

2004 Natural Resources Legislation

A Summary of the Actions of the 2004 Regular Session of the Eighty-Third Minnesota Legislature

**Minnesota Department of Natural Resources
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2004 Department of Natural Resources Legislative Summary

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WATERS

Revisor's Bill

Chapter 228 **HF 2577** (SF 2131)

Effective Date: Various, August 1, 2004 if not stated.

Article 1, section 23 (page 13 line 10) adds references to 103B.101, subdivision 10 that were overlooked the 2003 session.

DNR Technical Bill

Chapter 255 **HF 2212** (SF 2216)

Effective Date: July 1 2004, sections 24 and 51 May 29, 2004.

DNR Technical Bill. Section 42 (page 23, line 12) amends 103G.615 by adding the word "control" the fees section for permits to harvest or destroy Aquatic plants. Section 43 (page 23, line 33) amends 103B.611 by adding language clarifying the jurisdictional areas of the Lake Minnetonka Conservation District. Section 44 (page 25, line 14) amends 103G.222 by inserting language that states that the proceeds from the sale of credits provided under this section of law are to be appropriated to BOWSR for the purposes of 103G.222.

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. Section 43 (page 25, line 26) amends 103G.223 by exempting Calcareous Fen identification from the Chapter 14 rule making process. Section 44 (page 26, line 1) amends 103I.601 by exempting the commissioner's determination to require assurance is from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

DNR Lands Bill

Chapter 262 **HF 2334** (SF 2204)

Effective Date: Article 3 is effective May 29, 2004. All other sections are effective either July 1, 2004 or August 1, 2004.

DNR Lands bill. Adds a new section of law (103G.407) dealing with water level controls for public waters with an outlet.

FORESTRY

DNR Forestry Bill

Chapter 262 **HF 2383** (SF 2583)

Effective Date: Sections 1, 2, 3, and 14 are effective July 1, 2004. All other sections are effective August 1, 2004

Provides for the disposition of certain timber sales receipts; creates a forest management investment account; modifies the forest resources Interagency Information Cooperative; modifies the State Timber Act; modifies provisions for timber sales on tax-forfeited land; appropriates money; amends Minnesota Statutes 2002, sections 84A.51, subdivision 2; 89.035; 89A.09, subdivision 1; 90.02; 90.181, subdivision 2; 90.191, subdivision 2, by adding a subdivision; 90.252; 282.04, subdivision 1; Minnesota Statutes 2003 Supplement, sections 90.101, subdivision 1; 90.14; 90.151, subdivision 1; Laws 2003, chapter 128, article 1, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 89; repealing Minnesota Statutes 2003 Supplement, section 90.191, subdivisions 3,4.

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. Sections 27,28,29,30,31,32,33,34, 35 and 36 (page 15, line 35 – page 20, line 13). Provides rulemaking exemptions for Minnesota Statutes 2002, sections 88.79, 89.012, 89.018, 89.19, 89.21, 89.37, 89.53, and 89.71.

Revisor's Bill

Chapter 228 **HF 2577** (SF 2131)

Effective Date: Various, August 1, 2004 if not stated.

Article 1; section 20 (page 11 line 21) amends an erroneous reference citation to Minnesota Statutes 2002, section 89.391.

DNR Lands Bill

Chapter 262 **HF 2334** (SF 2204)

Effective Date: Article 3 is effective May 29, 2004. All other sections are effective either July 1, 2004 or August 1, 2004

DNR Lands bill. Amends Minnesota Statutes 2002, section 89.01, by adding a subdivision. “Subdivision. 5a. [SALE OF STATE FOREST LAND.] Any state lands included in areas set apart as state forests are eliminated from the state forest upon sale under the provisions of sections 92.06 to 92.09 or 94.09 to 94.16.”

DNR Enforcement Bill

Chapter 260 **HF 2213** (SF 2210)

Effective Date: August 1, 2004

DNR Enforcement Bill. Creates a new section of law 84.0835 that deals with the Designation of employees for limited natural resources law enforcement (NRO's). The bill allows the commissioner of natural resources to designate certain employees according to section 84.0835 to enforce laws governing the use of state parks, state monuments, state recreation areas, state waysides, state forest lands when incidental to normal forestry duties, and state forest sub areas.

PARKS AND RECREATION

DNR Lands Bill

Chapter 262 **HF 2334** (SF 2204)

Effective Date: Article 3 is effective May 29, 2004. All other sections are effective either July 1, 2004 or August 1, 2004

DNR Lands bill. Section 9 (page 8, line 22) amends 85.015 subdivision 1 by removing a reference to the Executive council for the purposes of selling surplus lands not needed for trail purposes at private sale to adjoining property owners and leaseholders.

DNR Enforcement Bill

Chapter 260 **HF 2213** (SF 2210)

Effective Date: August 1, 2004

DNR Enforcement Bill. Creates a new section of law 84.0835 that deals with the Designation of employees for limited natural resources law enforcement (NRO's). The bill allows the commissioner of natural resources to designate certain employees according to section 84.0835 to enforce laws governing the use of state parks, state monuments, state recreation areas, state waysides, state forest lands when incidental to normal forestry duties, and state forest sub areas.

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 (page 9, line 17 – page 15, line 17). Provides rulemaking exemptions for Minnesota Statutes 2002, sections 85.052, 85.055, and 85.22.

DNR Technical Bill

Chapter 255 **HF 2212** (SF 2216)

Effective Date: Sections 24 and 51 are effective May 29, 2004. The remaining sections are effective July 1 2004.

DNR Technical Bill. Section 14 (page 11, line 7) amends 85.052 by clarifying that fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account. Sections 15 and 16 (page 11, line 18) amends 85.054 by adding “A state park permit is not required and a fee may not be charged for the Class I rest area parking area at Tettegouche State Park” and “A state park permit is not required and a fee may not be charged for any portion of the Red River State Recreation Area located outside of the campground.” Section 17 (page 12, line 10) amends 85.22 by adding the receipts from “tours at Forestville State Park”, to be deposited in the state parks working capital account. Sections 18 and 19 (page 12 line 10 – page 13, line 2) deal with the lease and disposition of proceeds from the Fort Snelling Upper Bluff. Section 51 (page 31, line 36) repeals 85.34, subdivision 4 dealing with the disposition of Fort Snelling lease receipts. Sections 20 – 23 (page 13, line 3 – page 15, line 18) amend 85.41 which deals with cross country ski passes and the electronic licensing system.

Revisor’s Bill

Chapter 228 **HF 2577** (SF 2131)

Effective Date: Various, August 1, 2004 if not stated.

Article 1; section 19 (page 11 line 11) amends an erroneous reference in Minnesota Statutes 2002, section 85.053.

ECOLOGICAL SERVICES

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. Sections 5 and 22 (page 3, line 7 and page 11, line 18) amends 84.033 and 86A.05 subdivision 5 by allowing the commissioner of natural resources to designate Scientific and Natural Areas by written order published in the State Register. Designations are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. Section 43 (page 25, line 26) amends 103G.223 by exempting Calcareous Fen identification from the Chapter 14 rule making process

DNR Lands Bill

Chapter 262 **HF 2334** (SF 2204)

Effective Date: Article 3 is effective May 29, 2004. All other sections are effective either July 1, 2004 or August 1, 2004.

DNR Lands bill. Article 2; section 3 (page 26, line 27) amends 84.033 by adding a subdivision 2 that states “subd. 2. [DESIGNATION APPROVAL.] No scientific and natural area may be designated unless the designation is approved by resolution of the board of the county in which the land is located.”

Article 2, section 4 (page 27, line 9) amends 86A.05 by adding a subdivision (e) which states “State-owned lands or waters, or any state-owned interests in lands or waters, acquired before August 1, 2000, that meet the criteria of this subdivision and that have been administered by the commissioner of natural resources as fish management areas or other areas of fishery interest are authorized as units of the outdoor recreation system upon designation by the commissioner of natural resources as aquatic management areas.”

DNR Aquatic Invasive Species BillChapter 243 **HF 2363** (SF 2211)**Effective Date:** June 1, 2004.

DNR Aquatic Invasive Species Bill. The bill modifies provisions for the control of invasive and nonnative species; provides criminal and civil penalties; requires rulemaking; amends Minnesota Statutes 2002, sections 17.4982, subdivision 18a; 84D.01, subdivisions 6, 9, 12, 13, 15, 17, 18, by adding subdivisions; 84D.02, subdivisions 1, 3, 4, 5, 6; 84D.03; 84D.04; 84D.05; 84D.06; 84D.07; 84D.08; 84D.09, subdivision 2; 84D.10, subdivisions 1, 3; 84D.11, subdivisions 1, 2, 2a; 84D.12; 84D.13, subdivisions 3, 4, 5; 86B.415, subdivision 7; 97C.821; Minnesota Statutes 2003 Supplement, sections 18.78, subdivision 2; 84.027, subdivision 13; 84D.14; repealing Minnesota Statutes 2002, section 84D.01, subdivisions 5, 7; Minnesota Rules, part 6216.0400, subpart 3.

Game and Fish BillChapter 215 **HF 2368** (SF 2203)**Effective Date:** August 1, 2004

Section 30 (page 14, line 15) amends 97C.605 by adding subdivision (c) that states “A turtle seller's license is transferable by the turtle seller licensee by making application to the commissioner. A turtle seller's license may be transferred only once under this paragraph and the transfer must be to a child of the person holding the turtle seller's license.”

Data Privacy BillChapter 290 **HF2087** (SF 1889)**Effective Date:** August 1, 2004

Section 23 (page 24, line 9) creates a new section of law (84.0872) that classifies “Specific Location Data” (data that would enable persons to locate the protected wild animal or endangered, threatened, or special concern plant or animal) as non-public data if disclosure is likely to hinder management, propagation, or research; facilitate the unfair chase or illegal taking; transport or sale of a species; decrease the likelihood of establishing a protected species of wildlife or recovering a special concern, threatened, or endangered species. The bill allows for disclosure of nonpublic specific location data to promote public benefits such as environmental review, research, education, conservation planning, or providing information to specific location data.

INFORMATION AND EDUCATION

DNR Technical Bill

Chapter 255 **HF 2212** (SF 2216)

Effective Date: Sections 24 and 51 are effective on May 29, 2004. The remaining sections are effective on July 1, 2004.

DNR Technical Bill. Sections 24, 25 and 26 (page 15 line 19 – page 16, line 28) amends 86B.321 and 86B.521 dealing with motor boat noise limits, motor boat exhaust muffling system requirements and prohibitions on the sale of motor boats that exceed noise limits.

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. Section 26 (page 15, line 21) amends Minnesota Statutes 2002, section 86B.521, is by adding a subdivision 6 that reads: Rulemaking Exemption. The test procedures (for motorboat noise) under subdivisions 2, 3, and 4 shall be established by written order by the commissioner and published in the State Register. The establishment of test procedures is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

DNR Aquatic Invasive Species Bill

Chapter 243 **HF 2363** (SF 2211)

Effective Date: June 1, 2004.

DNR Aquatic Invasive Species Bill. Section 37 (page 18, line 23) deletes the words nuisance and exotics and replaces them with invasive.

LANDS AND MINERALS

DNR Lands Policy and Sales Bill

Chapter 262 **HF 2334** (SF2204)

Effective Date: Article 3 is effective May 29, 2004. All other sections are effective either July 1, 2004 or August 1, 2004.

DNR Lands Policy and Sales bill. The bill modifies provisions for the sale and disposition of surplus state lands; modifies certain state land management provisions; authorizes and describes certain state land sales; modifies certain water level controls; adding to and deleting from state parks, forests, and wildlife management areas; establishes Greenleaf Lake State Park; appropriates money; amends Minnesota Statutes 2002, sections 15.054; 84.0272, by adding subdivisions; 84.033; 85.015, subdivision 1; 86A.05, subdivision 14; 89.01, by adding a subdivision; 92.02; 92.03; 92.04; 92.06, subdivisions 1, 2, 4, 5, by adding a subdivision; 92.08; 92.10, subdivision 2; 92.12, subdivisions 1, 2, 4, 5; 92.121; 92.14, subdivision 1; 92.16, by adding a subdivision; 92.28; 92.29; 92.321, subdivision 1; 94.09, subdivisions 1, 3; 94.10; 94.11; 94.12; 94.13; 94.16, subdivision 2; 164.08, subdivision 2; 282.01, subdivision 3; Minnesota Statutes 2003 Supplement, sections 525.161; 525.841; Laws 1997, chapter 216, section 151; Laws 1999, chapter 161, section 31, subdivision 3; Laws 1999, chapter 161, section 31, subdivision 5; Laws 1999, chapter 161, section 31, subdivision 8; Laws 2003, First Special Session chapter 13, section 6; Laws 2003, First Special Session chapter 13, section 16; proposing coding for new law in Minnesota Statutes, chapters 16B; 92; 103G; repealing Minnesota Statutes 2002, sections 92.09; 92.11; 94.09, subdivisions 2, 4, 5, 6.

Iron nugget production scale demonstration facility environmental review exemption provided.

Chapter 220 **HF 2986** (SF 3022)

Effective Date: May 20, 2004

This bill exempts the first iron nugget production demonstration facility on the Iron Range from Minnesota environmental review. Exempts the facility from statute and rule environmental review when it meets certain criteria, including: being located outside of the North Shore lake Superior zone; and having complete permit applications submitted to the appropriate agencies in 2004. Public notice for the permits by the agencies must be made within four months of the applications. The bill mandates that permanent shutdown of existing pellet furnaces that may be located where the iron nugget facility is proposed must happen. Does not exempt environmental review for any iron nugget facility proposed within the North Shore lake Superior zone.

FISH AND WILDLIFE

Game and Fish Bill

Chapter 215 **HF 2368** (SF 2203)

Effective Date: August 1, 2004

Game and Fish Bill. This bill modifies hunting provisions and fees; modifies restriction on importation of cervidae carcasses; modifies restrictions on the transport of game birds; clarifies validity of firearms safety certificates issued to youth; modifies turtle license requirements; modifies waterfowl refuge provisions; provides for suspension of game and fish license and permit privileges under certain conditions; modifies shooting hours for migratory game birds; authorizes a season on mourning doves; modifies certain hearing provisions; modifies certain tagging requirements; modifies fish house provisions; provides for trapping by certain nonresidents; modifies certain game license provisions; requires public education efforts regarding lead tackle; authorizing grants; authorizes a special permit for use of a scope when hunting with a muzzleloader; provides for a quality deer management pilot zone; requires reports; provides criminal penalties; amends Minnesota Statutes 2002, sections 97A.015, subdivision 24; 97A.085, subdivisions 2, 3, 4; 97A.095, subdivisions 1, 2, 4; 97A.420, subdivision 4; 97A.421, by adding a subdivision; 97A.435, subdivision 4, by adding a subdivision; 97A.475, subdivision 20, by adding a subdivision; 97A.545, subdivision 5; 97B.015, subdivision 5; 97B.031, by adding a subdivision; 97B.075; 97B.301, subdivisions 6, 7; 97B.601, subdivision 3, by adding a subdivision; 97B.721; 97B.901; 97C.355, subdivision 7; 97C.605, subdivision 2; Minnesota Statutes 2003 Supplement, sections 97A.475, subdivisions 2, 3; 97A.505, subdivision 8; 97B.311; 97C.605, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 2002, section 97B.731, subdivision 2.

***Sections 15, 23, and 29 were repealed by Chapter 255 dealing with the taking of albino deer and live bait retailers licenses.*

DNR Technical Bill

Chapter 255 **HF 2212** (SF 2216)

Effective Date: Sections 24 and 51 are effective May 29, 2004. The remaining sections are effective July 1 2004.

DNR Technical Bill. Sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 51, (page 15 line 19 – page 23.11 and page 32.1 – 32.6) contain technical amendments to 97A.055, subdivision 4; 97A.311, by adding a subdivision; 97A.434, subdivision 3; 97A.4742, subdivision 4; 97A.485, subdivisions 3, 4, 5, 7, 11; 97B.721, as amended; 97C.501, subdivision 4; 97C.525, subdivisions 3, 5;

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. Sections 37, 38, 39, 40, 41 and 42 (page 20, line 14 – page 25, line 25). Provides rulemaking exemptions for Minnesota Statutes 2002, sections 97A.101, subdivision 2; 97A.133, subdivision 3; 97A.135, subdivision 1; 97A.145, subdivision 1; 97B.015, by adding a subdivision; 97B.025.

Revisor's Bill

Chapter 228 **HF 2577** (SF 2131)

Effective Date: Various, August 1, 2004 if not stated.

Article 1, section 21 (page 11 line 32) and section 22 (page 12, line 27) amends an erroneous references in Minnesota Statutes 2002, section 97A.055 and 97A.482.

DWI blood alcohol concentration level reduction and records retention requirements

Chapter 283 **SF 58** (HF 97)

Effective Date: August 1, 2004

Article 1, Section 1 (page 1, line 16) and Article 2, Section 2 (page 2, line 14) amend 97B.065 and 97B.066 to reflect changes required in reducing the blood alcohol concentration levels from .10 to .08.

DNR Aquatic Invasive Species Bill

Chapter 243 **HF 2363** (SF 2211)

Effective Date: June 1, 2004.

DNR Aquatic Invasive Species Bill. Sections 3 and 38 (page 3, line 5 and page 18, line 31) of the bill amends 84.027 and 97C.821 by changing the word exotic to invasive and the words unregulated exotics to unregulated nonnative species.

DNR Lands Bill

Chapter 262 **HF 2334** (SF 2204)

Effective Date: Article 3 is effective May 29, 2004. All other sections are effective either July 1, 2004 or August 1, 2004.

Article 2, section 4 (page 27, line 9) amends 86A.05 by adding a subdivision (e) which states “State-owned lands or waters, or any state-owned interests in lands or waters, acquired before August 1, 2000, that meet the criteria of this subdivision and that have been administered by the commissioner of natural resources as fish management areas or other areas of fishery interest are authorized as units of the outdoor recreation system upon designation by the commissioner of natural resources as aquatic management areas.”

ENFORCEMENT

DNR Enforcement Bill

Chapter 260 **HF 2213** (SF 2210)

Effective Date: August 1, 2004

DNR Enforcement Bill. This bill allows Conservation Officers to transport violators with or without security barriers in marked vehicles in a similar manner to the State Patrol; provides clear penalty provisions for violations of rules governing the use and enjoyment of state parks, water access sites, trails, monuments, scientific and natural areas, wilderness areas, and forest lands, campgrounds, and roads; and clarifies Conservation Officer authority and enforcement authority for other employees of the Department of Natural Resources. The bill amends Minnesota Statutes 2003 Supplement, sections 84.029, subdivision 1; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 85.04, subdivision 2; creates 84.0835 in Minnesota Statutes, dealing with the designation of employees for limited natural resource law enforcement (Natural Resource Officers).

DWI blood alcohol concentration level reduction and records retention requirements

Chapter 283 **SF 58** (HF 97)

Effective Date: August 1, 2004

Article 1, Section 1 (page 1, line 16) and Article 2, Section 2 (page 2, line 14) amend 97B.065 and 97B.066 to reflect changes required in reducing the blood alcohol concentration levels from .10 to .08.

DNR Technical Bill

Chapter 255 **HF 2212** (SF 2216)

Effective Date: Sections 24 and 51 are effective on May 29, 2004. The remaining sections are effective on July 1, 2004.

DNR Technical Bill. Sections 7, 8, 9, 10, 11, 12, 13, 51 (page 6 line 31 – page 11.line 6 and page 32 lines1 – 6) contain technical amendments amending Minnesota Statutes 2002, sections 84.027, subdivision 15; 84.091, subdivision 1; 84.8205, subdivision 5; 84.83, subdivision 2; 84.86, subdivision 1; 84.862, subdivisions 1, 3; 84.872, subdivision 1; and 84.95.

Snowmobile use of highway right-of-way provisions modified

Chapter 244 **HF 532** (SF 522)

Effective Date: August 1, 2004

Allows two-way operation of snowmobiles on either side of highway right-of-way when authorized by commissioner of transportation; amending Minnesota Statutes 2002, section 84.87, and subdivision 1.

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. Sections 3, 4, 6, 8, 9, 10, 11, 13, 14 (page 2, line 25 – page 8, line 26) provide rulemaking exemptions for Minnesota Statutes 2002, sections 84.029, by adding a subdivision; 84.033; 84.0855, by adding a subdivision; 84.791, subdivision 2, by adding a subdivision; 84.86, subdivision 1; 84.8712, subdivision 2; 84.925, subdivision 1, by adding a subdivision.

TRAILS AND WATERWAYS

DNR Technical Bill

Chapter 255 **HF 2212** (SF 2216)

Effective Date: Sections 24 and 51 are effective May 29, 2004. All other sections are effective July 1, 2004

DNR Technical Bill. Section 6 (page 5, line 33) amends Minnesota Statutes 2003 Supplement, section 84.773, dealing with restrictions on operations for ATV's on wetlands.

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. Sections 32 (page 18, line 6) provide a rulemaking exemption for Minnesota Statutes 2002, sections 89.19, by creating subdivision 2 that states "Subd. 2. [RULEMAKING EXEMPTION.] Designations of forest trails by the commissioner shall be by written order published in the State Register. Designations are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. Before designating forest trails, the commissioner shall hold a public meeting in the county where the largest portion of the forest lands are located to provide information to and receive comment from the public regarding the proposed trail designation. Sixty days before the public meeting, notice of the proposed forest trail shall be published in the legal newspapers that serve the counties in which the lands are located, in a statewide Department of Natural Resources news release, and in the State Register."

Snowmobile use of highway right-of-way provisions modified

Chapter 244 **HF 532** (SF 522)

Effective Date: August 1, 2004

Allows two-way operation of snowmobiles on either side of highway right-of-way when authorized by commissioner of transportation; amending Minnesota Statutes 2002, section 84.87, and subdivision 1.

RULES

DNR Rules Exemption Bill

Chapter 221 **SF 2472** (HF 2433)

Effective Date: May 20, 2004

DNR Rules Exemption Bill. This bill exempts the commissioner of natural resources from the rulemaking provisions of Chapter 14 for making determinations in the following areas: designations, natural resource activities, fees, and grants. The exemption from rulemaking is limited to areas where the commissioner has statutory authority and discretion in making the determinations. This bill more clearly defines the commissioner's authority and the process to be used in making certain determinations.

Specifically, the bill provides for certain rulemaking exemptions; granting authorities to the commissioner of natural resources; authorizing fees; modifying civil penalties; amending Minnesota Statutes 2002, sections 83A.02; 84.027, by adding a subdivision; 84.029, by adding a subdivision; 84.033; 84.0855, by adding a subdivision; 84.791, subdivision 2, by adding a subdivision; 84.86, subdivision 1; 84.8712, subdivision 2; 84.925, subdivision 1, by adding a subdivision; 84D.13, subdivision 5; 85.052, subdivisions 1, 2, by adding subdivisions; 85.055, subdivision 1a; 85.22, subdivision 3; 86A.05, subdivision 5; 86A.07, subdivision 3; 86A.21; 86B.321, subdivision 2; 86B.521, by adding a subdivision; 88.79, by adding a subdivision; 89.012; 89.018, subdivisions 1, 2, by adding a subdivision; 89.19; 89.21; 89.37, by adding a subdivision; 89.53, subdivision 1; 89.71, subdivision 1; 97A.101, subdivision 2; 97A.133, subdivision 3; 97A.135, subdivision 1; 97A.145, subdivision 1; 97B.015, by adding a subdivision; 97B.025; 103G.223; 103I.601, subdivision 3; 282.01, subdivision 3; Minnesota Statutes 2003 Supplement, sections 84.029, subdivision 1; 84.775, subdivision 1; 84.780.

State agencies proposed rules statements of need and reasonableness preparation consultation requirement; county recorders security deposits acceptance option.

Chapter 274 **SF2342** (HF 2431)

Effective Date: August 1, 2004.

This bill amends 14.131. It requires state agencies in preparing statements of need and reasonableness for proposed rules to consult with the commissioner of finance to evaluate the fiscal impact and benefits of the proposed rule on local government units.

DNR TECHNICAL BILL

DNR Technical Bill

Chapter 255

HF 2212

(SF 2216)

Effective Date: Sections 24 and 51 are effective May 29, 2004. All other sections are effective July 1, 2004.

DNR Technical Bill. This housekeeping bill reconciles or deletes language in a number of areas where statutory changes or court decisions require modifications. Eliminates obsolete language and makes minor adjustments in reporting dates. Amends Minnesota Statutes to reflect the full implementation of the Electronic Licensing System (ELS) that was initiated in March of 2000 by removing language that references practices of the old paper licensing system in MS85.41, MS85.43 and MS97A.485 and also language that refers to piloting the ELS system in MS84.027 subd. 15. Redirects the commission formerly retained from cross country ski pass and game and fish license revenues by the county auditor for managing the license agents to the Commissioner of Natural Resources for running the electronic licensing system which includes managing those agents directly. Authorizes the commissioner to issue refunds of license fees under certain conditions pursuant to the recommendation of the Legislative Auditor dated October 9, 2002.

Specifically, the bill modifies electronic licensing provisions; clarifies certain wild rice provisions; modifies disposition of certain proceeds; modifies snowmobile training and operating requirements; modifies certain fee provisions; eliminates RIM work plan requirement; modifies reporting requirements; modifies motorboat equipment and noise provisions; modifies provisions for cross-country ski passes; providing for certain refunds, fees, and commissions; modifies authority to issue and sell licenses and appoint agents; modifies nonresident minnow transport requirements; providing for rulemaking; requiring a report on the electronic licensing system; amending Minnesota Statutes 2002, sections 84.027, subdivision 15; 84.091, subdivision 1; 84.8205, subdivision 5; 84.83, subdivision 2; 84.86, subdivision 1; 84.862, subdivisions 1, 3; 84.872, subdivision 1; 85.052, subdivision 4; 85.054, subdivision 7, by adding a subdivision; 85.22, subdivision 2a; 85.34, by adding subdivisions; 85.41, subdivisions 2, 4, 5; 85.43; 86B.321, subdivision 2; 86B.521, subdivisions 1, 2; 97A.055, subdivision 4; 97A.311, by adding a subdivision; 97A.434, subdivision 3; 97A.4742, subdivision 4; 97A.485, subdivisions 3, 4, 5, 7, 11; 97B.721, as amended; 97C.501, subdivision 4; 97C.525, subdivisions 3, 5; 103B.611, subdivision 3; Minnesota Statutes 2003 Supplement, sections 16B.24, subdivision 5; 84.026; 84.773; 84.862, subdivision 2a; 97A.475, subdivision 26; 97A.485, subdivision 6; 103G.222, subdivision 1; 103G.615, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2002, sections 84.862, subdivision 2; 84.95, subdivision 3; 85.34, subdivision 4; 97A.485, subdivisions 2, 8, 10; Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 28; Laws 2004, chapter 215, sections 15, 23, 29.

CLAIMS

Claims Bill

Chapter 271

HF 2255

(SF 2038)

Effective Date: August 1, 2004

Claims against the state settlement provided, and money appropriated. Section 2 states
* “Subd 1. [BODE CLAIM.] \$27,000 is appropriated from the general fund to the commissioner of natural resources in fiscal year 2005 for payment to Linda and Judy Bode of Nicollet, Minnesota, for expenses incurred during the pendency of appeal of the public waters hearing panel decision as a full and final settlement of their claim against the state. If the Bodes accept the payment by the commissioner of natural resources as full and final settlement of their claim, the Office of Administrative Hearings shall assign an administrative law judge to determine, after a hearing, whether that portion of the area designated as Wetland 52-26 by the Department of Natural Resources that is located on the Bode farm is a public waters wetland. In making that determination, the administrative law judge must use the definition of "wetlands" in Minnesota Statutes 1980, section 105.37, subdivision 15. The determination of the administrative law judge is final.

Subd.2. [PETTY CLAIM.] \$38,118.57 is appropriated from the general fund to the commissioner of natural resources in fiscal year 2005 for payment to Petty and Sons Timber Products, Inc. of Wahkon, Minnesota, as a full and final settlement of its claim against the state for losses suffered because of a moratorium imposed on raising logs from Minnesota lake bottoms.

Subd.3. [SHOEN CLAIM.] \$1,353.26 is appropriated from the general fund to the commissioner of natural resources in fiscal year 2005 for payment to Samuel and June Shoen of Angle Inlet, Minnesota, as a full and final settlement of their claim against the state for reimbursement of trespass fines paid during settlement of a land exchange.”

***Section 2, subd.1 was line item vetoed by the Governor on May 29, 2004.**