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2003 Natural Resources Legislation

A Summary of the Actions of the 2003 Regular and Special
Sessions of the Eighty-Third Minnesota Legislature

Minnesota Department of Natural Resources
July 2003

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2003 Department of Natural Resources Legislative Summary

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WATERS

Drainage Authority

Regular Session Chapter 84 **HF 1257** (SF1195)
Effective Date: August 1, 2003

A bill relating to natural resources; authorizing a drainage authority to compensate landowners for the removal of a private bridge or culvert; amending Minnesota Statutes 2002, Section 103E.701, by adding a subdivision.

Lake Improvement Districts

Regular Session Chapter 91 **SF 857** (HF 582)
Effective Date: August 1, 2003

A bill relating to lake improvement districts; changing the percent of property owners necessary to petition for creation and termination of a district; amending Minnesota Statutes 2002, Chapter 103B, 521, subdivision 1; 103B.581, subdivision 1.

Clearwater River Watershed District

Regular Session Chapter 83 **HF837** (SF 1054)
Effective Date: August 1, 2003

A bill relating to natural resources; allowing the Clearwater river watershed district to charge for facilities for disposing sewage, industrial waste, or other wastes.

Soil and Water Conservation Districts

Regular Session Chapter 104 **HF414** (SF 392)
Effective Date: August 1, 2003

Soil and Water Conservation District Law updates provided, petition and election requirements modified, and supervisor removal provisions clarified.

Irrigation System Sensing Equipment

Regular Session Chapter 44 **HF335** (SF 781)
Effective Date: August 1, 2003

The bill requires irrigation system moisture or rainfall sensing equipment.

Forestry

Timber Sale Provisions

Regular Session Chapter 73

HF 859

(SF 888)

Effective Date: August 1, 2003

Timber sale provisions modified and criminal penalties provided.

Parks and Recreation

Counties park and recreation land dedication

Regular Session Chapter 95

SF 484

(HF 657)

Effective Date: August 1, 2003

Authorizing official controls in county comprehensive plans to require portions of proposed subdivisions to be dedicated to the public or preserved for public use as parks, recreational facilities, playgrounds, trails, wetlands or open space, requiring imposition by ordinance; requiring county adoption of a capital improvement program and of a parks and open space plan or a parks, trails and open space component in the comprehensive plan subject to certain terms and conditions; authorizing counties to accept from applicants a per lot cash fee as set by ordinance; requiring the controls to consider the open space, park, recreational or common areas and facilities proposed for reservation by the applicant and to determine the need to acquire the land for the stated purposes, requiring fees or dedication to be fair, reasonable and proportionate to the need created; restricting the use of cash payments, denials and conditions; requiring use of a certain portion of the funds collected according to the required plan, exception, restricting use of the remainder to parks and trails connectivity and accessibility purposes, specifying certain county reporting requirements; exempting previously subdivided property resubdivided with the same number of lots from park dedication requirements and prohibiting interference with certain town or city dedication requirements, authorizing negotiation of agreements with towns or cities to share the revenue generated by dedicating a portion of a proposed subdivision or a payment in place of dedication

Ecological Services

Turtle Races

Regular Session Chapter 107 **SF 990** (HF 1213)

Effective Date: August 1, 2003

Article I, Section 28 of the bill amends statutory provisions of 97C.605 to allow any Minnesota resident, under the age of 18, to take, possess, and rent or sell up to 25 turtles for the purpose of providing turtles to participants at a nonprofit turtle race.

Mining

Closed Iron Mine Replacement Requirements

Regular Session Chapter 113 **SF 308** (HF 359)

Effective Date: August 1, 2003

Mining owners and operators duties specified when operations are discontinued.

Claims

Waddell Claim

First Special Session Chapter 15 **HF57**

Effective Date: August 1, 2003

Claims against the state and payment provided, and money appropriated.

Licensing

Social Security Numbers/ Omnibus Health and Human Services Finance Bill:

First Special Session Chapter 14 **HF6**

Effective Date: July 1, 2003

Article 10, Section 2, requires Social Security Numbers for recreational license applications.

Data Practices

First Special Session Chapter 8 **SF 10** (HF 29)
Effective Date: August 1, 2003 unless otherwise provided.

Action to Compel Compliance (MS s 13.08)

In court cases involving data practices attorney fees are allowed to a winning plaintiff if the government did not follow a related advisory opinion.

Computer Data (MS s 13.15)

Electronic access data is classified as private or nonpublic data. A government entity that collects electronic data or uses “cookies” must notify a person and inform them how the data will be used and disseminated.

Personnel Data (MS s 13.43)

Personnel data includes data submitted by an employee to the employers as a suggestion as part of a self-evaluation effort by the government.

Information in bids and proposals (MS s 13.591)

The data practices act section on vendor data governs data on bids and proposals.

Reverse Auction (MS s 13.591 does not apply if reverse auction.)

If a reverse auction is used (vendors compete in an open environment to provide goods at the lowest prices) the data practices act section on vendor data does not apply i.e. the data is public.

Burial Sites Data (MS s 13.37, Security Information)

The locational and related data for burial sites maintained on the state archaeologist’s web site are classified as security information. Persons who access the information and improperly use or further disseminate it are subject to remedies and penalties.

Rulemaking

PETITION; UNIT OF LOCAL GOVERNMENT,

First Special Session Chapter 1

Effective Date: July 1 2003

Article 2, section 29 amends MS 14.091, by removing the sunset date. Laws 2000, chapter 335, section 1, had extended the original sunset date of July 31, 2001 to July 31 2006, in addition to adding sanitary districts to subd. (a).

SONAR Changes

Regular Session Chapter 3

Effective Date: July 1, 2003

Article 1 amends Minnesota Statutes, section 14.131, and expands the prior law requiring that an agency proposing a rule prepare a Statement of Need and Reasonableness (SONAR). Prior law required that the agency describe the probable costs of complying with the proposed rule, and the classes of person who will bear the costs and include this as part of the SONAR. Under the new law, the cost portion of the SONAR must also include the cost information specifying the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals. The new law also requires that the SONAR include the probable costs or consequences of *not* adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties.

Good Cause Exemption

Regular Session Chapter 2

Effective Date: August 1, 2003

Article 1, section 4 amends Minnesota Statutes, section 14.388, the good cause exemption, by correcting a reference. A new clause (3) was added to section 14.386 in 2001 and the existing clause (3) of 14.388 became clause (4). This clarifies that agencies are required to publish in the State Register when adopting rules under 14.388.

Electronic Notice of Intent to Adopt Rules

First Special Session Chapter 6

Effective Date: August 1, 2003

Article 1 amends Minnesota Statutes, section 14.388, by adding a subdivision 2 requiring agencies to give electronic notice of the agencies intent to adopt rules under the good

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cause exemption in accordance with Minnesota Statutes, section 16E.07. subdivision 3.¹ Agencies are also required to give notice to persons who have registered with the agency under section 14.14 by US mail or electronic mail. This notice must be given no later than the date the agency submits the rule to the office of administrative hearings (OAH) for review.

Administrative Law Judges

First Special Session Chapter 1

Effective Date: June 30, 2003

Article 2, Section 30 amends subdivision 4 of Minnesota Statutes, section 14.48 by establishing a mandatory retirement age of 70 years for administrative and compensation law judges. Retired judges can be appointed to hear any proceeding properly assignable to an ALJ or compensation judge and shall be paid as temporary judges. This section is effective June 30, 2003.

DNR Lands and Mineral Bill

First Special Session Chapter 13 **HF 13** (SF 9)

Effective Date: August 1, 2003 unless otherwise provided.

Relating to state lands; designating state owned lands within the boundary waters canoe area as state wilderness areas; withdrawing from sale and transferring from the custody, control and supervision of the county board of the county of location to the commissioner of natural resources (DNR) tax-forfeited land located within the described boundaries of state recreation areas, requiring commissioner execution of a certificate of acceptance of the lands for recording with the county auditor; modifying the description of the Mississippi whitewater trail; adding the Lake Superior water and Mississippi whitewater trails to the outdoor recreation system; establishing the mineral coordinating committee to plan for diversified mineral development, specifying membership requirements and a sunset; establishing the Greenleaf Lake state park in Meeker county, requiring specific appropriations for additional land purchases; adding certain lands to Fort Snelling state park in Dakota and Hennepin counties, to Lake Bemidji state park and the Big Bog recreation area in Beltrami county, to the Iron Range off-highway vehicle recreation area in St. Louis county, to Paul Bunyan state forest and to Savanna and Waukenabo state forests in Aitkin county; adding certain lands to and deleting certain lands from Tettegouche state park in Lake county; deleting certain lands from foot Hills state forest in Cass county, from Kabetogama state forest in St. Louis county and from Mississippi headwaters and Red Lake state forests and the Red Lake wildlife management area in Beltrami county; modifying the use of a certain prior appropriation to the commissioner for an agreement relating to controlled hunts of nuisance geese; authorizing and providing for the sale of certain tax-forfeited land bordering public water in Aitkin, Crow Wing and Norman counties and certain surplus state land in Beltrami county and for the conveyance of certain surplus state land without consideration to Cass county; providing for the private sale of certain tax-forfeited lands in Crow Wing, Itasca, Koochiching, Lake and St. Louis counties and of certain consolidated conservation land in Beltrami county; requiring and providing for reconveyance of reverted state land bordering public water in Cook county by the commissioner of transportation (DOT) to the county without consideration; requiring the commissioner of natural resources with the approval of the land exchange board to exchange certain state land bordering public waters in Lake of the Woods county and requiring the exchange of certain trust fund land in St. Louis county; authorizing or requiring and providing for the conveyance of certain surplus state land bordering public waters in Lake of the Woods, St. Louis and Scott counties; authorizing Wadena county to sell certain county land to the commissioner; authorizing the commissioner to allocate money for certain flood hazard mitigation grants for partial construction of certain projects regardless of the need for an additional appropriation for completion purposes.

DNR Technical Bill

Regular Session Chapter 28 **SF 842** (HF 823)

Effective Date: August 1, 2003 unless otherwise provided.

Article I: Natural Resources Regulatory Provisions

Exempting state park fees and charges established by the commissioner of natural resources (DNR) from legislative approval requirements; modifying the authority of the commissioner relating to employees, gifts and grants; making optional the required number of assistant commissioners; authorizing the commissioner to enter into grant agreements for provision of natural resources services; authorizing subgrants from grant money received to private individuals and organizations; authorizing the commissioner to enter into reciprocity agreements with other states for the certification of off highway motorcycle, all-terrain vehicle (ATV) and boat safety education and training courses or programs from the states as substantially similar to in state courses or programs; removing the authority of the commissioner of public safety to register snowmobiles and to license watercraft; authorizing acceptance of snowmobile safety course certificates from other states under reciprocity agreements; expanding the state park littering prohibition to all units of the outdoor recreation system and including debris from fireworks in the littering prohibition; exempting purchases from the state parks working capital fund from competitive bidding requirements; making optional the requirement for the commissioner of natural resources to reimburse counties for the costs of keeping prisoners prosecuted for violations of game and fish laws; authorizing the commissioner to certify hunter safety courses in other states as substantially similar for firearms safety certificate eligibility purposes; expanding identification requirements and modifying license tag display requirements for dark or fish houses; expanding the prohibition on highway, street or public land or waters littering to cigarette filters and fireworks debris; repealing the provision requiring the commissioner to publish a compilation of current laws and rules relating to wild animals and a certain rule providing for the display of license tags on fish houses.

Omnibus Environment Finance Bill - Budget Provisions

Regular Session Chapter 128 **SF905**

Effective Date: July 1, 2003 unless otherwise provided.

Department of Natural Resources Appropriations: Article I, Section 5.

Lands and Minerals:	Subd. 2
Waters:	Subd. 3
Forest Management	Subd. 4
Parks and Recreation	Subd. 5
Trails and Waterways	Subd. 6
Fish Management	Subd. 7
Wildlife Management	Subd. 8
Ecological Services	Subd. 9
Enforcement	Subd. 10
Operations Support	Subd. 11

Minnesota Conservation Corp: Article I, Sections 6, 159, and 160; also see HF 56 (SF16) Chapter 48, Section 6.

Commercial Fishing License Fees: Article I, Sections 11 and 64-72.

Grant Authority: Article I, Section 14

Wild Rice Fees: Article I, Section 15-17.

Registrars Fees: Article I, Sections 24, 25, 29, 47, and 48.

Grant-In-Aid Authority: Article I, Section 34.

Park Fees: Article I, Sections 43-45.

Small Game License Surcharge Increase: Article I, Sections 50 and 60.

Migratory Waterfowl Habitat Improvement Account: Article I, Section 52.

Pheasant Habitat Account: Article I, Section 53.

Deer Fees: Article I, Sections 58 and 59.

Waterfowl and Pheasant Stamps: Article I, Section 61.

Trout Stamp: Article I, Section 62.

Lake Superior Charter Boats: Article I, Section 63

Water Appropriation Fees: Article I, Section 116 and 117.

Aeration Fees: Article I, Section 118.

Aquatic Plant Management Fees: Article I, Section 119.

Utility License Fees: Article I, Section 158.

Omnibus Environment Appropriation Bill - Policy Provisions

Regular Session Chapter 128 **SF905**

Effective Date: July 1, 2003 unless otherwise provided.

Natural Resource Officer Authority: Article I, Sections 13, 36, 37, 38, 39, 42, and 162.

Off-Highway Vehicles: Article I, Sections 18-23, 26-33, 167-169, and 174.

Chronic Wasting Disease: Article I, Sections 12, 49, 51, 54-57 and 73-77 and Article 3, Section 5-13 and 34.

Voyageurs National Park: Article I, Section 40.

Exotic Species: Article I, Section 41.

Local Water Planning: Article I, Sections 78 – 106.

Wetlands Provisions: Article I, Sections 107 to 110.

Soil and Water Conservation Districts: Article I, Section 111.

Minnesota Future Resources Fund: Article I, Sections 148 to 155.

County Streamlining Report: Article I, Section 163.

Game and Fish Agent Licenses: Article I, Section 171.

Natural Resources Damage Account: Article 2.

Control or Eradication of Noxious Weeds: Article 3, Section 14.

Plant Protection and Export Certification: Article 4, Section 1-12.

Mosquito Abatement: Article 4, Section 13.

Nursery Law: Article 5.

Seed Law: Article 8.

Omnibus Bonding Bill

Special Session Chapter 20 **HF 8**

Effective Date: July 1, 2003 unless otherwise provided.

Article I, Section 5 provides bond funds to the Department of Natural Resources

Parks Acquisition. Subd. 2	\$2.7 million
Goodhue Pioneer State Trail. Subd. 3	\$475,000
Red Rock Rural Water System. Subd. 5	\$125,000
Crookston Dam Improvements. Subd. 6	\$1,050,000
Flood Hazard Mitigation. Subd. 7	\$1,405,000
Stream Protection. Subd. 8	\$500,000
Scientific and Natural Areas. Subd. 9	\$2 million
Prairie Bank Easements. Subd. 10	\$1 million
Wabasha Eagle Center. Subd. 11	\$500,000

2002 Flood Hazard Mitigation Grants rider language is provided in Article I, Section 19.

Article I, Section 6 provides bond funds to the Board of Water and Soil Resources

Wetland Restoration. Subd. 3	\$2.7 million
Lazarus Creek. Subd. 4	\$1.4 million

State Government Finance Bill – Policy and Budget Provisions Impacting DNR

Special Session Chapter 1 **HF 1** (SF 1)

Effective Date: July 1, 2003 unless otherwise provided.

General fund reduction of \$17 million for state agencies: Article I, Section 30.

Sale of State Lands: Article 2, Section 31.

“Base appropriation” defined and professional technical service contract reporting added: Article 2, Section 32.

Renting Out State Property: Article 2, Section 39

Percent of construction Appropriations Art: Article 2, Section 40

Contract Provisions: Article 2, Section 46-49 and 51 – 56.

Shared Technologies: Article 2, Section 58

Carryforward: Article 2 Section 127.

Vacation Limit: Article 2, Section 128.

For further information, check the State Legislature Home Page at:

www.leg.state.mn.us

The Governor’s website also has a page that displays the action taken on bills presented to the Governor:

http://www.governor.state.mn.us/LegCoord/LegCoor_list.asp