

## **2006 Natural Resources Legislation**

### **A Summary of the Actions of the 2006 Regular Session of the Eighty-Fourth Minnesota Legislature**

**Minnesota Department of Natural Resources  
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# 2006 Department of Natural Resources Legislative Summary

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# WATERS

Chapter 258

HF 2959

(SF 3200)

Omnibus Bonding Bill

## Section 7

### Subd. 3. **Flood Hazard Mitigation Grants**

25,000,000

For the state share of flood hazard mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161. The commissioner shall determine project priorities as appropriate, based on need. This appropriation includes money for the following projects:

- (a) Austin
- (b) Albert Lea
- (c) Crookston
- (d) Canisteo Mine
- (e) Delano
- (f) East Grand Forks
- (g) Golden Valley
- (h) Grand Marais Creek
- (i) Granite Falls
- (j) Inver Grove Heights
- (k) Manston Slough
- (l) Oakport Township
- (m) Riverton Township
- (n) Shell Rock Watershed District
- (o) St. Vincent
- (p) Wild Rice River Watershed District

For any project listed in this subdivision that the commissioner determines is not ready to proceed or does not expend all the money allocated to it, the commissioner may allocate that project's money to a project on the commissioner's priority list. To the extent that the cost of a project in Ada, Breckenridge, Crookston, Dawson, East Grand Forks, Granite Falls, Montevideo, Oakport Township, Roseau, St. Vincent, or Warren exceeds two percent of the median household income in the municipality multiplied by the number of households in the municipality, this appropriation is also for the local share of the project. The local share for the St. Vincent dike may not exceed \$30,000.

### Subd. 4. **Dam renovation and removal**

2,250,000

To renovate or remove publicly owned dams. The commissioner shall determine project priorities as appropriate under Minnesota Statutes, sections 103G.511 and 103G.515. \$250,000 is for a grant to the city of Kenyon for the Kenyon embankment removal project. Notwithstanding Minnesota Statutes, section 16A.69, subdivision 2, upon the award of final contracts for the completion of a project listed in this subdivision, the commissioner may transfer the unencumbered balance in the project account to any other dam renovation or removal project on the commissioner's priority list.

**Article 1, Section 21**

Provides technical changes to language establishing a summer water use surcharge for municipalities, golf courses and landscape irrigators that was passed last year.

**Article 5, Section. 3**

Is a standard approval required of all large consumptive users of water. A DNR water appropriation permit will be required in order for the energy facility to begin operation. This authorization allows the permitting process for this facility to proceed, but is dependent on DNR approval of permits.

# FISH AND WILDLIFE

**Chapter 258**

**HF 2959**

(SF 3200)

**Omnibus Bonding Bill**

## **Section 7**

**Subd. 8. Fisheries acquisition and improvement** 2,000,000

To acquire land and interests in land for aquatic management areas and to make public improvements and betterments of a capital nature to aquatic management areas established under Minnesota Statutes, section 86A.05, subdivision 14.

**Subd. 9. Fish hatchery improvements** 1,000,000

For improvements of a capital nature to renovate fish culture facilities at hatcheries owned by the state and operated by the commissioner of natural resources under Minnesota Statutes, section 97A.045, subdivision 1.

**Subd. 10. RIM - wildlife area land acquisition and improvement** 14,000,000

To acquire land for wildlife management area purposes and for improvements of a capital nature to develop, protect, or improve habitat and facilities on wildlife management areas under Minnesota Statutes, section 86A.05, subdivision 8.

**Subd. 11. Water control structures** 1,000,000

To rehabilitate or replace water control structures used to manage shallow lakes and wetlands for waterfowl habitat on wildlife management areas under Minnesota Statutes, section 86A.05, subdivision 8.

**Chapter 281 SF 2973**

(HF 3200)

**DNR Omnibus Policy Bill**

## **Article 2, Sections 9 – 59**

### **Game and Fish Policy Amendments**

#### **Fiscal/Licensing**

##### **Section 9**

Expands the types of private donations that could be accepted for the critical habitat matching account to include personal property of any kind.

##### **Section 17**

Clarifies the existing practice of depositing receipts from wildlife and aquatic management areas acquired by purchase or gift into the game and fish fund (e.g. receipts from natural resource sales, easements, leases, and licenses on wildlife and aquatic management areas).

##### **Section 18**

Repeals language allowing game and fish license dollars to be used for the cost of keeping prisoners who violated game and fish laws (addresses a federal aid audit issue).

**Section 19**

Clarifies dedication of certain deer license revenue into various dedicated accounts.

Provides that "an additional fifty cents" will be placed in the emergency feeding and cervid health account instead of taking it from the dollar currently dedicated for deer management and computerized licensing (effective July, 2007).

**Section 28**

Replacement deer license technical change.

**Fisheries****Section 42**

Clarifies that posting of spawning areas is not subject to rulemaking.

**Section 43**

Expands purposes for developing fishing contest rules to include restricting activities during high use periods, restricting activities that affect research or management and restricting the number of boats.

**Section 44**

Changes fishing contest application deadlines (moves up by a month).

**Section 44**

Defines "established or traditional contests."

**Section 45**

Establishes criteria for contests on rivers.

**Section 46**

Clarifies DNR authority to restrict release of fish taken in contests to reduce mortality of released fish.

**Section 47**

DNR may allow transport of dressed special fish management species, by rule.

**Section 47**

Prohibits transportation of live fish in water sufficient to keep the fish alive, except on the water body where taken or where allowed by license, permit, statutory exception, or rule.

**Section 48**

Gives DNR authority to regulate the number of hooks on a line.

**Section 50**

Allows fishing in a dark house if the fish is immediately released or placed on the ice.

**Section 51**

Changes the close of the spearing season from the third Sunday to the last Sunday in February.

**Section 56**

Requires repeal of the spearing ban on French Lake in Rice County (effective July 1, 2007).

**Section 58**

Allows nonresidents to leave fish shelters unattended.

**Wildlife****Sections 10 - 16**

Defines terms used for deer hunting.

**Section 20**

Provides a formal legal process for landowners to petition out of a game refuge proposed to be established through a petition of county residents.

**Section 21**

Provides authority for the commissioner to selectively restrict motorized uses on designated wildlife lakes to minimize wildlife disturbance or protect wildlife habitat.

**Section 29**

Provides special hunt authority for military personnel.

**Section 30**

Makes a youth firearms deer license for the firearms season valid for all of the regular firearms zone/season options.

**Section 32**

Provides a reduced fee-trapping license for residents age 65 or over.

**Section 36**

Allows use of lights for coyote and fox hunting under certain conditions.

**Section 38**

Changes the all-season buck tag to an either-sex tag in managed and intensive deer permit areas and adds a third tag to this license.

**Section 39**

Prohibits use of smokeless powder during the muzzleloader season.

**Section 40**

Expands the deer season rifle zone to include the Red River valley area of northwestern Minnesota.

**Section 41**

Requires reporting of killing deer other than white-tailed or mule deer.

**Section 52**

Allows use of ATVs and snowmobiles on private lands during closed hours of the deer season.

**Section 53**

Extends spring wild turkey shooting hours to sunset.

**Section 54**

Requires a report on the impact of allowing a limit of three pheasants after the first 16 days of the season.

**Article 5, Section 1**

Requires DNR to impose restrictions on deer feeding within 15 miles of bovine TB positive farms.

**Enforcement**

**Sections 22 and 23**

Establishes procedures for confiscated property seized.

**Section 26**

Expands authorities for conservation officer field inspection of equipment used to take wild animals.

**Section 27**

Changes civil penalties for dogs pursuing or killing big game.

**Section 33**

Requires validating the big game tag and license at the site of kill, but allows someone with the validated tag on their person to drag, carry or cart a big game animal from a legal kill site before putting the tag on the animal.

**Section 35**

Creates a violation for a parent or guardian knowingly allowing a person under age 16 to illegally possess firearm.

**Section 37**

Clarifies provisions on collection of shed antlers.

**Section 49**

Clarifies restrictions on placing and leaving shelters on ice.

**Chapter. 282 HF 4162**

**State Government Supplemental Appropriations Bill**

**Article 9, Section 4**

**Bovine Tuberculosis**

Provides \$220,000 for Bovine Tuberculosis surveillance and diagnosis to diminish the risk of disease transmission in domestic livestock.

**Minnesota Sports Shooting Center**

Provides \$100,000 in General funds for the Minnesota Shooting Sports Education Center. The provisions states that the commissioner may make direct expenditures for the operation of the center or contract with another entity to operate the center. This appropriation is available only to the extent it is matched by at least \$1 of nonstate money from gifts or grants for each \$2 of state money. This appropriation is added to the agency base of the Department of Natural Resources.

### **Emergency deterrent materials assistance**

Provides 54,000 For the emergency deterrent materials assistance program under Minnesota 56.26 Statutes, section 97A.028, subdivision.

**Section 9.** Minnesota Statutes 2004, section 97A.028, subdivision 3, is amended to read:

#### **Subd. 3. Emergency deterrent materials assistance.**

a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials when the commissioner determines that:

(1) immediate action is necessary to prevent significant damage from continuing or to prevent the spread of bovine tuberculosis; and

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops, \$5,000 for measures to prevent the spread of bovine tuberculosis within a five-mile radius of a cattle herd that is infected with bovine tuberculosis as determined by the Board of Animal Health, or \$750 for protecting stored forage crops, or \$500 for agricultural crops damaged by flightless Canada geese. If a person is a co-owner or cotenant with respect to the specialty crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.



**Article 1**

**Section 19**

Clarifies MN Stat. 89.01, sub. 1 by removing the words “and Prairie” from the definition of best methods as they relate to reforestation cutover and denuded lands.

**Article 2, Sections 8 – 15 & 20**

**Section 8**

Amends language in Minn. Stat. Chapter 88.79, subdivision 1 to include written stewardship/forest management plans and providing tree-planting equipment as services to private owners.

**Section 9**

Establishes statutory authority for the commissioner of natural resources to charge fees for the use of state forestlands. These fees are credited to a forest land-use account in the natural resources fund. They can be used to pay for the costs of developing, operating, and maintaining facilities necessary for special events and to prevent or mitigate resource impacts of those events, especially to forest roads.

**Sections 10-13**

**Amends Timber Sales Statutes (Minn. Stat. Chapter 90)**

To increase the down payment on a timber sale from 15 percent of the appraised value to 15 percent of the bid value.

Imposes logger qualifications and a registration system for bidders to comply with certification requirements.

Require Minnesota Forest Resources Council presale conference on state-administered timber sales.

**Section 14**

Establishes a schedule of liquidated damages as an intermediate step between warning tickets and full trespass.

**Section 20**

Repeals subdivisions 1, 2, 3, and 6 in Minn. Stat. Chapter 89.011 as the planning requirements they outline have been outdated since the mid-1990s, replaced by such activities as regional forest resource assessments and plans, third-party forest certification efforts, and the Generic Environmental Impact Statement on Timber Harvesting and Forest Management and efforts to update or supplement it.

# TRAILS AND WATERWAYS

**Chapter 236**

**SF 2851**

(HF 3397)

**Omnibus Lands Bill**

Deletes parcels from the Iron Range Off-Highway Vehicle Recreation Area and the Minnesota Valley State Recreation Area.

**Chapter 258**

**HF 2959**

(SF 3200)

**Omnibus Bonding Bill**

## **Section 7**

**Subd. 6. Water access acquisition, betterment, and fishing piers** 3,000,000

For public water access acquisition, construction, and renovation projects of a capital nature on lakes and rivers, including water access through the provision of fishing piers and shoreline access under Minnesota 21.10 Statutes, section 86A.05, subdivision 9.

**Subd. 7. Lake Superior safe harbors** 3,000,000

To design and construct capital improvements to public accesses and small craft harbors on Lake Superior in accordance with Minnesota Statutes, sections 86A.20 to 86A.24, and in cooperation with the United States Army Corps of Engineers. This appropriation may be used to develop the harbor of refuge and marina at Two Harbors and is added to the appropriations in Laws 1998, chapter 404, section 7, subdivision 24; and Laws 2000, chapter 492, article 1, section 7, subdivision 21, as amended by Laws 2005, chapter 20, article 1, section 42. Notwithstanding those laws, the commissioner may proceed with the Two Harbors project upon securing an agreement with the U.S. Army Corps of Engineers that commits federal expenditures of at least \$4,000,000 to the project.

**Subd. 21. State trail acquisition and development** 10,811,000

To acquire land for and to construct and renovate state trails under Minnesota Statutes, section 85.015.

\$750,000 is for the Blufflands Trail:

\$350,000 is for the Chester Woods segment;

\$300,000 is for the segment from Preston to Forestville; and \$100,000 is for the Root River segment.

\$500,000 is for the Casey Jones Trail.

\$400,000 is for the Cuyuna Lakes Trail.

\$750,000 is for the Gateway Trail.

\$1,185,000 is for the Gitchi-Gami Trail.

\$1,000,000 is for the Glacial Lakes Trail from New London to Paynesville. Money not needed for that segment may be used for the segment from Paynesville to Richmond.

\$500,000 is for the Goodhue Pioneer Trail.

\$250,000 is for the Heartland Trail from Park Rapids to Detroit Lakes.

\$1,000,000 is for the Mill Towns Trail.

\$226,000 is for the Minnesota River Trail from Big Stone National Wildlife Refuge to the city of Ortonville.

\$1,500,000 is for the Paul Bunyan Trail.

\$750,000 is for the Shooting Star Trail.

\$2,000,000 is for the rehabilitation of state trails.

For any project listed in this subdivision that the commissioner determines is not ready to proceed, the commissioner may allocate that project's money to another state trail project identified in this

subdivision. The chairs of the house and senate committees with jurisdiction over environment and natural resources and legislators from the affected legislative districts must be notified of any changes.

**Subd. 22. Regional trails** 1,133,000

For matching grants under Minnesota Statutes, section 85.019, subdivision 4b.

\$648,000 is for the Agassiz Recreational ATV Trail.

\$485,000 is for a grant to the Central Minnesota Regional Parks and Trails Coordination Board to design, engineer, and construct 6.3 miles of trail and two parking areas along the Mississippi River in Sherburne County, to be known as Xcel Energy Great River Woodland Trail.

**Subd. 23. Trail connections** 2,010,000

For matching grants under Minnesota Statutes, section 85.019, subdivision 4

\$500,000 is for a grant to Carlton County to predesign, design, and construct a nonmotorized pedestrian trail connection the Willard Munger State Trail from the city of Carlton through the city of Scanlon continuing to the city of Cloquet, along the St. Louis River in Carlton County.

\$260,000 is to provide the state match for the cost of the Soo Line Multiuse Recreational Bridge project over marked Trunk Highway 169 in Mille Lacs County.

\$175,000 is for a grant to the city of Bowlus in Morrison County to design, construct, furnish, and equip a trailhead center at the head of the Soo Line Recreational Trail.

\$125,000 is for a grant to Morrison County to predesign, design, construct, furnish, and equip a park-and-ride lot and restroom building adjacent to the Soo Line Recreational Trail at U.S. Highway 10.

\$950,000 is for a grant to the St. Louis and Lake Counties Regional Railroad Authority for land acquisition, engineering, construction, furnishing, and equipping of a 19-mile "Boundary Waters Connection" of the Mesabi Trail from Bearhead State Park to the International Wolf Center in Ely. This appropriation is contingent upon a matching contribution of \$950,000 from other sources, public or private.

**Sec. 31. Minnesota Statutes 2004, section 85.015, is amended by adding a subdivision to read:  
Subd. 25. Great River Ridge Trail, Wabasha and Olmsted Counties.**

(a) The trail shall originate in the city of Plainview in Wabasha County and extend southwesterly through the city of Elgin in Wabasha County and the town of Viola in Olmsted County to the Chester Woods Trail in Olmsted County.

(b) The commissioner of natural resources shall enter an agreement with the Wabasha County Regional Rail Authority to maintain and develop the Great River Ridge Trail as a state trail.

**EFFECTIVE DATE.** This section is effective the day after the governing body of the Wabasha County Regional Rail Authority and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions.

**Sec. 40. Laws 2000, chapter 492, article 1, section 7, subdivision 21, as amended by Laws 2005, chapter 20, article 1, section 42, is amended to read:**

**Subd. 21. Harbor of Refuge at Two Harbors** 1,000,000

To develop the harbor of refuge and marina 72.8 at Two Harbors, including public access improvements, marina slips, parking facilities, utilities, a fuel dock, and an administration building. This appropriation is not available until the commissioner has determined that at least \$500,000 has been committed from federal sources. Notwithstanding Minnesota Statutes, section 16A.642, this appropriation and its corresponding bond authorization do not cancel until ~~June 30, 2006~~ December 31, 2009.

Sec. 43. **Laws 2005, chapter 20, article 1, section 7, subdivision 14, is amended to read:**

Subd. 14. **State Trail Development** 7,910,000

To acquire land for and to develop and rehabilitate state trails as specified in Minnesota Statutes, section 85.015.

\$1,500,000 is for the Blazing Star Trail.

\$435,000 is for a segment of the Blufflands Trail, from Preston to Forestville.

\$200,000 is for a segment of the Blufflands Trail, from Chester Woods County Park to the city limits of Rochester in Olmsted County, primarily for nonmotorized riding and hiking.

\$400,000 is for the Douglas Trail.

\$400,000 is for the Gateway Trail.

\$725,000 is for the Gitchi Gami Trail.

\$500,000 is for the Glacial Lakes Trail.

\$200,000 is for the Goodhue Pioneer Trail.

\$300,000 is for the Heartland Trail.

\$300,000 is for the Mill Towns Trail.

\$100,000 is for the Minnesota River Trail.

\$2,400,000 is for the Paul Bunyan Trail:

~~\$1,500,000~~ \$320,000 is for an extension across Excelsior Road in the city of Baxter to connect with the Oberstar Tunnel and may 74.20 be used to match federal money for the trail;

\$900,000 is to acquire right-of-way in the city of Bemidji and to rehabilitate the trail.

\$450,000 is for the Shooting Star Trail.

**Chapter 281 SF 2973 (HF 3200) DNR Omnibus Policy Bill**

**Article 1**

**Section 4**

Provides exemptions to snowmobile sticker requirements and modifies existing sticker placement.

**Sections 10 - 16**

**Trails corrections**

These changes are technical in nature and will help clarify the authorization for existing state trails.

Glacial Lakes State Trail – adds the existing rail segment from Willmar to Cold Spring, which was acquired under 84.029.

Blufflands Trail System – Clarifies the connection of Rochester to Chester Woods and the Blufflands system.

Sakatah Singing Hills Trail – reflects the extensions into Mankato and Faribault acquired under 84.029 and provides for minor reroutes to address development issues.

Willard Munger Trail – 1.) The addition of the rail segments from Hinckley into Duluth and from Carlton to Wrenshall to the Minnesota-Wisconsin boundary. Both segments were acquired under 84.029. 2.) Clarifies the connection of the North Shore State Trail and the Willard Munger State Trail, and 3.) Deletes authority for the segment from Arden Hills to Pine County.

Arrowhead Region Trails – Names trail segments consistent with historic use of trail names.

Gateway Trail- Names the unnamed trail consistent with the historic use of the trail name.

**Section 16**

Establishes the Great River Ridge Trail as a State Trail in Wabasha and Olmsted Counties.

## **Section 17**

Adds the Sauk River to list of canoe and boating routes in MN Stat 85.32 subdivision 1.

## **Article 2, Sections 1- 8**

### **Class 2 ATV Classification**

Creates a new class 2 all-terrain vehicle classification / registration, defines passenger allowances for class 1 & class 2 ATV's, – defines class 2 ATV use on forest trails that are not designated, defines operation of class 1 & 2 ATV on roads and right-of ways, defines operation of class 2 ATV's on public lands. This was an industry initiative to classify Rangers and other similar machines as ATV's.

These sections also clarifies youthful operation & authorizes a person 11 years of age to take ATV safety training with the certificate becoming valid at age 12.

## **Article 3**

### **Section 3**

In order to operate the Iron Range Off-Highway Vehicle Recreation Area certain stockpiles of mine wastes had to be purchased. Some of this material may be sold in future. The amendment requires that receipts from the sale of any material be returned to the dedicated accounts from which the original purchases were derived.

## **Chapter. 282 HF 4162**

## **State Government Supplemental Appropriations Bill**

### **Article 9, section 4**

#### **Horse Trail Pass**

Establishes a horse trail pass for individuals riding on state trails, state forests, state parks, and state recreation areas. A \$4 daily and a \$20 annual pass fee would be charged, with trail use free to users under the age of 16. Receipts will be deposited in a horse trail account in the natural resources fund and would be dedicated for horse trail and trail facility development, maintenance and enforcement in state trails, forests, parks and recreation areas.

#### **Canoe routes**

Appropriates 130,000 from the water recreation account in the natural resources fund to the commissioner of natural resources to cooperate with local units of government in marking routes and designating river accesses and campsites under Minnesota Statutes, section 85.32. This is a onetime appropriation and is available until spent.

# PARKS AND RECREATION

**Chapter 236**

**SF 2851**

(HF 3397)

**Omnibus Lands Bill**

Add parcels to Crow Wing State Park, Frontenac State Park, Grand Portage State Park, Mille Lacs Kathio State Park, Split Rock Creek State Park and William O'Brien State Park.

Deletes parcels from Banning State Park, Schoolcraft State Park and William O'Brien State Park.

**Chapter 258**

**HF 2959**

(SF 3200)

**Omnibus Bonding Bill**

## **Section 7**

### **Subd. 18.State park infrastructure rehabilitation and natural resource restoration**

3,000,000

For infrastructure rehabilitation and natural resource restoration projects within state parks established under Minnesota Statutes, section 85.012, and state recreation areas established under Minnesota Statutes, section 85.013.

\$25,000 is for electrical hookups at Monson Lake State Park.

### **Subd. 19.State park building construction and rehabilitation**

3,000,000

To construct and to renovate buildings in state parks and state recreation areas in accordance with a master plan required under Minnesota Statutes, section 86A.09.

\$1,500,000 is to construct a visitor center at Grand Portage State Park. The unexpended balance from the appropriation in Laws 2005, chapter 20, article 1, section 7, subdivision 22, to predesign and design the center may be added to this appropriation.

### **Subd. 20.State park camper cabins**

2,000,000

To construct camper cabins and upgrade infrastructure for the cabins in state parks under Minnesota Statutes, section 85.012, state recreation areas under Minnesota Statutes, section 85.013.

\$150,000 is for camper cabins at Glacial Lakes State Park and \$150,000 is for camper cabins at Sibley State Park.

**Military and veterans provisions modified**

Sec. 2. Minnesota Statutes 2004, section 85.053, is amended by adding a subdivision to read:  
Subd. 8. Military personnel on leave; exemption. (a) The provisions of this section requiring a state park permit and regulating its display do not apply to a motor vehicle being used by a person who is serving in active military service in any branch or unit of the United States armed forces and who is stationed outside Minnesota, during the period of active service and for 90 days immediately thereafter, if the person notifies the park attendant on duty or other designee of the commissioner of the person's military status at the time of usage. It is sufficient notice for the eligible person to temporarily affix to the inside of the windshield of the vehicle in a visible manner the person's current military orders to carry in the person's possession current military identification attesting to the person's active or recent military status.

(b) For purposes of this section, "active service" has the meaning given under section 190.05, subdivision 5c, when performed outside Minnesota.

EFFECTIVE DATE. This section is effective the day following final enactment.

**Chapter 281 SF 2973**

(HF 3200)

**DNR Omnibus Policy Bill**

**Article 3, Sections 5 -8**

Amends State Park permit fees established in MN Stat 85.055 subdivision 1 as follows (effective Jan. 1, 2007):

A state park permit valid for one day is \$5.

A daily vehicle state park permit for groups is \$3.

Establishes an annual permit for motorcycles is \$20.

A state park permit for disabled persons under 85.053 is \$12.

Provides for temporary state park permits for towed vehicles. (MN Stat 85.053).

Modifies state park permit requirements at Soudan Underground Mine. (MN Stat. 85.054).

**Chapter. 282 HF 4162**

**State Government Supplemental Appropriations Bill**

**Article 9, section 4**

Provides \$400,000 from the State Parks account in the Natural Resources fund to the Commissioner for the for state park and recreation area operations and for the operation and maintenance of the U.S. Army Corps of Engineers recreation sites on Cross Lake, Gull Lake, Sandy Lake, Leech Lake, Lake Pokegama, and Lake Winnibigoshish. The expenditure of money on the U.S.

Army Corps of Engineers recreation sites is contingent upon acceptance of a long-term agreement with the U.S. Army Corps of Engineers.

# ECOLOGICAL SERVICES

**Chapter 258**

**HF 2959**

(SF 3200)

**Omnibus Bonding Bill**

## **Section 7**

Subd. 12. **Native prairie bank easements and development** 1,000,000

To acquire native prairie bank easements under Minnesota Statutes, section 84.96, and to develop and restore certain tracts of prairie bank lands for which the easement is permanent.

Subd. 13. **Scientific and natural area acquisition and development** 2,000,000

To acquire land for scientific and natural areas and for protection and improvements of a capital nature to scientific and natural areas under Minnesota Statutes, sections 84.033 and 86A.05, subdivision 5.

**Chapter 281 SF 2973**

(HF 3200)

**DNR Omnibus Policy Bill**

## **Article 1**

### **Sections 5 – 9**

Provides technical corrections to MN Stat. 85D.01 Invasive Species Statutes and adds Curly Leaf Pondweed to the list of species included in the Invasive Species Program.

### **Section 22**

#### **Lake Aeration Permits**

Section 103G.611 was amended to provide the DNR the ability to approve or deny aeration permit requests on waters where one person has exclusive control and to subject such permits to applicable fees and rule provisions.

**Chapter. 282 HF 4162**

**State Government Supplemental Appropriations Bill**

## **Article 9, section 4**

### **Invasive Species**

Provides \$550,000 in FY07 for prevention and control of invasive species.

The appropriation language included an unspecified amount of money for control of curly leaf pondweed in Lake Osakis. DNR priorities will be to expand educational and enforcement efforts to prevent new introductions of invasive species; expand control of terrestrial invasive species on DNR lands; and develop best management practices to prevent spread of invasive species during DNR field operations.

# LANDS AND MINERALS

## **Chapter 236 SF 2851 (HF 3397) DNR Omnibus Lands Bill**

Amends language providing for easements for cartways.

Adds parcels to Crow Wing State Park, Frontenac State Park, Grand Portage State Park, Mille Lacs Kathio State Park, Split Rock Creek State Park and William O'Brien State Park.

Deletes parcels from Banning State Park, Schoolcraft State Park and William O'Brien State Park.

Deletes parcels from the Iron Range Off-Highway Vehicle Recreation Area and the Minnesota Valley State Recreation Area.

Adds parcels to the Rum River State Forest.

Allows for the sale or conveyance of surplus state land bordering public water in Anoka, Goodhue, Hennepin, Lake of the Woods, Mille Lacs, Morrison, Otter Tail, St. Louis, Washington and Wright counties, including the Brainerd Regional Treatment Center.

Tax-forfeited land bordering public water is authorized to be sold or conveyed in Chisago, Clearwater, Hennepin, Itasca, Marshall, Pine, St. Louis and Stevens counties.

The law also requires that the Minnesota Historical Society, in consultation with Koochiching County, the Minnesota Indian Affairs Council and other interested groups, study the future of the Grand Mound State Historic Site and report its findings and recommendations to the Legislature by Jan. 30, 2007. (Art. 1, Sec. 45)

Article 2 of the law makes changes to the Sustainable Forest Resource Incentive Program regarding claims to payments when enrolled land is sold or transferred, as well as to forest management planning, timber harvesting and applying for enrollment in the program.

## **Chapter 281 SF 2973 (HF 3200) DNR Omnibus Policy Bill**

### **Article 3**

#### **Section 1**

States that the commissioner may offer the donor a reasonable sum (up to specified limits) for the donor to hire a licensed appraiser, familiar with IRS reporting requirements, to document the value of the donation and represent the donor should the donor be audited.

#### **Section 2**

Will allow purchases of land used for state park outside the boundary if such land is needed for park management (such as easements for utility lines that service the park).

**Section 3**

In order to operate the Iron Range Off-Highway Vehicle Recreation Area certain stockpiles of mine wastes had to be purchased. Some of this material may be sold in future. The amendment requires that receipts from the sale of any material be returned to the dedicated accounts from which the original purchases were derived.

**Section 16**

Amends the list of minerals that requires drill hole abandonment. This section adds apatite, diamonds, graphite and gemstones.

# ENFORCEMENT

## **Chapter 181 HF 3310** (SF 2969)

Amends MN Stat. 16A.065 to allow the DNR to make advance deposits and payments for boat slip rentals.

## **Chapter 281 SF 2973** (HF 3200) **DNR Omnibus Policy Bill**

### **Article 2**

#### **Sections 22 and 23**

Establishes procedures for confiscated property seized.

#### **Section 26**

Expands authorities for conservation officer field inspection of equipment used to take wild animals.

#### **Section 27**

Changes civil penalties for dogs pursuing or killing big game.

#### **Section 33**

Requires validating the big game tag and license at the site of kill, but allows someone with the validated tag on their person to drag, carry or cart a big game animal from a legal kill site before putting the tag on the animal.

#### **Section 35**

Creates a violation for a parent or guardian knowingly allowing a person under age 16 to illegally possess firearm.

#### **Section 37**

Clarifies provisions on collection of shed antlers.

#### **Section 49**

Clarifies restrictions on placing and leaving shelters on ice.

# OPERATIONS SUPPORT

Chapter 258

HF 2959

(SF 3200)

Omnibus Bonding Bill

## Section 7

### Subd. 2. **Statewide Asset Preservation**

2,000,000

For the renovation of state-owned facilities operated by the commissioner of natural resources, to be spent in accordance with Minnesota Statutes, section 16B.307. The commissioner may use this appropriation to replace buildings if that is the most cost-effective method of renovation. The unspent portion of an appropriation, but not to exceed ten percent of the appropriation, for a project in this section that is complete, other than an appropriation for flood hazard mitigation, is available for asset preservation. Minnesota Statutes, section 16A.642, applies from the date of the original appropriation to the unspent amount transferred.

### Subd. 24. **Metro greenways and natural areas**

500,000

To provide grants to local units of government for acquisition or betterment of greenways and natural areas in the metro region and portions of the surrounding counties and to acquire greenways and natural areas in the metro region and portions of the surrounding counties through the purchase of conservation easements or fee titles. The commissioner shall determine the project priorities and shall consult with representatives of local units of government, nonprofit organizations, and other interested parties.

### Subd. 25. **Local initiative grants**

2,000,000

- (1) For grants to units of government to acquire and better parks and outdoor recreation areas under Minnesota Statutes, section 85.019, subdivision 2; and
- (2) for grants to units of government to acquire and better natural and scenic areas under Minnesota Statutes, section 85.019, subdivision 4a.

### Subd. 27. **Prairie Wetlands ELC**

2,000,000

For a grant under Minnesota Statutes, section 84.0875, to the city of Fergus Falls to predesign, design, construct, furnish, and equip the expansion of the Prairie Wetlands Environmental Learning Center.

Sec. 32. Minnesota Statutes 2005 Supplement, section 85.019, subdivision 2, is amended to read:

#### Subd. 2. **Parks and outdoor recreation areas.**

- (a) The commissioner shall administer a program to provide grants to units of government for up to 50 percent of the of acquisition and betterment of public land and improvements needed for parks and other outdoor recreation areas and facilities, including costs to create veterans memorial gardens and parks.
- (b) For units of government outside the metropolitan area as defined in section 473.121, subdivision 2, the local match required for a grant to acquire or better a regional park or regional outdoor recreation area is \$2 of nonstate money for each \$3 of state money.

**Sec. 33. [86A.12] NATURAL RESOURCES CAPITAL IMPROVEMENT PROGRAM.**

**Subdivision 1. Establishment.** A natural resources capital improvement program is established to prioritize among eligible public projects to be funded from state bond proceeds appropriated to the commissioner and distinctly specified for the purposes of the program established in this section and in accordance with the standards and criteria set forth in this section.

**Subd. 2. Purposes.** The purpose of the natural resources capital improvement program is to improve the management and conservation of the natural resources of the state, including recreational, scientific and natural areas, and wild game and fish, through the acquisition and betterment of public lands, buildings, and improvements of a capital nature.

**Subd. 3. Program standards.** Article XI, section 5, clause (a), of the Constitution provides that state general obligation bonds may be issued to finance the acquisition or betterment, including preservation, of public land, buildings, and improvements of a capital nature and to provide money to be appropriated or loaned to any agency or political subdivision of the state for those purposes. Article XI, section 5, clause (f), of the Constitution further provides that state general obligation bonds may be issued to finance the promotion of forestation and prevention and abatement of forest fires, including the compulsory clearing and improving of public and private wild lands. In interpreting these provisions and applying them to the purpose of the program established in this section, the following standards are adopted for determining the priority among eligible natural resources projects to be funded under the program:

**(a) A project will be an expenditure eligible under this program only when it is a capital expenditure on a capital asset owned or to be owned by the state or a political subdivision of the state within the meaning of accepted accounting principles as applied to public expenditures. The legislature assumes that some provisions for the management and conservation of the natural resources of the state constituting acquisition or betterment of land, buildings, or capital improvements within the meaning of the Constitution will be sensitive to timing and circumstances and require discretion of the commissioner based on currently available facts and circumstances, particularly projects related to the mitigation of natural disasters and the acquisition of lands as they become available, and so these projects will be financed more efficiently and economically under the program than by separate appropriations for each project.**

**(b) The commissioner will review potential eligible projects, will make initial allocations among types of eligible projects within each category enumerated in the act making an appropriation for the program, will determine priorities within each category, and will allocate money as specified in the appropriation act and in priority order within each category until the available appropriation for the category has been committed.**

**Subd. 4. Criteria for priorities.**

**(a) The following criteria must be considered:**

**(1) expansion of the natural resources of the state for the enjoyment and use of the public;**

**(2) urgency in providing for the conservation of the natural resources of the state, including protection of threatened and endangered species and waters;**

**(3) necessity in ensuring the safety of the public; and 67.6**

**(4) additional criteria for priorities otherwise specified in state law, statute, rule, or regulation applicable to a category listed in the act making an appropriation for the program.**

**(b) Criteria can be stated only in general terms, since it is a purpose of the program to improve the allocation of limited amounts of available funds by enlisting the knowledge and experience of the Department of Natural Resources in determining relative needs as they develop.**

**(c) The criteria in paragraph (a) are not listed in a rank order of priority.**

**(d) Economy is also to be determined and may even reinforce a decision based on other criteria, if the project would forestall a larger future capital expenditure or would reduce operating expense.**

(e) Absolute cost must also be considered. It may be too high to warrant funding except by an additional appropriation, or so high as to warrant a recommendation to abandon the project. It may be so low as to permit payment out of the department's operating budget.

Subd. 5. **Report.** By January 15 of each year, the commissioner of natural resources shall submit to the commissioner of finance, the chairs of the legislative committees or divisions that currently oversee the appropriations to the Department of Natural Resources, and to the chairs of the senate and the house of representatives Capital Investment Committees, a list of the projects that have been funded with money under this program during the preceding calendar year, as well as a list of those priority projects for which state bond proceeds fund appropriations will be sought under this program during that year's legislative session.

**Chapter 281 SF 2973**

(HF 3200)

**DNR Omnibus Policy Bill**

**Article 1**

Section 1. Minnesota Statutes 2004, section 84.026, is amended to read:

**84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.**

Subdivision 1. **Contracts.** The commissioner of natural resources is authorized to enter into contractual ~~or grant~~ agreements with any public or private entity for the provision of statutorily prescribed natural resources services by ~~or for~~ the department. The contracts ~~or grants~~ shall specify the services to be provided ~~and, where services are being provided for the department, the amount and method of payment after services are rendered.~~ Funds generated in a contractual agreement made pursuant to this section shall be deposited in the special revenue fund and are appropriated to the department for purposes of providing the services specified in the contracts. ~~All contractual and grant agreements shall be processed in accordance with the provisions of section 16C.05.~~ The commissioner shall report revenues collected and expenditures made under this ~~section~~ subdivision to the chairs of the Committees on Ways and Means in the house and Finance in the senate by January 1 of each odd-numbered year.

Subd. 2. **Grants.** The commissioner is authorized to enter into grant agreements for the provision of statutorily prescribed natural resources services with any public or private entity. The grant agreements shall specify the services to be provided to the department and the amount and method of payment after services are rendered.

Subd. 3. **Procurement law.** All contractual and grant agreements under this section shall be processed according to section 16C.05.

**Sections 2, 3 & 18**

Clarifies where the Electronic Licensing System commissions for Wild Rice Licenses, State Snowmobile Trail Sticker and Burning permits are deposited.

# LCCMR ESTABLISHMENT

**Chapter 243**

**SF 2814**

(SF 2972)

This bill changes the name of the Legislative Commission on Minnesota Resources to the Legislative – Citizen Commission on Minnesota Resources. It also changes the structure to include 7 citizen members on the new Commission. The bill also appropriates money to projects. See sections 19 and 20 for a complete detail of the appropriations.

**Section 1:** Adds citizen members of the Legislative-Citizen Commission on Minnesota Resource to the definition of public official.

**Section 2:** Amends M.S. 116P.02 to revise the name of the LCMR to Legislative-Citizen Commission on Minnesota Resources.

**Section 3:** Amends M.S. 116P.03 to define the permissible uses of the trust fund as described in the constitution.

**Section 4:** Amends M.S. 116P.04 to clarify that the audits of trust fund expenditures are against the appropriation language rather than the commission's budget plan.

**Section 5:** Amends M.S. 116P.05, reducing commission membership to 17, establishes the commission in the legislative branch and defines membership as follows:

10 legislators outlined below:

Four senators appointed by Rules and Administration.

Four representatives appointed by the Speaker of the House.

The chair of Senate Environment and Natural Resources Finance.

The chair of House Environment and Natural Resources Finance.

7 citizens outlined below;

5 appointed by the Governor.

1 appointed by Senate Rules and Administration.

1 appointed by the Speaker of the House.

Citizen members must have experience in the science, policy or protection, conservation, preservation and enhancement of the state's air, water, land, fish, wildlife and other natural resources; must have a strong knowledge of Minnesota's environment and natural resource issues and have demonstrated the ability to work in a collaborative environment.

The chair rotates between legislative and citizen members.

Citizens are selected and recommended from a pool of candidates developed by a Citizen Selection Committee, consisting of five citizens with knowledge and experience in environment and natural resource issues, from different regions of the state appointed by the Governor.

The Citizen Selection Committee shall:

Under section 15.0597, identify candidates to be citizen members of the commission as part of the open appointments process;

Request and review citizen candidate applications to be citizen members; and

Interview and recommend an adequate pool of candidates from which the Governor, Senate and House will select.

Additionally section 5 defines the duties of the commission to include annual appropriation recommendations in bill form agreed to by 12 members of the commission.

The commission sunsets June 30, 2016.

**Section 6:** Allows the commission to use other methods than public forums to gather information.

**Section 7:** requires a strategic plan that is reviewed every two years, with short and long term goals and strategies for trust fund expenditures and with measurable outcomes for expenditures. It must determine areas of funding emphasis. It shall consider long term plans of agencies with environment and natural resource programs and related non-governmental organizations.

**Section 8:** Clarifies the commission’s duty to recommend to the legislature and permissibly affirms that the commission may:

- Recommend regional block grants to existing regional organizations, and
- Establish an annual emerging issues account for expenditures approved by the governor after initiation and recommendation by the commission.

**Section 9:** Ensures commission technical advisory meetings are open meetings and requires the commission to attempt to meet throughout the state.

**Section 10:** Requires research proposals to demonstrate how the purpose of research directly connects to the constitutional mandate of the trust and the strategic plan. This is a subject for peer review.

**Section 11:** Deletes the old citizen advisory committee from the administrative authority of the commission.

**Section 12:** Brings the new commission and the technical advisory committees under Conflict of Interest requirements of M.S. 116P.09.

**Section 13:** Adds a subdivision to M.S. 116P.09 creating technical advisory committees, defining same and specifying compensation.

**Section 14:** Defines annual disbursements amounts.

**Section 15:** Expands a Laws of 2005 project, “Clean Energy Resource Teams...” to include financial assistance.

**Section 16:** Extends certain appropriations in Laws of 2003.

**Section 17:** Provides for continuity of governance in the transition from the old LCMR to the new LCCMR. The old LCMR expires on August 15, 2006.

**Section 18:** Specifies terms of legislative members initially appointed to LCCMR.

**Section 19:** Appropriates \$550,000 for LCCMR administration.

**Section 20:** Appropriates trust fund proceeds vetoed in 2005.

Enhancing Civic Understanding of Groundwater	\$150,000
Phillips Biomass Community Energy System	\$500,000
Laurentian Energy Authority Biomass Project	\$400,000
Land Cover Mapping for Natural Resource Protection	\$250,000
Lake Superior Research	\$267,000
Impacts on Minnesota’s Aquatic Resources from Climate Change	\$250,000
Land Exchange Revolving Fund for Aitkin, Cass, and Crow Wing Counties	\$290,000
DNR Riparian Land Acquisition	\$640,000
Statewide Conservation and Preservation Plan	\$300,000
DNR Forest Legacy	\$500,000