that fails to comply with the specifications required by the rules of the commissioner after the effective date of the rules.

Subd. 2. [METAL TRACTION DEVICES ON SNOWMOBILE TRACKS.] Except as provided in this subdivision, a person may not operate a snowmobile with a track equipped with metal traction devices on public lands, roads, or trails, or public road or trail rights-of-way. Pursuant to section 84.86, the commissioner may adopt rules that: (1) limit the use of nonmetal traction devices; and (2) permit metal traction devices that meet certain specifications.

**Sec. 24. [84.8715] [METAL TRACTION DEVICE STICKER.]**

Subdivision 1. [STICKER REQUIRED; FEE.] A person may not operate a snowmobile with a track equipped with metal traction devices unless a metal traction device sticker is affixed to the snowmobile. The commissioner shall issue a metal traction device sticker upon application and payment of a \$50 fee. The sticker is valid for one year following June 30 in the year it is issued. Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund. Money deposited under this section must be used for repair of paved public trails except that any money not necessary for this purpose may be used for the grant-in-aid snowmobile trail system.

Subd. 2. [PLACEMENT OF STICKER.] The metal traction device sticker must be permanently affixed to the forward half of the snowmobile directly above or below the headlight of the

**Chapter 401, Section 23** amends M.S. 1996, section 84.871, governing equipment on snowmobiles. Originally the section of statute requiring sound deadening equipment, this amendment expands the purview of the section and adds language governing metal traction devices. It bans use of metal traction devices on public lands, roads, or public trails, or on trail rights-of-way, beginning July 1, 1999. The ban is subject to other provisions of section 84.8715, one of which is promulgated in the following section of this law, and allows use of traction devices if a \$50 annual sticker is purchased and affixed to the snowmobile. The commissioner is further authorized to make rules limiting and allowing use of metal traction devices.

Effective Date: July 1, 1999.

**Chapter 401, Section 24** amends M.S. 1996, Chapter 84, adding section 84.8715 requiring a sticker for use of a snowmobile with metal traction devices operated anywhere in the state. This requirement is for the period of April 22, 1998 through June 30, 1999. The revenue from the sticker is first dedicated to be used for repair of paved public trails. The surplus, if any, may be used for grant-in-aid trails.

Effective Date: April 22, 1998; Repealed: July 1, 1999

**Chapter 401, Section 25** amends M.S. 1996, amends M.S. 1997, Supplement, section 85.015, subdivision 1c to expand the ban on the use of metal studs on paved state trails to a ban on stud use on all public paved trails. The amendment then goes on to enable use of snowmobiles with metal traction devices on public paved trails if the local government with jurisdiction over the trail approves. This only

snowmobile.

Subd. 3. [LICENSE AGENTS.] The commissioner shall sell metal traction device stickers through the process established under section 84.8205.

Subd. 4. [REPEALER.] This section is repealed on July 1, 1999.

**Sec. 25. Minnesota Statutes 1997 Supplement, section 85.015,**

**subdivision 1c, is amended to read:**

Subd. 1c. [METAL TRACTION DEVICES; PROHIBITION ON PAVED TRAILS.] A person may not use a snowmobile with metal traction devices on any paved state public trail, except as otherwise provided by a local government with jurisdiction over a trail.

**Sec. 26. [85.0156] [MISSISSIPPI WHITEWATER TRAIL.]**

Subdivision 1. [CREATION.] An urban whitewater trail is created along the Mississippi river in the lower St. Anthony falls area below the stone arch bridge in Minneapolis. The trail must be primarily developed for whitewater rafters, canoers, and kayakers.

Subd. 2. [COMMISSIONER'S DUTIES.] (a) The commissioner of natural resources must coordinate the creation of the whitewater trail by placing designation signs near and along the river and must publicize the designation.

(b) In designating the Mississippi whitewater trail, the commissioner must work with other federal, state, and local agencies and private businesses and organizations interested in the trail.

Subd. 3. [GIFTS; DONATIONS.] The commissioner of natural resources is authorized to accept, on behalf of a nonprofit corporation, donations of land or easements in land for the whitewater trail and may seek and accept money for the trail from other public and private sources.

**Sec. 27. Minnesota Statutes 1996, section 86B.101, subdivision 2, is amended to read:**

Subd. 2. [YOUTH WATERCRAFT SAFETY COURSE.] (a) The commissioner shall establish an educational course and a testing program for personal watercraft and watercraft operators and for persons age 12 or older but younger than age 18 required to take the watercraft safety course. The commissioner shall prescribe a written test as part of the course. A personal watercraft educational course and testing program that emphasizes safe and legal operation must be required for persons age 13 or older but younger than age 18 operating personal watercraft.

(b) The commissioner shall issue a watercraft operator's permit to a person age 12 or older but younger than age 18 who successfully completes the educational program and the written test.

**Sec. 28. Minnesota Statutes 1996, section 86B.415, subdivision 1, is amended to read:**

Subdivision 1. [WATERCRAFT 19 FEET OR LESS.] The fee for a watercraft license for watercraft 19 feet or less in length is \$12 except:

(1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered for rent or lease, the fee is \$6;

effects trails under local jurisdiction and requires local government to affirmatively allow the use of the devices. Section 85.015, Subdivision 1c is repealed June 30, 1999, see Chapter 401, Section 61.

Effective Date: April 22, 1998; Repealed: June 30, 1999

**Chapter 401, Section 26** amends M.S. 1996, Chapter 85, the enabling statutes for state parks and trails by adding a statute defining a specific trail. This trail is unique from traditional state trails defined in M.S. 1996, section 85.015 and is similar to the Lake Superior Water Trail, M.S. 1996, section 85.0155. The commissioner is required to create the trail and designate it through signs and other public forms of designation. This is envisioned to be a cooperative effort including other levels of government and the private sector. The commissioner is authorized to accept gifts to be used for this trail.

Effective Date: April 22, 1998

**Chapter 401, Section 27** amends M.S. 1996, amends the current statutes guiding the youth watercraft safety course to add personal watercraft education and testing to the authorized program. This course is required for youth 13 through 17 years of age, if they want to operate a personal watercraft. The program teaches safe and legal operation of personal watercraft.

Effective Date: April 22, 1998

**Chapter 401, Section 28** amends M.S. 1996, section 86B.415, defining the cost of a license for watercraft. The amendment removes rental personal watercraft from the language excepting all rental watercraft in the under 20 foot from the \$12 registration fee, placing a lower \$6 fee on those craft. The net effect of removing rental personal watercraft from this exception is rental watercraft proprietors will have to pay the higher \$12 fee.

Effective Date: April 22, 1998

**Chapter 401, Section 29** amends M.S. 1996, section 86B.415, adding a subdivision instituting a surcharge of \$50 for the registration of personal watercraft. The surcharge is credited to the water

(2) for a canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell 19 feet in length or less, the fee is \$7;

(3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching boat and water safety, the fee is as provided in subdivision 4; and

(4) for a watercraft owned by a dealer under a dealer's license, the fee is as provided in subdivision 5.

**Sec. 29. Minnesota Statutes 1996, section 86B.415, is amended by adding a subdivision to read:**

Subd. 7a. [PERSONAL WATERCRAFT SURCHARGE.] A \$50 surcharge is placed on each personal watercraft licensed under subdivisions 1 to 5 for enforcement of personal watercraft laws and for personal watercraft safety education. The surcharge must be deposited in the state treasury and credited to the water recreation account in the natural resources fund. Any grants to counties from revenue collected under this subdivision must be proportional to the use of personal watercraft in each county. Grants made under this subdivision are subject to the applicable administrative, reporting, and auditing requirements in sections 86B.701 and 86B.705.

**Sec. 30. Minnesota Statutes 1996, section 89A.03, subdivision 1, is amended to read:**

Subdivision 1. [MEMBERSHIP.] The Minnesota forest resources council has 13 members appointed by the governor and one member appointed by the Indian affairs council. The council membership appointed by the governor must include one representative from each of the following individuals:

(1) a representative from an organization representing environmental interests within the state;

(2) a representative from an organization representing the interests of management of game species;

(3) a representative from a conservation organization;

(4) a representative from an association representing forest products industry within the state;

(5) a commercial logging contractor active in a forest product association;

(6) a representative from a statewide association representing the resort and tourism industry;

(7) a faculty or researcher of a Minnesota research or higher educational institution;

(8) an owner of nonindustrial, private forest land of 40 acres or more;

(9) an agricultural woodlot owner;

(10) a representative from the department;

(11) a county land commissioner who is a member of the Minnesota association of county land commissioners;

(12) a representative from the United States Forest Service unit with land management responsibility in Minnesota; and

(13) a representative from a labor organization with membership having an interest in forest resource issues.

**Sec. 31. Minnesota Statutes 1996, section 90.193, is amended to read:**

90.193 [EXTENSION OF TIMBER PERMITS.]

The commissioner may, in the case of an exceptional circumstance beyond the control of the timber permit holder which makes it unreasonable, impractical, and not feasible to complete cutting and removal under the permit within the time allowed, grant an extension of one year. A request for the extension must be

recreation account in the natural resources fund and spent according to the statutes governing that account, M.S. 1996, section 86B.705. The law further stipulates that grants to counties, of the revenue due to this surcharge, must be proportional to county use of personal watercraft. This may require adjustment of the current formula, based on watercraft use in general.

Effective Date: April 22, 1998

**Chapter 401, Section 30** amends M.S. 1996, section 89A.03.

This is the section of the Sustainable Forest Resources Act that enables the Minnesota Forest Resources Council. The amendment adds one member appointed by the Indian Affairs Council. The amendment also clarifies that the Governor's appointees may be representatives of organizations or groups enumerated in the original bill.

Effective Date: April 22, 1998

**Chapter 401, Section 31** amends M.S. 1996, section 90.193.

Chapter 90 governs the DNR's administration of timber lands. The amended section governs the extension of timber permits. The two changes made by this section of law delete the requirement for reappraisal and adjustment of the stumpage rate on the permit according to the reappraisal, and makes charging the eight percent interest permissive rather than mandatory.

Effective Date: January 1, 1999

received by the commissioner before the permit expires. The request must state the reason the extension is necessary and be signed by the permit holder. ~~The value of the timber remaining to be cut will be recalculated using current stumpage rates. Any timber cut during the period of extension or remaining uncut at the expiration of the extension shall be billed for at the stumpage rates determined at the time of extension provided that in no event shall stumpage rates be less than those in effect at the time of the original sale.~~ An interest rate of eight percent ~~will~~ may be charged for the period of extension.

**Sec. 32. Minnesota Statutes 1996, section 93.002, subdivision 1, is amended to read:**

Subdivision 1. [ESTABLISHMENT.] The mineral coordinating committee is established to plan for diversified mineral development. The mineral coordinating committee consists of the director of the minerals division of the department of natural resources, the deputy commissioner of the Minnesota pollution control agency, the director of United Steelworkers of America, district 11, or the director's designee, the commissioner of the iron range resources and rehabilitation board, the director of the Minnesota geological survey, the dean of the University of Minnesota institute of technology, ~~and~~ the director of the natural resources research institute, and three individuals appointed by the governor for a four-year term, one each representing the iron ore and taconite, the nonferrous metallic minerals, and the industrial minerals industries within the state. The director of the minerals division of the department of natural resources shall serve as chair. A member of the committee may designate another person of the member's organization to act in the member's place. The commissioner of natural resources shall provide staff and administrative services necessary for the committee's activities.

The mineral coordinating committee is encouraged to solicit and receive advice from representatives of ~~the United States Bureau of Mines;~~ the United States Geological Survey; and the United States Environmental Protection Agency.

**Sec. 33. Minnesota Statutes 1996, section 97A.037, subdivision 1, is amended to read:**

Subdivision 1. [INTERFERENCE WITH TAKING WILD ANIMALS PROHIBITED.] A person who has the intent to prevent; or disrupt; ~~or dissuade the taking of another person from taking or preparing to take a wild animal or enjoyment of the out-of-doors~~ may ~~must~~ not disturb or interfere with ~~another that person who if that person is lawfully taking a wild animal or preparing to take a wild animal.~~ "Preparing to take a wild animal" includes travel, camping, and other acts that occur on land or water where the affected person has the right or privilege to take lawfully a wild animal.

**Sec. 34. Minnesota Statutes 1996, section 97A.245, is amended to read:**

97A.245 [REWARDS.]

The commissioner may pay rewards for information leading to the conviction of a person that has violated a provision of laws relating to wild animals or threatened or endangered species of wildlife. A reward may not exceed \$500, except a reward for information relating to big game or threatened or endangered species of wildlife, may be up to \$1,000 and a reward for information relating to timber wolves may be up to \$2,500. The rewards may only be paid from funds donated to the commissioner for these purposes

**Chapter 401, Section 32** amends M.S. 1996, section 93.002, subdivision 1. This section of the statutes governing DNR's administration of mineral lands enables the Minerals Coordinating Committee. The new language adds five members. One each representing labor unions, the IRRRB, iron ore and taconite industry, the nonferrous metallic minerals industry and the industrial minerals industry. The three industry representatives are appointed for four year terms by the governor.

Effective Date: April 22, 1998

**Chapter 401, Section 33** amends M.S. 1996, section 97A.037, subdivision 1, which prohibits harassment of hunters, trappers, and anglers. The amendment deletes the language that might be construed to be an abridgement of free speech. Additional changes make technical amendments to the statute.

Effective Date: April 22, 1998

**Chapter 401, Section 34** amends M.S. 1996, section 97A.245, stipulating that rewards may be made and the amount of the awards to add, as a category for reward, providing information relating to law violations relating to timber wolves. The reward for information on such infractions is up to \$2,500 from funds donated to the commissioner.

Effective Date: April 22, 1998

**Chapter 401, Section 36** amends M.S. 1996, section 103F.155, subdivision 2 governing regulation of flood protection plans. The amendment prohibits the DNR from providing grant money from flood hazard mitigation grants program, if a community's plan is found to be deficient and modifications are not made, or if the community doesn't remove emergency protective measures.

Effective Date: April 22, 1998

and may not be paid to salaried conservation officers or peace officers.

**Sec. 36. Minnesota Statutes 1996, section 103F.155, subdivision 2, is amended to read:**

Subd. 2. [COMMISSIONER'S REVIEW.] (a) The commissioner shall review the plan and consult with the state office of civil defense and other appropriate state and federal agencies. Following the review, the commissioner shall accept, require modification, or reject the plan.

(b) If required modifications are not made, or if the plan is rejected, the commissioner shall order the removal of the emergency protection measures and shall not provide grant money under section 103F.161 until the plan is approved or the required modifications are made.

**Sec. 37. Minnesota Statutes 1996, section 103F.161, subdivision 2, is amended to read:**

Subd. 2. [ACTION ON GRANT APPLICATIONS.] (a) A local government may apply to the commissioner for a grant on forms provided by the commissioner. The commissioner shall confer with the local government requesting the grant and may make a grant up to ~~\$75,000~~ \$150,000 based on the following considerations:

- (1) the extent and effectiveness of mitigation measures already implemented by the local government requesting the grant;
- (2) the feasibility, practicality, and effectiveness of the proposed mitigation measures and the associated nonflood related benefits and detriments;
- (3) the level of grant assistance that should be provided to the local government, based on available facts regarding the nature, extent, and severity of flood problems;
- (4) the frequency of occurrence of severe flooding that has resulted in declaration of the area as a flood disaster area by the President of the United States;
- (5) the economic, social, and environmental benefits and detriments of the proposed mitigation measures;
- (6) whether the floodplain management ordinance or regulation adopted by the local government meets the minimum standards established by the commissioner, the degree of enforcement of the ordinance or regulation, and whether the local government is complying with the ordinance or regulation;
- (7) the degree to which the grant request is consistent with local water plans developed under chapters 103B and 103D;
- (8) the financial capability of the local government to solve its flood hazard problems without financial assistance; and
- (9) the estimated cost and method of financing of the proposed mitigation measures based on local money and federal and state financial assistance.

(b) If the amount of the grant requested is ~~\$75,000~~ \$150,000 or more, the commissioner shall determine, under the considerations in paragraph (a), whether any part of the grant should be awarded. The commissioner must submit an appropriation request to the governor and the legislature for funding consideration before each odd-numbered year, consisting of requests or parts of grant requests of ~~\$75,000~~ \$150,000 or more. The commissioner must prioritize the grant requests, under the considerations in paragraph (a), beginning with the projects the commissioner determines most deserving of financing.

© A grant may not exceed one-half the total cost of the proposed mitigation measures.

**Chapter 401, Section 37** amends M.S. 1996, section 103F.161, subdivision 2, the statute enabling the flood hazard mitigation grants to increase the maximum grant the DNR can make without specific legislative authority from up to \$75,000 to up to \$150,000.

**Chapter 401, Section 38** amends M.S. 1996, section 103G.271, subdivision 6 governing appropriation and use of water. The amendment deletes outdated language phasing in a permit fee increase on nonprofit corporations and school districts. More substantively, the amendment adding part (d), (5) waives the fee if the appropriation is to prevent flood damage or remove flood waters. The commissioner must first make a finding that a period of flooding

(d) After July 1, 1991, grants made under this section may be made to local governments whose grant requests are part of, or responsive to, a comprehensive local water plan prepared under chapter 103B or 103D.

is occurring.

Effective Date: April 22, 1998

**Sec. 38. Minnesota Statutes 1996, section 103G.271, subdivision 6, is amended to read:**

Subd. 6. [WATER USE PERMIT PROCESSING FEE.] (a) Except as described in paragraphs (b) to (f), a water use permit processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 0.05 cents per 1,000 gallons for the first 50,000,000 gallons per year;

(2) 0.10 cents per 1,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;

(3) 0.15 cents per 1,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year; and

(4) 0.20 cents per 1,000 gallons for amounts greater than 150,000,000 gallons but less than 200,000,000 gallons per year;

(5) 0.25 cents per 1,000 gallons for amounts greater than 200,000,000 gallons but less than 250,000,000 gallons per year;

(6) 0.30 cents per 1,000 gallons for amounts greater than 250,000,000 gallons but less than 300,000,000 gallons per year;

(7) 0.35 cents per 1,000 gallons for amounts greater than 300,000,000 gallons but less than 350,000,000 gallons per year;

(8) 0.40 cents per 1,000 gallons for amounts greater than 350,000,000 gallons but less than 400,000,000 gallons per year; and

(9) 0.45 cents per 1,000 gallons for amounts greater than 400,000,000 gallons per year.

(b) For once-through cooling systems, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) for nonprofit corporations and school districts

~~(i) 5.0 cents per 1,000 gallons until December 31, 1991;~~

~~(ii) 10.0 cents per 1,000 gallons from January 1, 1992, until December 31, 1996; and~~

~~(iii) 15.0 cents per 1,000 gallons after January 1, 1997; and~~

(2) for all other users, 20 cents per 1,000 gallons.

© The fee is payable based on the amount of water appropriated during the year and, except as provided in paragraph (f), the minimum fee is \$50.

(d) For water use processing fees other than once-through cooling systems:

(1) the fee for a city of the first class may not exceed \$175,000 per year;

(2) the fee for other entities for any permitted use may not exceed:

(i) \$35,000 per year for an entity holding three or fewer permits;

(ii) \$50,000 per year for an entity holding four or five permits;

(iii) \$175,000 per year for an entity holding more than five permits;

(3) the fee for agricultural irrigation may not exceed \$750 per year; and

(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed \$10,000 for its permit for water use related to the cogeneration of electricity and

steam; and

(5) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water use processing fee for a permit issued for irrigation of agricultural land is \$10 for years in which:

(1) there is no appropriation of water under the permit; or  
(2) the permit is suspended for more than seven consecutive days between May 1 and October 1.

(g) For once-through systems fees payable after July 1, 1993, 75 percent of the fees must be credited to a special account and are appropriated to the Minnesota public facilities authority for loans under section 446A.21.

**Sec. 39. Minnesota Statutes 1996, section 115.076, subdivision 1, is amended to read:**

Subdivision 1. [AUTHORITY OF COMMISSIONER.] (a) The agency may refuse to issue or to authorize the transfer of;

(1) a hazardous waste facility permit or a solid waste facility permit to construct or operate a commercial waste facility as defined in section 115A.03, subdivision 6, if the agency determines that the permit applicant does not possess sufficient expertise and competence to operate the facility in conformance with the requirements of this chapter and chapters 114C and 116, or if other circumstances exist that demonstrate that the permit applicant may not operate the facility in conformance with the requirements of this chapter and chapters 114C and 116; or

(2) an animal feedlot facility permit, under section 116.07, subdivision 7, to construct or operate an animal feedlot facility, if the agency determines that the permit applicant does not possess sufficient expertise and competence to operate the feedlot facility in conformance with the requirements of this chapter and chapter 116 or if other circumstances exist that demonstrate that the permit applicant may not operate the feedlot facility in conformance with the requirements of this chapter and chapter 116.

(b) In making ~~this a~~ determination under paragraph (a), the agency may consider:

(1) the experience of the permit applicant in constructing or operating commercial waste facilities or animal feedlot facilities;

(2) the expertise of the permit applicant;

(3) the past record of the permit applicant in operating commercial waste facilities or animal feedlot facilities in Minnesota and other states;

(4) any criminal convictions of the permit applicant in state or federal court during the past five years that bear on the likelihood that the permit applicant will operate the facility in conformance with the applicable requirements of this chapter and chapters 114C and 116; and

(5) in the case of a corporation or business entity, any criminal convictions in state or federal court during the past five years of any of the permit applicant's officers, partners, or facility managers that bear on the likelihood that the facility will be operated in conformance with the applicable requirements of this chapter and

**Chapter 401, Section 39** amends M.S. 1996, section 115.076, subdivision 1. Chapter 115 governs water pollution control and sanitary districts, regulated by the Pollution Control Agency. Section 115.076 sets the standards for refusal of a permit application based on the applicants background. The new subpart of the subdivision, subpart (a), (2), sets background standards for refusal of an animal feedlot facility permit. The basis of the evaluation is left to PCA, however, paragraph (b) provides permissive direction, specifically, in addition to the applicants commercial waste facility background, the PCA may consider the:

Applicant's experience operating an animal feedlot;  
Applicant's experience constructing an animal feedlot;  
Applicant's record operating an animal feedlot; and  
Applicant's general expertise.

Effective Date: April 22, 1998

**Chapter 401, Section 40** amends M.S. 1996, section 115.55, subdivision 5a, PCA statutory authority to regulate individual sewage treatment systems. The amendment deletes from the criteria for ISTS inspection the mandatory finding that a cesspool constitutes an immediate threat to public health and safety, requiring repair or closure in ten months.

Effective Date: April 22, 1998

chapters 114C and 116.

**Sec. 40. Minnesota Statutes 1997 Supplement, section 115.55,**

**subdivision 5a, is amended to read:**

Subd. 5a. [INSPECTION CRITERIA FOR EXISTING SYSTEMS.] (a) An inspection of an existing system must evaluate the criteria in paragraphs (b) to (h).

(b) If the inspector finds one or more of the following conditions:

- (1) sewage discharge to surface water;
- (2) sewage discharge to ground surface;
- (3) sewage backup; or
- (4) ~~a cesspool; or~~

~~(5)~~ any other situation with the potential to immediately and adversely affect or threaten public health or safety, then the system constitutes an imminent threat to public health or safety and, if not repaired, must be upgraded, replaced, or its use discontinued within ten months of receipt of the notice described in subdivision 5b, or within a shorter period of time if required by local ordinance.

© An existing system that has none of the conditions in paragraph (b), and has at least two feet of soil separation need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more restrictive.

(d) Paragraph © does not apply to systems in shoreland areas regulated under sections 103F.201 to 103F.221, wellhead protection areas as defined in section 103I.005, or those used in connection with food, beverage, and lodging establishments regulated under chapter 157.

(e) If the local unit of government with jurisdiction over the system has adopted an ordinance containing local standards pursuant to subdivision 7, the existing system must comply with the ordinance. If the system does not comply with the ordinance, it must be upgraded, replaced, or its use discontinued according to the ordinance.

(f) If a seepage pit, drywell, cesspool, or leaching pit exists and the local unit of government with jurisdiction over the system has not adopted local standards to the contrary, the system is failing and must be upgraded, replaced, or its use discontinued within the time required by subdivision 3 or local ordinance.

(g) If the system fails to provide sufficient groundwater protection, then the local unit of government or its agent shall order that the system be upgraded, replaced, or its use discontinued within the time required by rule or the local ordinance.

(h) The authority to find a threat to public health under section 145A.04, subdivision 8, is in addition to the authority to make a finding under paragraphs (b) to (d).

**Sec. 41. Minnesota Statutes 1997 Supplement, section 116.07,**

**subdivision 7, is amended to read:**

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing"

**Chapter 401, Section 41** amends M.S. 1996, section 116.07, subdivision 7. Chapter 116 is the enabling legislation for the Pollution Control Agency and section 116.07 describes the PCA commissioner's powers and duties. Subdivision 7 allows counties, with the permission of PCA, assume the feedlot permit processing process. The county needs to merely pass a resolution to the effect that it is assuming the responsibility and has the permission of PCA to do so. The amendment of interest is an addition to the limitation of the powers the county assumes when making such a resolution. The limitations are:

Liquid manure storage structure plans offered for permit approval prior to adoption of new rules for manure storage structures must have been prepared or approved by a registered professional engineer or a USDA, Natural Resources Conservation Service employee;

Counties may adopt animal feedlot standards more stringent than those in PCA rules; and

After January 1, 2001, counties that have not assumed the feedlot permit process must hold a public meeting on the proposed feedlot prior to PCA issuing a feedlot permit, unless another public meeting on the proposed feedlot, such as a PCA sponsored meeting, has been held.

Section 41 also makes technical changes in the federal agencies the



includes:

(1) the distribution to applicants of forms provided by the pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

© For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the ~~Soil~~ Natural Resources Conservation Service and the ~~Agricultural Stabilization and Conservation Service~~ Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(I) After May 17, 1997, any new rules or amendments to existing rules proposed under the authority granted in this subdivision, must be submitted to the members of legislative policy committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

(i) Until new rules are adopted that provide for plans for manure

PCA must work with in rules adoption, to conform with federal reorganizations and name changes.

Effective Date: April 22, 1998

storage structures, any plans for a liquid manure storage structure must be prepared or approved by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee.

(k) A county may adopt by ordinance standards for animal feedlots that are more stringent than standards in pollution control agency rules.

(l) After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted.

**Sec. 42. Minnesota Statutes 1996, section 116.07, is amended by adding a subdivision to read:**

Subd. 7b. [FEEDLOT INVENTORY NOTIFICATION AND PUBLIC MEETING REQUIREMENTS.] (a) Any state agency or local government unit conducting an inventory or survey of livestock feedlots under its jurisdiction must publicize notice of the inventory in a newspaper of general circulation in the affected area and in other media as appropriate. The notice must state the dates the inventory will be conducted, the information that will be requested in the inventory, and how the information collected will be provided to the public. The notice must also specify the date for a public meeting to provide information regarding the inventory.

(b) A local government unit conducting an inventory or survey of livestock feedlots under its jurisdiction must hold at least one public meeting within the boundaries of the jurisdiction of the local unit of government, prior to beginning the inventory. A state agency conducting a survey of livestock feedlots must hold at least four public meetings outside of the seven-county Twin Cities metropolitan area, prior to beginning the inventory. The public meeting must provide information concerning the dates the inventory will be conducted, the procedure the agency or local unit of government will use to request the information to be included in the inventory, and how the information collected will be provided to the public.

**Sec. 43. Minnesota Statutes 1996, section 116.07, is amended by adding a subdivision to read:**

Subd. 7c. [NPDES PERMITTING REQUIREMENTS.] (a) The agency must issue National Pollutant Discharge Elimination System permits for feedlots with 1,000 animal units or more based on the following schedule:

(1) for applications received after the effective date of this section, a permit for a newly constructed or expanded animal feedlot with 2,000 or more animal units must be issued as an individual permit;

(2) for applications received after January 1, 1999, a permit for a newly constructed or expanded animal feedlot with between 1,000 and 2,000 animal units that is identified as a priority by the commissioner, using criteria established under paragraph (e), must be issued as an individual permit; and

(3) after January 1, 2001, all existing feedlots with 1,000 or more animal units must be issued an individual or general National Pollutant Discharge Elimination System permit. (b) By October 1, 1999, the agency must issue a general National Pollutant Discharge Elimination System permit for animal feedlots with between 1,000 and 2,000 animal units that are not identified under

of the inventory in a newspaper of general circulation in the affected area. The notice must include the date for a public meeting providing information on the survey. Local governments conducting such surveys must hold at least one public meeting within the jurisdiction being surveyed prior to beginning the survey. State agencies conducting such surveys must hold four public meetings outside the Metropolitan Area prior to beginning the survey. The public meeting(s) must include information on:

Dates of the survey;

How the information will be requested; and

How the results will be provided to the public.

Effective Date: April 22, 1998

**Chapter 401, Section 43** amends M.S. 1996, section 116.07, PCA powers and duties, by adding a subdivision on NPDES permitting. The subdivision mandates a phase in of required NPDES permits for feedlots with 1,000 or more animal units.

As of this section's effective Date: larger feedlots, those over 2,000 animal units, must be issued an individual NPDES permit.

Between January 1, 1999 and October 1, 1999, priority feedlots, as determined by PCA and the Feedlot and Manure Advisory Committee, with 1,000 to 2,000 animal units must also be issued individual NPDES permits. After that period, all feedlots with 1,000 to 2,000 animal units must have an NPDES permit. The PCA and the Feedlot and Manure Advisory Committee must determine which types of feedlots may be issued general permits and which must have individual permits.

After January 1, 2001 all existing feedlots over 1,000 animal units must be issued an individual or general NPDES permit.

Further requirements are:

Public meetings prior to NPDES permit issuance;

Public notice and comment period for NPDES permit concurrent with state environmental review; and local unit of government conditional use permitting.

Effective Date: April 22, 1998

paragraph (a), clause (2).

© Prior to the issuance of a general National Pollutant Discharge Elimination System permit for a category of animal feedlot facility permittees, the agency must hold at least one public hearing on the permit issuance.

(d) To the extent practicable, the agency must include a public notice and comment period for an individual National Pollutant Discharge Elimination System permit concurrent with any public notice and comment for:

(1) the purpose of environmental review of the same facility under chapter 116D; or

(2) the purpose of obtaining a conditional use permit from a local unit of government where the local government unit is the responsible governmental unit for purposes of environmental review under chapter 116D.

(e) By January 1, 1999, the commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required under paragraph (a), clause (2), for an animal feedlot with between 1,000 and 2,000 animal units. The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors.

(f) By January 1, 2000, the commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required for an existing animal feedlot, under paragraph (a), clause (3). The criteria must be based on violations and other compliance problems at the facility.

**Sec. 44. Minnesota Statutes 1997 Supplement, section 116.18,**

**subdivision 3c, is amended to read:**

Subd. 3c. [INDIVIDUAL ON-SITE TREATMENT SYSTEMS AND ALTERNATIVE DISCHARGING SEWAGE SYSTEMS PROGRAM.] (a) Beginning in fiscal year 1989, up to ten percent of the money to be awarded as grants under subdivision 3a in any single fiscal year, up to a maximum of \$1,000,000, may be set aside for the award of grants by the agency to municipalities to reimburse owners of individual on-site wastewater treatment systems or alternative discharging sewage systems for a part of the costs of upgrading or replacing the systems.

(b) An individual on-site treatment system is a wastewater treatment system, or part thereof, that uses soil treatment and disposal technology to treat 5,000 gallons or less of wastewater per day from dwellings or other establishments.

© An alternative discharging sewage system is a system permitted under section 115.58 that:

(1) serves one or more dwellings and other establishments;  
(2) discharges less than 10,000 gallons of water per day; and  
(3) uses any treatment and disposal methods other than subsurface soil treatment and disposal.

(d) Municipalities may apply yearly for grants of up to 50 percent of the cost of replacing or upgrading individual on-site treatment systems, including conversion to an alternative discharging sewage system, within their jurisdiction, up to a limit of \$5,000 per system or per connection to a cluster system. Before agency approval of

**Chapter 401, Section 44** amends M.S. 1996, section 116.18, subdivision 3c. Section 116.18 governs the water pollution control funds appropriations and bonds. The amendment adds alternative discharging sewage systems to the list of facilities eligible for grants. An alternative discharging sewage system is one that:

Is permitted under M.S.1996, section 115.58;

Serves one or more dwellings and other establishments;

Discharges less than 10,000 gallons of water per day; and

Doesn't use subsurface soil treatment and disposal methods.

Effective Date: April 22, 1998

the grant application, a municipality must certify that:

(1) it has adopted and is enforcing the requirements of Minnesota Rules governing individual sewage treatment systems;

(2) the existing systems for which application is made do not conform to those rules, are at least 20 years old, do not serve seasonal residences, and were not constructed with state or federal funds; and

(3) the costs requested do not include administrative costs, costs for improvements or replacements made before the application is submitted to the agency unless it pertains to the plan finally adopted, and planning and engineering costs other than those for the individual site evaluations and system design.

(~~Ⓔ~~) (e) The federal and state regulations regarding the award of state and federal wastewater treatment grants do not apply to municipalities or systems funded under this subdivision, except as provided in this subdivision.

(~~Ⓕ~~) (f) The agency shall adopt permanent rules regarding priorities, distribution of funds, payments, inspections, procedures for administration of the agency's duties, and other matters that the agency finds necessary for proper administration of grants awarded under this subdivision.

**Sec. 45. Minnesota Statutes 1997 Supplement, section 169.1217, subdivision 1, is amended to read:**

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169.123.

(b) "Designated license revocation" includes a license revocation under section 169.123:

(1) within five years of two prior impaired driving convictions, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(2) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more prior impaired driving convictions and prior license revocations, based on separate incidents.

Ⓢ "Designated offense" includes:

(1) a violation of section 169.121, subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), subdivision 1a, an ordinance in conformity with any of them, or section 169.129:

(I) within five years of two prior impaired driving convictions, or two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(ii) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more impaired driving convictions and prior license revocations, based on separate incidents;

(2) a violation of section 169.121, subdivision 1, clause (f), or a violation of section 169.121, subdivision 3, paragraph (c), clause (4):

(I) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within 15 years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; ~~or~~

(3) a violation of section 169.121, an ordinance in conformity with it, or section 169.129:

**Chapter 401, Section 45** amends M.S. 1996, section 169.1217, subdivision 1, the traffic regulations. This amendment to the DWI administrative forfeiture laws enables vehicle forfeiture actions for "designated offenses". Violating the prohibition of operating a snowmobile with metal studs on any paved public trail two or more times before June 30, 1999, is added to the definition of a "designated offense". M.S. 85.015, subdivision 1c is repealed as of June 30, 1999, when all metal studs are banned. (See chapter 401, Section 23.)

Effective Date: April 22, 1998

(i) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9); or  
(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance; or

(4) until June 30, 1999, a second or subsequent violation of section 85.015, subdivision 1c.

(d) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.

(e) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(f) "Prior impaired driving conviction" has the meaning given it in section 169.121, subdivision 3. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(g) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.

(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

**Sec. 50. [AGGREGATE RESOURCES TASK FORCE.]**

Subdivision 1. [CREATION; MEMBERSHIP.] (a) An aggregate resources task force consists of 12 members appointed as follows: (1) the subcommittee on subcommittees of the senate committee on rules and administration shall appoint one citizen member with experience in the state's aggregates industry, one citizen member who is an employee of a local government unit that works with environmental and land use impacts from aggregate mining, and four members of the senate, two of whom must be members of the minority caucus; and

(2) the speaker of the house shall appoint one citizen member who is an employee of a local governmental unit that works with environmental and land use impacts from aggregate mining, one citizen member with experience in native prairie conservation, and four members of the house, two of whom must be members of the minority caucus.

(b) The appointing authorities must make their respective appointments not later than July 1, 1998.

© The first meeting of the task force must be convened by a person designated by the chair of the senate committee on rules and administration. Task force members shall then elect a permanent chair from among the task force members.

Subd. 2. [DUTIES.] The task force shall examine current and projected issues concerning the need for and use of the state's aggregate resources. The task force shall seek input from the aggregate industry, state agencies, counties, local units of government, environmental organizations, and other interested parties on aggregate resource issues, including resource inventory, resource depletion, mining practices, nuisance problems, safety, competing land uses and land use planning, native prairie conservation, environmental review, local permit requirements, reclamation, recycling, transportation of aggregates, and the aggregate material tax.

Subd. 3. [REPORT.] Not later than February 1, 2000, the task

**Chapter 401, Section 50** creates the Aggregate Resources Task Force. The task force has 12 members. They are to be appointed by July 1, 1998.

Six members are appointed by the Senate Rules and Administration Committee Subcommittee on Subcommittees and shall be:

A citizen employee in the state's aggregate industry;

A citizen local government employee working with aggregate industry environmental and land use impacts; and

Four members of the senate, two from the minority caucus.

Six members appointed by the Speaker of the House who are further defined as:

A citizen local government employee working with aggregate industry environmental and land use impacts;

A citizen member with experience in native prairie conservation; and

Four members of the house, two from the minority caucus.

The task force must report no later than February 1, 2000. Their deliberations and report must examine current and projected issues including inventory, depletion, mining practices, nuisance problems, safety, competing land uses, land use planning, native prairie conservation, environmental review, local permitting, reclamation, recycling, transportation and taxes. The task force must seek input on these and other issues from the aggregate industry, government agencies, environmental organizations, and other interested parties. The report must state whether or not there is a need of a comprehensive statewide policy on aggregate resource(s). If the task force recommends such a policy, it must also provide a recommended comprehensive statewide policy framework.

The task force expires 45 days after the report is issued.

Effective Date: April 22, 1998

**Chapter 401, Section 52** prohibits PCA and counties from issuing permits to construct open air swine waste lagoons if they are clay lined, earth lined or lined with a flexible membrane between the effective date and June 30, 2000.

Effective Date: April 22, 1998 (for new applications)

**Chapter 401, Section 53** requires PCA to submit, to the members of legislative policy committees with jurisdiction over agriculture and the environment prior to final adoption, updated feedlot permit rules by March 1, 1999. The updated rules must become effective June 1, 1999.

force shall report to the legislature on the findings of its study. The report must include a recommendation as to whether there is a need for a comprehensive statewide policy on any aggregate resource issue. If the task force recommends a statewide policy, the report must include recommendations on the framework for the statewide policy.

Subd. 4. [EXPIRATION.] The aggregate resources task force expires 45 days after its report and recommendations are delivered to the legislature, or on June 30, 2001, whichever date is earlier.

**Sec. 52. [PERMIT REQUIREMENTS.]**

Until June 30, 2000, neither the pollution control agency nor a county board may issue a permit for the construction of an open-air clay, earthen, or flexible membrane lined swine waste lagoon. This section does not apply to repair or modification related to an environmental improvement of an existing lagoon.

**Sec. 53. [FEEDLOT RULES.]**

By March 1, 1999, the commissioner of the pollution control agency must submit a copy of updated feedlot permit rules as prescribed in Minnesota Statutes, section 116.07, subdivision 7, paragraph (I). The updated rules must become effective no later than June 1, 1999.

**Sec. 54. [ENVIRONMENTAL REVIEW RULES.]**

The environmental quality board, in consultation with the pollution control agency, shall study and adopt rules pursuant to Minnesota Statutes, chapter 14, to revise and clarify Minnesota Rules, part 4410.1000, subpart 4, as it applies to connected actions on animal feedlots and the need for environmental review. The board must submit a copy of the proposed rules and a summary of public comments received on the rules to the members of the senate and house policy committees with jurisdiction over agriculture and the environment, the senate environment and agriculture budget division, and the house environment, natural resources, and agriculture finance committee by March 1, 1999. The rules may not become effective until 60 days after they are submitted to the committee members and must become effective no later than June 1, 1999.

**Sec. 55. [REPORT ON REVISED STANDARDS FOR HYDROGEN SULFIDE EXPOSURE.]**

By January 15, 1999, the commissioner of labor and industry, in consultation with the commissioners of the pollution control agency, health, and agriculture, shall report to the senate and house policy committees with jurisdiction over agriculture and environment on the need for and, if appropriate, suggested changes to standards for hydrogen sulfide exposure levels within livestock confinement facilities having a design capacity of 500 animal units or more and at various distances up to 5,000 feet from animal waste storage facilities.

**Sec. 56. [REPORT ON ANIMAL WASTE LIABILITY.]**

By January 15, 1999, the commissioner of the pollution control agency, in conjunction with the commissioner of agriculture, shall report to the legislative policy and finance committees or divisions with jurisdiction over agriculture and the environment on the need

Effective Date: April 22, 1998

**Chapter 401, Section 54** requires the EQB, with the advice of the PCA, to study and adopt rules, as prescribed by the Administrative Procedures Chapter of Minnesota Statutes, to clarify and revise the environmental review of animal feedlot actions. By March 1, 1999, the proposed revisions and clarifications must be submitted to the Senate and House policy committees with jurisdiction over agricultural and environmental policy and/or budget. The submission must include a summary of the public comment received by the EQB on this issue. The revisions and clarifications must become effective no sooner than 60 days following submission to the legislature and no later than March 1, 1999.

**Chapter 401, Section 55** requires the Department of Labor and Industry to lead an effort including the PCA, Department of Health, and Department of Agriculture, to assess the need for changes to standard levels for hydrogen sulfide gas exposure in livestock confinement facilities. If a need is found the report must suggest the appropriate new standards. The study and report must assess feedlots with 500 or more animal units. It must also assess levels of exposure at various distances up to 5000 feet from the animal waste storage facilities. The report is due January 15, 1999 and must go to the Senate and House policy and budget committees with jurisdiction over agriculture and environment.

Effective Date: April 22, 1998

**Chapter 401, Section 56** requires the PCA to lead an effort with the Department of Agriculture and to make a report to the Senate and House committees with jurisdiction over agriculture and environment budget and policy on the need for:

- An animal waste liability account;
- Improved animal waste incident reporting; and
- A contingency plan for animal waste sites.

The report must include:

- Analysis of the need for an animal waste liability account;
- Analysis of the level of funding for such an account;
- Identification of possible sources of funding to ensure sufficient resources for animal waste site cleanup;
- Analysis of the need for changes to the animal waste incident reporting system; and
- Analysis of the need for a statewide animal waste contingency plan, including recommendations for containment, closure and cleanup.

Effective Date: April 22, 1998

**Chapter 401, Section 57** requires counties and towns having adopted animal feedlot related ordinances to supply copies to the Commissioner of Agriculture by August 1, 1998. Until June 30, 2001, counties and towns adopting new ordinances related to feedlots need to supply copies to Agriculture within 60 days of adoption.

Effective Date: April 22, 1998

for an animal waste liability account, improved animal waste incident reporting, and a contingency action plan for animal waste sites. The report must include:

(1) an analysis of the need and level of funding required for an animal waste liability account;

(2) the identification of possible funding sources to ensure adequate resources for animal waste site cleanup under clause (1);

(3) an analysis of the need for changes to the current animal waste incident reporting system; and

(4) the need for development of a statewide animal waste contingency plan for animal waste sites, including containment, closure, and cleanup.

**Sec. 57. [COUNTIES AND TOWNS TO REPORT.]**

(a) Not later than August 1, 1998, each county and each town that has adopted ordinances related to animal feedlots shall supply copies of the ordinances to the commissioner of agriculture. A county or town that adopts a new or amended ordinance related to animal feedlots shall report the new or amended ordinance to the commissioner within 60 days after the adoption.

(b) The reporting requirements of paragraph (a) expire after June 30, 2001.

**Sec. 59. [WATER QUALITY COST-BENEFIT MODEL SCOPING TASK FORCE.]**

The commissioner of the pollution control agency shall convene a task force comprising of no more than three representatives each from industry, municipalities, watershed management groups, labor, agriculture, and environmental groups within 30 days of the effective date of this section. The task force shall select an entity to conduct a scoping study for a cost-benefit model to analyze water quality standards. The scoping study shall include: a watershed-based approach that evaluates both point and nonpoint pollution sources, the extent of the costs and benefits to be evaluated, the necessary elements of the model, a model that is transferable to other watersheds and standards, and the characteristics of the watersheds and standards to be evaluated. By October 15, 1998, the task force shall review the completed scoping study and make recommendations on the scope, cost, and time frame for development of the model to the commissioner and to the chairs of the house and senate environment and natural resources committees, the chair of the house environment, natural resources, and agriculture finance committee, and the chair of the senate environment and agriculture budget division.

**Sec. 61. [REPEALER.]**

(a) Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c, as amended by this act, is repealed effective June 30, 1999.

(b) Laws 1991, chapter 275, section 3, is repealed.

**Sec. 62. [EFFECTIVE DATE.]**

Section 31 is effective January 1, 1998. Sections 28 and 29 are effective January 1, 1999. Section 23 is effective July 1, 1999. Section 52 is effective the day following final enactment and applies to new applications submitted after that date. The

**Chapter 401, Section 59** requires the PCA to convene a task force to select an entity to do a scoping study for a cost-benefit model to analyze water quality standards. The task force can have up to three representatives from industry, municipalities, watershed management groups, labor, agriculture, and environmental groups. It must make its recommendation within 30 days of the effective date of this section. The scoping study itself shall take a watershed approach evaluating both point and nonpoint sources; the extent of the costs and benefits to be accounted for; the necessary elements of the model; requirements to make the model transferable to other watersheds and standards; and the characteristics of the watersheds to be studied. By October 15, 1998 the task force shall review the completed scoping study and make recommendations on the scope, cost, and time frame for development of the model to the Commissioner of PCA and the chairs of the Senate and House committees with jurisdiction over environment and natural resources policy and budget.

Effective Date: April 22, 1998

**Chapter 401, Section 61** repeals statutes prohibiting use of metal studs on public trails effective June 30, 1999 (85.015, subdivision 1c), and repeals Minnesota Laws of 1991, chapter 275, section 3, which allowed land in Interstate State Park to be used by the Chisago County Historical Society for the St. Croix Valley Heritage Center.

Effective Date: April 22, 1998

remainder of this act is effective the day following final enactment."

## Chapter 403 Transportation and Highway Provisions Modifications

Chapter 403 is the Omnibus Transportation Policy Bill. It contains two items of interest to DNR

**Sec. 2. Minnesota Statutes 1996, section 84.63, is amended to read:**

84.63 [CONVEYANCE OF INTERESTS IN LANDS TO STATE AND FEDERAL GOVERNMENTS.]

Notwithstanding any existing law to the contrary, the commissioner of natural resources is hereby authorized on behalf of the state to convey to the United States or to the state of Minnesota or any of its subdivisions, upon state-owned lands under the administration of the commissioner of natural resources, permanent or temporary easements for specified periods or otherwise for trails, highways, roads and trails including limitation of right of access from the lands to adjacent highways and roads, flowage for development of fish and game resources, stream protection, flood control, and necessary appurtenances thereto, such conveyances to be made upon such terms and conditions including provision for reversion in the event of nonuser as the commissioner of natural resources may determine.

**Sec. 12. Minnesota Statutes 1996, section 165.03, is amended to read:**

165.03 [STRENGTH OF BRIDGES; INSPECTIONS.]

Subdivision 1. [STANDARDS GENERALLY.] Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under section 169.825 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 2. [INSPECTION AND INVENTORY RESPONSIBILITIES; RULES; FORMS.] The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the owners or highway authorities specified by this subdivision. Bridge inspections shall be made at regular intervals, not to exceed two years, by the following officials owner or official:

(a) The commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway.

(b) The county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or township road, or any street within a municipality which does not have a city engineer regularly employed.

(c) The city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits.

(d) The commissioner of transportation in case of a toll bridge that is used by the general public and that is not inspected and certified under subdivision 6; provided, that the commissioner of transportation may assess the owner for the costs of such

**Chapter 403, Section 2** amends M.S. 84.63, defining the Department of Natural Resource's powers to convey interests in land to state and federal governments. This amendment is a clarifying amendment explicitly allowing DNR to convey limitation of access easements on public land adjacent to highways and roads. This is intended to be used to limit general public access to limited access highways and roads.

Effective Date: July 30, 1998

**Chapter 403, Section 12** amends M.S. 165.03. Chapter 165 governs bridges in the state. Section 165.03, specific to inspections of bridges for strength is amended to delegate responsibility for inspection from highway authorities to the owners of bridges. Amendments to subdivision 2 require biennial inspection of bridges, however new subdivision 7 directly addresses DNR bridges. The new subdivision mandates the commissioners of DNR and Transportation negotiate an agreement for inspection of DNR bridges. The agreement, to be in the form of a memorandum of understanding, must:

Direct the inventory and inspection of bridges subject to federal law or regulation;

Establish the frequency of inspection for those bridges; and

Stipulate who may perform the inspections required.

Effective Date: July 30, 1998



inspection.

(e) The owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under paragraph (a), (b), (c), or (d).

The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The ~~specified owner~~ or highway authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. [COUNTY INVENTORY AND INSPECTION RECORDS AND REPORTS.] The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (b), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals not to exceed two years. A report of the inspections shall be filed annually, on or before February 15 of each year, with the county auditor or ~~township~~ town clerk, or the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. [MUNICIPAL INVENTORY AND INSPECTION RECORDS AND REPORTS.] The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (c), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals not to exceed two years. A report of the inspections shall be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report shall contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. [AGREEMENTS.] Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. [~~TOLL~~ OTHER BRIDGES.] The owner of a toll bridge and the owner of a bridge described in subdivision 2, paragraph (e), shall certify to the commissioner, as prescribed by the commissioner, that inspections of the bridge have been made at regular intervals not to exceed two years. The certification shall be accompanied by a report of the inspection. The report shall contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

Subd. 7. [DEPARTMENT OF NATURAL RESOURCES BRIDGES.] (a) Notwithstanding subdivision 2, the commissioners of transportation and natural resources shall negotiate a memorandum of understanding that governs the inspection of bridges owned, operated, or maintained by the commissioner of natural resources.

(b) The memorandum of understanding must provide for:

(1) the inspection and inventory of bridges subject to federal law or regulations;

(2) the frequency of inspection of bridges described in paragraph (a); and

(3) who may perform inspections required under the

## Chapter 404 Omnibus Bonding Bill

Chapter 404 is the 1998 Capital Improvements Bill, better known as the Omnibus Bonding Bill. It contains debt financing and general fund appropriations for building development, building preservation, and land acquisition. The chapter law also included amendments to statutes governing bond funded projects and bond fund administration. Projects financed with bond funds must meet certain constitutional standards such as being for a public purpose, on publicly owned land, and lasting at least the life of the bonds sold to finance them. The 1998 bonding bill appropriates a total of \$999,042,000. Bonds are used to finance \$438,184,000 of this amount. General fund funds finance \$500,047,000. The remainder is financed through the Trunk Highway Fund and the Transportation Fund.

**Section 1. [CAPITAL IMPROVEMENT APPROPRIATIONS.]** The sums in the column under "APPROPRIATIONS" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes including to acquire and to better public land and buildings and other public improvements of a capital nature, as specified in this act. Unless otherwise specified, the appropriations in this act are available until the project is completed or abandoned.

SUMMARY	
UNIVERSITY OF MINNESOTA	\$ 138,300,000
MINNESOTA STATE COLLEGES AND UNIVERSITIES	143,080,000
CENTER FOR ARTS EDUCATION	1,395,000
CHILDREN, FAMILIES, AND LEARNING	62,405,000
FARIBAULT RESIDENTIAL ACADEMIES	9,225,000
NATURAL RESOURCES	130,251,000
OFFICE OF ENVIRONMENTAL ASSISTANCE	3,500,000
PUBLIC FACILITIES AUTHORITY	44,050,000
BOARD OF WATER AND SOIL RESOURCES	19,800,000
AGRICULTURE	500,000
ZOOLOGICAL GARDENS	1,750,000
ADMINISTRATION	46,250,000
CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD	9,544,000
AMATEUR SPORTS COMMISSION	11,020,000
MILITARY AFFAIRS	1,230,000
TRANSPORTATION	93,300,000
HUMAN SERVICES	19,975,000
VETERANS HOMES BOARD	12,055,000
CORRECTIONS	14,185,000
PUBLIC SAFETY	2,230,000
INDIAN AFFAIRS COUNCIL	1,700,000
TRADE AND ECONOMIC DEVELOPMENT	225,680,000
HOUSING FINANCE AGENCY	6,000,000
MINNESOTA HISTORICAL SOCIETY	13,110,000
BOND SALE EXPENSES	500,000
CANCELLATIONS	(11,993,000)
TOTAL	\$999,042,000
Bond Proceeds Fund	
(General Fund Debt Service)	438,184,000
Bond Proceeds Fund	
(User Financed Debt Service)	25,611,000
Transportation Fund	34,000,000
General Fund	500,047,000
Trunk Highway Fund	1,200,000
APPROPRIATIONS	\$

**Sec. 7. NATURAL RESOURCES**

**Subdivision 1. To the commissioner of natural resources for the purposes specified in this section 130,251,000**  
This appropriation is from the general fund.

**Subd. 2. Office Facility Consolidation 7,391,000**

To acquire land, design, construct, furnish, and equip offices and service facilities at consolidated office sites in Tower and Windom.

**Subd. 3. Statewide Asset Preservation and State Park and Recreation Area Building Rehabilitation 6,500,000**

For repair and renovation of the department of natural resources land, buildings, or other improvements of a capital nature throughout the state; and to design, repair, rehabilitate, construct, or add to state park buildings throughout the state, according to the management plan required in Minnesota Statutes, chapter 86A. The commissioner shall determine project priorities as appropriate based upon need.

**Subd. 4. State Park and Recreation Area Building Development 5,535,000**

To design, construct, furnish, and equip new buildings and associated utilities in the state park system, according to the management plan required in Minnesota Statutes, chapter 86A.

**Subd. 5. State Park and Recreation Area Betterment and Rehabilitation 2,750,000**

To upgrade, repair, or rehabilitate improvements of a capital nature at state park and recreation area facilities throughout the state, including, but not limited to, resource management projects, trail rehabilitation, campground rehabilitation, and road and bridge repair. The commissioner shall determine project priorities as appropriate based upon need.

**Subd. 6. State Park and Recreation Area Acquisition 2,250,000**

For acquisition from willing sellers of private lands within state park and recreation area boundaries established by law. The commissioner shall determine project priorities as appropriate based upon need.

**Subd. 7. Metro Regional Park Acquisition and Betterment 14,400,000**

(a) \$9,000,000 is for payment to the metropolitan council. The commissioner shall pay the amount on a reimbursement basis to the metropolitan council upon receipt of a certified copy of a council resolution requesting payment. The appropriation must be used to pay the cost of rehabilitation, acquisition, and development by the council and local government units of regional recreational open-space lands in accordance with the council's policy plan as provided in Minnesota Statutes, section 473.315. This appropriation must not be used for research, planning, administration, or tax equivalency payments. This appropriation may be

**Chapter 404, Section 7** appropriates \$130,251,000 to the Department of Natural Resources for various capital improvements. All of the DNR's appropriation is in general fund money. The following subdivisions direct each appropriation.

**Chapter 404, Section 7, Subd. 2** provides \$7,391,000 for office consolidation at Tower and Windom.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 3** is the asset preservation/state park rehabilitation account appropriation of \$6,500,000. This is to be spent for repair and renovation of general DNR buildings and state park capital improvements.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 4** provides \$5,535,000 for new park and recreation area building development

Effective Date: April 22, 1998

**Chapter 404, Section, Subd. 5** appropriates \$2,750,000 for improvement and rehabilitation of existing state park, recreation area buildings and resource management projects.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 6** is the state park and recreation area acquisition account. This appropriates \$2,250,000 for purchase of land within the legislative boundaries of state parks (M.S. 85.012) from willing sellers.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 7** is a pass through appropriation to the Metropolitan Council, administered by the DNR. The purpose of the appropriation is acquisition and development of regional recreation and open space as described in the Metropolitan Council's Regional Recreation and Open Space Plan (M.S. 473.315). The appropriation limits use of the money to buy residences to those expressly approved by the Legislative Commission on Minnesota Resources.

The language expressly and permissively allows the council to retroactively reimburse Washington County for acquiring St. Croix Bluffs regional park in 1997. \$3,900,000 is designated for design, construction and equipping phase one of the Como Park Education Resource Center.

Harriett Island redevelopment is appropriated \$1,500,000, to be used as described in the Lillydale/Harriet Island master plan.

used for the purchase of homes only if the purchases are included in the work program required by law and they are expressly approved by the legislative commission on Minnesota resources. \$840,000 of this appropriation may be used by the metropolitan council to reimburse Washington county for acquiring St. Croix Bluffs regional park in 1997.

(b) \$3,900,000 of this appropriation is for a grant to the metropolitan council to prepare a site for, design, construct, furnish, and equip, including utility infrastructure, the Como Park Education Resource Center, Phase One. The grant is contingent upon the city of St. Paul maintaining Como Park zoo as a free attraction for the life of the bonds. The city may, however, charge a fee for use of the Como Park golf course and the conservatory and for special event facility rentals at the park, including the zoo and the conservatory. The center must report to the chair of the senate environment and agriculture budget division, the chair of the house environment and agriculture finance committee, and the chairs of the senate and house environment and natural resources policy committees as soon as the center has secured half of the total project costs from nonstate sources.

© \$1,500,000 is for a grant to the metropolitan council for capital expenditures necessary to carry out the Harriet Island Redevelopment in accordance with the Lilydale/Harriet Island master plan. This appropriation is not available until the commissioner determines that an equal amount has been committed from nonstate sources.

**Subd. 8. Dam Improvements**

For the emergency repair, reconstruction, or removal of publicly owned dams. Up to \$300,000 of this appropriation is for the Sauk River Dam and up to \$100,000 of this appropriation is for a study of removal of the Rapidan Dam. Up to \$300,000 of this appropriation is for a grant to the city of Appleton for removal of a dam located on the Pomme de Terre river in Swift county. The commissioner shall determine remaining project priorities as appropriate based upon need as provided in Minnesota Statutes, section 103G.511.

**Subd. 9. Flood Hazard Mitigation Grants**

For the flood hazard mitigation grant program to local government units for publicly owned capital improvements to prevent or alleviate flood damages under Minnesota Statutes, section 103F.161. \$1,500,000 is to construct ring dikes, whether publicly or privately owned. \$500,000 is for a grant to Clay county to remove houses in the Crestwood addition in Kurtz township on the Red River that are endangered by the collapsing river bank. The commissioner shall determine other project priorities as appropriate based upon need. As soon as the United States Army Corps of Engineers section 205 flood control study for the city of Breckenridge is complete, the commissioner shall make a recommendation to the legislature for

Effective Date: April 22, 1998

**1,300,000**

**Chapter 404, Section 7, Subd. 8** allocates \$1,300,000 to repair, rebuild or remove publicly owned dams. It specifies work on the Sauk River Dam (\$300,000), study of the Rapidan Dam (\$100,000) and a grant to the City of Appleton to remove the dam on the Pomme de Terre in Swift County (\$300,000).

Effective Date: April 22, 1998

**30,000,000**

**Chapter 404, Section 7, Subd. 9** allocates \$30,000,000 for flood hazard mitigation grants. Ring dikes are a specific category under this appropriation at \$1,500,000 for ring dikes. Another specific appropriation within the \$30,000,000 is for house removal in Crestwood, Clay County (\$500,000). The remainder of the funds are to be disbursed by DNR based on needs analysis.

This appropriation includes a directive for the DNR to report to the legislature, the amount of state money necessary to complete the flood hazard mitigation for the City of Breckenridge, when the U.S. Army Corps. of Engineers completes their 205 flood control study.

Effective Date: April 22, 1998

the funding necessary to complete flood hazard mitigation efforts in the city.

**Subd. 10. Forest Road and Bridge Projects 2,000,000**

For reconstruction, resurfacing, replacement, or construction of other improvements of a capital nature to state forest roads and bridges throughout the state. The commissioner shall determine project priorities as appropriate based upon need. Of this amount, \$500,000 may be used for forest roads in northern Minnesota peat areas.

**Chapter 404, Section 7, Subd. 10** provides funds for the renovation or construction of roads and bridges in state forests. The DNR sets priorities for the use of the money (\$2,000,000). There is permissive direction to use up to \$500,000 of the funds for forest roads in northern Minnesota peat lands.

Effective Date: April 22, 1998

**Subd. 11. Forestry Land Acquisition 800,000**

To acquire private lands from willing sellers within established boundaries of state forests throughout the state. The commissioner shall determine project priorities as appropriate based upon need.

**Chapter 404, Section 7, Subd. 11** is an appropriation (\$800,000) to buy land in state forests. Priorities are determined by the DNR.

**Subd. 12. White Pine Management 300,000**

For planting of stands of white pine and management of white pine resources.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 12** appropriates \$300,000 for planting white pine and other related white pine management.

**Subd. 13. Forestry Recreation Facilities 750,000**

For improvements of a capital nature to rehabilitate, improve, or develop forestry recreation facilities throughout the state. The commissioner shall determine project priorities as appropriate based upon need.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 13** is \$750,000 to invest in state forest recreation areas. It is to be used to rehab, improve or develop trails, state forest campgrounds, day-use areas, and recreation across the state.

**Subd. 14. RIM Wildlife Management Areas, Critical Habitat, and North American Waterfowl Management Plan 7,000,000**

\$1,000,000 of this appropriation is to acquire land for wildlife management areas under Minnesota Statutes, section 97A.135; \$5,500,000 is for the critical habitat private sector matching account under Minnesota Statutes, section 84.943; and \$500,000 is for acquisition and wetland restoration under the North American Waterfowl Management Plan. The commissioner shall determine project priorities as appropriate based upon need.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 14** appropriates \$7,000,000 to three programs in the DNR Division of Fish and Wildlife. RIM Critical Habitat Match receives \$5,500,000. North American Waterfowl Management Plan receives \$500,000. There is \$1,000,000 earmarked for wildlife management area acquisition.

Effective Date: April 22, 1998

**Subd. 15. RIM Fish Hatchery Rehabilitation 1,000,000**

For improvements of a capital nature to rehabilitate, improve, or develop fish culture facilities.

**Chapter 404, Section 7, Subd. 15** appropriates \$1,000,000 to be used to rehabilitate DNR fish hatcheries.

Effective Date: April 22, 1998

**Subd. 16. RIM Wildlife, Habitat Improvements 2,500,000**

For improvements of a capital nature to develop, protect, or improve wildlife management areas and other state lands throughout the state. The commissioner shall determine project priorities as appropriate based upon need.

**Chapter 404, Section 7, Subd. 16** funds capital projects on wildlife management areas (\$2,500,000).

Effective Date: April 22, 1998

**Subd. 17. Stream Protection and Restoration 1,000,000**

For the acquisition of easements and aquatic management areas on streams for fisheries management purposes, and stream restoration on

**Chapter 404, Section 7, Subd. 17** funds acquisition and restoration of streams for angling (\$1,000,000).

portions of the Whitewater river and Sandy river.

Effective Date: April 22, 1998

**Subd. 18. Scientific and Natural Area and Prairie Bank Acquisition and Improvement 3,000,000**

To acquire land related to scientific and natural areas and prairie bank easements and for development, protection, or improvements of a capital nature to scientific and natural areas throughout the state. \$2,200,000 is for scientific and natural area acquisition, \$400,000 is for scientific and natural area restoration and development, and \$400,000 is for Prairie Bank easements. The commissioner shall determine project priorities as appropriate based upon need.

**Chapter 404, Section 7, Subd. 18** authorizes expenditure of \$2,200,000 on Scientific and Natural Area land acquisition, \$400,000 for Scientific and Natural Area restoration/development, and \$400,000 for Prairie Bank easements.

Effective Date: April 22, 1998

**Subd. 19. Metro Greenways and Natural Areas 4,000,000**

To acquire and improve natural areas and greenways in the metro region through purchase of conservation easements or fee acquisition. The commissioner shall determine project priorities as appropriate based upon need and shall consult with representatives of local units of government, nonprofit organizations, and other interested parties.

**Chapter 404, Section 7, Subd. 19** is an appropriation of \$4,000,000 for a new program funding open space acquisition in the Metropolitan Region. The DNR will make purchases of easements or land in fee, and the state will hold title to the land. Priorities are determined by the DNR, but DNR must discuss priorities with LUGs, nonprofits, and others.

Effective Date: April 22, 1998

**Subd. 20. Accelerated Wildlife Habitat Management 500,000**

For wildlife habitat improvement. Of this amount, \$400,000 is for winter wildlife habitat improvement for pheasants and other grassland wildlife in key farmland areas and \$100,000 is for brushland and forest habitat renewal for sharp-tailed grouse and other species of birds dependent on open brushlands in forest areas.

**Chapter 404, Section 7, Subd. 20** appropriates \$500,000 for wildlife improvements of a capital nature. \$400,000 is directed to grassland/pheasant winter habitat capital improvements. \$100,000 is for habitat for grouse or other brushland species.

Effective Date: April 22, 1998

**Subd. 21. Water Access Acquisition and Development 2,000,000**

For public water access acquisition development and rehabilitation on lakes and rivers, including water access through the provision of fishing piers and shoreline access.

**Chapter 404, Section 7, Subd. 21** appropriates \$2,000,000 for public water accesses, including piers and shoreline access.

Effective Date: April 22, 1998

**Subd. 22. Trail Acquisition and Development 10,250,000**

For acquisition and development of a capital nature on state trails as specified in Minnesota Statutes, section 85.015. Projects include \$500,000 for the Willard Munger Trail, \$1,000,000 for the Root River Trail, \$140,000 for the Lanesboro Trailhead of the Root River Trail, \$1,350,000 for the Luce Line, \$500,000 for the Heartland Trail, \$2,000,000 for the Paul Bunyan Trail, \$1,050,000 for the Goodhue Pioneer Trail, \$800,000 for the Blazing Star Trail, \$1,310,000 for the Blufflands Trail development, and \$350,000 for the Gateway Trail. The commissioner shall determine additional project priorities as appropriate based upon need. \$1,250,000 of this appropriation is for the state targeting accessible recreation trails (START) project to complete the trail survey, prioritizing, and preengineering work for all 100 major recreation areas and to improve accessibility in up to 35 of these areas.

**Chapter 404, Section 7, Subd. 22** appropriates \$10,250,000 for state trail acquisition and development. Trails and amounts specified are:

Willard Munger Trail	\$500,000
Root River Trail	\$1,000,000
Root River Lanesboro Trailhead	\$140,000
Luce Line Trail	\$1,350,000
Heartland Trail	\$500,000
Paul Bunyan Trail	\$2,000,000
Goodhue Pioneer Trail	\$1,050,000
Blazing Star Trail	\$800,000
Blufflands Trail	\$1,310,000
Gateway Trail	\$350,000
TOTAL	\$9,000,000

In addition \$1,250,000 is dedicated to survey, prioritizing and pre-engineering work to improve accessibility at all 100 major recreation areas.

Effective Date: April 22, 1998

**Subd. 23. Metro Regional Trails**

**5,000,000**

For grants to the metropolitan council for acquisition and development of a capital nature of trail connections in the metropolitan area as specified in this subdivision. The purpose of the grants is to improve trails in the metropolitan park and open space system and connect them with existing state and regional trails. Priority shall be given to matching funds for an ISTE A grant. The funds shall be allocated by the council as follows:

(1) \$1,050,000 is allocated to Ramsey county as follows:

(I) \$400,000 to complete six miles of trails between the Burlington Northern Regional Trail and Bald Eagle-Otter Lake Regional Park;

(ii) \$150,000 to complete a one-mile connection between Birch Lake and the Lake Tamarack segment of Bald Eagle-Otter Lake Regional Park; (iii) \$500,000 to acquire real property and design and construct or renovate recreation facilities along the Mississippi River in cooperation with the city of St. Paul;

(2) \$1,050,000 is allocated to the city of St. Paul as follows:

(I) \$250,000 to construct a bridge over Lexington Parkway in Como Regional Park; and

(ii) \$800,000 to enhance amenities for the trailhead at the Lilydale-Harriet Island Regional Park pavilion;

(3) \$1,400,000 is allocated to Anoka county as follows:

(I) \$1,100,000 to construct a pedestrian tunnel under Highway 65 on the Rice Creek West Regional Trail in the city of Fridley; and

(ii) \$300,000 to construct a pedestrian bridge on the Mississippi River Regional Trail crossing over Mississippi Street in the city of Fridley; and

(4) \$1,500,000 is allocated to the suburban Hennepin regional park district as follows:

(I) \$1,000,000 to connect North Hennepin Regional Trail to Luce Line State Trail and Medicine Lake; and

(ii) \$500,000 is for the cost of development and acquisition of the Southwest regional trail in the city of St. Louis Park. The trail must connect the Minneapolis regional trail system at Cedar Lake park to the Hennepin parks regional trail system at the Hopkins trail head.

**Subd. 24. Lake Superior Safe Harbors**

**5,000,000**

For acquisition, design, and development of safe harbors and public accesses on Lake Superior. \$1,500,000 is for Taconite Harbor and \$3,500,000 is for Two Harbors. This appropriation is not available until an equal amount in federal matching funds has been committed.

**Subd. 26. Local Initiative Grants**

**8,000,000**

For matching grants to be provided to local units of government for acquisition, development, or

**Chapter 404, Section 7, Subd. 23** is a pass through appropriation of \$5,000,000 to the Metro Council for acquisition and development grants for trails in the Metropolitan Area. The trails to be developed are specified as follows:

Ramsey County

Burlington Northern to Bald Eagle Lake	\$400,000
Birch Lake to Bald Eagle Lake	\$150,000
Mississippi River St. Paul	<u>\$500,000</u>
TOTAL	\$1,050,000

City of St. Paul

Lexington Pkwy bridge in Como Park	\$250,000
Lilydale-Harriet Island pavilion trailhead	<u>\$800,000</u>
TOTAL	\$1,050,000

Anoka County

Hwy. 65 pedestrian tunnel for Rice Creek West Regional Trail	\$1,100,000
Mississippi River pedestrian bridge for Miss. Riv. Regional Trail	<u>\$300,000</u>
TOTAL	\$1,400,000

Hennepin County Parks

N. Hennepin Regional Trail to Luce Line	\$1,000,000
Southwest Regional Trail - St. Louis Park	<u>\$500,000</u>
TOTAL	\$1,500,000

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 24** provides \$5,000,000 for safe harbors and access on Lake Superior as follows:

Taconite Harbor	\$1,500,000
Two Harbors	<u>\$3,500,000</u>
TOTAL	\$5,000,000

**Chapter 404, Section 7, Subd. 26** is an appropriation of \$8,000,000 for a series of grant programs under the Local Grants Program. The program is a matching program requiring the local

renovation of a capital nature of local parks, trails, and natural and scenic areas. Recipients must provide a match of at least one-half of total eligible project costs. The commissioner shall make payment to local units of government upon receiving documentation of reimbursable expenditures. The commissioner shall determine project priorities as appropriate based upon need. \$3,500,000 of this appropriation is for grants to units of government to acquire and develop outdoor recreation areas, and for grants to units of government to acquire and better natural and scenic areas under Minnesota Statutes, section 85.019, subdivision 4a.

\$1,000,000 of this appropriation is for cooperative trail grants of up to \$50,000 per project to acquire or construct trail linkages between communities, trails, and parks.

\$3,500,000 of this appropriation is for trail grants for the following locally funded publicly owned trails serving multiple communities: \$1,400,000 for Beaver Island Trail in Stearns County, \$1,400,000 for Skunk Hollow Trail in Yellow Medicine and Chippewa Counties, and \$700,000 for Unity Trail in Faribault County.

**Subd. 27. Environmental Learning Centers 2,350,000**

\$1,000,000 of this appropriation is for a grant to independent school district No. 621, Mounds View, to renovate the Laurentian environmental learning center located in the Superior National Forest.

This portion of the appropriation must not be used to expand the bed capacity of the center. It may be used to renovate and replace existing facilities.

\$300,000 of this appropriation is available immediately. The balance is available to the extent matched by money expended from other sources after the date of final enactment of this act.

\$1,350,000 of this appropriation is for a grant to Kandiyohi county to construct a trailhead at the Prairie Woods environmental learning center. This portion of the appropriation may not be used for overnight facilities.

**Subd. 28. Sand Dunes State Forest Center 150,000**

For predesign and design of an office facility/visitor center in Sand Dunes State Forest.

**Subd. 29. Willernie Erosion Control 75,000**

For a grant to the city of Willernie for publicly owned capital improvements to forestall erosion from a natural waterway. This appropriation must be equally matched by nonstate funds.

**Subd. 30. Hartley Nature Center 1,500,000**

For a grant to the city of Duluth for the purpose of constructing capital improvements to the Hartley Nature Center. This appropriation is not available until an equal amount has been committed from nonstate sources.

unit of government to match the state grant dollar for dollar.

The appropriation is directed to the various grant programs as follows:

Local outdoor recreation areas and parks	\$3,500,000
Cooperative Trail Grants (up to \$50,000)	\$1,000,000
Regional Trail Grants	
Beaver Island Trail - Stearns County	\$1,400,000
Skunk Hollow Trail - Yellow Medicine and Chippewa Counties	\$1,400,000
Unity Trail - Faribault County	<u>\$700,000</u>
TOTAL	\$8,000,000

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 27** appropriates \$2,350,000 for two Environmental Learning Centers.

Laurentian Environmental Learning Center receives \$1,000,000. The first \$300,000 is available immediately. The remainder \$700,000 must be matched prior to becoming available for expenditure. None of the expenditures may expand capacity.

Prairie Woods receives \$1,350,000 as a grant to Kandiyohi County for a trailhead at the Prairie Woods Environmental Learning Center in Fergus Falls. This money may not build facilities used as overnight lodging.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 28** appropriates \$150,000 for DNR to use to predesign and design an office/visitor center at Sand Dunes State Forest.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 29** grants \$75,000 to the City of Willernie to control erosion.

Effective Date: April 22, 1998

**Chapter 404, Section 7, Subd. 30** appropriates to the City of Duluth to develop and improve the Hartley Nature Center. It requires an equal non-state match for availability.

Effective Date: April 22, 1998



**Subd. 31. International Wolf Center 350,000**

To the commissioner of administration for capital improvements to the International Wolf Center, including repair of grounds and buildings, improvements to the heating and ventilation system, the wolf enclosure, and the children's exhibit room, and added facilities for vehicle garaging and a workshop.

**Chapter 404, Section 7, Subd. 31** passes through the Department of Administration and is for grounds and building repair, and improvement to heating and ventilation systems, the wolf enclosure, the children's exhibit room and a garage/workshop.

Effective Date: April 22, 1998

**Subd. 32. Savage Water Supply System 800,000**

For a grant to the city of Savage for a water supply system. The Department of Health shall assign the amount of additional priority points necessary to place the city of Savage in the fundable range of the intended use plan for the Drinking Water Revolving Fund under Minnesota Statutes, section 446A.081, for a water supply and treatment system to protect the Savage Fen Wetland Complex. The amount of the loan shall be \$10,000,000. The system must implement uniform demand management measures and provide for alternative sustainable water sources while protecting the Savage Fen Wetland Complex and the water resources of the aquifers. Conservation and demand reduction measures must be adopted. The system may be constructed under authority of Minnesota Statutes, section 471.59, 471.591, or other law. The alternative sources of water must be approved by the commissioner and comply with permit requirements under Minnesota Statutes, chapter 103G.

**Chapter 404, Section 7, Subd. 32** provides some of the money necessary to construct deeper water wells to protect the groundwater source of the Savage Fen. The appropriation language also directs the Department of Health to ensure that the project, when submitted for funding to the Drinking Water Revolving Fund (DTED), receives enough ranking points to qualify for funding for a \$10,000,000 low interest loan. The language further requires the City to implement demand management measures and sustainable water source development to protect the Savage Fen Complex and the aquifer.

Effective Date: April 22, 1998

**Subd. 33. Bald Eagle Center 500,000**

To the commissioner of administration for a grant to the city of Wabasha for construction of the American bald eagle center. The city of Wabasha may enter into a lease or management agreement with a nonprofit corporation ~~under Minnesota Statutes, section 16A.695.~~ This appropriation is not available until at least \$1,000,000 has been committed from nonstate sources.

**Chapter 404, Section 7, Subd. 33** is a pass through grant going through the Department of Administration for construction of the American Bald Eagle Center in Wabasha. It provides for nonprofit lease/management agreement. Language regarding M.S. 16A.695 was stricken by amendment in the revisor's bill passed in special session 1, 1998.

Effective Date: April 22, 1998

**Subd. 34. Work Program**

The commissioner must submit a work program and semiannual progress reports in the form determined by the legislative commission on Minnesota resources and request its recommendation before spending any money appropriated by subdivision 3, 4, 5, 6, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 31, or 33 of this section. The commission's recommendation is advisory only. Failure to respond to a request within 60 days after receipt is a positive recommendation. Work programs involving land acquisition must include a land acquisition plan.

**Chapter 404, Section 7, Subd. 34** requires selected projects to prepare a work program, as directed by LCMR, prior to expenditure of funds. The language also requires semi-annual status reports to be submitted to the LCMR. All DNR appropriations **except** subd. 2, Office Consolidation, subd. 8 - Dam Improvements, subd. 9 - Flood Hazard Mitigation, subd. 10 - Forest Road Improvement, subd. 12 - White Pine Management, subd. 28 - Sand Dunes Forest Center, subd. 29 - Willernie Erosion Control, subd. 30 - Hartley Nature Center, and subd. 32 - Savage Water Supply System are required to submit work programs and status reports.

Programs acquiring land or interest in land must include a land acquisition plan.

Effective Date: April 22, 1998

**Sec. 10. BOARD OF WATER AND SOIL RESOURCES**

**Subdivision 1. To the board of water and soil resources for the purposes specified in this section 19,800,000**

This appropriation is from the general fund.

**Chapter 404, Section 10** appropriates funds to the Board of Water and Soil Resources for capital investment purposes. The money appropriated is from the general fund.

Effective Date: April 22, 1998

**Subd. 2. RIM and PWP Conservation Easements  
15,000,000**

This appropriation is for the following purposes:

(1) to acquire conservation easements from landowners on marginal lands to protect soil and water quality and to support fish and wildlife habitat as provided in Minnesota Statutes, section 103F.515; and

(2) to acquire perpetual conservation easements on existing type 1, 2, 3, and 6 wetlands, adjacent lands, and for the establishment of permanent cover on adjacent lands, in accordance with Minnesota Statutes, section 103F.516. Up to \$250,000 may be used for the acquisition of flood storage easements that allow haying, grazing, or other activities approved by the board when the flood storage is not needed, and for the cost of constructing related dikes and other structures necessary to maintain water in the flood storage easement areas. Up to ten percent of the appropriation may be used for professional and technical services related to acquisition of the easement. The board, in consultation with the commissioner of natural resources, must select at least two local government units for participation in the flood storage easement pilot program based on the potential and need for flood water storage in the local area. The board may acquire the easement directly or provide grants to the local government units for their acquisition of easements that conform with the requirements established by the board. A conservation easement must be for at least ten years. The board or the local government unit must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish conservation practices required by the easement, up to 75 percent of the total eligible cost, not to exceed an average of \$75 per acre; and  
(2) 25 percent of the payment rate for 20-year easements acquired under Minnesota Statutes, section 103F.515; or

(3) an alternative payment system for easements as may be determined by the board, in consultation with the commissioner of natural resources.

By January 15, 2000, the board, in conjunction with the commissioner of natural resources, shall report to the senate environment and agriculture budget division and the house environment, natural resources, and agriculture finance committee on the acquisition of easements under this paragraph. The report must include an analysis of the benefit to expansion of the program in other areas of the state that are prone to flooding and on the adequacy of payments under the pilot program.

Up to \$1,000,000 is for professional and technical services necessary to administer the program.

**Subd. 3. Local Government Road Replacement 2,750,000**

To acquire land for wetlands or restore wetlands to be used to replace wetlands drained or filled as a result of the repair, maintenance, or rehabilitation of existing public roads, as provided in Minnesota

**Chapter 404, Section 10, Subd. 2** appropriates \$15,000,000 to BWSR for their ReInvest in Minnesota and PWP programs. The funds must be used for conservation easements, except that up to \$1,250,000 may be used for professional/technical services, subject to the limitations below. RIM easements must be on marginal land and PWP easements must be perpetual easements adjacent to type 1, 2, 3, and 6 wetlands.

The appropriation allows up to \$250,000 to be used for flood storage easements, that can be grazed or used otherwise with the consent of the BWSR board. This same \$250,000 can also be used for construction of dikes or other flood storage structures related to flood storage easement areas.

BWSR may use up to 10% of the \$250,000 for professional/technical services.

The BWSR board, in consultation with DNR, must select at least two LUGs to participate in a flood storage easement pilot program.

Conservation easements must be at least ten years in duration.

Effective Date: April 22, 1998

**Chapter 404, Section 10, Subd. 3** appropriates funds to BWSR to acquire land for replacement wetland development or to restore wetlands to be used as replacement. The wetland being replaced must be one drained or filled in the course of public road repair, rehabilitation, or maintenance. BWSR may use up to \$400,000 for

Statutes, section 103G.222, subdivision 1, paragraph (m). The purchase price paid for acquisition of land, fee or perpetual easement, shall be the amount deemed reasonable by the board. The board may enter into agreements with the federal government, other state agencies, political subdivisions, and nonprofit organizations or fee owners for acquisition of land and restoration and creation of wetlands with funds provided by this appropriation. Acquisition of or the conveyance of land may be in the name of the political subdivision. Up to \$400,000 is for professional and technical services necessary to administer the program.

**Subd. 4. Quad-Lakes Restoration**

**300,000**

For a grant to the Faribault county soil and water conservation district for the quad-lakes restoration project in Faribault and Blue Earth counties.

professional/technical services.

Effective Date: April 22, 1998

**Chapter 404, Section 10, Subd. 4** appropriates \$300,000 to Faribault County SWCD for the Quad-lakes restoration project.

Effective Date: April 22, 1998

**Subd. 5. Lakeshore Easements**

**250,000**

To acquire conservation easements for sensitive shoreland and riparian areas on lakes.

**Chapter 404, Section 10, Subd. 5** appropriates \$250,000 to BWSR to purchase shoreland easements on sensitive lakeshore and riparian areas.

Effective Date: April 22, 1998

**Subd. 6. Area II Minnesota River Basin Grant-in-Aid Program**

**500,000**

For grants to assist local governments in acquiring and constructing floodwater retention systems in area II of the Minnesota river basin. Projects may include flood control reservoirs, road retention structures, and other floodwater mitigation improvements. This appropriation must be matched by at least \$333,000 from nonstate sources. Grants under this subdivision are exempt from the requirements of Minnesota Statutes, section 16B.335.

**Chapter 404, Section 10, Subd. 6** provides \$500,000 to BWSR to give grants to LUGS to help them acquire and construct floodwater retention systems in Area II of the Minnesota River Basin. There is a required match of \$333,000 from non state sources.

Effective Date: April 22, 1998

**Subd. 7. Feedlot Water Quality**

**1,000,000**

For grants to soil and water conservation districts for cost-sharing contracts for water quality management on feedlots. Priority must be given to feedlot operators who have received a notice of violation and for feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

**Chapter 404, Section 10, Subd. 7** is an appropriation of \$1,000,000 for the BWSR grant program providing grants to SWCDs for cost-sharing water quality management on feedlots. Feedlot operators cited for violations and feedlots in counties that have or are completing a level 2 or 3 feedlot inventory receive priority.

Effective Date: April 22, 1998

**Subd. 8. Work Program**

The board must submit a work program and semiannual progress reports in the form determined by the legislative commission on Minnesota resources and request its recommendation before spending any money appropriated by this section. The commission's recommendation is advisory only. Failure to respond to a request within 60 days after receipt is a positive recommendation. Work programs involving land acquisition must include a land acquisition plan.

**Chapter 404, Section 10, Subd. 8** requires all BWSR programs to prepare LCMR work programs and semi-annual status reports prior to spending any money appropriated in section 10.

Effective Date: April 22, 1998

**Sec. 23. TRADE AND ECONOMIC DEVELOPMENT**

**Subd. 3. Direct Reduction Iron Processing Facilities** **10,000,000**

For grants for construction of up to three direct reduction iron processing facilities. The commissioner of trade and economic development and natural resources must jointly agree on and issue the grants. This appropriation is from the general fund and does not cancel but is available until June 30, 2003.

**Subd. 5. Taconite Mining Grants** **500,000**

For the taconite mining grant program under Minnesota Statutes, section 116J.992. This appropriation is from the general fund.

**Subd. 14. Humboldt Avenue Greenway Project** **7,000,000**

To the commissioner of natural resources for a grant to Hennepin county as the state contribution for the Humboldt Avenue greenway project in accordance with the multijurisdictional reinvestment program plan established in Minnesota Statutes, section 383B.79. The purpose of the grant is to acquire land for green space and infrastructure improvements in the vicinity of Humboldt Avenue North; reclamation of wetland amenities for public use; and construction of a parkway. This appropriation is not available until the governmental jurisdictions participating in the multijurisdictional reinvestment program have committed in the aggregate \$12,000,000 for the project. The governmental jurisdictions, however constituted, may use any nonstate money under their control to meet the match requirement.

**Sec. 25. MINNESOTA HISTORICAL SOCIETY**

**Subd. 4. Split Rock Lighthouse Visitor Center Improvements** **780,000**

To design, renovate, and expand public restrooms and related facilities at the Split Rock Lighthouse visitor center. This appropriation is from the general fund.

**Subd. 6. Historic Fort Snelling** **600,000**

For the abatement of hazardous materials at Historic Fort Snelling and design for the renovation of building no. 17 at Fort Snelling for its possible future use as the Fort Snelling International Hostel. Hosting International of Minnesota must enter into a lease with the Minnesota historical society to operate the hostel. State operating funds must not be used for the operation and maintenance of the hostel. This appropriation is from the general fund.

**Sec. 28. Minnesota Statutes 1996, section 16A.105, is amended to read:**

16A.105 [DEBT CAPACITY FORECAST.] ~~By December 1 of each even-numbered~~ In February and November of each year the governor commissioner shall submit to the legislature prepare a

**Section 23 Appropriates money to the Department of Trade and Economic Development**

**Chapter 404, Section 23, Subd. 3** establishes a grant program to encourage the development of direct reduction iron processing in Minnesota. Three grants may be made.

Effective Date: April 22, 1998

**Chapter 404, Section 23, Subd. 5** is a grant program funded at \$500,000 to taconite mining companies for research that: reduces energy consumption; reduces environmental emissions; improves productivity; or improves pellet quality.

Effective Date: April 22, 1998

**Chapter 404, Section 23, Subd. 14** appropriates \$14,000,000 to DNR for a pass through grant to Hennepin County for the Humboldt Avenue Greenway Project. These grant monies are to be used for green space land acquisition and infrastructure improvements in the vicinity of Humboldt Avenue North. They may also be used for wetland reclamation and parkway construction. This requires a \$12,000,000 nonstate money match commitment.

Effective Date: April 22, 1998

**Chapter 404, Section 25** appropriates funds to the Historical Society for capital improvements.

**Chapter 404, Section 25, Subd. 4** is an appropriation for renovation of Split Rock Lighthouse Visitor Center, including expanding restrooms.

Effective Date: April 22, 1998

**Chapter 404, Section 25, Subd. 6** is an appropriation to the Historical Society for abatement of hazardous material at Historic Fort Snelling, and design of the renovation of building number 17 for future use as the Fort Snelling International Hostel.

Effective Date: April 22, 1998

debt capacity forecast to be delivered to the governor and legislature according to section 16A.103, subdivision 1. The debt capacity forecast must include statements of the indebtedness of the state for bonds, notes, and other forms of long-term general obligation indebtedness ~~that are not accounted for in proprietary or fiduciary funds, including general obligation bonds, moral obligation bonds, revenue bonds, loans, grants payable, and capital leases.~~ The forecast must show the actual amount of the debt service for at least the past two completed fiscal years, and the estimated amount for the current fiscal year and the next six fiscal years, the debt authorized and unissued, ~~the condition of the sinking funds,~~ and the borrowing capacity for the next six fiscal years.

**Sec. 29. Minnesota Statutes 1996, section 16A.11, subdivision 3a, is amended to read:**

Subd. 3a. [PART THREE: DETAILED CAPITAL BUDGET.] The detailed capital budget must include recommendations for capital projects to be funded during the next six fiscal years. It must be submitted with projects ~~rank ordered in two ways: in order of importance among all budget projects as determined~~ recommended by the governor; and in order of importance among that agency's requests as determined by the agency originating the request.

**Sec. 30. Minnesota Statutes 1996, section 16A.11, is amended by adding a subdivision to read:**

Subd. 6. [BUILDING MAINTENANCE.] The detailed operating budget must include amounts necessary to maintain state buildings. The commissioner of finance, in consultation with the commissioner of administration, the board of trustees of the Minnesota state colleges and universities, and the regents of the University of Minnesota, shall establish budget guidelines for building maintenance appropriations. Unless otherwise provided by the commissioner of finance, the amount to be budgeted each year for building maintenance is two percent of the cost of the building, adjusted up or down depending on the age and condition of the building.

**Sec. 31. Minnesota Statutes 1996, section 16A.501, is amended to read:**

16A.501 [REPORT ON ~~MATCHING MONEY EXPENDITURE OF BOND PROCEEDS.~~] The commissioner of finance must report annually to the legislature on the degree to which entities receiving appropriations of bond proceeds ~~contingent upon obtaining matching money have been successful in raising~~ have encumbered or expended that money. The report must be submitted to the chairs of the house of representatives ways and means committee and the senate finance committee by February 1 of each year.

**Sec. 33. Minnesota Statutes 1996, section 16B.30, is amended to read:**

16B.30 [GENERAL AUTHORITY.] (a) Subject to other provisions in this chapter, the commissioner shall supervise and control the making of all contracts for the construction of buildings and for other capital improvements to state buildings and structures, other than buildings and structures under the control of the board of trustees of the Minnesota state colleges and universities. Except as provided in paragraph (b), a state agency may not undertake improvements of a capital nature without specific legislative authority. (b) Specific legislative authority is not required for

**Chapter 404, Section 28** amends M.S. 1996, section 16A.105 to make the debt capacity forecast a semiannual forecast in February and November. The forecast coverage is expanded.

Effective Date: April 22, 1998

**Chapter 404, Section 29** removes the governor's "determination" of rank order of projects requested in the detailed capital budget and replaces it with a simple recommendation. The projects within an agency's request must still be in rank order of importance as determined by agencies.

Effective Date: April 22, 1998

**Chapter 404, Section 30** requires that the detailed operating budget submitted biennially by the executive branch include a line item for state building maintenance. This item must be approximately 2% of the cost of the state building, adjusted up or down for building age and condition. The Commissioner of Finance may override this formula.

Effective for operating budgets and budget projects for the fiscal year beginning July 1, 1999.

Effective Date: April 22, 1998

**Chapter 404, Section 31** amends M.S. 1996, section 16A.501. Prior to this amendment, for recipients of bonding money, the section required Finance to report annually on the matching money raised by grant recipients required to raise such money. That section no longer requires a report on matching money, rather it requires a report on the rate of encumbrance or expenditure of bond appropriations.

Effective Date: April 22, 1998

**Chapter 404, Section 33** allows agencies and departments the discretion to make certain capital improvements without specific legislative authority. The executive branch may undertake repairs or minor capitol projects paid for with operating funds so long as they are:

repairs or minor capital projects financed with operating appropriations or agency receipts that: (1) are undertaken for asset preservation or code compliance purposes; (2) do not materially increase the net square footage of a facility; and (3) do not materially increase the cost of agency programs. Unless the commissioner determines that an urgency exists, the commissioner of an agency undertaking a project with a cost in excess of \$50,000 pursuant to this paragraph shall notify the chairs of the senate finance committee, the house capital investment committee, the house ways and means committee, the appropriate house and senate finance divisions, and the director of the legislative coordinating commission prior to incurring any contractual obligation with regard to the project. Any agency undertaking any project pursuant to this paragraph during fiscal year 1999 must report all such projects to the legislature by January 1, 2000.

**Sec. 34. Minnesota Statutes 1997 Supplement, section 16B.335, subdivision 1, is amended to read:**

Subdivision 1. [CONSTRUCTION AND MAJOR REMODELING.] (a) The commissioner, or any other recipient to whom an appropriation is made to acquire or better public lands or buildings or other public improvements of a capital nature, must not prepare final plans and specifications for any construction, major remodeling, or land acquisition in anticipation of which the appropriation was made until the agency that will use the project has presented the program plan and cost estimates for all elements necessary to complete the project to the chair of the senate finance committee and the chair of the house ways and means committee and the chairs have made their recommendations, and the chair of the house capital investment committee is notified. "Construction or major remodeling" means construction of a new building ~~or a substantial alteration of the exterior dimensions~~ addition to an existing building, or a substantial change to the interior configuration of an existing building. The presentation must note any significant changes in the work that will be done, or in its cost, since the appropriation for the project was enacted or from the predesign submittal. The program plans and estimates must be presented for review at least two weeks before a recommendation is needed. The recommendations are advisory only. Failure or refusal to make a recommendation is considered a negative recommendation. The chairs of the senate finance committee, the house capital investment committee, and the house ways and means committee must also be notified whenever there is a substantial change in a construction or major remodeling project, or in its cost. (b) Capital projects exempt from the requirements of this ~~section subdivision~~ include ~~construction, renovation, or improvements to dams; demolition or decommissioning of state assets, hazardous material projects, utility infrastructure projects, environmental testing, parking lots, exterior lighting, fencing,~~ highway rest areas, truck stations, storage facilities not consisting primarily of offices or heated work areas, ~~roads, bridges,~~ trails, ~~bike paths~~ pathways, campgrounds, athletic fields, dams, floodwater retention systems, water access sites, harbors, sewer separation projects, water and wastewater facilities, ~~campgrounds; roads, bridges;~~ port development projects for which the commissioner of transportation has entered into an assistance agreement under section 457A.04, ~~ice centers,~~ or any other capital project with a construction cost of less than ~~\$200,000~~ \$500,000.

**Sec. 35. Minnesota Statutes 1996, section 85.019, subdivision 4a, is amended to read:**

Subd. 4a. [NATURAL AND SCENIC AREAS.] The commissioner

Undertaken for asset preservation or code compliance;  
Do not materially increase the net square footage of a facility;  
and  
Do not materially increase the cost of agency programs.

If the project exceeds \$50,000, prior to encumbrance or incurring contractual obligations, the agency has to notify chairs of Senate Finance and appropriate finance divisions, the chairs of House Ways and Means, capital investment and appropriate finance divisions, and the Director of the Legislative Coordinating Commission.

Effective Date: April 22, 1998

**Chapter 404, Section 34** defines construction or major remodeling, for the purposes of chair review, to mean constructing a new building, adding exterior space to an existing building, or substantially changing its interior configuration.

It broadens the list of kinds of projects exempt from chair review to include the following projects with a cost of under \$500,000:

- Demolition or decommissioning of state assets;
- Hazardous material projects;
- Utility infrastructure projects;
- Environmental testing;
- Parking lots;
- Exterior lighting;
- Fencing;
- Pathways;
- Athletic fields;
- Floodwater retention systems;
- Water access sites;
- Harbors; and
- Ice centers.

Effective Date: April 22, 1998

shall administer a program to provide grants to units of government and school districts for the acquisition and betterment of natural and scenic areas such as blufflands, prairies, shorelands, wetlands, and wooded areas. A grant may not exceed 50 percent or ~~\$200,000~~ \$500,000, whichever is less, of the costs of acquisition and betterment of land acquired under this subdivision.

**Sec. 85. [EFFECTIVE DATE.]** This act is effective the day after final enactment, except that section 30 is effective for all operating budgets and budget projections for the fiscal year beginning July 1, 1999, and thereafter, and sections 61 to 70 are effective the day after the governing body of the city of Duluth complies with Minnesota Statutes, section 645.021, subdivision 3."

**Chapter 404, Section 35** increases the maximum matching grant for the purchase or improvement of Natural and Scenic Areas from \$200,000 to \$400,000. This is a DNR local grants program.

Effective Date: April 22, 1998

**Chapter 404, Section 85** makes all sections effective the day after final enactment, in this case April 22, 1998. Section 30 is the operating budget requirements and is effective for operating budgets and budget projects for the fiscal year beginning July, 1999.

Effective Date: April 22, 1998

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