

2008 Natural Resources Legislation

A Summary of the Actions of the 2008 Regular Session Eighty-Fifth Minnesota Legislature

Minnesota Department of Natural Resources
July 2008

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**Department of Natural Resources Legislative Summary
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2008 CAPITAL BUDGET

Chapter 179

HF 380

SF 3295

Omnibus Capital Investment Bill

The omnibus bonding bill authorizes spending to acquire and better public lands and buildings, issuing bonds, and appropriating money.

Sec. 7, Subd. 1. Total Appropriation. \$104,805,000

To the commissioner of natural resources for the purposes specified in this Section. The appropriations in this section are subject to the requirements of the natural resources capital improvement program under Minnesota Statutes, sec. 86A.12, unless this section or the statutes referred to in this section provide more specific standards, criteria, or priorities for projects than Minnesota Statutes, sec. 86A.12. To the extent possible, prairie restorations funded in whole or in part with this appropriation must be made using best management practices for native prairie species of a local ecotype as defined in Minnesota Statutes, Sec. 84.02, Subd. 2.

Sec. 7, Subd. 2. Statewide Asset Preservation. \$1,000,000

For the renovation of state-owned facilities operated by the commissioner of natural resources, to be spent in accordance with Minnesota Statutes, Sec. 16B.307. The commissioner may use this appropriation to replace buildings if, considering the embedded energy in the building, that is the most energy-efficient and carbon-reducing method of renovation.

Sec. 7, Subd. 3. Flood Hazard Mitigation Grants. \$33,900,000

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

(a) Ada

(b) Agassiz Valley

(c) Area II of the Minnesota River Basin

(d) Austin

(e) Bois de Sioux Watershed District, North Ottawa project

(f) Breckenridge

(g) Brandt-Angus

(h) Browns Valley. \$3,900,000 is from the general fund for the Browns Valley project.

(i) Crookston

(j) Canisteo Mine. \$3,500,000 is for a grant to the Western Mesabi Mine Planning

Board to construct a conveyance system, and other betterments to accommodate water level and outflow control of the water level in the Canisteo mine pit in Itasca County. This appropriation does not require a local match. The commissioner of natural resources shall be responsible to maintain the betterments after completion of the project.

(k) Dawson

(l) Granite Falls

(m) Hay Creek-Norland

(n) Inver Grove Heights

(o) Malung

(p) Montevideo

(q) Moorhead

(r) Oakport Township

(s) Roseau. The Roseau project includes the state share of land acquisition, engineering and design, and bridge construction costs for the U.S. Army Corps of Engineers East Diversion Flood Control Project, which will protect the city of Roseau from recurring flooding.

(t) Southeast Minnesota

(u) Stillwater

(v) Sweded Grove Lake

(w) Wild Rice River Watershed District, Becker Dam project. 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, Browns Valley, Crookston, Dawson, Granite Falls, Montevideo, Oakport Township, or Roseau 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.

Sec. 7, Subd. 4. Red River Digital Elevation Model. \$600,000

This appropriation is from the general fund to develop and implement a high-resolution digital elevation model for the Red River basin.

Sec. 7, Subd. 5. Ground Water Monitoring and Observation Wells. \$500,000

To install new ground water level observation wells to monitor and assess ground water for water supply planning, including wells in the metropolitan and adjoining areas and several new monitoring wells in the south central regions of the state to monitor the Mt. Simon aquifer. This appropriation may also be used to seal existing obsolete monitoring wells that are no longer functional.

Sec. 7, Subd. 6. Dam Renovation and Removal. \$2,000,000

To renovate or remove publicly owned dams. The commissioner shall determine project priorities as appropriate under Minnesota Statutes, Sec. 103G.511 and 103G.515. This appropriation includes money for the following projects:

- (a) Clayton Lake, Pine County
- (b) Cross Lake, Pine County
- (c) Hartley, Saint Louis County
- (d) King's Mill, Rice County
- (e) Lake Bronson, Kittson County
- (f) Luverne, Rock County
- (g) Windom, Cottonwood County

Notwithstanding Minnesota Statutes, Sec. 16A.69, Subd. 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.

Sec. 7, Subd. 7. Water Control Structures. \$500,000

To rehabilitate or replace water control structures used to manage shallow lakes and wetlands for waterfowl habitat on wildlife management areas under Minnesota Statutes, Sec. 86A.05, Subd. 8, or for the purposes of public water reserves under Minnesota Statutes, Sec. 97A.101; or structures on other waters under Minnesota Statutes, Sec. 103G.505.

Sec. 7, Subd. 8. Mississippi River Aquatic Invasive Species Barrier. \$500,000

To predesign and design an adequate barrier in the Mississippi River to prevent aquatic invasive species from migrating up river. This money may be used by the commissioner to match available federal money and money from other states. The commissioner must inform and work with affected federal and state agencies and local communities along the Mississippi River before constructing the river barrier.

Sec. 7, Subd. 9. Stream Protection and Restoration. \$1,000,000

To design and construct stream protection and restoration projects that concentrate on downstream flooding protection. This appropriation may be used only for projects in flood areas on one or more of the following rivers: Rock River near Luverne, Snake River near Cross Lake, Lawndale Creek, and Des Moines River near Windom.

Sec. 7, Subd. 10. Shoreline and Critical Aquatic Habitat Acquisition.

\$1,000,000

To acquire land that is critical for fish and other aquatic life under Minnesota Statutes, Sec. 86A.05, and to make public improvements and betterments of a capital nature to aquatic management areas established under Minnesota Statutes, Sec. 86A.05, Subd. 14.

Sec. 7, Subd. 11. Lake Zumbro Restoration. \$175,000

For a grant to Olmsted and Wabasha Counties to design and implement the restoration of Lake Zumbro. The design must include public access.

Sec. 7, Subd. 12. Water Access Acquisition, Betterment, and Fishing Piers.

\$650,000

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 Statutes, Sec. 86A.05, Subd. 9.

Sec. 7, Subd. 13. Fish Hatchery Improvements. \$1,500,000

For improvements of a capital nature to create ponds and renovate fish culture facilities at hatcheries owned by the state and operated by the commissioner of natural resources under Minnesota Statutes, Sec. 97A.045, Subd. 1, and to design, construct, or acquire drainable ponds and other facilities for moving walleye rearing out of natural wetlands.

Sec. 7, Subd. 14. RIM-Wildlife Area Land Acquisition and Improvement.

\$5,000,000

To acquire land in fee 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, Sec. 86A.05, Subd. 8. Not less than five percent of this appropriation must be used for restoration of existing wildlife management areas. Not less than ten percent of this appropriation is for restoration on land acquired with this appropriation. Fifty percent of this appropriation is for acquisition of land in the seven-county metropolitan area. To the extent possible, prairie restorations funded in whole or in part with this appropriation must use native prairie species of a local ecotype as defined in Minnesota Statutes, Sec. 84.02, Subd. 6. The commissioner shall submit a plan to the legislature and the chairs of the house and senate committees with jurisdiction over the environment and natural resources on the

management of native prairie lands and harvesting of native prairie vegetation for use for energy production in a manner that does not devalue the natural habitat, water quality benefits, or carbon sequestration functions.

Sec. 7, Subd. 15. RIM Critical Habitat Match \$3,000,000

To provide the state match for the critical habitat private Sector matching account under Minnesota Statutes, Sec. 84.943.

Sec. 7, Subd. 16. Native Prairie Conservation and Protection. \$4,000,000

To acquire native prairie bank easements under Minnesota Statutes, Sec. 84.96, to develop and restore certain tracts of prairie bank lands for which the easement is permanent, and to acquire native prairie for scientific and natural areas, and for the native prairie protection and improvements of a capital nature in scientific and natural areas in the prairie region under Minnesota Statutes, Sec. 84.033 and 86A.05, Subd. 5. Prairie restorations funded in whole or in part with this appropriation must use native prairie species of a local ecotype as defined in Minnesota Statutes, Sec. 84.02, Subd. 6.

Sec. 7, Subd. 17. SNA Acquisition and Development. \$1,000,000

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, Sec. 84.033 and 86A.05, Subd. 5. Not less than five percent of this appropriation is for restoration. This appropriation includes money for only the following projects:

- (a) Avon Hills Forest SNA additions in Stearns County
- (b) Big Woods of Cottonwood River in Lyon County
- (c) Clinton Falls Dwarf Trout Lily site in Steele County
- (d) Cooks Lake Forest in Otter Tail and Becker Counties
- (e) Des Moines R forest-prairie complex in Jackson County
- (f) Franconia Bluffs in Chisago County
- (g) Hovland Woods SNA addition in Cook County
- (h) Lester Lake Forest in Hubbard County
- (i) Morton Outcrops in Renville County
- (j) Nopeming Unconformity in Saint Louis County
- (k) Pine Bend Bluffs SNA addition in Dakota County
- (l) Wycoff Balsam Fir SNA addition in Fillmore County.

Sec. 7, Subd. 18. Forest Land and Forest Legacy Conservation Easements. \$3,000,000

To acquire conservation easements as described under Minnesota Statutes, Chapter 84C, on private forest lands and within Forest Legacy Areas established under United States Code, title 16, Sec. 2103c. The conservation easements must guarantee public access, including hunting and fishing.

Sec. 7, Subd. 19. State Forest Land Reforestation. \$3,000,000

To increase reforestation activities to meet the reforestation requirements of Minnesota Statutes, Sec. 89.002, Subd. 2, including planting, seeding, site preparation, and purchasing native seeds and native seedlings.

Sec. 7, Subd 20. Forest Roads and Bridges. \$1,000,000

For reconstruction, resurfacing, replacement, and construction of state forest roads and bridges under Minnesota Statutes, Sec. 89.002.

Sec. 7, Subd. 21. Diseased Shade Tree Removal and Replacement. \$500,000

For grants to cities, counties, townships, and park and recreation boards in cities of the first class for the identification, removal, disposal, and replacement of dead or dying shade trees located on public property that are lost to forest pests or disease. For purposes of this appropriation, "shade tree" means a woody perennial grown primarily for aesthetic or environmental purposes with minimal to residual timber value. The commissioner shall consult with municipalities, park, and recreation boards in cities of the first class, nonprofit organizations, and other interested parties in developing eligibility criteria.

Sec. 7, Subd. 22. State Park and Recreation Area Acquisition, Rehabilitation, and Development. \$19,041,000

(a) For projects within state parks established under Minnesota Statutes, Sec. 85.012, and state recreation areas established under Minnesota Statutes, Sec. 85.013, contained in the Department of Natural Resources, Division of Parks and Recreation's ten-year project list for "New and Deferred Maintenance Bondable Projects" dated March 20, 2008. This appropriation includes money for new projects at Bear Head Lake, Beaver Creek Valley, Blue Mounds, Buffalo River, Cuyuna Country State Recreation Area, Flandrau, Fort Ridgely, Frontenac, Glendalough, Itasca, Lake Bemidji, Lake Carlos, Maplewood, Sibley, Soudan Mine, Split Rock Lighthouse, Temperance River, Tettegouche, and William O'Brien State Parks. The commissioner shall determine project priorities as appropriate, based on need.

(b) For infrastructure rehabilitation and the renovation and development of facilities within state parks established under Minnesota Statutes, Sec. 85.012, contained in the Department of Natural Resources, Division of Parks and Recreation's ten-year project list for "New and Deferred Maintenance Bondable Projects" dated March 20, 2008. This appropriation includes money for Interstate, Itasca, Jay Cooke, Lake Louise, Lake Shetek, Maplewood, Split Rock Lighthouse, St. Croix, and Tettegouche. The commissioner shall determine project priorities as appropriate, based on need.

\$2,400,000 is to acquire from willing sellers land within the boundaries of Greenleaf Lake State Recreation Area, established under Minnesota Statutes, Sec. 85.013, Subd. 11b. \$200,000 is to develop campgrounds at Red River State Recreation Area.

Sec. 7, Subd. 23. Big Bog State Recreation Area. \$1,600,000

For improvements at the Big Bog State Recreation Area, including betterments to the contact station and forest restoration.

Sec. 7, Subd. 24. Fort Snelling Upper Bluff Emergency Building Stabilization. \$500,000

For a grant to Hennepin County to conduct emergency building stabilization at Fort Snelling Upper Bluff. This appropriation is not available until the commissioner of finance has determined that Hennepin County has entered into appropriate agreements to use Sentence to Serve labor for the project that will train the Sentence to Serve laborers in the skills needed for the work.

Sec. 7, Subd. 25. State Park Prairie Reconstruction and Forest Restoration Projects. \$545,000

\$290,000 is for prairie and savanna reconstruction projects at the following state parks: Big Stone, Blue Mounds, Camden, Crow Wing, Frontenac, Glacial Lakes, Maplewood, Split Rock Creek, Upper Sioux, and William O'Brien.

\$255,000 is for forest restoration projects at the following state parks: Itasca, Lake Bemidji, Nerstrand, and St. Croix.

Prairie restorations, funded in whole or in part with funds from this appropriation, must include planting native prairie species of a local ecotype as defined in Minnesota Statutes, Sec. 84.02, Subd. 6.

Sec. 7, Subd. 26. Regional and Local Park Grants. \$1,621,000

An appropriation in this subdivision is not available unless a covenant is placed, or has been placed, on the land to keep the land as a public park in perpetuity.

\$492,000 is for a grant to the Central Minnesota Regional Parks and Trails Coordination Board to acquire 23 acres of land adjacent to Warner Lake Park in Stearns County.

\$500,000 is for a grant to Chisago City to acquire land for the creation of Ojiketa Regional Park in Chisago County.

\$129,000 is for a grant to the city of Ortonville to construct improvements of a capital nature at the Minnesota River Regional Park in the city of Ortonville.

\$500,000 is for a grant to the city of Sartell to acquire 68 acres of land located along the Sauk River near the confluence of the Mississippi to serve as part of the Central Minnesota Regional Parks and Trails.

Sec. 7, Subd. 27. State Trail Acquisition, Rehabilitation, and Development. \$15,320,000

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

\$970,000 is for the Chester Woods Trail from Rochester to Dover.

\$700,000 is for the Casey Jones Trail.

\$750,000 is for the Gateway Trail, to replace an at-grade crossing of the Gateway Trail at Highway 120 with a grade-separated crossing.

\$1,600,000 is for the Gitchi-Gami Trail between Silver Bay and Tettegouche State Park.

\$1,500,000 is for the Great River Ridge Trail from Plainview to Elgin to Eyota.

\$1,500,000 is for the Heartland Trail.

\$500,000 is for the Mill Towns Trail from Lake Byllesby Park to Cannon Falls.

\$150,000 is for the Mill Towns Trail within the city of Faribault.

\$1,500,000 is for the Minnesota River Trail from Appleton to Milan.

\$2,000,000 is for the Paul Bunyan Trail from Walker to Guthrie.

\$250,000 is for the Root River Trail from Preston to Forestville State Park.

\$100,000 is for the Root River Trail, the eastern extension.

\$250,000 is for the Root River Trail, the eastern extension Wagon Wheel.

\$550,000 is to connect the Stagecoach Trail with the Douglas Trail in Olmsted County.

\$3,000,000 is to rehabilitate state trails.

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

Sec. 7, Subd. 28. Regional Trails. \$156,000

For matching grants under Minnesota Statutes, Sec. 85.019, Subd. 4b.

For a grant to the city of Cambridge to design and construct the Cambridge-Isanti Bike/Walk Trail connecting the city of Cambridge, the city of Isanti, and Isanti Township in Isanti County. The trail will be designed to provide safe biking and walking connections between the cities and township, and is envisioned to become part of the state's larger trail systems. Along with health and recreational benefits, the trail will help protect and provide an opportunity for environmental education and enjoyment of the wetlands in the area. It is anticipated that the total capital cost of the project will be \$1,080,000, with the federal and local governments contributing \$924,000. Through a joint powers agreement, Cambridge, Isanti, and Isanti Township will share in the maintenance and upkeep of the Cambridge-Isanti Bike/Walk Trail.

Sec. 7, Subd. 29. Trail Connections. \$697,000

For matching grants under Minnesota Statutes, Sec. 85.019, Subd. 4c.

\$225,000 is for a grant to Clara City to design and construct a walking path in Clara City.

\$100,000 is for a grant to the city of Mora for construction of pedestrian and bicycle trails, bridge restoration and renovation, and other improvements of a capital nature for the Spring Lake Trail, located in the city of Mora.

\$372,000 is for a grant to the city of Rockville to design and construct the Rocori Trail from Richmond through Cold Spring to Rockville, connecting with the Glacial Lakes Trail, the Beaver Island Trail, and the Lake Wobegon Trail.

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

Sec. 7, Subd. 30. Drill Core Library and Field Office Renovation. \$500,000

To design, construct, furnish, and equip an addition to the minerals drill core library facility in Hibbing.

Sec. 7, Subd. 31. Wildlife Rehabilitation Center. \$500,000

This appropriation is from the general fund for a grant to the Wildlife Rehabilitation Center of Minnesota to retire loans incurred by the center for

construction of its facility in the city of Roseville, and to complete educational technology infrastructure at the center.

Sec. 7, Subd. 32. Bell Museum Landscaping. \$500,000

To design and construct an environmental landscape at the new Bell Museum of Natural History. Line item vetoed by the Governor.

Sec. 7, Subd. 33. Unspent Appropriations.

The unspent portion of an appropriation, but not to exceed ten percent of the appropriation, for a project in this Sec. that is complete, other than an appropriation for flood hazard mitigation, is available for asset preservation under Minnesota Statutes, Sec. 16B.307. Minnesota Statutes, Sec. 16A.642, applies from the date of the original appropriation to the unspent amount transferred for asset preservation.

Sec. 17, Subd. 14(g). Grand Rounds National Scenic Byways

For a grant to the Minneapolis Park and Recreation Board to be used in conjunction with the Minnehaha Creek Watershed District's plan to renovate Works Projects Administration projects in the glen area of Minnehaha Creek, to restore and stabilize the shoreline and cavernous banks of Minnehaha Creek as it flows past Minnehaha Falls, to restore fish and other natural habitat, and to provide storm water retention and creek bank management at or below the Minnesota Veterans Home. This appropriation is not available until the commissioner of finance determines that at least \$1,600,000 has been committed to the project from nonstate sources.

Sec. 53, Laws 2005, Chapter 20, Article 1, Sec. 7, Subd. 21, is amended. State Park and Recreation Area Acquisition

For acquisition of land under Minnesota Statutes, Sec. 86A.05, Subd. 2 and 3, from willing sellers of private lands within state park and recreation area boundaries established by law. \$500,000 is to purchase land within the boundaries of Greenleaf Lake state ~~park~~ recreation area in Meeker county.

Sec. 59. Laws 2006, Chapter 258, Sec. 7, Subd. 3, as amended by Laws 2007, Chapter 122, Sec. 4, is amended.

Flood Hazard Mitigation Grants. This appropriation includes money for the following projects:

- (o) Roseau

~~(p)~~ Shell Rock Watershed District

~~(p)~~ ~~(q)~~ St. Vincent

~~(q)~~ ~~(r)~~ Wild Rice River Watershed District

Sec. 60. Laws 2006, Chapter 258, Sec. 7, Subd. 7, is amended.

Lake Superior safe harbors

To design and construct capital improvements to public accesses and small craft harbors on Lake Superior in accordance with Minnesota Statutes, Sec. 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, Sec. 7, Subdivision 24; and Laws 2000, Chapter 492, Article 1, Sec. 7, Subdivision 21, as amended by Laws 2005, Chapter 20, Article 1, Sec. 42. Notwithstanding those laws, the commissioner may proceed with the Two Harbors project by providing up to \$1,500,000 to complete the design specifications and environmental work currently underway. The commissioner may spend the remaining money for the 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.

Sec. 61. Laws 2006, Chapter 258, Sec. 7, Subd. 11, is amended.

Water control structures

To rehabilitate or replace water control structures used to manage shallow lakes and wetlands for waterfowl habitat on wildlife management areas under Minnesota Statutes, Sec. 86A.05, Subdivision 8, or for the purposes of public water reserves under Minnesota Statutes, Sec. 97A.101.

Sec. 62. Laws 2006, Chapter 258, Sec. 7, Subd. 22, is amended.

Regional trails

\$1,133,000

648,000

For matching grants under Minnesota Statutes, Sec. 85.019, Subd. 4b.
\$648,000 is for the Agassiz Recreational ATV Trail. Snowmobile trail grant money received under Minnesota Statutes, Sec. 84.83, Subd. 3, and all-terrain vehicle trail grant money received under Minnesota Statutes, Sec. 84.927, Subd. 2, may be counted as part of the county's required 50 percent nonstate match.
~~\$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.~~

CONSTITUTIONAL AMENDMENT

Chapter 151

HF 2285

SF 2285 (Substitute SF 006)

An act relating to constitutional amendments; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural resource and cultural heritage purposes; creating an outdoor heritage fund; creating a parks and trails fund; creating a clean water fund; creating an arts and cultural heritage fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. CONSTITUTIONAL AMENDMENT.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 15. Beginning July 1, 2009, until June 30, 2034, the sales and use tax rate shall be increased by three-eighths of one percent on sales and uses taxable under the general state sales and use tax law. Receipts from the increase, plus penalties and interest and reduced by any refunds, are dedicated, for the benefit of Minnesotans, to the following funds: 33 percent of the receipts shall be deposited in the outdoor heritage fund and may be spent only to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife; 33 percent of the receipts shall be deposited in the clean water fund and may be spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation, and at least five percent of the clean water fund must be spent only to protect drinking water sources; 14.25 percent of the receipts shall be deposited in the parks and trails fund and may be spent only to support parks and trails of regional or statewide significance; and 19.75 percent shall be deposited in the arts and cultural heritage fund and may be spent only for arts, arts education, and arts access and to preserve Minnesota's history and cultural heritage. An outdoor heritage fund; a parks and trails fund; a clean water fund and a sustainable drinking water account; and an arts and cultural heritage fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute. Land acquired by fee with money deposited in the outdoor heritage fund under this section must be open to the public taking of fish and game during the open season unless otherwise provided by law. If the base of the sales and use tax is changed, the sales and use tax rate in this section may be proportionally adjusted by law to

within one-thousandth of one percent in order to provide as close to the same amount of revenue as practicable for each fund as existed before the change to the sales and use tax.

Sec. 2. SUBMISSION TO VOTERS.

(a) The proposed amendment shall be submitted to the people at the 2008 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to dedicate funding to protect our drinking water sources; to protect, enhance, and restore our wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve our arts and cultural heritage; to support our parks and trails; and to protect, enhance, and restore our lakes, rivers, streams, and groundwater by increasing the sales and use tax rate beginning July 1, 2009, by three-eighths of one percent on taxable sales until the year 2034?

Yes

No"

(b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for the question submitted to the people under paragraph (a) shall be "Clean Water, Wildlife, Cultural Heritage, and Natural Areas."

LANDS AND MINERALS

Chapter 198 SF 3084 HF 3454
Spirit Mountain

Sec. 1. Laws 1973, Chapter 327, Sec. 2, Subd. 1, as amended by Laws Chapter 390, Sec. 1, is amended. Subd. 1. There is hereby created a Spirit Mountain recreation area authority, hereinafter referred to as the authority, which shall administer as hereinafter provided, the tracts of land described as follows: A main area consisting of: That part of the South Half (S 1/2) of Sec. Fourteen (14), Township Forty-Nine (49), Range Fifteen (15), lying south of the Duluth Missabe and Iron Range Railway right of way and north of the Duluth Winnipeg & Pacific Railway right of way and excepting the East Half (E 1/2) of the Southeast Quarter (SE 1/4). Sec. Twenty-Two (22), Township Forty-Nine (49), Range Fifteen (15) except the southerly one thousand (1,000) feet of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) and except the Southerly one thousand (1,000) feet of Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4). That part of the Southwest Quarter (SW 1/4) of Sec. Twenty-Three (23), Township Forty-Nine (49), Range Fifteen (15) lying northwest of the southeast line of the Duluth Winnipeg & Pacific Railway right of way, and all of the North Half (N 1/2) of Sec. Twenty-Three (23) Township Forty-Nine (49) Range Fifteen (15), except the East Half (E 1/2) of the ~~Northwest~~Northeast Quarter (~~NW~~NE 1/4), and except the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), and except that part lying ~~northeasterly of the southeasterly line of Block Twenty One (21), Nortons Fairmont Park Division of Duluth,~~ of the northwest line of Grand Avenue, and except that part of Norton's Fairmont Park Division of Duluth lying northeasterly of the southwesterly line of Block 21, Norton's Fairmont Park Division of Duluth; and except Lots Nineteen (19) through Twenty-Four, inclusive, Block Fifteen (15); Lots Eighteen (18) through Twenty-Four (24) inclusive, Block Sixteen (16); and Lots Twelve (12) ~~through Seventeen (17), Eighteen (18), Nineteen (19) through Twenty-Four (24) inclusive, Block Twenty (20), Ironton First Division of Duluth.~~

A western peripheral area consisting of the following land: Sec. Twenty-Seven (27), Township Forty-Nine (49), Range Fifteen (15) except that part lying east of the Duluth Winnipeg & Pacific Railway and except that part known as Riverside Park Second Addition. That part of Sec. Thirty-Four (34), Township Forty-Nine (49), Range Fifteen (15) lying northwesterly of the Duluth Winnipeg & Pacific Railway right of way. An eastern peripheral area consisting of the following land: That part of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Sec. Fourteen (14), Township Forty-Nine (49), Range Fifteen (15),

lying east of the Duluth Missabe and Iron Range Railway right of way, except that part used for highway purposes, and that part of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) lying north of the Duluth Winnipeg & Pacific Railway right of way, except the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4). These boundaries may be changed by the legislature at the request of the authority subject to the approval of the park and recreation board and planning commission.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day after compliance with Minnesota Statutes, Sec. 645.021, Subd. 3, by the city council of the city of Duluth.

Chapter 357 SF 3056 HF 3625
Omnibus Environment Policy Bill

Sec. 23. [94.3495] EXPEDITED EXCHANGES OF LAND INVOLVING THE STATE AND GOVERNMENTAL SUBDS. OF THE STATE.

Subd. 1. Purpose and scope. (a) The purpose of this section is to expedite the exchange of public land ownership. Consolidation of public land reduces management costs and aids in the reduction of forest fragmentation. (b) This section applies to exchanges of land between the state and a governmental subdivision of the state. For land exchanges under this section, Sec. 94.342 to 94.347 apply only to the extent specified in this sec. **Subd. 2. Classes of land; definitions.** The classes of public land that may be involved in an expedited exchange under this Sec.: (1) Class 1 land, which for the purpose of this Sec. is Class A land as defined in Sec. 94.342, Subd. 1, except for: (i) school trust land as defined in Sec. 92.025; and (ii) university land granted to the state by acts of Congress; (2) Class 2 land, which for the purpose of this Sec. is Class B land as defined in Sec. 94.342, Subd. 2; and (3) Class 3 land, which for the purpose of this Sec. is all land owned in fee by a governmental Subd. of the state. **Subd. 3. Valuation of land.** (a) In an exchange of Class 1 land for Class 2 or 3 land, the value of all the land shall be determined by the commissioner of natural resources. In an exchange of Class 2 land for Class 3 land, the value of all the land shall be determined by the county board of the county in which the land lies. To determine the value of the land, the parties to the exchange may cause the land to be appraised, utilize the valuation process provided under Sec. 84.0272, Subd. 3, or obtain a market analysis from a qualified real estate broker. Merchantable timber value must be determined and considered in finalizing valuation of the lands. (b) All lands exchanged under this Sec. shall be exchanged only for lands of at least substantially equal value. For the purposes of this Subd.,

"substantially equal value" has the meaning given under Sec. 94.343, Subd. 3, paragraph (b). No payment is due either party if the lands are of substantially equal value but are not of the same value. **Subd. 4. Title.** Title to the land must be examined to the extent necessary for the parties to determine that the title is good, with any encumbrances identified. The parties to the exchange may utilize title insurance to aid in the determination. **Subd. 5. Approval by Land Exchange Board.** All expedited land exchanges under this Sec., and the terms and conditions of the exchanges, require the unanimous approval of the Land Exchange Board. **Subd. 6. Conveyance.** (a) Conveyance of Class 1 land given in exchange shall be made by deed executed by the commissioner of natural resources in the name of the state. Conveyance of Class 2 land given in exchange shall be by a deed executed by the commissioner of revenue in the name of the state. Conveyance of Class 3 land shall be by a deed executed by the governing body in the name of the governing authority. (b) If Class 1 land is given in exchange for Class 2 or 3 land, the deed to the Class or 3 land shall first be delivered to the commissioner of natural resources. Following the recording of the deed, the commissioner of natural resources shall deliver the deed conveying the Class 1 land. (c) If Class 2 land is given in exchange for Class 3 land, the deed to the Class 3 land shall first be delivered to the county auditor. Following the recording of the deed, the commissioner of revenue shall deliver the deed conveying the Class 2 land. (d) All deeds shall be recorded or registered in the county in which the lands lie. **Subd. 7. Reversionary interest; mineral and water power rights and other reservations.** (a) All deeds conveying land given in an expedited land exchange under this Sec. shall include a reverter that provides that title to the land automatically reverts to the conveying governmental unit if: (1) the receiving governmental unit sells, exchanges, or otherwise transfers title of the land within 40 years of the date of the deed conveying ownership; and (2) there is no prior written approval for the transfer from the conveying governmental unit. The authority for granting approval is the commissioner of natural resources for former Class 1 land, the county board for former Class 2 land, and the governing body for former Class 3 land. (b) Class 1 land given in exchange is subject to the reservation provisions of Sec. 94.343, Subd. 4. Class 2 land given in exchange is subject to the reservation provisions of Sec. 94.344, Subd. 4. County fee land given in exchange is subject to the reservation provisions of Sec. 373.01, Subd. 1, paragraph (g). **Subd. 8. Land status.** Land received in exchange for Class 1 land is subject to the same trust, if any, and otherwise has the same status as the land given in exchange. Land received in exchange for Class 2 land is subject to a trust in favor of the governmental Subd. wherein it lies and all laws relating to tax-forfeited land.

Land received in exchange for Class 3 land has the same status as the land given in exchange.

Chapter 363 HF 1812 SF 1475 (Substitute 3813)
Omnibus Supplemental Budget

Article 5, Sec. 4, Subd. 2

\$200,000 in 2009 is a general reduction in lands and minerals administration.

\$124,000 in 2009 is a reduction from the appropriation for iron ore cooperative agreements.

\$101,000 in 2009 is a reduction from the appropriation for minerals diversification.

\$200,000 in 2009 is appropriated from the natural resources fund for the administration and monitoring of permits to mine ferrous metals under Minnesota Statutes, Sec. 93.481. By January 15, 2009, the commissioner shall report to the legislature and the chairs of the senate and house committees with jurisdiction over environment and natural resources finance on the establishment of a permit to mine application fee schedule that is based on the actual costs of issuing and monitoring individual permits and any necessary legislation needed to cover the costs of issuing and monitoring the permits for the next biennium.

Article 5, Sec. 11, Subd. 7

Mining Administration Account

The mining administration account is established as an account in the natural resources fund. Ferrous mining administrative fees charged to owners, operators, or managers of mines shall be credited to the account and may be appropriated to the commissioner to cover the costs of providing and monitoring permits to mine ferrous metals under this section.

Article 5, Sec. 12

[94.3495] EXPEDITED EXCHANGES OF LAND INVOLVING THE STATE AND GOVERNMENTAL SUBDS. OF THE STATE.

Subd. 1. Purpose and scope. (a) The purpose of this section is to expedite the exchange of public land ownership. Consolidation of public land reduces management costs and aids in the reduction of forest fragmentation.

(b) This Sec. applies to exchanges of land between the state and a governmental Subd. of the state. For land exchanges under this Sec., Sec. 94.342 to 94.347 apply only to the extent specified in this Sec. **Subd. 2. Classes of land; definitions.** The classes of public land that may be involved in an expedited exchange under this Sec. are: (1) Class 1 land, which for the purpose of this Sec. is Class A land as

defined in Sec. 94.342, Subd. 1, except for: (i) school trust land as defined in Sec. 92.025; and (ii) university land granted to the state by acts of Congress;
(2) Class 2 land, which for the purpose of this Sec. is Class B land as defined in Sec. 94.342, Subd. 2; and (3) Class 3 land, which for the purpose of this Sec. is all land owned in fee by a governmental Subd. of the state. **Subd. 3. Valuation of land.** (a) In an exchange of Class 1 land for Class 2 or 3 land, the value of all the land shall be determined by the commissioner of natural resources. In an exchange of Class 2 land for Class 3 land, the value of all the land shall be determined by the county board of the county in which the land lies. To determine the value of the land, the parties to the exchange may cause the land to be appraised, utilize the valuation process provided under Sec. 84.0272, Subd. 3, or obtain a market analysis from a qualified real estate broker. Merchantable timber value must be determined and considered in finalizing valuation of the lands. (b) All lands exchanged under this Sec. shall be exchanged only for lands of at least substantially equal value. For the purposes of this Subd., "substantially equal value" has the meaning given under Sec. 94.343, Subd. 3, paragraph (b). No payment is due either party if the lands are of substantially equal value but are not of the same value. **Subd. 4. Title.** Title to the land must be examined to the extent necessary for the parties to determine that the title is good, with any encumbrances identified. The parties to the exchange may utilize title insurance to aid in the determination. **Subd. 5. Approval by Land Exchange Board.** All expedited land exchanges under this Sec., and the terms and conditions of the exchanges, require the unanimous approval of the Land Exchange Board. **Subd. 6. Conveyance.** (a) Conveyance of Class 1 land given in exchange shall be made by deed executed by the commissioner of natural resources in the name of the state. Conveyance of Class 2 land given in exchange shall be by a deed executed by the commissioner of revenue in the name of the state. Conveyance of Class 3 land shall be by a deed executed by the governing body in the name of the governing authority. (b) If Class 1 land is given in exchange for Class 2 or 3 land, the deed to the Class or 3 land shall first be delivered to the commissioner of natural resources. Following the recording of the deed, the commissioner of natural resources shall deliver the deed conveying the Class 1 land. (c) If Class 2 land is given in exchange for Class 3 land, the deed to the Class 3 land shall first be delivered to the county auditor. Following the recording of the deed, the commissioner of revenue shall deliver the deed conveying the Class 2 land. (d) All deeds shall be recorded or registered in the county in which the lands lie. **Subd. 7. Reversionary interest; mineral and water power rights and other reservations.** (a) All deeds conveying land given in an expedited land exchange under this Sec. shall include a reverter that provides that title to the land automatically reverts to the conveying governmental unit if: (1) the receiving

governmental unit sells, exchanges, or otherwise transfers title of the land within 40 years of the date of the deed conveying ownership; and (2) there is no prior written approval for the transfer from the conveying governmental unit. The authority for granting approval is the commissioner of natural resources for former Class 1 land, the county board for former Class 2 land, and the governing body for former Class 3 land. (b) Class 1 land given in exchange is subject to the reservation provisions of Sec. 94.343, Subd. 4. Class 2 land given in exchange is subject to the reservation provisions of Sec. 94.344, Subd. 4. County fee land given in exchange is subject to the reservation provisions of Sec. 373.01, Subd. 1, paragraph (g). **Subd. 8. Land status.** Land received in exchange for Class 1 land is subject to the same trust, if any, and otherwise has the same status as the land given in exchange. Land received in exchange for Class 2 land is subject to a trust in favor of the governmental Subd. wherein it lies and all laws relating to tax-forfeited land. Land received in exchange for Class 3 land has the same status as the land given in exchange.

Article 5, Sec. 30

Mining Administration Fee

Until a new applicaton fee schedule is adopted for permits to mine or process taconite according to the report submitted by the commissioner of natural resources under this Article, the commissioner shall charge the administrative fees established in paragraph (b), payable to the commissioner by June 30 of each year, beginning in 2008.

A company that manages a taconites mining or taconite processing operation shall pay: \$90,000 if the total production of the company's combined operations in the state had an annual production of 10,000,000 or more tons of taconite pellets or iron nuggets during the previous calendar year;

\$10,000 if the total production of the company's combined operations in the state had an annual production of less than 10,000 tons of taconite pellets or iron nuggets during the previous calendar year; and

\$3,333 if the mining operation is permitted to mine, by had no annual production of taconite pellets or iron nuggets during the previous calendar year.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to companies that manage a taconite mining or taconite processing operation holding or applying for a permit to mine under Minnesota Statutes, Sec. 93.481, during the 2007 calendar year.

Chapter 368 SF 2651 HF 3280
Omnibus Game & Fish, Lands, Forestry and Natural Resources Policy bill.

Article 1, Sec. 1, Minnesota Statutes 2006, Sec. 16B.281, Subd. 3, is amended.

Subd. 3. Notice to agencies; determination of surplus. ~~On or before October 1 of each year, the commissioner shall review the certifications of heads of each department or agency provided for in this Sec.~~ The commissioner of administration shall send written notice to all state departments, agencies, and the University of Minnesota describing any lands or tracts that may be declared surplus. If a department or agency or the University of Minnesota desires custody of the lands or tracts, it shall submit a written request to the commissioner, no later than four calendar weeks after mailing of the notice, setting forth in detail its reasons for desiring to acquire and its intended use of the land or tract. The commissioner shall then determine whether any of the lands described ~~in the certifications of the heads of the departments or agencies~~ should be declared surplus and offered for sale or otherwise disposed of by transferring custodial control to other requesting state departments or agencies or to the Board of Regents of the University of Minnesota for educational purposes, provided however that transfer to the Board of Regents shall not be determinative of tax exemption or immunity. If the commissioner determines that any of the lands are no longer needed for state purposes, the commissioner shall make findings of fact, describe the lands, declare the lands to be surplus state land, and state the reasons for the sale or disposition of the lands, ~~and notify the Executive Council of the determination.~~

Article 1, Sec. 2, Minnesota Statutes 2006, Sec. 16B.282, is amended.

16B.282 SURVEYS, APPRAISALS, AND SALE.

Subd. 1. Appraisal; notice and offer to public bodies. (a) Before offering any surplus state-owned lands for sale, the commissioner of administration may survey the lands and, if the value of the lands is estimated to be ~~\$40,000~~ \$50,000

or less, may have the lands appraised. The commissioner shall have the lands appraised if the estimated value is in excess of ~~\$40,000~~ \$50,000. (b) ~~The appraiser shall, before entering upon the duties of the office, take and subscribe an oath that the appraiser will faithfully and impartially discharge the duties of appraiser according to the best of the appraiser's ability and that the appraiser is not interested, directly or indirectly, in any of the lands to be appraised or the timber or improvements on the lands or in the purchase of the lands, timber, or improvements and has entered into no agreement or combination to purchase any of the lands, timber, or improvements. The oath shall be attached to the appraisal report. Appraisals must be made by an appraiser that holds a state appraiser license issued by the Department of Commerce. The appraisal must be in conformity with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.~~ (c) Before offering surplus state-owned lands for public sale, the lands shall first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and the lands may be sold for public purposes for not less than the appraised value of the lands. To determine whether a public body desires to purchase the surplus land, the commissioner shall give a written notice to the governing body of each political Subd. whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land, it shall submit a written offer to the commissioner no later than two weeks after receipt of notice setting forth in detail its reasons for desiring to acquire and its intended use of the land. In the event that more than one public body tenders an offer, the commissioner shall determine which party shall receive the property and shall submit written findings regarding the decision. If lands are offered for sale for public purposes and if a public body notifies the commissioner of its desire to acquire the lands, the public body may have up to two years from the date of the accepted offer to commence payment for the lands in the manner provided by law. **Subd. 2.** Public sale requirements. (a) ~~Lands certified as surplus by the head of a department or agency under Sec. 16B.281~~

~~shall be offered for public sale by the commissioner as provided in this Subd. After complying with Subd. 1 and, before any public sale of surplus state-owned land is made, and at least 30 days before the sale, the commissioner of administration shall publish a notice of the sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the city or county in which the real property to be sold is situated. The notice shall specify the time and place at which the sale will commence, a general description of the lots or tracts to be offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately and shall be sold for no less than its appraised value. (b) Surplus state-owned land shall be sold for no less than the estimated or appraised value. The minimum bid may include expenses incurred by the commissioner in rendering the property saleable, including survey, appraisal, legal, advertising, and other expenses. (c) Parcels remaining unsold after the offering may be sold to anyone agreeing to pay the appraised value. The sale shall continue until all parcels are sold or until the commissioner orders a reappraisal or withdraws the remaining parcels from sale. (e) ~~Except as provided in Sec. 16B.283, the cost of any survey or appraisal as provided in Subd. 1 shall be added to and made a part of the appraised value of the lands to be sold, whether to any political Subd. of the state or to a private purchaser as provided in this Subd.~~~~

Article 1, Sec. 3, Minnesota Statutes 2006, Sec. 16B.283, is amended.

16B.283 TERMS OF PAYMENT. ~~No less than ten percent of the purchase price shall be paid at the time of sale with the balance payable according to this Sec. If the purchase price of any lot or parcel is \$5,000 or less, the balance shall be paid within 90 days of the date of sale. If the purchase price of any lot or parcel is in excess of \$5,000, the balance shall be paid in equal annual installments for no more than five years, at the option of the purchaser, with principal and interest payable annually in advance at a rate equal to the rate in effect at the time under Sec. 549.09 on the unpaid balance, payable to the state treasury on or before June~~

1 each year. Any installment of principal or interest may be prepaid. The purchaser must pay at the time of sale ten percent of the total amount bid and the remainder of the payment is due within 90 days of the sale date. A person who fails to make final payment within 90 days of the sale date is in default. On default, all right, title, and interest of the purchaser or heirs, representatives, or assigns of the purchaser in the premises shall terminate without the state doing any act or thing. A record of the default must be made in the state land records of the commissioner.

Article 1, Sec. 4, Minnesota Statutes 2006, Sec. 16B.284, is amended.

16B.284 CONTRACT FOR DEED AND QUITCLAIM DEED. ~~In the event a purchaser elects to purchase surplus real property on an installment basis, the commissioner shall enter into a contract for deed with the purchaser, in which 4.28 shall be set forth the description of the real property sold and the price of the property, the consideration paid and to be paid for the property, the rate of interest, and time and terms of payment. The contract for deed shall be made assignable and shall further set forth that in case of the nonpayment of the annual principal or interest payment due by the purchaser, or any person claiming under the purchaser, then the contract for deed, from the time of the failure, is entirely void and of no effect and the state may be repossessed of the lot or tract and may resell the lot or tract as provided in Sec.s 16B.281 to 16B.287. In the event the terms and conditions of a contract for deed are completely fulfilled or if a purchaser makes a lump sum payment for the subject property in lieu of entering into a contract for deed,~~ The commissioner of administration shall sign and cause to be issued a quitclaim deed on behalf of the state. The quitclaim deed shall be in a form prescribed by the attorney general and shall vest in the purchaser all of the state's interest in the subject property except as provided in Sec. 16B.285 or 16B.286.

Article 1, Sec. 5, Minnesota Statutes 2006, Sec. 16B.287, Subd. 2, is amended.

Subd. 2. Payment of expenses. A portion of the proceeds from the sale equal in amount to the survey, appraisal, legal, advertising, and other expenses incurred by the commissioner of administration or other state official in rendering the property salable shall be remitted to the account from which the expenses were paid and are appropriated and immediately available for expenditure in the same manner as other money in the account.

Article 1, Sec. 8. Minnesota Statutes 2006, Sec. 84.943, Subd. 5, is amended.

Subd. 5. A pledge that is made contingent on an appropriation is acceptable and shall be reported with other pledges as required in this Sec. The commissioner may agree to match a contribution contingent on a future appropriation.

Article 1, Sec. 9. Minnesota Statutes 2006, Sec. 86A.04, is amended.

86A.04 COMPOSITION OF SYSTEM.

The outdoor recreation system shall consist of all state parks; state recreation areas; state trails established pursuant to Sec.s 84.029, Subd. 2, 85.015, 85.0155, and; state scientific and natural areas; state wilderness areas; state forests; state wildlife management areas; state aquatic management areas; state water access sites, which include all lands and facilities established by the commissioner of natural resources or the commissioner of transportation to provide public access to water; state wild, scenic, and recreational rivers; state historic sites; state rest areas, which include all facilities established by the commissioner of transportation for the safety, rest, comfort and use of the highway traveler, and shall include all existing facilities designated as rest areas and waysides by the commissioner of transportation; and any other units not listed in this Sec. that are classified under Sec. 86A.05. Each individual state park, state recreation area, and so forth is called a "unit."

Article 1, Sec. 10. Minnesota Statutes 2006, Sec. 86A.08, Subd. 1, is amended.

Subd. 1. Secondary authorization; when permitted. A unit of the outdoor recreation system may be authorized wholly or partially within the boundaries of another unit only when the authorization is consistent with the purposes and objectives of the respective units and only in the instances permitted below: (a) The following units may be authorized wholly or partially within a state park: historic site, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(b) The following units may be authorized wholly or partially within a state recreation area: historic site, scientific and natural area, wild, scenic, and recreational river, trail, rest area, aquatic management area, wildlife management area, and water access site. (c) The following units may be authorized wholly or partially within a state forest: state park, state recreation area, historic site, wildlife management area, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site. (d) The following units may be authorized wholly or partially within a state historic site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site. (e) The following units may be authorized wholly or partially within a state wildlife management area: state water access site and aquatic management area. (f) The following units may be authorized wholly or partially within a state wild, scenic, or recreational river: state park, historic site, scientific and natural area, wilderness area, trail, rest area, aquatic management area, and water access site. (g) The following units may be authorized wholly or partially within a state rest area: historic site, trail, wild, scenic, and recreational river, aquatic management area, and water access site. (h) The following units may be authorized wholly or partially within an aquatic management area: historic site, scientific and natural area, wild, scenic, and recreational river, and water access site.

Article 1, Sec. 13.

[94.3495] EXPEDITED EXCHANGES OF LAND INVOLVING THE STATE AND GOVERNMENTAL SUBDS. OF THE STATE.

Subd. 1. Purpose and scope. (a) The purpose of this Sec. is to expedite the exchange of public land ownership. Consolidation of public land reduces management costs and aids in the reduction of forest fragmentation. (b) This Sec. applies to exchanges of land between the state and a governmental Subd. of the state. For land exchanges under this Sec., Sec. 94.342 to 94.347 apply only to the extent specified in this Sec. **Subd. 2. Classes of land; definitions.** The classes of public land that may be involved in an expedited exchange under this Sec. are: (1) Class 1 land, which for the purpose of this Sec. is Class A land as defined in Sec. 94.342, Subd. 1, except for: (i) school trust land as defined in Sec. 92.025; and (ii) university land granted to the state by acts of Congress; (2) Class 2 land, which for the purpose of this Sec. is Class B land as defined in Sec. 94.342, Subd.

2; and (3) Class 3 land, which for the purpose of this Sec. is all land owned in fee by a governmental Subd. of the state. **Subd. 3. Valuation of land.** (a) In an exchange of Class 1 land for Class 2 or 3 land, the value of all the land shall be determined by the commissioner of natural resources. In an exchange of Class 2 land for Class 3 land, the value of all the land shall be determined by the county board of the county in which the land lies. To determine the value of the land, the parties to the exchange may cause the land to be appraised, utilize the valuation process provided under Sec. 84.0272, Subd. 3, or obtain a market analysis from a qualified real estate broker. Merchantable timber value must be determined and considered in finalizing valuation of the lands. (b) All lands exchanged under this Sec. shall be exchanged only for lands of at least substantially equal value. For the purposes of this Subd., "substantially equal value" has the meaning given under Sec. 94.343, Subd. 3, paragraph (b). No payment is due either party if the lands are of substantially equal value but are not of the same value. **Subd. 4. Title.** Title to the land must be examined to the extent necessary for the parties to determine that the title is good, with any encumbrances identified. The parties to the exchange may utilize title insurance to aid in the determination. **Subd. 5. Approval by Land Exchange Board.** All expedited land exchanges under this Sec., and the terms and conditions of the exchanges, require the unanimous approval of the Land Exchange Board. **Subd. 6. Conveyance.** (a) Conveyance of Class 1 land given in exchange shall be made by deed executed by the commissioner of natural resources in the name of the state. Conveyance of Class 2 land given in exchange shall be by a deed executed by the commissioner of revenue in the name of the state. Conveyance of Class 3 land shall be by a deed executed by the governing body in the name of the governing authority. (b) If Class 1 land is given in exchange for Class 2 or 3 land, the deed to the Class or 3 land shall first be delivered to the commissioner of natural resources. Following the recording of the deed, the commissioner of natural resources shall deliver the deed conveying the Class 1 land. (c) If Class 2 land is given in exchange for Class 3 land, the deed to the Class 3 land shall first

be delivered to the county auditor. Following the recording of the deed, the commissioner of revenue shall deliver the deed conveying the Class 2 land. (d) All deeds shall be recorded or registered in the county in which the lands lie.

Subd. 7. Reversionary interest; mineral and water power rights and other reservations. (a) All deeds conveying land given in an expedited land exchange under this Sec. shall include a reverter that provides that title to the land automatically reverts to the conveying governmental unit if: (1) the receiving governmental unit sells, exchanges, or otherwise transfers title of the land within 40 years of the date of the deed conveying ownership; and (2) there is no prior written approval for the transfer from the conveying governmental unit. The authority for granting approval is the commissioner of natural resources for former Class 1 land, the county board for former Class 2 land, and the governing body for former Class 3 land.(b) Class 1 land given in exchange is subject to the reservation provisions of Sec. 94.343, Subd. 4. Class 2 land given in exchange is subject to the reservation provisions of Sec. 94.344, Subd. 4. County fee land given in exchange is subject to the reservation provisions of Sec. 373.01, Subd. 1, paragraph (g). **Subd. 8. Land status.** Land received in exchange for Class 1 land is subject to the same trust, if any, and otherwise has the same status as the land given in exchange. Land received in exchange for Class 2 land is subject to a trust in favor of the governmental Subd. wherein it lies and all laws relating to tax-forfeited land. Land received in exchange for Class 3 land has the same status as the land given in exchange.

Article 1, Sec. 14.

[103G.2251] STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT. In greater than 80 percent areas, preservation of wetlands owned by the state or a local unit of government, protected by a permanent conservation easement as defined under Sec. 84C.01 and held by the board, may be eligible for wetland replacement or mitigation credits, according to rules adopted by the board. To be eligible for credit under this Sec., a conservation easement must be

established after enactment of this Sec. and approved by the board.

Article 1, Sec. 15. Minnesota Statutes 2006, Sec. 282.04, Subd. 4a, is amended.

Subd. 4a. Private easements. (a) A county board may convey a road easement across unsold tax-forfeited land to an individual or a private entity requesting an easement for access to private property owned by the individual or private entity if: (1) there are no reasonable alternatives to obtain access to the individual's or private entity's property; and (2) exercising the easement will not cause significant adverse environmental or natural resource management impacts. (b) The county auditor shall require an individual or a private entity applying for an easement under paragraph (a) to pay the appraised value of the easement. The conveyance must provide that the easement reverts to the state in trust for the taxing district in the event of nonuse.

Article 1, Sec. 16. Minnesota Statutes 2006, Sec. 325D.55, Subd. 1, is amended.

Subd. 1. Labor, electrical, agricultural, or horticultural organizations. Nothing contained in Sec. 325D.49 to 325D.66, shall be construed to forbid the existence or operation of labor, electrical, agricultural, or horticultural organizations, including organizations that operate aquatic farms, as defined in Sec. 17.47, Subd. 3, that are instituted for the purpose of mutual help, and not conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the provisions of Sec. 325D.49 to 325D.66, when lawfully carrying out the legitimate objects hereof.

Article 1, Sec. 17. Laws 2005, Chapter 161, Sec. 25, is amended.

**Sec. 25. EASEMENT ON STATE LAND BORDERING PUBLIC WATER;
WASHINGTON COUNTY.**

(b) The easement must be in a form approved by the attorney general for consideration of the easement preparation and recording costs. The attorney

general may make necessary changes in the legal description to correct errors and ensure accuracy. ~~The easement will expire as to each owner when they convey their ownership interest in the property described in paragraph (a).~~

Article 1, Sec. 18. Laws 2006, Chapter 236, Article 1, Sec. 43, is amended.

Sec. 43. LAND REPLACEMENT TRUST FUND; ITASCA COUNTY.

Notwithstanding the provisions of Minnesota Statutes, Chapter 282, and any other law relating to the apportionment of proceeds from the sale or lease of tax-forfeited land, Itasca County must apportion the first \$1,000,000 received from the sale or lease of tax-forfeited lands within Minnesota Steel Industries permit to mine area near Nashwauk, Minnesota, as provided in Laws 1965, Chapter 326, Sec. 1, as amended. Any remaining proceeds received from the sale or lease must be deposited into a tax-forfeited land replacement trust fund established by Itasca County under this Sec. The principal and interest from this fund may be spent only on the purchase of lands to replace the tax-forfeited lands sold to Minnesota Steel Industries. Lands purchased with the land replacement fund must: (1) become subject to trust in favor of the governmental Subd. wherein they lie and all laws related to tax-forfeited lands; and (2) be for forest management purposes and dedicated as memorial forest under Minnesota Statutes, Sec. 459.06, Subd. 2.

EFFECTIVE DATE. This section is effective the day after compliance with Minnesota Statutes, Sec. 645.021, Subd. 3, by the governing body of Itasca County.

Article 1, Sec. 20

Additions to State Parks.

Subd. 1. [85.012] [Subd. 9.] Buffalo River State Park, Clay County.

Subd. 2. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County.

Subd. 3. [85.012] [Subd. 44.] Monson Lake State Park, Swift County.

Subd. 4. [85.012] [Subd. 51.] Savanna Portage State Park, Aitkin and St. Louis Counties.

Subd. 5. [85.012] [Subd. 52.] Scenic State Park, Itasca County.

Subd. 6. [85.012] [Subd. 53a.] Soudan Underground Mine State Park, St. Louis County.

Subd. 7. [85.012] [Subd. 60.] William O'Brien State Park, Washington County.

Article 1, Sec. 21

Deletions from State Parks.

Subd. 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County.

Subd. 2. [85.012][Subd. 30.] Jay Cooke State Park, Carlton County.

Subd. 3. [85.012] [Subd. 35.] Lake Carlos State Park, Douglas County.

Subd. 4. [85.012] [Subd. 38.] Lake Shetek State Park, Murray County.

Subd. 5. [85.012] [Subd. 44a.] Moose Lake State Park, Carlton County.

Article 1, Sec. 22

Additions to State Recreation Areas.

[85.013] [Subd. 11a.] Garden Island State Recreation Area, Lake of the Woods.

Article 1, Sec. 23

Additions to Birch Lakes State Forest.

[89.021] [Subd. 7.] Birch Lakes State Forest.

Article 1, Sec. 24

Lease of Tax-Forefeited and State Lands.

(a) Notwithstanding Minnesota Statutes, Sec. 282.04, or other law to the contrary, St. Louis County may enter a 30-year lease of tax forfeited land for a wind energy project. (b) The commissioner of natural resources may enter a 30-year lease of land administered by the commissioner for a wind energy project.

Article 1, Sec. 25

Public or Private Sale of Consolidated Conservation Land Bordering Public Water; Aitkin County.

Article 1, Sec. 26

Public or Private Sale of Consolidated Conservation Land; Aitkin County.

Article 1, Sec. 27

Private Sale of Surplus State Land; Beltrami County.

Article 1, Sec. 28

Private Sale of Tax-Forfeited Land Bordering Public Water; Beltrami County.

Article 1, Sec. 29

Public Sale of Tax-Forfeited Lands Bordering Public Water; Carlton County.

Article 1, Sec. 30

Exchange of State Land Within Carver Highlands Wildlife Management Area;
Carver County.

Article 1, Sec. 31

Conveyance of Tax-Forfeited Land Bordering Public Water; Chippewa County.

Article 1, Sec. 32

Public Sale of Tax-Forfeited Land Bordering Public Water; Clearwater County.

Article 1, Sec. 33

Conveyance of Tax-Forfeited Land Bordering Public Water or Wetlands;
Dakota County.

Article 1, Sec. 34

Private Sale of Surplus State Land; Hennepin County.

Article 1, Sec. 35

Private Sale of Tax-Forfeited Land Bordering Public Water; Itasca County.

Article 1, Sec. 36

Public Sale of Tax-Forfeited Land Bordering Public Water; Marshall County.

Article 1, Sec. 37

Exchange of State Land Within Lake Louise State Park; Mower County.

Article 1, Sec. 38

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 39

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 40

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 41

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 42

Public Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 43

Public Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 44

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 45

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 46

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 47

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 48

Private Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 49

Public Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 50

Public Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 51

Public Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 52

Public Sale of Tax-Forfeited Lands Bordering Public Water; Otter Tail County.

Article 1, Sec. 53

Conveyance of Surplus State Land; Rice County.

Article 1, Sec. 54

Private Sale of Consolidated Conservation Land; Roseau County.

Article 1, Sec. 55

Private Sale of Surplus State Land; St. Louis County.

Article 1, Sec. 56

Conveyance of Tax-Forfeited Land Bordering Public Water; St. Louis County.

Article 1, Sec. 57

Private Sale of Tax-Forfeited Land Bordering Public Water; St. Louis County.

Article 1, Sec. 58

Public Sale of Tax-Forfeited Land Bordering Public Water; St. Louis County.

Article 1, Sec. 59

Private Sale of Tax-Forfeited Land; St. Louis County.

Article 1, Sec. 60

Conveyance of Tax-Forfeited Land Bordering Public Water; St. Louis County.

Article 1, Sec. 61

Private Sale of Tax-Forfeited Land; St. Louis County.

Article 1, Sec. 62

Public Sale of Tax-Forfeited Land Bordering Public Water; St. Louis County.

Article 1, Sec. 63

Public Sale of Tax-Forfeited Land Bordering Public Water; St. Louis County.

Article 1, Sec. 64

Public Sale of Tax-Forfeited Land Bordering Public Water; St. Louis County.

Article 1, Sec. 65

Private Sale of Tax-Forfeited Land; St. Louis County.

Article 1, Sec. 66

Private Sale of Wildlife Management Area Land; Wabasha County.

Article 1, Sec. 67

Public Sale of Surplus State land Bordering Public Water; Wadena County.

Article 1, Sec. 68

Conveyance of Tax-Forfeited Land Bordering Public Water; Washington County.

Article 1, Sec. 69

Private Sale of Tax-Forfeited Land Bordering Public Water; Washington County.

Article 1, Sec. 70

Easement on Tax-Forfeited Land; Itasca County. Notwithstanding Minnesota Statutes, Sec. 282.04, or other law to the contrary, Itasca County may grant a 40-year easement of tax-forfeited land to the Itasca County Regional Rail Authority for a rail line right-of-way. The easement may be canceled only by resolution of the county board after reasonable notice for any substantial breach of the terms of the easement. The land subject to the easement may not be sold or otherwise conveyed by the county board during the period of the easement.

Article 1, Sec. 71

Report. By January 15, 2009, the Department of Natural Resources, in cooperation with the attorney general, stakeholders, and a representative from the Voyageurs National Park, shall report to the house of representatives and senate committees with jurisdiction over environment and natural resources budget and policy on any state and federal contractual agreements and the legal relationship between the state and federal authorities relating to the navigable waters under the state's jurisdiction as described in Minnesota Statutes, Sec. 84B.061, within Voyageurs National Park. The department shall make recommendations, including any draft legislation, on how to appropriately share enforcement duties between state and federal officials.

Article 1, Sec. 72

Repealer. Minnesota Statutes 2006, Sec. 16B.281, Subd. 2, 4, and 5; and 16B.285, 52.24 are repealed.

Article 1, Sec. 73

EFFECTIVE DATE. Effective the day following final enactment.

Omnibus Tax Bill**Article 2, Sec. 11****Payments in Lieu of Taxes (PILT)**

Language involves changes in the way Payments in Lieu of Taxes (PILT) is distributed to local taxing districts for any State Park located on the shores of Lake Vermilion. The purpose of the Sec. is to make the creation of the new Lake Vermilion State Park more acceptable to local governments that would otherwise be losing part of their tax base. **This Sec. was removed and placed in SF 2651, Article 3.**

Article 6, Sec. 26**Aggregate Resource Preservation Property Tax Law**

Language allows the property tax on lands containing aggregate resources, that are not being actively mined, to have a low land classification tax rate, comparable to other undeveloped lands. The purpose is to help discourage landowners from developing areas, with high aggregate potential, for other purposes until after the aggregate resource has been removed. Information about aggregate resources is required to be filed with the DNR.

Article 6, Sec. 36 – 39**Aggregate Materials Property Tax**

Language addresses the aggregate materials property tax that can be assessed by local units of governments. The funds collected can be used to cover costs such as road and bridge maintenance that is required because of heavy gravel truck traffic near the mines and to reclaim orphaned mine lands in the taxing district.

Article 10

Language addresses amendments to several taxes related to areas of the state where mining is conducted. The bill includes both metallic mining (predominantly taconite) and also aggregate.

Article 10**Breitung Township**

A section was added to the bill requires a one-time payment from the taconite production tax equaling \$379,294 to Breitung township to pay for sewer and water extensions that will be used by Vermilion State Park.

REPEALER DEFINITIONS: LANDS & MINERALS

Chapter 368, SF 2651/HF 3280

Article 1, Sec. 72

REPEALER. Minnesota Statutes 2006, Sec. 16B.281, Subds. 2, 4, and 5; and 16B.285 are repealed.

- Repeals Minnesota Statutes 2006, Sec. 16B.281, Subdivision 2: certification requirement;
- Repeals Minnesota Statutes 2006, Sec. 16B.281, Subdivision 4: executive council approval;
- Repeals Minnesota Statutes 2006, Sec. 16B.281, Subdivision 5: reporting requirement;
- Repeals Minnesota Statutes 2006, Sec. 16B.285: Record of contracts for deed and assignments effect.

WATERS

Chapter 247

HF 2094

SF 2607

Natural Disaster Procedures

Sec. 12

[12A.12] NATURAL RESOURCES.

Subd. 1. Facility and natural resource damage. The commissioner may use state appropriations to rehabilitate and replace state facilities damaged by the disaster and to restore natural resources in the disaster area.

Subd. 2. Flood hazard

mitigation grants. The commissioner may use state appropriations for the state's share of flood hazard mitigation grants for capital improvements to prevent or alleviate flood damage under Sec. 103F.161 in the disaster area. The

commissioner shall determine project priorities, as appropriate, based on need.

These funds may also be used to buy out substantially damaged structures. To

the extent that the cost of a project funded under this Subd. in a given

municipality exceeds two percent of the median household income in the

municipality, multiplied by the number of households in the municipality, the

commissioner may also use the appropriation for the local share of the project.

Subd. 3. Debris removal; lakes and streams. The commissioner may use

appropriations for grants to remove debris attributable to the disaster from lakes

and streams. Subd. 4. Waivers authorized. The maximum grant award under

Sec. 103F. 161, Subd. 2, is waived for grants for the disaster area.

Chapter 363

HF 1812

SF 1475 (Substitute 3813)

Omnibus Supplemental Budget

Article 1, Sec. 4, Subd. 3

Water Resource Management

\$38,000, 2009, reduction, attributable to modification of reporting requirements under MS 103A.43.

By January 15, 2009, the Mississippi Headwaters Board, established under MS,

Sec. 103F.367, shall submit a report to the chairs of the senate and house

committees and divisions with jurisdiction over the environment and natural

resources on how the board will meet its responsibility to protect and enhance

the Mississippi River and related shoreland as required by Minnesota Statutes,

Sec. 103F.367. In preparing the report, the Mississippi Headwaters Board shall

hold two public input meetings in the area.

\$100,000 in 2009 is from the water recreation account in the natural resources fund for rulemaking on structures in public waters. *This is a onetime appropriation.*

\$22,000 in 2009 is a reduction from the appropriation for ring dikes under Minnesota Statutes, Sec. 103F.161.

\$30,000 is a reduction in 2009 from the appropriation for grants associated with the implementation of the Red River mediation agreement.

\$98,000 is a reduction in 2008 from a onetime appropriation for impaired waters.

Article 1, Sec. 7

Transfers In

By June 30, 2009, the commissioner of finance shall transfer any remaining unappropriated balance, estimated to be \$103,000, from the Minnesota future resources fund to the general fund. By June 30, 2008, the commissioner of finance shall transfer \$1,400,000 from the balance in the stream protection and improvement fund to the general fund.

Article 1, Sec. 14, Minnesota Statutes 2006, Sec. 103A.204, is amended.

Groundwater Policy

~~Environmental Quality Board: creation of a water resources committee to coordinate~~ coordination of state groundwater protection programs and a biennial groundwater policy report beginning in 1994 that includes, for the 1994 report, the findings in the groundwater protection report coordinated by the Pollution Control Agency for the Environmental Protection Agency;

~~The Environmental Quality Board shall through its Water Resources committee coordinate with representatives of all agencies prepare a report on policy issues related to its responsibilities listed in paragraph (a), citizens, and other interested groups to prepare a biennial report every even-numbered year as part of its duties described in Sec. 103A.43 and 103B.154 and include these reports with the assessments in Sec. 103A.43 and the "Minnesota Water Plan" in Sec. 103B.151.~~

Article 1, Sec. 15, Minnesota Statutes 2006, Sec. 103A.43, is amended.

103A.43 WATER ASSESSMENTS AND REPORTS.

(a) The Environmental Quality Board shall ~~evaluate and consolidate the assessments required in paragraphs (b) and (c) with the policy report in Sec. 103A.204 and submit a single report to the house of representatives and senate~~

committees with jurisdiction over the environment, natural resources, and agriculture and the Legislative-Citizen Commission on Minnesota Resources ~~on statewide water research needs and recommended priorities for addressing these needs. Local water research needs may also be included by September 15, 2010, and every five years thereafter.~~ (b) The Environmental Quality Board shall ~~work with the~~ Pollution Control Agency and the Department of Agriculture ~~to~~ coordinate shall provide a biennial assessment and analysis of water quality, groundwater degradation trends, and efforts to reduce, prevent, minimize, and eliminate degradation of water. The assessment and analysis must include an analysis of relevant monitoring data. (c) The Environmental Quality Board shall ~~work with the~~ Department of Natural Resources ~~to coordinate shall provide~~ an assessment and analysis of the quantity of surface and ground water in the state and the availability of water to meet the state's needs. ~~(d) The Environmental Quality Board shall coordinate and submit a report on water policy including the analyses in paragraphs (a) to (c) to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture and the Legislative-Citizen Commission on Minnesota Resources by September 15 of each even-numbered year. The report may include the groundwater policy report in Sec. 103A.204.~~

Article 1, Sec. 16, Minnesota Statutes 2006, Sec. 103B.151, Subd. 1, is amended.

Water planning. The Environmental Quality Board shall: (1) coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area; (2) ~~initiate, coordinate, and continue to develop~~ comprehensive long-range water resources planning in furtherance of ~~the plan prepared by the Environmental Quality Board's Water Resources Committee entitled "Minnesota Water Plan," published in January 1991, by September 15, 2000, and each ten-year interval afterwards;~~ (3) coordinate water planning activities of local, regional, and federal bodies with state water planning and integrate these plans with state strategies; (4) coordinate development of state water policy recommendations and priorities, and a recommended program for funding identified needs, including priorities for implementing the state water resources monitoring plan; (5) administer federal water resources planning with multiagency interests; (6) ensure that groundwater quality monitoring and related data is provided and integrated into the Minnesota land management information system according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data; (7) coordinate the development and evaluation of water information and education materials and resources; and (8)

coordinate the dissemination of water information and education through existing delivery systems.

Article 1, Sec. 17. [103B.701] STAR LAKES.

Subd. 1. Definition. For the purposes of this Sec., the term "lake association" means an association organized for the purpose of addressing issues on a specific lake or river, a lake improvement district, or a lake conservation district. **Subd.**

2. Application. (a) A lake association may apply to the Star Lake Board for designation as a star lake or river. The applicant must include a copy of a star lake or river management plan for the lake or river. (b) After review of the application, the Star Lake Board shall determine whether designation as a star lake or river will be granted. The designation as a star lake or river becomes effective the day following designation by the board. The board shall publish the decision on a star lake or river designation in the State Register, including the effective date of the designation. (c) The star lake or river designation is effective until the earlier of: (1) five years after the date of designation; or (2) when the Star Lake Board finds that the lake association is not fulfilling the requirements of this Sec. or of the star lake or river management plan submitted. (d) Within six months before the expiration date of the designation as a star lake or river, a lake association may apply to continue the star lake or river designation under this Sec. **Subd. 3. Eligibility.** A lake association applying for designation as a star lake or river must: (1) develop and update a star lake or river management plan as provided in Subd. 4; (2) maintain a membership or participation of at least 50 percent of the private shoreland owners; (3) participate in a water quality monitoring program under Sec. 115.06, Subd. 4, or other programs meeting Pollution Control Agency standards; and (4) meet at least annually to review the plan and notify appropriate state agencies and local government units in the development and monitoring of the star lake or river management plan. **Subd.**

4. Star lake or river management plan. (a) A star lake or river management plan must contain a baseline of the current condition of the lake or river based on scientific information and plans for addressing the following issues: (1) increases in native vegetation in the littoral area of the lake or river, where appropriate; (2) increases in native vegetation on the shoreline areas of the lake or river, where appropriate; (3) prevention, reduction, or elimination of aquatic invasive species in the lake or river; (4) increasing or maintaining a healthy diverse fishery that is appropriate for the lake or river; (5) how the association will work with state agencies and local government units to identify water pollution sources and impairments; (6) how the association will assist state and local programs to generate data needed by state agencies and local government units in an appropriate format; (7) promoting compliance with adopted shoreland zoning

standards and shoreland best management practices; (8) how the lake association will assure its involvement in public input opportunities for various local comprehensive and project-specific planning and zoning processes; (9) education and recognition opportunities for shoreland owners and other entities that conduct activities affecting the quality of the lake or river; and (10) other activities that will coordinate with or enhance other state and local water management efforts. (b) The star lake or river management plan shall be updated within five years of adoption by the lake association. **Subd. 5. State resources.** State agencies may consider star lake or river designation in determining the allocation of financial and staff resources.

Article 1, Sec. 18. [103B.702] STAR LAKE BOARD.

Subd. 1. Establishment.

(a)The Star Lake Board shall be established as a nonprofit corporation under Sec. 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Star Lake Board shall promote and designate star lakes and rivers in Minnesota under Sec. 103B.701. (b) The board must work with private and public entities to leverage the resources available to achieve and sustain the designation of Minnesota star lakes or rivers. The board may assist lake associations with finding appropriate technical and financial assistance and make recommendations to state agencies and local government units regarding the manner in which technical or financial assistance can be most effectively delivered. To the extent that money is available, the board may Secure, provide, or recommend financial assistance to meet specific needs of lake associations, for: (1) completing a star lake or river management plan when the lake association does not have an existing management plan and the association is committed to the goals of a plan, as specified in Sec. 103B.701, Subd. 4; and (2) addressing specific issues of the lake or river to achieve or maintain the goals of the lake or river management plan for lake associations that have achieved a star lake or river designation. (c) The board shall consist of: (1) three public members appointed by the speaker of the house, with one member representing county governments, one member representing city governments, and one member representing an organization that promotes clean lakes and rivers; (2) three public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration, with one member representing county governments, one member representing city governments, and one member representing an organization that promotes clean lakes and rivers; (3) five members, chosen by the other board members with regard to obtaining representation from a variety of types of lakes and rivers within the state, who are from lake associations representing designated star lakes or rivers, or until July 1, 2011, are eligible to

achieve star lake or river designation; (4) one member designated by the commissioner of natural resources; (5) one member designated by the commissioner of the Pollution Control Agency; (6) one member designated by the chair of the Board of Water and Soil Resources; and (7) one member designated by the Indian Affairs Council. (d) By January 15 of each odd-numbered year, the board shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment policy and finance on the activities for which money has been or will be spent for the current biennium, the applications for designation, and the star lakes or rivers designated by the board. (e) Public members appointed by the speaker of the house and the senate Subcommittee on Committees of the Committee on Rules and Administration serve at the pleasure of the appointing authority. **Subd. 2. Conflict of interest.** A board member may not participate in or vote on a decision of the board relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Star Lake Board, a member shall avoid any potential conflict of interest. **Subd. 3. Staff; contracts.** The board may hire staff or enter into contracts to carry out the activities of the board. **Subd. 4. Bylaws.** The board shall adopt bylaws necessary for the conduct of the business of the board consistent with this Sec. The corporation must publish bylaws and amendments to the bylaws in the State Register. **Subd. 5. Place of business.** The board shall locate and maintain the board's place of business within the state. **Subd. 6. Chair.** The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties. **Subd. 7. Meetings.** The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the board. Board meetings are subject to Chapter 13D. **Subd. 8. Funds.** The board may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of and invest or reinvest the money, Securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by the board from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes. **Subd. 9. Accounts; audits.** The board may establish funds and accounts necessary to carry out its responsibilities. The board shall provide for and pay the cost of an independent audit of its official books and records by the legislative auditor subject to Sec.s 3.971 and 3.972. A copy of this audit shall be filed with the Secretary of State.

Article 1, Sec. 19. Minnesota Statutes 2006, Sec. 103G.271, Subd. 6, is amended.

Subdivison 6. Water use permit processing fee. (a) Except as described in paragraphs (b) to (f), a water use permit processing fee must be prescribed by the commissioner in accordance with the schedule of fees in this Subd. for each water use permit in force at any time during the year. The schedule is as follows, with the stated fee in each clause applied to the total amount appropriated:

- (1) ~~\$101~~ \$140 for amounts not exceeding 50,000,000 gallons per year;
- (2) ~~\$3~~ \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;
- (3) ~~\$3.50~~ \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year;
- (4) ~~\$4~~ \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less than 200,000,000 gallons per year;
- (5) ~~\$4.50~~ \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than 250,000,000 gallons per year;
- (6) ~~\$5~~ \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less than 300,000,000 gallons per year;
- (7) ~~\$5.50~~ \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than 350,000,000 gallons per year;
- (8) ~~\$6~~ \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less than 400,000,000 gallons per year;
- (9) ~~\$6.50~~ \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than 450,000,000 gallons per year;
- (10) ~~\$7~~ \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less than 500,000,000 gallons per year; and
- (11) ~~\$7.50~~ \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

(b) For once-through cooling systems, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year: (1) for nonprofit corporations and school districts, ~~\$150~~ \$200 per 1,000,000 gallons; and (2) for all other users, ~~\$300~~ \$420 per 1,000,000 gallons.

Article 1, Sec. 20. Minnesota Statutes 2007 Supplement, Sec. 103G.291, Subd. 3, is amended.

Subd. 3. Water supply plans; demand reduction.

(c) Public water suppliers serving more than 1,000 people must employ water use demand reduction measures, including a conservation rate structure, as defined in Subd. 4, paragraph (a), unless exempted under Subd. 4, paragraph (c). before requesting approval from the commissioner of health under Sec. 144.383,

paragraph (a), to construct a public water supply well or requesting an increase in the authorized volume of appropriation. Demand reduction measures must include evaluation of conservation rate structures and a public education program that may include a toilet and showerhead retrofit program. (d) Public water suppliers serving more than 1,000 people must submit records that indicate the number of connections and amount of use by customer category and volume of water unaccounted for with the annual report of water use required under Sec. 103G.281, Subd. 3. (e) For the purposes of this Subd., "public water supplier" means an entity that owns, manages, or operates a public water supply, as defined in Sec. 144.382, Subd. 4.

Article 1, Sec. 21. Minnesota Statutes 2006, Sec. 103G.291, is amended by adding a Subd. to read:

Subd. 4. Conservation rate structure required. (a) For the purposes of this Sec., "conservation rate structure" means a rate structure that encourages conservation and may include increasing block rates, seasonal rates, time of use rates, individualized goal rates, or excess use rates. The rate structure must consider each residential unit as an individual user in multiple-family dwellings. (b) To encourage conservation, a public water supplier serving more than 1,000 people in the metropolitan area, as defined in Sec. 473.121, Subd. 2, shall use a conservation rate structure by January 1, 2010. All remaining public water suppliers serving more than 1,000 people shall use a conservation rate structure by January 1, 2013. (c) A public water supplier without the proper measuring equipment to track the amount of water used by its users, as of the effective date of this act, is exempt from this Subd. and the conservation rate structure requirement under Subd. 3, paragraph (c).

Article 1, Sec. 23. [114.50] Clean Water Fund

The clean water fund is established in the Minnesota Constitution, Article XI, Sec. 15. All money earned by the fund must be credited to the fund.

EFFECTIVE DATE: This section is effective July 1, 2009, if the constitutional amendment proposed in Laws 2008, Chapter 151, is adopted by the voters.

Article 1, Sec. 26. [173.0855] STAR LAKE OR RIVER SIGNS.

Subd. 1. Authority to erect. (a) A county, statutory or home rule charter city, or town of Minnesota that contains a star lake or river designated under Sec. 103B.701 may request the Department of Transportation to erect star lake or river signs pursuant to Sec. 161.139. One sign may be erected at each approach to a lake or river within the right-of-way of an interstate or other highway that passes

over a lake or river in the Department of Transportation's eight-county metropolitan district or near or over a lake or river in greater Minnesota. (b) An official lake or river sign on the right-of-way of an interstate or other highway may be replaced with a star lake or river sign by the Department of Transportation pursuant to Sec. 161.139. Subd. 2. Sign standards. The Department of Transportation shall design and manufacture the star lake and river signs to specifications not contrary to other federal and state highway sign standards.

Article 1, Sec. 27. Minnesota Statutes 2006, Sec. 473.1565, Subd. 3, is amended. Subd. 3. Reports to legislature. The council must submit reports to the legislature regarding its findings, recommendations, and continuing planning activities under Subd. 1. The first report must be submitted to the legislature by the date the legislature convenes in 2007 and subsequent reports must be submitted by such date every five years thereafter. These reports shall be included in the "Minnesota Water Plan" required in Sec. 103B.151, and five-year interim reports may be provided as necessary.

Article 1, Sec. 31

Department of Natural Resources Rulemaking Required; Structures in Public Waters.

By January 15, 2010, the commissioner of natural resources shall update rules on structures that are allowed in public waters and the permit requirements for those structures under Minnesota Rules, Chapter 6115. The Department of Natural Resources general permit no. 2008-0401 expires on the effective date of the updated rules.

Effective Date. This section is effective the day following final enactment.

Article 1, Sec. 32

First Meeting; Deadline for Appointments.

The appointing authorities named in Minnesota Statutes, Sec. 103B.702, must complete their appointments to the Star Lake Board by January 15, 2009, with the exception of the appointments required under Minnesota Statutes, Sec. 103B.702, Subd. 1, paragraph c, clause (3), which must be completed within 30 days of the first meeting of the board. The board member designated by the Board of Water and Soil Resources must convene the first meeting of the board no later than February 15, 2009.

FORESTRY

Chapter 357

SF 3056

HF 3625

Omnibus Environmental Policy Bill

Sec. 1. Minnesota Statutes 2006, Sec. 16A.06, is amended by adding a Subd. to read:

Subd. 10. Permanent school fund reporting. The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature on the management of the permanent school trust fund that shows how the commissioner maximized the long-term economic return of the permanent school trust fund.

Sec. 2. Minnesota Statutes 2006, Sec. 84.027, is amended by adding a Subd. to read:

Subd. 18. Permanent school fund authority; reporting. The commissioner of natural resources has the authority and responsibility for the administration of school trust lands under Sec. 92.121 and 127A.31. The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature on the management of the school trust lands that shows how the commissioner has and will continue to achieve the following goals: (1) manage the school trust lands efficiently; (2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund; (3) manage the sale, exchange, and commercial leasing of school trust lands to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; and (4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principals.

Sec. 5. [84.66] MINNESOTA FORESTS FOR THE FUTURE PROGRAM.

Subd. 1. Purpose. The Minnesota forests for the future program identifies and protects private, working forest lands for their timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other cultural and environmental values. **Subd. 2. Definitions.** For the purpose of this Sec., the following terms have the meanings given: (1) "forest land" has the meaning given under Sec. 89.001, Subd. 4; (2) "forest resources" has the meaning given under Sec. 89.001, Subd. 8; (3) "guidelines" has the meaning given under Sec. 89A.01, Subd. 8; (4) "riparian land" has the meaning given under Sec. 103F.511, Subd. 8a; and (5) "working forest land" means land that provides a broad range of goods

and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration. **Subd. 3. Establishment.** The commissioner of natural resources shall establish and administer a Minnesota forests for the future program. Land selected for inclusion in the program shall be evaluated on the land's potential for: (1) producing timber and other forest products; (2) maintaining forest landscapes; (3) providing public recreation; and (4) providing ecological, fish and wildlife habitat, and other cultural and environmental values and values consistent with working forest lands. **Subd. 4. Land eligibility.** Land may be placed in the Minnesota forests for the future program if it: (1) is: (i) forest land; (ii) desirable land adjacent to forest land, as determined by the commissioner; or (iii) beneficial to forest resource protection; (2) is at least five acres in size, except for a riparian area or an area providing access to state forest land; and (3) is not set aside, enrolled, or diverted under another federal or state program, unless enrollment in the Minnesota forests for the future program would provide additional conservation benefits or a longer enrollment term than under the current federal or state program. **Subd. 5. Land interests.** The commissioner may acquire permanent interests in lands by fee title, easement acquisition, gift, or donation. An acquired easement shall require a forestry management plan unless the requirement is waived or modified by the commissioner. The plan will guide forest management activities consistent with the purposes and terms of the easement and shall incorporate guidelines and other forest management practices as determined by the commissioner to provide perpetuation of the forest. The plan shall be developed in accordance with the guidelines. **Subd. 6. Application.** The commissioner shall accept applications from owners of eligible lands at the time, in the form, and containing the information as the commissioner may prescribe. If the number of applications exceeds the ability to fund them all, priority shall be given to those applications covering lands providing the greatest public benefits for timber productivity, public access, and ecological and wildlife values. **Subd. 7. Landowner responsibilities.** The commissioner may enroll eligible land in the program by signing an easement in recordable form with a landowner in which the landowner agrees to: (1) convey to the state a permanent easement that is not subject to any prior title, lien, or encumbrance; and (2) manage the land in a manner consistent with the purposes for which the land was selected for the program and not convert the land to other uses. **Subd. 8. Correction of easement boundary lines.** To correct errors in legal descriptions for easements that affect the ownership interests in the state and adjacent landowners, the commissioner may, in the name of the state, convey without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the

attorney general. **Subd. 9. Terminating or changing an easement.** The commissioner may terminate an easement, with the consent of the property owner, if the commissioner determines termination to be in the public interest. The commissioner may modify the terms of an easement if the commissioner determines that modification will help implement the Minnesota forests for the future program or facilitate the program's administration. **Subd. 10. Payments.** Payments to landowners under the Minnesota forests for the future program shall be made in accordance with law and Department of Natural Resources acquisition policies, procedures, and other funding requirements. **Subd. 11. Monitoring, enforcement, and damages.** (a) The commissioner shall establish a long-term program for monitoring and enforcing Minnesota forests for the future easements. The program must require that a financial contribution be made for each easement to cover the costs of managing, monitoring, and enforcing the easement (b) A landowner who violates the terms of an easement under this Sec. or induces, assists, or allows another to do so is liable to the state for damages due to the loss of timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other cultural and environmental values. (c) Upon request of the commissioner, the attorney general may commence an action for specific performance, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce this Sec. in district court in the county where all or part of the violation is alleged to have been committed or where the landowner resides or has a principal place of business.

Sec. 6. [84.67] FORESTS FOR THE FUTURE REVOLVING ACCOUNT.

A forests for the future revolving account is created in the natural resources fund. Money in the account is appropriated to the commissioner of natural resources for the acquisition of forest lands that meet the eligibility criteria in Sec. 84.66, Subd. 4. The commissioner shall sell the lands acquired under this Sec., subject to an easement as provided in Sec. 84.66. Money received from the sale of forest lands acquired under this Sec. and interest earned on the account shall be deposited into the account. The commissioner must file a report to the house of representatives Ways and Means and the senate Finance Committees and the environment and natural resources finance committees or divisions of the senate and house of representatives by October 1 of each year indicating all purchases of forest land using money from this account and sales of forest land for which revenue is deposited into this account.

Sec. 20. Minnesota Statutes 2006, Sec. 88.15, Subd. 2, is amended.

Subd. 2. Not to be left burning. Every person who starts or maintains a campfire shall: (1) exercise every reasonable precaution to prevent the campfire from

spreading ~~and shall;~~ (2) before lighting the campfire, clear the ground of all combustible material ~~within a radius of~~ five feet from the base of the campfire. ~~The person lighting the campfire shall;~~ (3) remain with the campfire at all times; and ~~shall~~ (4) before leaving the site, completely extinguish the campfire. For the purposes of this Sec., "maintains" means tending or adding substantial fuel to a campfire with the effect of extending the life of the campfire.

Sec. 21. Minnesota Statutes 2006, Sec. 89.715, is amended.

89.715 ALTERNATIVE RECORDING FOR STATE FOREST ROAD.

Subd. 1. Authorization. The commissioner may adopt a ~~recorded state~~ forest road map under this Sec. to record the department's state forest road prescriptive easements. For purposes of this Sec., "~~recorded state forest road map~~" means the official map of state forest roads adopted by the commissioner. **Subd. 2. Map requirements.** The ~~recorded state forest road map~~ must: (1) show state forest roads at the time the map is adopted; (2) be prepared at a scale of ~~at least four inches equals one mile~~ compliant with standards of the county recorder where the state forest roads are located; (3) include Sec. numbers; (4) include a north point arrow; (5) include the name of the county and state; (6) include a blank and a description under the blank for the date of public hearing and date of adoption; (7) include blanks for signatures and dates of signatures for the commissioner; and (8) include a list of legal descriptions of all parcels crossed by state forest road prescriptive easements. **Subd. 3. Procedure to adopt map.** (a) The commissioner must prepare an official map for each county or smaller geographic area as determined by the commissioner as provided in Subd. 2, and set a time, place, and date for a public hearing on adopting a ~~recorded state~~ forest road map to record roads. (b) The hearing notice must state that the roads to be recorded will be to the width of the actual use including ditches, backslopes, fills, and maintained rights-of-way, unless otherwise specified in a prior easement of record. The hearing notice must be published once a week for two successive weeks in a qualified newspaper of general circulation that serves the county or smaller geographic areas as determined by the commissioner, the last publication to be made at least ten days before the date of the public hearing. At least 30 days before the hearing, the hearing notice must be sent by certified mail to the property owners directly affected in the county or smaller geographic areas as determined by the commissioner at the addresses listed on the tax assessment notices at least seven days before appearing in the qualified newspaper. The hearing notice may be sent with the tax assessment, but all additional costs incurred shall be billed to the department. (c) After the public hearing is held, the commissioner may amend and adopt the ~~recorded state~~ forest road map. The ~~recorded state forest road map~~ must be dated and signed by the commissioner

and must be ~~recorded~~ filed for recording with the county recorder within 90 days after the map is adopted. The map is effective when filed with the county recorder. (d) The ~~recorded~~ state forest road map that is recorded with the county recorder must comply with the standards of the county recorder where the state forest roads are located. (e) A ~~recorded~~ state forest road map that was prepared by using aerial photographs to establish road centerlines and that has been duly recorded with the county recorder is an adequate description for purposes of recording road easements and the map is the legally constituted description and prevails when a deed for a parcel abutting a road contains no reference to a road easement. Nothing prevents the commissioner from accepting a more definitive metes and bounds or survey description of a road easement for a road of record if the description of the easement is referenced to equal distance on both sides of the existing road centerline. (f) The commissioner shall consult with representatives of county land commissioners, county auditors, county recorders, and Torrens examiners in implementing this subdivision.

Subd. 4. Appeal. (a) ~~Before filing an appeal under paragraph (b), a person may seek resolution of concerns regarding a decision to record a road under this Sec. by contacting the commissioner in writing.~~ (b) ~~A person may appeal a decision to record or exclude recording a road under this Sec. to the district court within 120 days after the date the commissioner adopts the state forest road map. Appeals may be filed only by property owners who are directly affected by a proposed map designation and only for those portions of the map designation that directly affect them.~~ (b) A property owner may appeal the map designation to the commissioner within 60 days of the map being recorded by filing a written request for review. The commissioner shall review the request and any supporting evidence and render a decision within 45 days of receipt of the request for review. (c) If a property owner wishes to appeal a decision of the commissioner after review under paragraph (b), the property owner must file an appeal with the district court within 60 days of the commissioner's decision. (d) If any portion of a map appealed under paragraph (b) is modified or found to be invalid by a court of competent jurisdiction under paragraph (c), the remainder of the map shall not be affected and its recording with the county recorder shall stand.

Subd. 5. Unrecorded road or trail not affected. This Sec. does not affect or diminish the legal status or state obligations of roads and trails not shown on the ~~recorded~~ state forest road map.

Subd. 6. Exemption. Adoption of a ~~recorded~~ state forest road map under this Sec. is exempt from the rulemaking requirements of Chapter 14 and Sec. 14.386 does not apply.

Sec. 36. Minnesota Statutes 2006, Sec. 127A.30, is amended.

127A.30 PERMANENT SCHOOL FUND ADVISORY COMMITTEE.

Subd. 1. Membership. A state Permanent School Fund Advisory Committee is established to advise the Department of Natural Resources on the management of permanent school fund land, which is held in trust for the school districts of the state. The advisory committee must consist of the following persons or their designees: the chairs of the education committees of the legislature, the chairs of the legislative committees with jurisdiction over the K-12 education budget, the chairs of the legislative committees with jurisdiction over the environment and natural resources policy and budget, the chair of the senate Committee on Finance and the chair of the house Committee on Ways and Means, the commissioner of education, one superintendent from a nonmetropolitan district, and one superintendent from a metropolitan area district, one person with an expertise in forestry, one person with an expertise in minerals and mining, one person with an expertise in real estate development, one person with an expertise in renewable energy, one person with an expertise in finance and land management, and one person with an expertise in natural resource conservation. The school district superintendents shall be appointed by the commissioner of education. The committee members with areas of expertise in forestry, minerals and mining, real estate development, renewable energy, finance and land management, and natural resource conservation shall be appointed by the commissioner of natural resources. Members of the legislature shall be given the opportunity to recommend candidates for vacancies on the committee to the commissioners of education and natural resources. The advisory committee must also include a nonvoting member appointed by the commissioner of natural resources. The commissioner of natural resources shall provide administrative support to the committee. The members of the committee shall serve without compensation. The members of the Permanent School Fund Advisory Committee shall elect their chairperson and are bound by the provisions of Sec.s 43A.38 and 116P.09, Subd. 6. **Subd. 2. Duties.** The advisory committee shall review the policies of the Department of Natural Resources and current statutes on management of school trust fund lands at least ~~semiannually~~ annually and shall recommend necessary changes in statutes, policy, and implementation in order to ensure provident utilization of the permanent school fund lands. By January 15 of each year, the advisory committee shall submit a report to the legislature with recommendations for the management of school trust lands to Secure long-term economic return for the permanent school fund, consistent with Sec. 92.121 and 127A.31. The committee's annual report may include recommendations to: (1) manage the school trust lands efficiently; (2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the

permanent school trust fund; (3) manage the sale, exchange, and commercial leasing of school trust lands to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; and(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles. Subd. 3. Duration. Notwithstanding Sec. 15.059, Subd. 5, the advisory committee is permanent and does not expire.

Chapter 363 HF 1812 SF 1475 (Substitute 3813)
Omnibus Supplemental Budget Bill

Article 1, Sec. 4, Subd. 4

Forest Management

\$53,000 in 2009 is for the Forest Resources Council to conduct a study of options and make recommendations to the legislature for addressing the fragmentation and parcelization of large blocks of private forest land in the state. **This is a onetime appropriation.**

\$197,000 in 2009 is for a grant to the University of Minnesota for the Interagency Information Cooperative to develop a common forest inventory format describing key attributes of Minnesota’s public forest land base, growth models for managed forest stands, a forest wildlife habitat model format, and an information database on the state’s family forest ownership.

Article 1, Sec. 28, Laws 2007, C. 57, Article 1, Sec. 4, Subd. 4, is amended.

Forest Management; outline & reporting requirements

~~\$1,000,000 the first year and \$1,000,000 the Second year are to support additional technical and cost share assistance to nonindustrial private forest (NIPF) landowners~~ forest management activities.

~~\$200,000 the first year and \$200,000 the Second year are to address escalating land asset management demands, such as boundary disputes, access easements, and sale, exchange, and acquisition of forest lands~~ support additional forest management activities.

Article 9, Sec. 6. Minnesota Statutes 2006, section 190.25, is amended.

Subd. 3a. **Timber sales; use of funds.** The adjutant general is authorized to sell in the manner provided by law any or all timber on land acquired under the authority of subdivision 1 or which may hereafter comprise the Camp Ripley

Military Field Training Center. The proceeds of any sales of timber under this subdivision must be deposited in an account in the special revenue fund and are appropriated to the adjutant general to be used to manage the timber resources of Camp Ripley in a manner consistent with the camp's purpose as lands for training armed forces.

Chapter 366 HF 3149 SF 2869
Omnibus Tax Bill

Article 6, Sec. 26

Sec. 26. Minnesota Statutes 2006, Sec. 273.13, Subdivision 23, as amended by Laws 2008, Chapter 154, Article 2, Sec. 12, is amended.

Subd. 23. Class 2. (a) ~~Class 2a property is agricultural land including any improvements~~ An agricultural homestead consists of class 2a agricultural land that is homesteaded, along with any class 2b rural vacant land that is contiguous to the class a land under the same ownership. The market value of the house and garage and immediately surrounding one acre of land has the same class rates as class 1a or 1b property under subdivision 22. The value of the remaining land including improvements up to the first tier valuation limit of agricultural homestead property has a net class rate of ~~90.55~~ 0.5 percent of market value. The remaining property over the first tier has a class rate of one percent of market value. For purposes of this Subdivision, the "first tier valuation limit of agricultural homestead property" and "first tier" means the limit certified under Sec. 273.11, Subdivision 23. (b) Class 2a agricultural land consists of parcels of property, or portions thereof, that are agricultural land and buildings. Class 2a property has a net class rate of one percent of market value, unless it is part of an agricultural homestead under paragraph (a). Class 2a property may contain property that would otherwise be classified as 2b, including but not limited to sloughs, wooded wind shelters, acreage abutting ditches, and other similar land impractical for the assessor to value separately from the rest of the property. An assessor may classify the part of a parcel described in this Subdivision that is used for agricultural purposes as class 2a and the remainder in the class appropriate to its use. (c) ~~Class 2b property is (1) rural vacant land consists of parcels of property, or portions thereof, that are unplatted real estate, rural in character and not used for agricultural purposes, including land used exclusively for growing trees for timber, lumber, and wood and wood products; (2) real estate, that is not improved with a structure and is used exclusively for growing trees for timber, lumber, and wood and wood products, if the owner has participated or is participating in a cost sharing program for afforestation, reforestation, or timber stand improvement on that particular property,~~

~~administered or coordinated by the commissioner of natural resources; (3) real estate that is nonhomestead agricultural land; or (4) a landing area or public access area of a privately owned public use airport.~~ The presence of a minor, ancillary nonresidential structure as defined by the commissioner of revenue does not disqualify the property from classification under this paragraph. Any parcel of 20 acres or more improved with a structure that is not a minor, ancillary nonresidential structure must be split-classified, and ten acres must be assigned to the split parcel containing the structure. Class 2b property has a net class rate of one percent of market value, ~~except that unplatted property described in clause (1) or (2) has a net class rate of .65 percent if it consists unless it is part of an agricultural homestead under paragraph (a), or qualifies as class 2c under paragraph (d).~~ (d) Class 2c managed forest land consists of no less than ten 20 and no more than 1,920 acres and statewide per taxpayer that is being managed under a forest management plan that meets the requirements of Chapter 290C, but is not enrolled in the sustainable forest resource management incentive program. It has a class rate of .65 percent, provided that the owner of the property must apply to the assessor annually to receive the reduced class rate and provide the information required by the assessor to verify that the property qualifies for the reduced rate. The commissioner of natural resources must concur that the land is qualified. The commissioner of natural resources shall annually provide county assessors verification information on a timely basis.

Article 6, Sec. 28

Sec. 28. Minnesota Statutes 2006, Sec. 273.13, Subd. 33, is amended.

Subd. 33. Classification of unimproved property. (a) All real property that is not improved with a structure must be classified according to its current use. (b) Except as provided in Subdivision 23, paragraph (c), real property that is not improved with a structure and for which there is no identifiable current use must be classified according to its highest and best use permitted under the local zoning ordinance. If the ordinance permits more than one use, the land must be classified according to the highest and best use permitted under the ordinance. If no such ordinance exists, the assessor shall consider the most likely potential use of the unimproved land based upon the use made of surrounding land or land in proximity to the unimproved land.

EFFECTIVE DATE. This Sec. is effective for taxes payable in 2010 and thereafter.

Omnibus Game & Fish, Lands, Forestry and Natural Resources Policy bill.**Article 1, Sec. 6. [84.66] MINNESOTA FORESTS FOR THE FUTURE PROGRAM.**

Subd. 1. Purpose. The Minnesota forests for the future program identifies and protects private, working forest lands for their timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other cultural and environmental values. **Subd. 2. Definitions.** For the purpose of this Sec., the following terms have the meanings given: (1) "forest land" has the meaning given under Sec. 89.001, Subd. 4; (2) "forest resources" has the meaning given under Sec. 89.001, Subd. 8; (3) "guidelines" has the meaning given under Sec. 89A.01, Subd. 8; (4) "riparian land" has the meaning given under Sec. 103F.511, Subd. 8a; and (5) "working forest land" means land that provides a broad range of goods and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration. **Subd. 3. Establishment.** The commissioner of natural resources shall establish and administer a Minnesota forests for the future program. Land selected for inclusion in the program shall be evaluated on the land's potential for: (1) producing timber and other forest products; (2) maintaining forest landscapes; (3) providing public recreation; and (4) providing ecological, fish and wildlife habitat, and other cultural and environmental values and values consistent with working forest lands. **Subd. 4. Land eligibility.** Land may be placed in the Minnesota forests for the future program if it: (1) is: (i) forest land; (ii) desirable land adjacent to forest land, as determined by the commissioner; or (iii) beneficial to forest resource protection; (2) is at least five acres in size, except for a riparian area or an area providing access to state forest land; and (3) is not set aside, enrolled, or diverted under another federal or state program unless enrollment in the Minnesota forests for the future program would provide additional conservation benefits or a longer enrollment term than under the current federal or state program. **Subd. 5. Land interests.** The commissioner may acquire permanent interests in lands by fee title, easement acquisition, gift, or donation. An acquired easement shall require a forestry management plan unless the requirement is waived or modified by the commissioner. The plan will guide forest management activities consistent with the purposes and terms of the easement and shall incorporate guidelines and other forest management practices as determined by the commissioner to provide perpetuation of the forest. The plan shall be developed in accordance

with the guidelines. **Subd. 6. Application.** The commissioner shall accept applications from owners of eligible lands at the time, in the form, and containing the information as the commissioner may prescribe. If the number of applications exceeds the ability to fund them all, priority shall be given to those applications covering lands providing the greatest public benefits for timber productivity, public access, and ecological and wildlife values. **Subd. 7. Landowner responsibilities.** The commissioner may enroll eligible land in the program by signing an easement in recordable form with a landowner in which the landowner agrees to: (1) convey to the state a permanent easement that is not subject to any prior title, lien, or encumbrance; and (2) manage the land in a manner consistent with the purposes for which the land was selected for the program and not convert the land to other uses. **Subd. 8. Correction of easement boundary lines.** To correct errors in legal descriptions for easements that affect the ownership interests in the state and adjacent landowners, the commissioner may, in the name of the state, convey without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general. **Subd. 9. Terminating or changing an easement.** The commissioner may terminate an easement, with the consent of the property owner, if the commissioner determines termination to be in the public interest. The commissioner may modify the terms of an easement if the commissioner determines that modification will help implement the Minnesota forests for the future program or facilitate the program's administration. **Subd. 10. Payments.** Payments to landowners under the Minnesota forests for the future program shall be made in accordance with law and Department of Natural Resources acquisition policies, procedures, and other funding requirements. **Subd. 11. Monitoring, enforcement, and damages.** (a) The commissioner shall establish a long-term program for monitoring and enforcing Minnesota forests for the future easements. The program must require that a financial contribution be made for each easement to cover the costs of managing, monitoring, and enforcing the easement. (b) A landowner who violates the terms of an easement under this Sec. or induces, assists, or allows another to do so is liable to the state for damages due to the loss of timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other cultural and environmental values. (c) Upon request of the commissioner, the attorney general may commence an action for specific performance, injunctive relief, damages, including attorney's fees, and any other appropriate relief to enforce this Sec. in district court in the county where all or part of the violation is alleged to have been committed or where the landowner resides or has a principal place of business. **Subd. 12. Rulemaking exemption.** Easements agreed to under this Sec. are not subject to the rulemaking

provisions of Chapter 14 and Sec. 14.386 does not apply.

Article 1, Sec. 7. [84.67] FORESTS FOR THE FUTURE REVOLVING ACCOUNT.

A forests for the future revolving account is created in the natural resources fund. Money in the account is appropriated to the commissioner of natural resources for the acquisition of forest lands that meet the eligibility criteria in Sec. 84.66, Subd. 4. The commissioner shall sell the lands acquired under this Sec., subject to an easement as provided in Sec. 84.66. Money received from the sale of forest lands acquired under this Sec. and interest earned on the account shall be deposited into the account. The commissioner must file a report to the house Ways and Means and the senate Finance Committees and the environment and natural resources finance committees or divisions of the senate and house of representatives by October 1 of each year indicating all purchases of forest land using money from this account and sales of forest land for which revenue is deposited into this account.

Article 1, Sec. 11. Minnesota Statutes 2006, Sec. 89.715, is amended.

89.715 ALTERNATIVE RECORDING FOR STATE FOREST ROAD.

Subd. 1. Authorization. The commissioner may adopt a ~~recorded state~~ forest road map under this Sec. to record the department's state forest road prescriptive easements. For purposes of this Sec., "~~recorded state forest road map~~" means the official map of state forest roads adopted by the commissioner. **Subd. 2. Map requirements.** The ~~recorded state forest road map~~ must: (1) show state forest roads at the time the map is adopted; (2) be prepared at a scale of ~~at least four inches equals one mile~~ compliant with standards of the county recorder where the state forest roads are located; **Subd. 3. Procedure to adopt map.** (a) The commissioner must prepare an official map for each county or smaller geographic area as determined by the commissioner as provided in Subd. 2, and set a time, place, and date for a public hearing on adopting a ~~recorded state forest road map~~ to record roads. (b) The hearing notice must state that the roads to be recorded will be to the width of the actual use including ditches, backslopes, fills, and maintained rights-of-way, unless otherwise specified in a prior easement of record. The hearing notice must be published once a week for two successive

weeks in a qualified newspaper of general circulation that serves the county or smaller geographic areas as determined by the commissioner, the last publication to be made at least ten days before the date of the public hearing. At least 30 days before the hearing, the hearing notice must be sent by certified mail to the property owners directly affected in the county or smaller geographic areas as determined by the commissioner at the addresses listed on the tax assessment notices at least seven days before appearing in the qualified newspaper. The hearing notice may be sent with the tax assessment, but all additional costs incurred shall be billed to the department. (c) After the public hearing is held, the commissioner may amend and adopt the ~~recorded~~ state forest road map. The ~~recorded~~ state forest road map must be dated and signed by the commissioner and must be ~~recorded~~ filed for recording with the county recorder within 90 days after the map is adopted. The map is effective when filed with the county recorder. (d) The ~~recorded~~ state forest road map that is recorded with the county recorder must comply with the standards of the county recorder where the state forest roads are located. (e) A ~~recorded~~ state forest road map that was prepared by using aerial photographs to establish road centerlines and that has been duly recorded with the county recorder is an adequate description for purposes of recording road easements and the map is the legally constituted description and prevails when a deed for a parcel abutting a road contains no reference to a road easement. Nothing prevents the commissioner from accepting a more definitive metes and bounds or survey description of a road easement for a road of record if the description of the easement is referenced to equal distance on both sides of the existing road centerline. (f) The commissioner shall consult with representatives of county land commissioners, county auditors, county recorders, and Torrens examiners in implementing this Subd. **Subd. 4. Appeal.** (a) ~~Before filing an appeal under paragraph (b), a person may seek resolution of concerns regarding a decision to record a road under this Sec. by contacting the commissioner in writing.~~ (b) ~~A person may appeal a decision to record or exclude recording a road under this Sec. to the district court within 120 days after~~

~~the date the commissioner adopts the state forest road map. Appeals may be filed only by property owners who are directly affected by a proposed map designation and only for those portions of the map designation that directly affect them. (b) A property owner may appeal the map designation to the commissioner within 60 days of the map being recorded by filing a written request for review. The commissioner shall review the request and any supporting evidence and render a decision within 45 days of receipt of the request for review. (c) If a property owner wishes to appeal a decision of the commissioner after review under paragraph (b), the property owner must file an appeal with the district court within 60 days of the commissioner's decision. (d) If any portion of a map appealed under paragraph (b) is modified or found to be invalid by a court of competent jurisdiction under paragraph (c), the remainder of the map shall not be affected and its recording with the county recorder shall stand.~~ **Subd. 5. Unrecorded road or trail not affected.** This Sec. does not affect or diminish the legal status or state obligations of roads and trails not shown on the ~~recorded~~ state forest road map. **Subd. 6. Exemption.** Adoption of a ~~recorded~~ state forest road map under this Sec. is exempt from the rulemaking requirements of Chapter 14 and Sec. 14.386 does not apply.

Article 1, Sec. 12. Minnesota Statutes 2006, Sec. 90.151, Subd. 1, is amended.

Subd. 1. Issuance; expiration. (a) Following receipt of the down payment for state timber required under Sec. 90.14 or 90.191, the commissioner shall issue a numbered permit to the purchaser, in a form approved by the attorney general, by the terms of which the purchaser shall be authorized to enter upon the land, and to cut and remove the timber therein described as designated for cutting in the report of the state appraiser, according to the provisions of this Chapter. The permit shall be correctly dated and executed by the commissioner and signed by the purchaser. If a permit is not signed by the purchaser within 60 days from the date of purchase, the permit cancels and the down payment for timber required under Sec. 90.14 forfeits to the state. The commissioner may grant an additional

period for the purchaser to sign the permit, not to exceed five business days, provided the purchaser pays a \$125 penalty fee.

EFFECTIVE DATE. This Sec. is effective the day following final enactment and applies retroactively to permits dated January 1, 2008, and thereafter.

Article 1, Sec. 19. FOREST MANAGEMENT INVESTMENT ACCOUNT UNALLOTMENTS; FISCAL YEARS 2008 AND 2009. In addition to the requirements under Minnesota Statutes, Sec. 16A.152, for fiscal years 2008 and 2009, the commissioner of natural resources shall consult with the chairs and ranking minority members of the house and senate environment and natural resources finance divisions on proposed allotment reductions from appropriations from the forest management investment account. The commissioner shall notify the chairs and ranking minority members of the divisions of the proposed allotment reductions at least 30 days prior to taking action on the reductions. The commissioner must also provide quarterly forest management investment account fund statements, including a report on the methodology used in calculating the revenue forecasts.

PARKS AND RECREATION

Chapter 193

HF 3224

SF 2820

Park District Property Acquisition Authorization

Provides park district boards the authority to purchase or condemn lands located within a statutory or home rule charter city without a consented resolution if the purchase is in accordance with the adopted comprehensive plan of the home rule charter or statutory city. **Vetoed by the Governor, 4-17-2008.**

Chapter 314

SF 3303

HF 3692

Riverfront Revitalization

Sec. 1. NONPROFIT RIVERFRONT REVITALIZATION CORPORATION.

Subd. 1. Nonprofit corporation may be established. The city of Minneapolis may create a nonprofit corporation under Minnesota Statutes, Chapter 317A. The purpose of the nonprofit corporation must be to facilitate and support coordinated revitalization of the Mississippi riverfront within the city of Minneapolis. The corporation may seek tax exemption and 501(c)(3) status under the Internal Revenue Code. The corporation may accept gifts, donations, money, property, and other assets and may transfer, donate, or otherwise provide such gifts, donations, money, property, and other assets consistent with its dedicated purpose. The corporation may choose to exercise any of the powers granted to a nonprofit corporation under Minnesota Statutes, Chapter 317A, including the acquisition and disposition of real estate. **Subd. 2. Formation; board of directors; employees.** The corporation's board of directors must include at least ten and no more than 24 members, including at least two representatives from the city of Minneapolis appointed by the city council and two representatives from the Minneapolis Park and Recreation Board appointed by the Minneapolis Park and Recreation Board. No more than half of the board may be representatives of governmental entities, with membership to be offered to the Mississippi Watershed Management Organization, Hennepin County, the University of Minnesota, and National Park Service/MNRRRA. At least half of the nongovernmental members of the board must be representatives of (1)

community or neighborhood organizations from both river-adjacent neighborhoods and the city at large or (2) Minneapolis riverfront residents. The other nongovernmental members may include business leaders and representatives of civic and nonprofit organizations and foundations. The members of the board must not be compensated by the corporation for their services but may be reimbursed for reasonable expenses incurred in connection with their duties as board members. **Subd. 3. Open meeting law; data practices.** The Minnesota Open Meeting Law in Minnesota Statutes, Chapter 13D, and the Minnesota Government Data Practices Act in Minnesota Statutes, Chapter 13, apply to the corporation created under this Sec.

Sec. 2. FUNDING.

The city of Minneapolis or the Minneapolis Park and Recreation Board, or both, may provide office space, administrative support, and funding to help create and establish the corporation. Until the corporation is established and functioning, the city of Minneapolis may accept gifts, donations, money, property, and other assets for purposes consistent with the corporation's purposes and shall, when the corporation is established and functioning, transfer such gifts, donations, money, property, and other assets to the corporation. The city of Minneapolis, the Minneapolis Park and Recreation Board, and any other political Subds. of the state of Minnesota also may contribute gifts, donations, money, property, and other assets to the corporation for purposes consistent with the corporation's purposes. The use of governmental funds and resources for these purposes is a public purpose.

Sec. 3. REPORT.

On or before January 15, 2010, the city of Minneapolis shall prepare and submit to the chairs of the legislative committees and divisions with jurisdiction over metropolitan and local government a report on the creation and establishment of the corporation, including a description of the public and private funds and resources used to help create and establish the corporation.

Sec. 4. APPLICATION.

This act applies to the city of Minneapolis.

Sec. 5. EFFECTIVE DATE.

This act is effective the day after both the city of Minneapolis and the Minneapolis Park and Recreation Board comply with Minnesota Statutes, Sec. 645.021, Subd. 2 and 3. Compliance by both governing bodies must be completed no later than August 1, 2008, or this act is deemed to be disapproved, as provided by Minnesota Statutes, Sec. 645.021, Subd. 3. Vetoed by the Governor, May 15, 2008

Chapter 357 SF 3056 HF 3625

Omnibus Environment Policy Bill

Sec. 13. Minnesota Statutes 2006, Sec. 85.011, is amended.

85.011 CONFIRMATION OF CREATION AND ESTABLISHMENT OF STATE PARKS, ~~MONUMENTS,~~ STATE RECREATION RESERVES AREAS, AND WAYSIDES.

The legislature of this state has provided for the creation and establishment of state parks, designated ~~monuments,~~ state recreation reserves areas, and waysides for the purpose of conserving the scenery, natural and historic objects and wildlife and to provide for the enjoyment of the same in such a manner ~~and by such means as that~~ will leave them unimpaired for the enjoyment of future generations. The establishment of such the state parks, designated ~~monuments,~~ state recreation reserves areas, and waysides is hereby confirmed as provided in this Sec. and Sec. 85.012 and 85.013 and they shall remain perpetually dedicated for the use of the people of the state for park purposes. The enumerated state parks, ~~state monuments,~~ state recreation areas, and state waysides shall consist of the lands and other property authorized therefor before January 1, 1969, together with such other lands and properties as may be authorized therefor on or after

January 1, 1969.

Sec. 14. Minnesota Statutes 2006, Sec. 85.012, Subd. 28, is amended.

Subd. 28. Interstate State Park, Chisago County, which is hereby renamed from Dalles of Saint Croix State Park.

Sec. 15. Minnesota Statutes 2006, Sec. 85.012, Subd. 49a, is amended.

Subd. 49a. ~~St. Croix~~ Wild River State Park, Chisago County.

Sec. 16. Minnesota Statutes 2006, Sec. 85.013, Subd. 1, is amended.

Subd. 1. Names, acquisition; administration. (a) Designated ~~monuments,~~ recreation reserves, and waysides heretofore established and hereby confirmed as ~~state monuments,~~ state recreation areas and state waysides together with the counties in which they are situated are listed in this Sec. and shall hereafter be named as indicated in this Sec. (b) Any land that now is or hereafter becomes tax-forfeited land and is located within the described boundaries of a state recreation area as defined by session laws is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state for such purposes and transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes.

Sec. 17. Minnesota Statutes 2006, Sec. 85.053, is amended by adding a Subd. to read:

Subd. 10. Free entrance; totally and permanently disabled veterans. The commissioner shall issue an annual park permit for no charge for any veteran with a total and permanent service-connected disability who presents each year a

copy of their determination letter to a park attendant or commissioner's designee. For the purposes of this section, "veteran with a total and permanent service-connected disability" means a resident who has a total and permanent service-connected disability as adjudicated by the United States Veterans Administration or by the retirement board of one of the several branches of the armed forces.

Sec. 18. Minnesota Statutes 2006, Sec. 85.054, is amended by adding a Subd. to read:

Subd. 14. Grand Portage State Park. A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the Class 1 highway rest area parking lot located adjacent to marked Trunk Highway 61 and Pigeon River at Grand Portage State Park.

Chapter 363 HF 1812 SF 1475 (Substitute 3813)
Omnibus Supplemental Budget

Article 5, Sec. 4, Subd. 5
Parks & Recreation Management

\$220,000 in 2009 is a reduction for parks and recreation management.

\$220,000 in 2009 is from state parks account in the natural resources fund to fund state park operations, maintenance, resource management, educational services, and associated support costs.

\$50,000 in 2008 is from the natural resources fund, for grants to local units of government for up to 75% of the cost of meeting the equipment requirement for public pools under Minnesota Statutes, Sec. 144.1222, Subd. 1d, paragraph (2), if enacted. The maximum grant is \$10,000 per pool upgraded. Priority shall be given to local government applicants seeking assistance in installing a Secondary suction or drainage outlet for the public pool where a fee is not charged for use of the pool. The commissioner shall consult with the commissioner of health in awarding the grants. Of this amount, notwithstanding the restrictions under Minnesota Statutes, Sec. 297A.94, \$25,000 is from the revenue deposited in the natural resources fund under Minnesota Statutes, Sec. 297A.94, paragraph (e),

clause (3), and \$25,000 is from the revenue deposited in the natural resources fund under Minnesota Statutes, Sec. 297A.94, paragraph (e), clause (4). This is a onetime appropriation and is available until June 30, 2009.

Article 5, Sec. 6

Metropolitan Council (Metro Area Regional Parks)

\$300,000 in fiscal year 2009 is reduced from money appropriated from the general fund for metropolitan area regional parks maintenance and operations under Laws 2007, Chapter 57, Article 1, Sec. 6. This is a onetime reduction.

\$300,000 in fiscal year 2009 is appropriated from the natural resources fund for metropolitan area regional parks maintenance and operations. This is a onetime appropriation from the revenue deposited in the natural resources fund under Minnesota Statutes, Sec. 297A.94, paragraph (e), clause (3).

Article 5, Sec. 10

[85.53] Parks and Trails Fund

The parks and trails fund is established in the Minnesota Constitution, Article XI, Sec. 15. All money earned by the parks and trails fund must be credited to the fund.

EFFECTIVE DATE: This section is effective July 1, 2009, if the constitutional amendment proposed in Laws 2008, Chapter 151, is adopted by the voters.

Chapter 365 HF 4072 SF 3815
Supplemental Capital Bonding 2008

Sec. 1. Capital Improvement Appropriations

The sums shown in the column under "Appropriations" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes. Appropriations of bond proceeds must be spent as authorized by the Minnesota Constitution, Article XI, Sec. 5, paragraph (a), to acquire and better public land and buildings and other public improvements of a capital nature, or as authorized by the Minnesota Constitution, Article XI, Sec. 5, paragraphs (b) to (j), or Article XIV. Unless

otherwise specified, the appropriations in this act are available until the project is completed or abandoned subject to Minnesota Statutes, Sec. 16A.642.

SUMMARY

Natural Resources

\$20,000,000

Sec. 2. Natural Resources

Lake Vermilion State Park

\$20,000,000. To the commissioner of natural resources to acquire land for Lake Vermilion State Park. Any amount not needed for acquisition may be used to predesign, design, construct, furnish, and equip park facilities for the development of Lake Vermilion State Park.

Chapter 368

SF 2651

HF 3280

Omnibus Game & Fish, Forestry and Natural Resources Policy Bill

Article 3, Sec. 1. Minnesota Statutes 2006, Sec. 85.012, is amended by adding a Subd. to read:

Subd. 38a. Lake Vermilion State Park, St. Louis County.

Article 3, Sec. 2. LAKE VERMILION STATE PARK.

Subd. 1. Lake Vermilion State Park. Lake Vermilion State Park is established in St. Louis County. **Subd. 2. Management.** All lands acquired for Lake Vermilion

State Park must be administered in the same manner as provided for other state parks and must be perpetually dedicated for that use. **Subd. 3. Boundaries.** The

following described lands are located within the boundaries of Lake Vermilion State Park: (1) Government Lots 4, 5, 6, 7, 8, 9, and the South Half of the

Southeast Quarter, all in Sec. 13, Township 62 North, Range 15 West; (2)

Government Lots 6 and 8, Sec. 14, Township 62 North, Range 15 West; (3)

Government Lots 1 and 7 and the Northeast Quarter of the Southeast Quarter, all in Sec. 22, Township 62 North, Range 15 West; (4) Government Lots 1, 2, 3, 4, the

Southeast Quarter of the Northeast Quarter, and the South Half, all in Sec. 23,

Township 62 North, Range 15 West; (5) all of Sec. 24, Township 62 North, Range

15 West; (6) all of Sec. 25, Township 62 North, Range 15 West; (7) all of Sec. 26, Township 62 North, Range 15 West, excepting therefrom all that part of the Southeast Quarter of the Southwest Quarter lying South of the south right-of-way line of State Highway 169 and also excepting therefrom the East 845 feet of the Southwest Quarter of the Southwest Quarter lying South of the south right-of-way line of State Highway 169; (8) the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Sec. 27, Township 62 North, Range 15 West; (9) the Southeast Quarter of the Northeast Quarter of Sec. 29, Township 62 North, Range 15 West, except that part lying South of the centerline of the McKinley Park Road; and (10) Government Lots 1 and 2 and the East Half of the Northwest Quarter, Sec.19, Township 62 North, Range 14 West.

Subd. 4. Annual payments. (a) Beginning in fiscal year 2010, in lieu of the payment amount provided under Minnesota Statutes, Sec. 477A.12, Subd. 1, clause (1), the county shall receive an annual payment for land acquired for Lake Vermilion State Park equal to 1.5 percent of the appraised value of the land. (b) For the purposes of this subd., the appraised value of the land acquired for Lake Vermilion State Park for the first five years after acquisition shall be the purchase price of the land, plus the value of any portion of the land that is acquired by donation. The appraised value must be redetermined by the county assessor every five years after the land is acquired. (c) The annual payments under this Subd. shall be distributed to the taxing jurisdictions containing the property as follows: one-third to the school districts; one-third to the town; and one-third to the county. The payment to school districts is not a county apportionment under Sec. 127A.34 and is not subject to aid recapture. Each of those taxing jurisdictions may use the payments for their general purposes. (d) Except as provided in this subd., the payments shall be made as provided in Minnesota Statutes, Sec. 477A.11 to 477A.13. (e) Article 2, Sec. 11, of 2008 H.F. No. 3149, if enacted, is repealed.

Article 3, Sec. 3. EFFECTIVE DATE.

Sec. 1 and 2 are effective upon acquisition by the state by purchase or by gift of all lands described in Sec. 2, Subd. 3.

REPEALER DEFINITIONS: PARKS

Chapter 357, SF 3056/HF 3625

Sec. 40

REPEALER. Minnesota Statutes 2006, Sec. 84.961, Subd. 4; 85.013, Subd. 21b; 85.054, Subd. 3; and 97A.141, Subd. 2, and Laws 1989, Chapter 335, Article 1, Sec. 21, Subd. 8, as amended by Laws 2002, Chapter 323, Sec. 19, are repealed.

- Repeals Minnesota Statutes 2006, Sec. 85.013, Subdivision 21b: Rush River State Wayside, Sibley County;
- Repeals Minnesota Statutes 2006, Sec. 85.054, Subdivision 3: Interstate Park; Park Permit

TRAILS AND WATERWAYS
Chapter 154 HF 3201 SF 2935
Omnibus Technical Corrections Tax Bill

Sec. 2. Minnesota Statutes 2006, Sec. 296A.18, Subd. 4, is amended.

Subd. 4. All-terrain vehicle. Approximately ~~0.15~~ 0.27 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, ~~0.15~~ 0.27 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

EFFECTIVE DATE. This section is effective for revenue received after June 30, 2008.

Chapter 357 SF 3056 HF 3625
Omnibus Environmental Policy Bill

Sec. 7. Minnesota Statutes 2006, Sec. 84.788, Subd. 3, is amended.

Subd. 3. Application; issuance; reports.

(b) A person who purchases from a retail dealer an off-highway motorcycle shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the ~~ten-day~~ 21-day temporary permit period.

Sec. 8. Minnesota Statutes 2006, Sec. 84.82, Subd. 2, is amended.

Subd. 2. Application, issuance, reports, additional fee.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration. The temporary permit must contain the dealer's identification number and phone number.

(c) Upon receipt of the application and the appropriate fee as hereinafter provided, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. Once issued, the registration number must be affixed to the snowmobile in a clearly visible and permanent manner for enforcement purposes as the commissioner of natural resources shall prescribe. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary ~~ten-day~~ 21-day permit period. The registration is not valid unless signed by at least one owner. The temporary permit must indicate whether a snowmobile state trail sticker under Sec. 84.8205 was purchased.

Sec. 9. Minnesota Statutes 2006, Sec. 84.82, is amended by adding a Subd. to read:

Subd. 3a. Expiration. All snowmobile registrations, excluding temporary registration permits, required under this Sec. expire June 30 of the year of expiration.

Sec. 10. Minnesota Statutes 2007 Supplement, Sec. 84.8205, Subd. 1, is amended.

Subd. 1. Sticker required; fee.

(a) Except as provided in paragraph (b), a person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a three-year snowmobile state trail sticker that is purchased at the time of snowmobile registration is \$30. In addition to other penalties prescribed by law, a person in violation of this Subd. must purchase an annual state trail sticker for a fee of \$30. The sticker is valid from November 1 through ~~April~~ June 30.

(c) A temporary registration permit issued by a dealer under Sec. 84.82, Subd. 2, may include a snowmobile state trail sticker if the trail sticker fee is included with the registration application fee.

Sec. 11. Minnesota Statutes 2006, Sec. 84.922, Subd. 2, is amended.

Subd. 2. Application, issuance, reports.

(b) A person who purchases an all-terrain vehicle from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue

a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. Once issued, the registration number must be affixed to the vehicle in a manner prescribed by the commissioner. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the ~~ten-day~~ 21-day temporary permit period.

Sec. 19. Minnesota Statutes 2006, Sec. 86B.401, Subd. 2, is amended.

Subd. 2. Temporary certificate. A person who applies for a watercraft license may be issued a temporary license certificate to operate the watercraft. The temporary license certificate is valid for ~~the period of time specified by the commissioner~~ 21 days.

Sec. 25. Minnesota Statutes 2006, Sec. 97A.141, Subd. 1, is amended.

Subd. 1. Acquisition; generally. The commissioner shall acquire access sites adjacent to public waters and easements and rights-of-way necessary to connect the access sites with public highways. The land may be acquired by gift, lease, or purchase, or by condemnation with approval of the Executive Council. ~~An access site may not exceed seven acres and may only be acquired where access is inadequate.~~

Chapter 363 HF 1812 SF 1475 (Substitute 3813)
Omnibus Supplemental Budget

Article 5, Sec. 4, Subd. 6

Beginning in 2009, \$300,000 each year is from the ATV account in the natural resources fund for monitoring & maintenance of newly designated trails.

\$700,000 in 2009 is from the natural resources fund for development of Virginia site and connecting trails for the Iron Range Off-Highway Vehicle Rec Area.

Of this amount:

\$400,000 is from the all-terrain vehicle account

\$ 75,000 is from the off-highway motorcycle account

\$125,000 is from the off-road vehicle account

\$100,000 is from the snowmobile trails and enforcement account

\$300,000 is federal money allocated for motorized recreation

This appropriation is available until expended for the design and development of an underpass for off-highway vehicles on Highway 135 in the City of Gilbert. None of these funds may be expended until all property as identified in the master plan has been acquired. **This is a one-time appropriation.**

\$100,000 in 2009 is from the all-terrain vehicle account in the natural resources fund for a grant to the city of Hoyt Lakes to convert the Moose Trail snowmobile trail to a dual usage trail, so that it may also be used as an Off-Highway Vehicle trail connecting the city of Biwabik to the Iron Range Off-Highway Vehicle Recreation Area. **This is a onetime appropriation.**

\$50,000 in 2009 is a reduction from the appropriation for nonmotorized trails.

\$35,000 in 2009 is from the all-terrain vehicle account in the natural resources fund for all-terrain vehicle grants-in-aid.

Article 5, Sec. 29, Laws 2007, Chapter 57, Article 1, Sec. 4, Subd. 6 is amended. \$655,000 the first year; \$655,000 the Second year are from the natural resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grant. This appropriation is from the revenue deposited in the natural resources fund under MS, Sec. 297A.94, paragraph (3), clause (4). Any unencumbered balance does not cancel at the end of the first year and is available for the Second year. In addition, if a project financed under this program receives a federal grant award, the availability of the financing from this paragraph for that project is extended to equal the period of the federal grant.

Chapter 368 SF 2651 HF 3280
Omnibus Game & Fish, Forestry and Natural Resources Policy Bill

Article 2, Sec. 7. Minnesota Statutes 2006, Sec. 85.46, Subd. 1, is amended. Subd. 1. Pass in possession. (a) Except as provided in paragraph (b), while riding, leading, or driving a horse on horse trails and associated day use areas on state trails, in state parks, in state recreation areas, and in state forests, a person 16 years of age or over shall carry in immediate possession and visibly display on person or horse tack, a valid horse trail pass. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under Sec. 84.0835. (b) A valid horse trail pass is not required under this Sec. for a person riding, leading, or driving a horse only on the portion of a horse trail that is owned by the person or the person's spouse, child, parent, or guardian.

REPEALER DEFINITIONS: TRAILS & WATERWAYS

Chapter 357, SF 3056/HF 3625

Sec. 40

REPEALER. Minnesota Statutes 2006, Sec. 84.961, Subd. 4; 85.013, Subd. 21b; 85.054, Subd. 3; and 97A.141, Subd. 2, and Laws 1989, Chapter 335, Article 1, Sec. 21, Subd. 8, as amended by Laws 2002, Chapter 323, Sec. 19, are repealed.

- Repeals Minnesota Statutes 2006, Sec. 97A.141, Subdivision 2: Acquisition and limitations. Relating to public water access sites.

FISH AND WILDLIFE

Chapter 154

HF 3201

SF 2935

Omnibus Technical Corrections Tax Bill

Article 2, Sec. 1

Minnesota Statutes 2006, Sec. 97A.061, Subd. 2, is amended to read:

Subd. 2. Allocation. (a) Except as provided in Subd. 3, the county treasurer shall allocate the payment among the county, towns, and school districts on the same basis as if the payments were taxes on the land received in the year. Payment of a town's or a school district's allocation must be made by the county treasurer to the town or school district within 30 days of receipt of the payment to the county. The county's share of the payment shall be deposited in the county general revenue fund. (b) The county treasurer of a county with a population over 39,000 but less than 42,000 in the 1950 federal census shall allocate the payment only among the towns and school districts on the same basis as if the payments were taxes on the lands received in the current year. (c) If a town received a payment in calendar year 2006 or thereafter under this Subd., and subsequently incorporated as a city, the city will continue to receive any future year's allocations that would have been made to the town had it not incorporated, provided that the payments will terminate if the governing body of the city passes an ordinance that prohibits hunting within the boundaries of the city. **EFFECTIVE DATE.** This Sec. is effective retroactively for aid payments made in 2007 and thereafter.

Chapter 274

HF 4075

SF 3728

Bovine Tuberculosis Containment & Control

Sec. 3. Minnesota Statutes 2006, Sec. 97A.045, Subd. 11, is amended.

(b) The commissioner shall restrict wildlife feeding within ~~a 15-mile radius of a cattle herd that is infected with bovine tuberculosis~~ the modified accredited bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any other penalties provided by law, a person who violates wildlife feeding restrictions required under this paragraph may not obtain a hunting license to take a wild animal for two years after the date of conviction.

Sec. 4. Minnesota Statutes 2006, Sec. 97A.045, is amended by adding a Subd. to read:

Subd. 13. Collection of deer and elk in a bovine tuberculosis zone. The commissioner of natural resources, in consultation with the Board of Animal Health, shall remove, upon request, deceased deer and elk within the modified

accredited bovine tuberculosis zone proposed by the Board of Animal Health. The commissioner shall make a good faith effort to inform the state's residents of this requirement and how a person may make a deer or elk removal request. The commissioner is not required to continue these collections once the split state zone is upgraded by the United States Department of Agriculture to a bovine tuberculosis status of modified accredited advanced or better.

Chapter 297 SF 3683 HF 3902
Omnibus Ag & Veterans Policy Bill

Article 1, Sec. 3

Minnesota Statutes 2006, Sec. 97A.045, Subd. 11, is amended.

Subd. 11. Power to prevent or control wildlife disease.

(b) The commissioner shall restrict wildlife feeding within a 15-mile radius of a cattle herd that is infected with bovine tuberculosis the modified accredited bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any other penalties provided by law, a person who violates wildlife feeding restrictions required under this paragraph may not obtain a hunting license to take a wild animal for two years after the date of conviction.

Article 1, Sec. 4

Minnesota Statutes 2006, Sec. 97A.045, is amended by adding a Subd.

Subd. 13. Collection of deer and elk in a bovine tuberculosis zone. The commissioner of natural resources, in consultation with the Board of Animal Health, shall remove, upon request, deceased deer and elk within the modified accredited bovine tuberculosis zone proposed by the Board of Animal Health. The commissioner shall make a good faith effort to inform the state's residents of this requirement and how a person may make a deer or elk removal request. The commissioner is not required to continue these collections once the split state zone is upgraded by the United States Department of Agriculture to a bovine tuberculosis status of modified accredited advanced or better.

Article 1, Sec. 56

Minnesota Statutes 2007 Supplement, Sec. 394.23, is amended.

394.23 COMPREHENSIVE PLAN.

When adopting or updating the comprehensive plan, the board must, if the data is available to the county, consider natural heritage data resulting from the county biological survey. In a county that is not a greater than 80 percent area, as defined in Sec. 103G.005, Subd. 10b, the board must consider adopting goals and objectives that will protect open space and the environment.

Article 1, Sec. 57

[394.231] COMPREHENSIVE PLANS IN GREATER MINNESOTA; OPEN SPACE.

A county adopting or updating a comprehensive plan in a county outside the metropolitan area as defined by Sec. 473.121, Subd. 2, and that is not a greater than 80 percent area, as defined in Sec. 103G.005, Subd. 10b, shall consider adopting goals and objectives for the preservation of agricultural, forest, wildlife, and open space land, and minimizing development in sensitive shoreland areas. Within three years of updating the comprehensive plan, the county shall consider adopting ordinances as part of the county's official controls that encourage the implementation of the goals and objectives. The county shall consider the following goals and objectives: (1) minimizing the fragmentation and development of agricultural, forest, wildlife, and open space lands, including consideration of appropriate minimum lot sizes; (2) minimizing further development in sensitive shoreland areas; (3) minimizing development near wildlife management areas, scientific and natural areas, and nature centers; (4) identification of areas of preference for higher density, including consideration of existing and necessary water and wastewater services, infrastructure, other services, and to the extent feasible, encouraging full development of areas previously zoned for nonagricultural uses; (5) encouraging development close to places of employment, shopping centers, schools, mass transit, and other public and private service centers; (6) identification of areas where other developments are appropriate; and (7) other goals and objectives a county may identify.

Article 1, Sec. 58

Minnesota Statutes 2006, Sec. 394.232, Subd. 6, is amended.

Subd. 6. Plan update.

When updating the plan, the county board or the board of the joint planning district must consider natural heritage data resulting from the county biological survey. In a county that is not a greater than 80 percent area, as defined in Sec. 103G.005, Subd. 10b, the board must consider adopting goals and objectives that will protect open space and the environment.

Article 1, Sec. 71

VIRAL HEMORRHAGIC SEPTICEMIA TESTING.

The commissioner of natural resources shall form a work group with the commissioners of agriculture and health and develop a plan for detecting and responding to the presence of the fish virus Viral Hemorrhagic Septicemia (VHS) in Minnesota. The plan must cover how the joint laboratory facility at the

Departments of Agriculture and Health may be used to provide testing needed to diagnose and respond to VHS. No later than January 5, 2009, the commissioner of natural resources shall present the plan to the chairs of the house and senate committees with jurisdiction over agriculture, health, and natural resources policy and finance.

Chapter 307 SF 3576 HF 3550
Viral Hemorrhagic Septicemia

Sec. 1. Minnesota Statutes 2006, Sec. 17.4985, Subd. 2, is amended.

Subd. 2. Bill of lading. (a) A state-issued bill of lading is required for: (1) intrastate transportation of aquatic life other than salmonids ~~and~~, catfish, or species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, between licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported if the aquatic life is being transported into a watershed where it is not currently present, if walleyes whose original source is south of marked State Highway 210 are being transported to a facility north of marked State Highway 210, or if the original source of the aquatic life is outside Minnesota and contiguous states; and (2) stocking of waters other than public waters with aquatic life other than salmonids ~~and~~, catfish, or species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services. b) When aquatic life is transported under paragraph (a), a copy of the bill of lading must be submitted to the regional fisheries manager at least 72 hours before the transportation. (c) For transportation and stocking of waters that are not public waters: (1) a bill of lading must be submitted to the regional fisheries manager 72 hours before transporting fish for stocking; (2) a bill of lading must be submitted to the regional fisheries manager within five days after stocking if the waters to be stocked are confirmed by telecopy or telephone prior to stocking by the regional fisheries office not to be public waters; or (3) a completed bill of lading may be

submitted to the regional fisheries office by telecopy prior to transporting fish for stocking. Confirmation that the waters to be stocked are not public waters may be made by returning the bill of lading by telecopy or in writing, in which cases additional copies need not be submitted to the Department of Natural Resources.

(d) Bill of lading forms may only be issued by the Department of Natural Resources in St. Paul, and new bill of lading forms may not be issued until all previously issued forms have been returned.

Sec. 2. Minnesota Statutes 2006, Sec. 17.4985, Subd. 3, is amended.

Subd. 3. Exemptions for transportation permits and bills of lading. (a) A state-issued bill of lading or transportation permit is not required by an aquatic farm licensee for importation, of animals not on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services; transportation, of animals not on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services; or export for the following: (1) minnows taken under an aquatic farm license in this state and transported intrastate; (2) aquarium or ornamental fish including goldfish and tropical, subtropical, and saltwater species that cannot survive in the waters of the state, which may be imported or transported if accompanied by shipping documents; (3) fish or fish eggs that have been processed for use as food, bait, or other purposes unrelated to fish propagation; (4) live fish from a licensed aquatic farm, which may be transported directly to an outlet for processing or for other food purposes if accompanied by shipping documents; (5) fish being exported if accompanied by shipping documents; (6) sucker eggs, sucker fry, or fathead minnows transported intrastate for bait propagation or feeding of cultural aquatic life, except that if either species becomes listed on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, then a transportation permit is

required; (7) species of fish that are found within the state used in connection with public shows, exhibits, demonstrations, or fishing pools for periods not exceeding 14 days; (8) fish being transported through the state if accompanied by shipping documents; or (9) intrastate transportation of aquatic life between or within licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported, except where required in Subd. 2 and except that salmonids ~~and~~, catfish, or species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, may only be transferred or transported intrastate without a transportation permit if they had no record of bacterial kidney disease or viral hemorrhagic septicemia at the time they were imported into the state and if they have had a fish health inspection within the preceding year that has shown no certifiable diseases to be present. Aquatic life being transferred between licensed private fish hatcheries, aquatic farms, or aquarium facilities must be accompanied by shipping documents and salmonids ~~and~~, catfish, or species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, being transferred or transported intrastate without a transportation permit must be accompanied by a copy of their most recent fish health inspection. (b) Shipping documents required under paragraph (a) must show the place of origin, owner or consignee, destination, number, and species.

Sec. 3. Minnesota Statutes 2006, Sec. 17.4985, Subd. 5, is amended.

Subd. 5. Permit application. An application for a transportation permit must be made on forms provided by the commissioner. An incomplete application must be rejected. An application for a transportation permit for salmonids ~~and~~, catfish, or species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, their eggs, or sperm must be accompanied by

certification that the source of the eggs or sperm are free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported, transported, or stocked following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported, transported, or stocked into areas where the disease has been ~~previously introduced~~ identified as being present. A copy of the transportation permit showing the date of certification inspection must accompany the shipment of fish while in transit and must be available for inspection by the commissioner. By 14 days after a completed application is received, the commissioner must approve or deny the importation permits as provided in this section.

Sec. 4. Minnesota Statutes 2006, Sec. 17.4986, Subd. 1, is amended.

Subd. 1. Importation and stocking restrictions. A person may not import fish into or stock fish in the state without first obtaining a transportation permit with a disease certification, as prescribed under Sec. 17.4985, Subd. 5, when required or a bill of lading from the commissioner, unless the person is exempted.

Sec. 5. Minnesota Statutes 2006, Sec. 17.4986, Subd. 2, is amended.

Subd. 2. Licensed facilities. (a) The commissioner shall issue transportation permits to import: (1) indigenous and naturalized species except trout, salmon, ~~and~~ catfish, or species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, and sperm from any source to a standard facility; (2) trout, salmon, ~~and~~ catfish, or species on the official list of viral hemorrhagic susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, from a nonemergency enzootic disease area to a containment facility if the fish are certified within the previous year to be free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported

following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into areas where the disease has been ~~previously introduced~~ identified as being present; and (3) trout, salmon, ~~and~~ catfish, or species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, from a facility in a nonemergency enzootic disease area with a disease-free history of three years or more to a standard facility, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into areas where the disease has been ~~previously introduced~~ identified as being present. (b) If a source facility in a nonemergency enzootic disease area cannot demonstrate a history free from disease, aquatic life may only be imported into a quarantine facility.

Sec. 6. Minnesota Statutes 2006, Sec. 17.4986, Subd. 4, is amended.

Subd. 4. Disease-free history. Disease-free histories required under this Sec. must include the results of a fish health inspection. When disease-free histories of more than one year are required for importing salmonids ~~or~~ catfish, or species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, the disease history must be of consecutive years that include the year previous to, or the year of, the transportation request.

Sec. 7. Minnesota Statutes 2006, Sec. 17.4987, is amended.

17.4987 STOCKING PRIVATE AQUATIC LIFE.

(a) A person may not release private aquatic life into public waters that are not licensed as part of an aquatic farm without first obtaining a transportation permit from the commissioner. The commissioner may: (1) deny issuance of a permit if releasing the private aquatic life is not consistent with the management plan for

the public waters; and (2) approve the import, transport, and stocking of fish with bacterial kidney disease or viral hemorrhagic septicemia into areas or waters where either disease has been identified as being present. (b) The commissioner shall make management plans available to the public.~~(b)~~ (c) If a permit is denied, the commissioner must provide reasons for the denial in writing.

Sec. 8. Minnesota Statutes 2006, Sec. 17.4992, Subd. 2, is amended.

Subd. 2. Restriction on the sale of ~~game~~ fish. (a) Except as provided in paragraph (b), species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, must be free of viral hemorrhagic septicemia and species of the family salmonidae or ictaluridae, except bullheads, must be free of certifiable diseases if sold for stocking or transfer to another aquatic farm. (b) The following exceptions apply to paragraph (a): (1) eggs with enteric redmouth, whirling disease, or furunculosis may be transferred between licensed facilities or stocked following treatment approved by the commissioner; (2) fish with bacterial kidney disease or viral hemorrhagic septicemia may be transferred between licensed facilities or stocked in areas where the disease has been ~~previously introduced.~~ identified as being present; and (3) the commissioner may allow transfer between licensed facilities or stocking of fish with enteric redmouth or furunculosis when the commissioner determines that doing so would pose no threat to the state's aquatic resources.

Sec. 9. Minnesota Statutes 2006, Sec. 17.4993, is amended.

17.4993 MINNOWS.

Subd. 1. Taking from public waters. (a) Under an aquatic farm license, a licensee may take minnow sperm, minnow eggs, and live minnows for aquatic farm purposes from public waters ~~for aquatic farm purposes under an aquatic farm license,~~ except that have been tested for viral hemorrhagic septicemia when the

testing indicates the disease is not present. b) A licensee may take sucker eggs and sperm ~~may only be taken~~ in approved waters with a sucker egg license endorsement as provided by Sec. 17.4994.

Subd. 2. Importation of live minnows. Minnows from outside the state may not be imported live by a licensee for purposes other than processing or feeding aquatic farm fish. A transportation permit as prescribed under Sec.s 17.4985, 17.4986, and 97C.515, Subd. 4, is required for importation.

Sec. 10. Minnesota Statutes 2006, Sec. 84D.03, Subd. 4, is amended.

Subd. 4. Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters. (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated because it contains invasive fish ~~or~~, invertebrates, or certifiable diseases, as defined in Sec. 17.4982, may not be used in any other waters. If a commercial licensee operates in both an infested water designated because it contains invasive fish ~~or~~, invertebrates, or certifiable diseases, as defined in Sec. 17.4982, and other waters, all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in waters not designated as infested with invasive fish ~~or~~, invertebrates, or certifiable diseases, as defined in Sec. 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit, and may not be used in infested waters designated because the waters contain invasive fish ~~or~~, invertebrates, or certifiable diseases, as defined in Sec. 17.4982. (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated solely because it contains Eurasian water milfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an

infested water designated solely because it contains Eurasian water milfoil and before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is designated as infested solely because it contains Eurasian water milfoil. (c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment when the nets and equipment are removed from waters of the state. (d) The commissioner shall provide a commercial licensee with a current listing of designated infested waters at the time that a license or permit is issued.

Sec. 11. Minnesota Statutes 2006, Sec. 97A.015, is amended by adding a Subd. to read:

Subd. 5a. Certifiable diseases. "Certifiable diseases" has the meaning given it in Sec. 17.4982.

Sec. 12. Minnesota Statutes 2006, Sec. 97C.203, is amended.

97C.203 EXCHANGE OF FISH OR WILDLIFE RESOURCES; DISPOSAL OF STATE HATCHERY PRODUCTS.

(a) The commissioner shall dispose of fish hatchery products or exchange fish or wildlife resources only after they have been tested for certifiable diseases. The testing must have been completed within the 12 months preceding the disposal or exchange. Fish or wildlife resources subject to an exchange must have received a disease-free certification for those certifiable diseases not currently documented in Minnesota. Disease certification must be provided prior to accepting the fish or wildlife resource. When the fish or wildlife resource is not certified as disease-free, they may be stocked or transferred only into waters that already contain that disease. (b) State hatchery products shall be disposed of according to the following order of priorities: (1) distribution of fish eggs and fry to state hatcheries to hatch fry or raise fingerlings for stocking waters of the state for recreational fishing; (2) transfer to other government agencies in exchange for

fish or wildlife resources of equal value or private fish hatcheries in exchange for fish to be stocked in waters of the state for recreational fishing; (3) sale to private fish hatcheries or licensed aquatic farms at a price not less than the fair wholesale market value, established as the average price charged at the state's private hatcheries and contiguous states per volume rates; (4) transfer to other government agencies, colleges, or universities for cooperative fish management and research purposes; and (5) sale of not more than \$25 fair market value to any school, museum, or commercial enterprise for curriculum implementation, educational programs, public exhibition, or cooperative displays.

Sec. 13. Minnesota Statutes 2006, Sec. 97C.205, is amended.

97C.205 TRANSPORTING AND STOCKING FISH.

(4) is being transported by a commercial fishing license holder under Sec. 97C.821 ; or (5) is being transported as otherwise authorized in this Sec. or as prescribed for certifiable diseases under Sec.s 17.46 to 17.4999.

Sec. 14. Minnesota Statutes 2006, Sec. 97C.341, is amended.

97C.341 CERTAIN ~~FISH~~ AQUATIC LIFE PROHIBITED FOR BAIT.

(a) A person may not use live minnows imported from outside of the state, game fish, goldfish, or carp for bait. (b) A person may not import or possess live, frozen, or processed bait from knownwaters where viral hemorrhagic septicemia has been identified as being present. For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians, invertebrates, and inSects used for angling.

Sec. 15. Minnesota Statutes 2006, Sec. 97C.391, is amended by adding a

Subd. to read:

Subd. 3. Rules. The commissioner may by rule establish reasonable conditions on the buying and selling of fish that would prevent or slow the spread of certifiable diseases and invasive species.

Sec. 16. Minnesota Statutes 2006, Sec. 97C.505, Subd. 1, is amended.

Subd. 1. Authority to take, possess, buy, and sell. (a) Minnows may be taken, possessed, bought, and sold, subject to the restrictions in this Chapter, Sec. 84D.03, Subd. 3, and ~~in~~ rules adopted by the commissioner under paragraph (b).

Sec. 17. Minnesota Statutes 2006, Sec. 97C.515, Subd. 2, is amended.

Subd. 2. Permit for transportation. (a) A person may transport minnows through the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination, and the route through the state. The permit is not valid for more than 12 hours after it is issued. (b) The commissioner may require the person transporting minnow species found on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, to provide health certification for viral hemorrhagic septicemia or other certifiable diseases. For certifiable diseases not currently documented in Minnesota, the certification must be dated within the 12 months preceding transport.

Sec. 18. Minnesota Statutes 2006, Sec. 97C.515, Subd. 4, is amended.

Subd. 4. Private fish hatchery or aquatic farm. (a) A person with a private fish hatchery or aquatic farm license may transport minnows with a transportation permit from contiguous states to the private fish hatchery or aquatic farm, provided the minnows are used for processing or feeding hatchery fish. (b) The commissioner may require inspection of minnows and disease certification for species on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, that are being transported from outside the state. (c)

The commissioner may approve the import of minnows into areas or waters where certifiable diseases have been identified as being present.

Sec. 19. Minnesota Statutes 2006, Sec. 97C.515, Subd. 5, is amended.

Subd. 5. Special permits. (b) An applicant for a permit under this Subd. shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, disease certification, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

Sec. 20. Minnesota Statutes 2006, Sec. 97C.821, is amended.

97C.821 POSSESSION, SALE, AND TRANSPORTATION OF COMMERCIAL FISH.

Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported at any time. Commercial fishing licensees may transport their catch live to holding facilities, if the licensee has exclusive control of the facilities. Commercial fishing licensees may harvest fish from their holding facilities at any time with their licensed gear. The commissioner may prohibit the transport of live fish taken under a commercial fishing license from waters that contain nonnative species, are designated as infested waters, or are infected with any certifiable disease.

Sec. 21. REPEALER.

Minnesota Statutes 2006, Sec. 97C.515, Subd. 3, is repealed.

Sec. 22. EFFECTIVE DATE.

Sec. 1 to 21 are effective the day following final enactment.

Chapter 357 SF 3056 HF 3625
Omnibus Environment Policy Bill

Sec. 24. Minnesota Statutes 2006, Sec. 97A.055, Subd. 4b, is amended.

Subd. 4b. Citizen oversight subcommittees.

(4) an Ecological ~~Services Operations~~ Resources Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish funding of enforcement, ~~support services, and Department of Natural Resources administration and operations~~ support.

Chapter 363 HF 1812 SF 1475 (Substitute 3813)
Omnibus Supplemental Budget

Article 5, Sec. 4, Subd. 7

\$329,000 in 2009 is a reduction in the appropriation for fish and wildlife management.

\$46,000 in 2009 is a reduction in the appropriation for MN Shooting Sports Education Center.

\$52,000 in 2009 is a reduction for licensing.

\$123,000 in 2008 and \$246,000 in 2009 are from the game and fish fund to implement fish virus surveillance, prepare infrastructure to handle possible outbreaks, and implement control procedures for highest risk waters and fish production operations for highest risk waters and fish production operations. **This is a onetime appropriation.**

Notwithstanding Minnesota Statutes, Sec. 297A.94, paragraph (e), \$300,000 in 2009 is from the Second year appropriation in Laws 2007, Chapter 57, Article 1, Sec. 4, Subd. 7, from the heritage enhancement account in the game & fish fund to study, predesign, and design shooting sports facilities at the Vermillion Highlands Wildlife Management Area authorized by Laws 2007, Chapter 57,

Article 1, Sec. 168. This is available onetime only and is available until expended.

\$300,000 in 2009 is appropriated from the game and fish fund for only activities that improve, enhance, or protect fish and wildlife resources. This is a onetime appropriation.

Article 5, Sec. 8, Minnesota Statutes 2006, Sec. 17.4988, Subd. 2, is amended.

- (a) The annual fee for an aquatic farming license is \$210 for the base license. The commissioner must establish an additional fee based on the acreage of the operation.

Article 5, Sec. 9, Minnesota Statutes 2006, Sec. 17.4988, Subd. 3, is amended. Subd. 3. Inspection Fees.

The commissioner may, by written order published in the State Register, establish fees for the services listed in clauses (1) to (3). The fees must be set in an amount that does not recover significantly more or less than the cost of providing the service. The fees are not subject to the rulemaking provisions of Chapter 14 and Sec. 14.386 does not apply. The services covered under this provision include:

- (1) initial inspection of each water to be licensed, \$50;
- (2) fish health inspection and certification, ~~\$60 plus \$150 per lot thereafter~~ including initial tissue sample collection, basic fish health assessment, viral pathogen testing, and bacteriological testing; and
- (3) initial inspection for containment and quarantine facility inspections, \$100.

Article 5, Sec. 13, Minnesota Statutes 2006, Sec. 97A.475, Subd. 29, is amended. Subd. 29. Private fish hatcheries.

(2) for a private fish hatchery, with annual sales of \$200 or more, \$210 for the base license. The commissioner must establish an additional fee based on the acreage of the operation; and

Chapter 368 SF 2651 HF 3280
Omnibus Game & Fish, Forestry and Natural Resources Policy Bill

Article 2, Sec. 1. Minnesota Statutes 2007 Supplement, Sec. 10A.01, Subd. 35, is amended.

Subd. 35. Public official. "Public official" means any:

- (20) manager of a watershed district, or member of a watershed management organization as defined under Sec. 103B.205, Subd. 13; ~~or~~
- (21) supervisor of a soil and water conservation district; or
- (22) citizen member of the Lessard Outdoor Heritage Council established in Sec. 97A.056.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in Laws 2008, Chapter 151, is adopted by the voters.

Article 2, Sec. 2. Minnesota Statutes 2006, Sec. 17.4981, is amended.

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife.

(b) Private aquatic life that is legally acquired and possessed is an Article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall establish license and other fees as provided in Sec. 16A.1285, Subd. 2, that would make aquaculture licensing and enforcement self-sustaining. The commissioner shall develop best management practices for aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for aquaculture, including, but not limited to, fish farming in man-made ponds.

Article 2, Sec. 3. Minnesota Statutes 2007 Supplement, Sec. 17.4984, Subd. 1, is amended.

Subd. 1. License required.

~~(f) By January 15, 2008, the commissioner shall report to the senate and house of representatives committees on natural resource policy and finance on policy~~

~~recommendations regarding aquaculture.~~ The commissioner shall not issue a new license for aquatic farm purposes on a natural water body that has been restored or subject to a protective easement or other interest in land that was at least partially paid for with state or federal money.

(g) Before a new aquatic farm license is issued for a natural water body, the applicant must notify all owners of property with direct access to the water body. The notification must include the language of this Subd.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to applications submitted after that date.

Article 2, Sec. 4. Minnesota Statutes 2006, Sec. 84.027, Subd. 15, is amended.

Subd. 15. Electronic transactions.

(4) charge and permit agents to charge a convenience fee not to exceed three percent of the cost of the license to individuals who use electronic bank cards for payment. An electronic licensing system agent charging a fee of individuals making an electronic bank card transaction in person must post a sign informing individuals of the fee. The sign must be near the point of payment, clearly visible, include the amount of the fee, and state: "License agents are allowed by state law to charge a fee not to exceed three percent of the cost of state licenses to persons who use electronic bank cards for payment. The fee is not required by state law.";

(5) establish, by written order, an electronic licensing system commission to be paid by revenues generated from all sales made through the electronic licensing system. The commissioner shall establish the commission in a manner that neither significantly overrecovers nor underrecovers costs involved in providing the electronic licensing system; and

(5) (6) adopt rules to administer the provisions of this Subd.

(b) The fees established under paragraph (a), ~~clause~~ clauses (3) and (4), and the commission established under paragraph (a), ~~clause (4)~~ (5), are not subject to

the rulemaking procedures of Chapter 14 and Sec. 14.386 does not apply.

Article 2, Sec. 5. Minnesota Statutes 2006, Sec. 84D.10, Subd. 2, is amended.

Subd. 2. Exceptions.

(2) for purposes of shooting or observation blinds attached in or on watercraft in amounts sufficient for that purpose, if the aquatic macrophytes are emergent and cut above the waterline;

Article 2, Sec. 6. Minnesota Statutes 2006, Sec. 84D.13, Subd. 4, is amended.

Subd. 4. Warnings; civil citations.

(2) unlawfully places or attempts to place into waters of the state a trailer, a watercraft, or plant harvesting equipment that has aquatic macrophytes or prohibited invasive species attached;

Article 2, Sec. 8. Minnesota Statutes 2006, Sec. 97A.015, Subd. 32a, is amended.

Subd. 32a. ~~Muzzle loader~~ Muzzleloader season. "~~Muzzle loader~~ Muzzleloader season" means the ~~firearms~~ deer season ~~option~~ open only for legal ~~muzzle-loading~~ muzzleloading firearms, as prescribed by the commissioner.

Article 2, Sec. 9. Minnesota Statutes 2006, Sec. 97A.015, Subd. 41a, is amended.

Subd. 41a. Regular firearms season. "Regular firearms season" means any of the firearms deer ~~season options~~ seasons prescribed by the commissioner that begin in November, exclusive of the ~~muzzle loader~~ muzzleloader season.

Article 2, Sec. 10. Minnesota Statutes 2006, Sec. 97A.015, is amended by adding a Subd. to read:

Subd. 44a. Shelter. "Shelter" means any structure, other than a self-propelled motor vehicle, that is set on the ice of state waters to provide shelter.

Article 2, Sec. 11. Minnesota Statutes 2006, Sec. 97A.045, Subd. 7, is amended.

Subd. 7. Duty to encourage stamp design and purchases.

(3) trout and salmon stamps by persons interested in trout and salmon stream and lake improvement; ~~and~~

(4) turkey stamps by persons interested in ~~wild turkey management and habitat improvement~~ stamp collecting; and

(5) walleye stamps by persons interested in walleye stocking and stamp

collecting. (b) The commissioner shall make rules governing contests for selecting a design for each stamp, including those stamps not required to be in possession while taking game or fish. The commissioner shall ensure that stamp design and characteristics are consistent with the design and characteristics that are sought by pictorial stamp collectors.

Article 2, Sec. 12. Minnesota Statutes 2007 Supplement, Sec. 97A.055, Subd. 4, is amended.

Subd. 4. Game and fish annual reports. (a) By December 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following: (1) the amount of revenue from the following and purposes for which expenditures were made: (i) the small game license surcharge under Sec. 97A.475, Subd. 4; (ii) the Minnesota migratory waterfowl stamp under Sec. 97A.475, Subd., clause (1); (iii) the trout and salmon stamp under Sec. 97A.475, Subd. 10; (iv) the pheasant stamp under Sec. 97A.475, Subd. 5, clause (2); (v) the ~~turkey stamp~~ wild turkey management account under Sec. ~~97A.475, Subd. 5, clause (3)~~ 97A.075, Subd. 5; ~~and~~ (vi) the deer license donations and surcharges under Sec. 97A.475, Subd.s 3, paragraph (b), and 3a; and (vii) the walleye stamp under Sec. 97A.475, Subd. 10a; (2) the amounts available under Sec. 97A.075, Subd. 1, paragraphs (b) and (c), and the purposes for which these amounts were spent; (3) money credited to the game and fish fund under this Sec. and purposes for which expenditures were made from the fund; (4) outcome goals for the expenditures from the game and fish fund; and (5) summary and comments of citizen oversight committee reviews under Subd. 4b. (b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

EFFECTIVE DATE. This section is effective March 1, 2009.

Article 2, Sec. 13. Minnesota Statutes 2006, Sec. 97A.055, Subd. 4b, is amended.

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp and walleye stamp funding; (2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and ~~turkey stamp~~ wild turkey management funding and excluding review of the amounts available under Sec. 97A.075, Subd. 1, paragraphs (b) and (c); (8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; ~~and~~ (9) a subcommittee to review the report on the ~~turkey stamp~~ wild turkey management account and address funding issues related to wild turkeys; and (10) a subcommittee to review the walleye stamp and address funding issues related to walleye stocking.

EFFECTIVE DATE. This section is effective March 1, 2009.

Article 2, Sec. 14. [97A.056] OUTDOOR HERITAGE FUND; LESSARD OUTDOOR HERITAGE COUNCIL.

Subd. 1. Outdoor heritage fund. An outdoor heritage fund, under Article XI, Sec. 15, of the Minnesota Constitution, is established as an account in the state treasury. All money earned by the outdoor heritage fund must be credited to the fund. At least 99 percent of the money appropriated from the fund must be expended to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife. **Subd. 2. Lessard Outdoor Heritage Council.** (a) The Lessard Outdoor Heritage Council of 12 members is created in the legislative branch, consisting of: (1) two public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration; (2) two public members appointed by the speaker of the house; (3) four public members appointed by the governor; (4) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration; and (5) two members of the house of representatives appointed

by the speaker of the house. (b) Members appointed under paragraph (a) must not be registered lobbyists. In making appointments, the governor, senate Subcommittee on Committees of the Committee on Rules and Administration, and the speaker of the house shall consider geographic balance, gender, age, ethnicity, and varying interests including hunting and fishing. The governor's appointments to the council are subject to the advice and consent of the senate. (c) Public members appointed under paragraph (a) shall have practical experience or expertise or demonstrated knowledge in the science, policy, or practice of restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife. (d) Legislative members appointed under paragraph (a) shall include the chairs of the legislative committees with jurisdiction over environment and natural resources finance or their designee, one member from the minority party of the senate, and one member from the minority party of the house of representatives. (e) Members serve four-year terms and shall be initially appointed according to the following schedule of terms: (1) two public members appointed by the governor for a term ending the first Monday in January 2011; (2) one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2011; (3) one public member appointed by the speaker of the house for a term ending the first Monday in January 2011; (4) two public members appointed by the governor for a term ending the first Monday in January 2013; (5) one public member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013; (6) one public member appointed by the speaker of the house for a term ending the first Monday in January 2013; and (7) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2013, and two members of the house of representatives appointed by the speaker of the house for a term ending the first Monday in January 2013. (f) Compensation and

removal of public members are as provided in Sec. 15.0575. A vacancy on the council may be filled by the appointing authority for the remainder of the unexpired term. (g) The first meeting of the council shall be convened by the chair of the Legislative Coordinating Commission no later than December 1, 2008. Members shall elect a chair, vice chair, Secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this Sec. (h) The Department of Natural Resources shall provide administrative support for the council. Up to one percent of the money appropriated from the fund may be used to cover the staffing and related administrative expenses of the department and to cover the compensation and travel expenses of council members. **Subd. 3. Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and that take into consideration the outcomes of, including, but not limited to, the Minnesota Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. The council shall submit its initial recommendations to the legislature no later than April 1, 2009. Subsequent recommendations shall be submitted no later than January 15 each year. The council shall present its recommendations to the senate and house committees with jurisdiction over the environment and natural resources budget by February 15 in odd numbered years, and within the first four weeks of the legislative session in even numbered years. The council's budget recommendations to the legislature shall be separate from the Department of Natural Resource's budget recommendations. (b) To encourage and support local conservation efforts, the council shall establish a conservation partners program. Local, regional, state, or national organizations may apply for matching grants for restoration, protection, and enhancement of wetlands, prairies, forests, and

habitat for fish, game, and wildlife, prevention of forest fragmentation, encouragement of forest consolidation, and expansion of restored native prairie.

(c) The council may work with the Clean Water Council to identify projects that are consistent with both the purpose of the outdoor heritage fund and the purpose of the clean water fund. (d) The council may make recommendations to the Legislative-Citizen Commission on Minnesota Resources on scientific research that will assist in restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing forest fragmentation, encouraging forest consolidation, and expanding restored native prairie. (e) Recommendations of the council, including approval of recommendations for the outdoor heritage fund, require an affirmative vote of at least nine members of the council.

Subd. 4. Conflict of interest. (a) A council member may not be an advocate for or against a council action or vote on any action that may be a conflict of interest. A conflict of interest must be disclosed as soon as it is discovered. The council shall follow the policies and requirements related to conflicts of interest developed by the Office of Grants Management under Sec. 16B.98. (b) For the purposes of this Sec., a "conflict of interest" exists when a person has an organizational conflict of interest or direct financial interests and those interests present the appearance that it will be difficult for the person to impartially fulfill the person's duty. An "organizational conflict of interest" exists when a person has an affiliation with an organization that is subject to council activities, which presents the appearance of a conflict between organizational interests and council member duties. An "organizational conflict of interest" does not exist if the person's only affiliation with an organization is being a member of the organization.

Subd. 5. Open meetings. (a) Meetings of the council and other groups the council may establish are subject to Chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations, including recording meetings, video conferencing, and publishing minutes. For the purposes of this Subd., a meeting occurs when a quorum is

present and the members receive information or take action on any matter relating to the duties of the council. The quorum requirement for the council shall be seven members. (b) For legislative members of the council, enforcement of this Subd. is governed by Sec. 3.055, Subd. 2. For nonlegislative members of the council, enforcement of this Subd. is governed by Sec. 13D.06, Subd. 1 and 2.

Subd. 6. Audit. The council shall select an independent auditor to audit the outdoor heritage fund expenditures every two years to ensure that the money is spent to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

Subd. 7. Legislative oversight. (a) The senate and house chairs of the committees with jurisdiction over the environment and natural resources budget shall convene a joint hearing to review the activities and evaluate the effectiveness of the council and evaluate the effectiveness and efficiency of the department's administration and staffing of the council after five years but no later than June 30, 2014. (b) By January 15, 2013, a professional outside review authority shall be chosen by the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources to evaluate the effectiveness and efficiency of the department's administration and staffing of the council. A report shall be submitted to the chairs by January 15, 2014.

EFFECTIVE DATE. This Sec. is effective November 15, 2008, if the constitutional amendment proposed in Laws 2008, Chapter 151, is adopted by the voters.

Article 2, Sec. 15. Minnesota Statutes 2006, Sec. 97A.075, Subd. 1, is amended.

Subd. 1. Deer, bear, and lifetime licenses. (a) For purposes of this Subd., "deer license" means a license issued under Sec. 97A.475, Subd. 2, clauses ~~(4), (5), (9), (11), (13), and (14)~~ (5), (6), (7), (11), (13), (15), (16), and (17), and 3, clauses ~~(2), (3), and (7)~~ (2), (3), (4), (9), (11), (12), and (13), and licenses issued under Sec. 97B.301, Subd. 4.

Article 2, Sec. 16. Minnesota Statutes 2006, Sec. 97A.075, Subd. 4, is amended.
Subd. 4. Pheasant stamp.

(b) Money in the account may not be used for: (1) costs unless they are directly related to a specific parcel of land under paragraph (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under paragraph (a), clause (4); or (2) any personnel costs, except that prior to July 1, ~~2009~~ 2019, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

Article 2, Sec. 17. Minnesota Statutes 2006, Sec. 97A.075, Subd. 5, is amended.

Subd. 5. Turkey stamps account. (a) ~~Ninety percent of the revenue from turkey stamps~~ \$4.50 from each turkey license sold must be credited to the wild turkey management account.

EFFECTIVE DATE. This section is effective March 1, 2009.

Article 2, Sec. 18. Minnesota Statutes 2006, Sec. 97A.075, is amended by adding a Subd. to read:

Subd. 6. Walleye stamp. (a) Revenue from walleye stamps must be credited to the walleye stamp account. Money in the account must be used only for stocking walleye in waters of the state and related activities. (b) Money in the account may not be used for costs unless they are directly related to a specific body of water under paragraph (a), or for costs associated with supplies and equipment to implement walleye stocking activities under paragraph (a).

EFFECTIVE DATE. This section is effective on March 1, 2009.

Article 2, Sec. 19. Minnesota Statutes 2006, Sec. 97A.311, Subd. 5, is amended.

Subd. 5. Refunds. (a) The commissioner may issue a refund on a license, not including any issuing fees paid under Sec. 97A.485, Subd. 6, if:

(1) the licensee dies before the opening of the licensed season. The original license and a copy of the death certificate must be provided to the commissioner;

~~or~~(2) the licensee is unable to participate in the licensed activity because the licensee is called to active military duty or military leave is canceled during the entire open season of the licensed activity. The original license and a copy of the military orders or notice of cancellation of leave must be provided to the commissioner; or (3) the licensee purchased two licenses for the same license season in error. (b) This subd. does not apply to lifetime licenses.

Article 2, Sec. 20. Minnesota Statutes 2007 Supplement, Sec. 97A.405, Subd. 2, is amended.

Subd. 2. Personal possession.

(c) A license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial ~~turkey~~, migratory waterfowl, pheasant, ~~or~~ trout and salmon, or walleye stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional \$2 fee. A pictorial turkey stamp may be purchased for a \$2 fee.

(d) **EFFECTIVE DATE.** This section is effective March 1, 2009.

Article 2, Sec. 21. Minnesota Statutes 2006, Sec. 97A.431, Subd. 2, is amended.

Subd. 2. Eligibility. Persons eligible for a moose license shall be determined under this Sec. and commissioner's rule. A person is eligible for a moose license only if the person: (1) is a resident; and (2) is at least age 16 before the season opens; ~~and (3) (2) has not been issued a moose license for any of the last five seasons or~~ after January 1, 1991.

Article 2, Sec. 22. Minnesota Statutes 2006, Sec. 97A.433, Subd. 2, is amended.

Subd. 2. Eligibility. Persons eligible for an elk license shall be determined under this Sec. and commissioner's rule. A person is eligible for an elk license only if the person: (1) is a resident; and (2) is at least age 16 before the season opens; ~~and (3) (2) has never been issued an elk license.~~

Article 2, Sec. 23. Minnesota Statutes 2006, Sec. 97A.434, Subd. 2, is amended.

Subd. 2. Eligibility. Eligibility for a prairie chicken license shall be determined by this Sec. and by rule adopted by the commissioner. A person is eligible for a prairie chicken license only if the person ~~(1) is a resident; and (2) was born before January 1, 1980, or possesses a firearms safety certificate.~~

Article 2, Sec. 24. Minnesota Statutes 2007 Supplement, Sec. 97A.441, Subd. 7, is amended.

Subd. 7. Owners or tenants of agricultural land. (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a ~~person~~ resident who is an owner or tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land, as defined in Sec. 97B.001, in deer permit areas that have deer archery licenses to take additional deer under Sec. 97B.301, Subd. 4.

Article 2, Sec. 25. Minnesota Statutes 2007 Supplement, Sec. 97A.451, Subd. 3, is amended.

Subd. 3. Residents under age 16; small game. (a) A resident under age 16 ~~may~~ ~~not~~ must obtain a small game license ~~but may in order to~~ take small game by firearms or bow and arrow without a license paying the applicable fees under Sec. 97A.475, Subd. 2, 4, and 5, if the resident is: (1) age 14 or 15 and possesses a firearms safety certificate; (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian; (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or (4) age 12 or under and is accompanied by a parent or guardian. (b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at

least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian. (c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate. (d) A resident under age 12 may apply for a prairie chicken license and may take a prairie chicken without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

EFFECTIVE DATE. The amendments to paragraph (a) are effective March 1, 2009.

Article 2, Sec. 26. Minnesota Statutes 2006, Sec. 97A.451, Subd. 4, is amended.
Subd. 4. Persons under age 16; big game. (a) A person ~~under the age of 16~~ 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A person ~~under the age of 14~~ 12 or 13 must be accompanied by a parent or guardian to hunt big game. (b) A person age 10 or 11 may take big game provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach. Until March 1, 2009, a person age 10 or 11 may take big game under a parent or guardian's license. Beginning March 1, 2009, a person age 10 or 11 must obtain a license in order to take big game and may obtain the license without paying the fee required under Sec. 97A.475, Subd. 2.

Article 2, Sec. 27. Minnesota Statutes 2006, Sec. 97A.473, Subd. 2, is amended.
Subd. 2. Lifetime angling license; fee. (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include a trout and salmon stamp validation, a walleye stamp validation, or other stamps required by law. (b) The fees for a resident lifetime

angling license are: (1) age 3 and under, \$227; (2) age 4 to age 15, \$300; (3) age 16 to age 50, \$383; and (4) age 51 and over, \$203.

Article 2, Sec. 28. Minnesota Statutes 2007 Supplement, Sec. 97A.473, Subd. 5, is amended.

Subd. 5. Lifetime sporting license; fee. (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game in the state. The license authorizes those activities authorized by the annual resident angling, resident small game hunting, and resident trapping licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law. (b) The fees for a resident lifetime sporting license are: (1) age 3 and under, \$357; (2) age 4 to age 15, \$480; (3) age 16 to age 50, \$613; and (4) age 51 and over, \$413.

Article 2, Sec. 29. Minnesota Statutes 2006, Sec. 97A.474, Subd. 2, is amended.

Subd. 2. Nonresident lifetime angling license; fee. (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout and salmon stamp validation, a walleye stamp validation, or other stamps required by law. (b) The fees for a nonresident lifetime angling license are: (1) age 3 and under, \$447; (2) age 4 to age 15, \$600; (3) age 16 to age 50, \$773; and (4) age 51 and over, \$513.

Article 2, Sec. 30. Minnesota Statutes 2007 Supplement, Sec. 97A.475, Subd. 2, is amended.

Subd. 2. Resident hunting. Fees for the following licenses, to be issued to residents only, are: (1) for persons age 18 or over and under age 65 to take small game, \$12.50; (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game; (3) for persons age 18 or over to take turkey, \$18 ~~\$23~~; (4) for persons under

age 18 to take turkey, \$12; (4) (5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26; (5) (6) for persons age 18 or over to take deer by archery, \$26; (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$26; (6) (8) to take moose, for a party of not more than six persons, \$310; (7) (9) to take bear, \$38; (8) (10) to take elk, for a party of not more than two persons, \$250; (9) (11) multizone license to take antlered deer in more than one zone, \$52; (10) (12) to take Canada geese during a special season, \$4; (11) (13) all season license to take three deer throughout the state in any open deer season, except as restricted under Sec. 97B.305, \$78; (12) (14) to take prairie chickens, \$20; (13) (15) for persons at least age 12 and under age 18 to take deer with firearms during the regular firearms season in any open zone or time period, \$13; and (14) (16) for persons at least age 12 and under age 18 to take deer by archery, \$13; and (17) for persons under age 18 to take deer by muzzleloader during the muzzleloader season, \$13.

EFFECTIVE DATE. The amendments to clauses (3) and (4) are effective March 31, 2009.

Article 2, Sec. 31. Minnesota Statutes 2007 Supplement, Sec. 97A.475, Subd. 3, is amended.

Subd. 3. Nonresident hunting. (a) Fees for the following licenses, to be issued to nonresidents, are: (1) for persons age 18 ~~and older~~ or over to take small game, \$73; (2) for persons age 18 ~~and older~~ or over to take deer with firearms during the regular firearms season, \$135; (3) for persons age 18 ~~and older~~ to take deer by archery, \$135; (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$135; (4) (5) to take bear, \$195; (5) (6) for persons age 18 and older to take turkey, ~~\$73~~ \$78; (7) for persons under age 18 to take turkey, \$12; (6) (8) to take raccoon or bobcat, \$155; (7) (9) multizone license to take antlered deer in more than one zone, \$270; (8) (10) to take Canada geese during a special season, \$4; (9) (11) for persons ~~at least age 12 and~~ under age 18 to take deer with

firearms during the regular firearms season in any open ~~zone~~ season option or time period, \$13; ~~and (10) (12)~~ for persons ~~at least age 12 and~~ under age 18 to take deer by archery, \$13; ~~and (13)~~ for persons under age 18 to take deer during the muzzleloader season, \$13. (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to ~~(7)~~ (9). An additional commission may not be assessed on this surcharge.

EFFECTIVE DATE. The amendments to paragraph (a), clauses (6) and (7), are effective March 1, 2009.

Article 2, Sec. 32. Minnesota Statutes 2007 Supplement, Sec. 97A.475, Subd. 3a, is amended.

Subd. 3a. Deer license surcharge. A person may agree to add a donation of \$1, \$3, or \$5 to the fees for annual resident and nonresident licenses to take deer by firearms or archery established under subd. 2, clauses ~~(4), (5), (9), and (11)~~ (5), (6), (7), (11), and (13), and 3, clauses (2), (3), ~~and (7)~~ (4), and (9). Beginning March 1, 2008, fees for bonus licenses to take deer by firearms or archery established under Sec. 97B.301, Subd. 4, must be increased by a surcharge of \$1. An additional commission may not be assessed on the donation or surcharge and the following statement must be included in the annual deer hunting regulations: "The deer license donations and surcharges are being paid by hunters for deer management, including assisting with the costs of processing deer donated for charitable purposes."

Article 2, Sec. 33. Minnesota Statutes 2006, Sec. 97A.475, Subd. 5, is amended.

Subd. 5. Hunting stamps. Fees for the following stamps and stamp validations are: (1) migratory waterfowl stamp, \$7.50; ~~and (2) pheasant stamp, \$7.50; and (3) turkey stamp validation, \$5.~~

EFFECTIVE DATE. This section is effective March 1, 2009.

Article 2, Sec. 34. Minnesota Statutes 2006, Sec. 97A.475, is amended by adding a subd. to read:

Subd. 10a. Walleye stamp validation. A person may agree to purchase a walleye stamp validation for \$5.

EFFECTIVE DATE. This Sec. is effective March 1, 2009.

Article 2, Sec. 35. Minnesota Statutes 2007 Supplement, Sec. 97A.475, Subd. 16, is amended.

Subd. 16. Resident bear hunting guides outfitters. (a) The fee for a resident bear hunting outfitter license ~~to guide bear hunters~~ is \$82.50 and is available only to a Minnesota resident individual. (b) The fee for a resident master bear hunting outfitter license is \$165. The fee to add an additional person under the license is \$82.50 per person.

Article 2, Sec. 36. Minnesota Statutes 2006, Sec. 97A.485, Subd. 6, is amended.

Subd. 6. Licenses to be sold and issuing fees. (a) Persons authorized to sell licenses under this Sec. must issue the following licenses for the license fee and the following issuing fees: (1) to take deer or bear with firearms and by archery, the issuing fee is \$1; (2) Minnesota sporting, the issuing fee is \$1; ~~and~~ (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing animals, the issuing fee is \$1; (4) for a stamp validation that is not issued simultaneously with a license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; (5) for ~~stamps~~ stamp validations issued simultaneously with a license, there is no fee; (6) for licenses, seals, tags, or coupons issued without a fee under Sec. 97A.441 or 97A.465, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; (7) for lifetime licenses, there is no fee; and (8) for all other licenses, permits, renewals, or applications or any other transaction through the electronic licensing system

under this Chapter or any other Chapter when an issuing fee is not specified, an issuing fee of 50 cents may be charged at the discretion of the authorized seller.

(b) ~~An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation is issued simultaneously with the related angling or sporting license.~~ Only one issuing fee may be collected when selling more than one ~~trout and salmon~~ stamp in the same transaction after the end of the season for which the stamp was issued.

Article 2, Sec. 37. Minnesota Statutes 2006, Sec. 97A.535, Subd. 1, is amended.

Subd. 1. Tags required.

(b) The tag ~~and the license~~ must be validated at the site of the kill as prescribed by the commissioner.

Article 2, Sec. 38. Minnesota Statutes 2006, Sec. 97B.015, Subd. 5, is amended.

Subd. 5. Firearms safety certificate. The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid for hunting until the year the person reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a ~~deer, bear, turkey, or prairie chicken~~ license to take big game that will become be valid when for hunting during the entire regular season for which the license is valid if the person reaches will reach age 12 during that calendar year. A firearms safety certificate issued to a person under age 12 by another state as provided in Sec. 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Article 2, Sec. 39. Minnesota Statutes 2007 Supplement, Sec. 97B.031, Subd. 1, is amended.

Subd. 1. Firearms and ammunition that may be used to take big game. (a) A

person may take big game with a firearm only if: (1) the rifle, shotgun, and handgun used is a caliber of at least ~~.23~~ .22 inches and with centerfire ignition; (2) the firearm is loaded only with single projectile ammunition; (3) a projectile used is a caliber of at least ~~.23~~ .22 inches and has a soft point or is an expanding bullet type; (4) ~~the ammunition has a case length of at least 1.285 inches;~~ (5) (4) the ~~muzzle loader~~ muzzleloader used is incapable of being loaded at the breech; (6) (5) the smooth-bore ~~muzzle loader~~ muzzleloader used is a caliber of at least .45 inches; and (7) (6) the rifled ~~muzzle loader~~ muzzleloader used is a caliber of at least .40 inches. ~~(b) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum cartridge, a .50 A. E. (Action Express) handgun cartridge, or a 56-46 Spencer, 56-50 Spencer, or 56-56 Spencer cartridge.~~

Article 2, Sec. 40. Minnesota Statutes 2007 Supplement, Sec. 97B.035, Subd. 1a, is amended.

Subd. 1a. Minimum draw weight. A bow used to take big game or turkey must have a pull that meets or exceeds 30 pounds at or before full draw.

Article 2, Sec. 41. Minnesota Statutes 2007 Supplement, Sec. 97B.036, is amended.

97B.036 CROSSBOW HUNTING DURING FIREARMS ~~DEER~~ SEASON.

Notwithstanding Sec. 97B.035, Subd.s 1 and 2, a person may take deer, bear, or turkey by crossbow during the respective regular firearms ~~deer season~~ seasons. The transportation requirements of Sec. 97B.051 apply to crossbows during the regular firearms deer, bear, or turkey season. Crossbows must meet the requirements of Sec. 97B.106, Subd. 2. A person taking deer, bear, or turkey by crossbow under this Sec. must have a valid firearms ~~deer~~ license to take the respective game.

Article 2, Sec. 42. Minnesota Statutes 2006, Sec. 97B.041, is amended.

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

(4) a handgun or rifle ~~and only short, long, and long rifle cartridges that are~~ caliber of .22 inches capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

EFFECTIVE DATE. This section is effective August 1, 2008.

Article 2, Sec. 43. Minnesota Statutes 2006, Sec. 97B.071, is amended.

97B.071 BLAZE ORANGE REQUIREMENTS.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, ~~except when hunting with nontoxic shot or~~ while trapping, unless a visible portion of at least one Article of the person's clothing above the waist is blaze orange. This paragraph does not apply to a person hunting by falconry.

Article 2, Sec. 44. Minnesota Statutes 2006, Sec. 97B.106, Subd. 1, is amended.

Subd. 1. Qualifications for crossbow permits. (a) The commissioner may issue a special permit, without a fee, to take big game, small game, or rough fish with a crossbow to a person that is unable to hunt or take rough fish by archery because of a permanent or temporary physical disability. A crossbow permit issued under this Sec. also allows the permittee to use a bow with a mechanical device that draws, releases, or holds the bow at full draw as provided in Sec. 97B.035, Subd. 1, paragraph (a). (b) To qualify for a crossbow permit under this Sec., a temporary disability must render the person unable to hunt or fish by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability must be established by medical evidence, and the inability to hunt or fish by archery for the required period of time must be

verified in writing by a licensed physician or chiropractor. A person who has received a special permit under this Sec. because of a permanent disability is eligible for subsequent special permits without providing medical evidence and verification of the disability.

(c) The person must obtain the appropriate license.

Article 2, Sec. 45. Minnesota Statutes 2006, Sec. 97B.211, Subd. 1, is amended.

Subd. 1. Possession of firearms prohibited. ~~Except when hunting bear,~~ A person may not take ~~big game~~ deer by archery while in possession of a firearm.

Article 2, Sec. 46. Minnesota Statutes 2006, Sec. 97B.301, Subd. 1, is amended.

Subd. 1. Licenses required. A person may not take deer without a license. A person must have a firearms deer license to take deer with firearms during the regular firearms season, a muzzleloader license to take deer with a muzzleloader during the muzzleloader season, and an archery deer license to take deer by archery except as provided in this section.

Article 2, Sec. 47. Minnesota Statutes 2006, Sec. 97B.301, Subd. 2, is amended.

Subd. 2. Limit of one deer. ~~Except as provided in Subd. 3 and 4,~~ A person may obtain one regular firearms season deer license, one muzzleloader season deer license, and one archery season deer license in the same license year, but may ~~take only~~ not tag more than one deer except as provided in Subd. 3 and 4.

Article 2, Sec. 48. Minnesota Statutes 2006, Sec. 97B.301, Subd. 4, is amended.

Subd. 4. Taking more than one deer. (a) The commissioner may, by rule, allow a person to take more than one deer. The commissioner shall prescribe the conditions for taking the additional deer including: (1) taking by firearm, muzzleloader, or archery; (2) obtaining additional licenses; ~~and~~ (3) payment of a fee not more than the fee for a firearms deer license; and (4) the total number of deer that an individual may take. (b) ~~In Kittson, Lake of the Woods, Marshall,~~

~~Pennington, and Roseau Counties, a person may obtain one firearms deer license and one archery deer license in the same license year, and may take one deer under each license. The commissioner may limit the use of this provision in certain years to protect the deer population in the area.~~

Article 2, Sec. 49. Minnesota Statutes 2006, Sec. 97B.301, Subd. 6, is amended.

Subd. 6. Residents or nonresidents under age 18 may take deer of either sex. A resident or nonresident under the age of 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents or nonresidents under age 18, under the procedures provided in Sec. 97B.305, and may give preference to residents or nonresidents under the age of 18 that have not previously been selected. This Subd. does not authorize the taking of an antlerless deer by another member of a party under Subd. 3.

Article 2, Sec. 50. Minnesota Statutes 2006, Sec. 97B.301, is amended by adding a Subd. to read:

Subd. 8. Sale of multiple zone or multiple season licenses. If the commissioner adopts rules on deer zones, or seasons that eliminate the need for purchasing an all season deer or multizone license, then the commissioner is not required to offer all season deer or multizone licenses for sale.

Article 2, Sec. 51. Minnesota Statutes 2007 Supplement, Sec. 97B.328, is amended.

97B.328 BAITING PROHIBITED.

Subd. 1. Hunting with aid of bait or feed prohibited. ~~(a)~~ A person may not hunt deer: (1) with the aid or use of bait or feed; or (2) in the vicinity of bait or feed if the person knows or has reason to know that bait or feed is present; ~~or~~ (3) in the vicinity of where the person has placed bait or caused bait to be placed

~~within the previous ten days. (b) This restriction does not apply to: **Subd. 2. Removal of bait.** An area is considered baited for ten days after the complete removal of all bait or feed. **Subd. 3. Definition.** For purposes of this Sec., "bait or feed" includes grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and that has been placed by a person. Liquid scents, salt, minerals, and bird feeders containing grains or nuts that are at least six feet above the ground are not bait or feed. (1) Food resulting from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar land management activities; ~~or~~ is not bait or feed. **Subd. 4. Exception for bait or feed on adjacent land.** (2) A person otherwise in compliance with this Sec. who is hunting on the person's own private or public property, when that is adjacent to property where bait or feed is present is not in violation of this Sec. if the person has not participated in, been involved with, or agreed to baiting or feeding wildlife on the adjacent land owned by another person property.~~

Article 2, Sec. 52. Minnesota Statutes 2006, Sec. 97B.401, is amended.

97B.401 BEAR LICENSE REQUIRED.

A person may not take bear without a bear license except as provided in Sec. 97B.415 to protect property. A person may not place bait for bears on or after the Friday nearest August 14 unless the person has a bear license or is operating under the direction of a person with a valid bear license.

Article 2, Sec. 53. Minnesota Statutes 2006, Sec. 97B.405, is amended.

97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been

selected. (b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area.

Article 2, Sec. 54. Minnesota Statutes 2006, Sec. 97B.425, is amended.

97B.425 BAITING BEARS.

Notwithstanding Sec. 609.68, a person may place bait to take bear and must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. The tag displayed at each site where bait is placed must contain identification information for a licensed bear hunter or a licensed bear outfitter. A person must have the license identification number of the person with the bear license in their possession or be a licensed bear outfitter while attending a bear bait station. To attract bear a person may not use a bait with: (1) a carcass from a mammal, if the carcass contains more than 25 percent of the intact carcass; (2) meat from mammals, if the meat contains bones; (3) bones of mammals; (4) solid waste containing bottles, cans, plastic, paper, or metal; (5) materials that are not readily biodegradable; or (6) any part of a swine, except cured pork.

Article 2, Sec. 55. Minnesota Statutes 2006, Sec. 97B.431, is amended.

97B.431 BEAR HUNTING GUIDES OUTFITTERS.

(a) A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear hunting guide outfitter license. A bear hunting guide outfitter is not required to have a license to take bear unless the guide outfitter is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses. (b) The commissioner shall establish a resident master bear hunting outfitter license under which one person serves as the bear hunting outfitter and one other person is eligible to guide and bait bear. Additional persons may be added to the license and are eligible to guide and bait bear under the license, provided the

additional fee under Sec. 97A.475, Subd. 16, is paid for each person added. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

Article 2, Sec. 56. Minnesota Statutes 2006, Sec. 97B.621, Subd. 3, is amended.

Subd. 3. Nighttime hunting restrictions. To take raccoons between one-half hour after sunset and one-half hour before sunrise, a person: (1) must be on foot; (2) may use an artificial light only if hunting with dogs; (3) ~~may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle, rimfire ammunition~~ may use a handgun or rifle capable of firing only rimfire cartridges of .17 or .22 caliber, including .22 magnum; and (4) may not use shotgun shells with larger diameter of shot than No. 4 shot.

Article 2, Sec. 57. Minnesota Statutes 2006, Sec. 97B.711, Subd. 1, is amended.

Subd. 1. Seasons for certain upland game birds.

(c) The commissioner shall allow a four-week fall season for turkey in the area designated as turkey permit area 601 as of the 2008 season. All applicable local and state regulations apply.

Article 2, Sec. 58. Minnesota Statutes 2006, Sec. 97B.721, is amended.

97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.

(a) Except as provided in paragraph (b) or Sec. 97A.405, Subd. 2, a person may not take a turkey without possessing a turkey license ~~and a turkey stamp validation~~. (b) ~~The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18.~~

EFFECTIVE DATE. This section is effective March 1, 2009.

Article 2, Sec. 59. Minnesota Statutes 2006, Sec. 97C.205, is amended.

97C.205 TRANSPORTING AND STOCKING FISH.

(c) The commissioner must allow the possession of fish on special management or experimental waters to be prepared as a meal on the ice or on the shore of that water body if the fish: (1) were lawfully taken; (2) have been packaged by a licensed fish packer; and (3) do not otherwise exceed the statewide possession limits. ~~(e)~~ (d) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must: (1) prescribe methods to acquire brood stock for the ponds by seining public waters; (2) allow the sporting organizations to own and use seines and other necessary equipment; and (3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond. ~~(d)~~ (e) A person age 16 or under may, for purposes of display in a home aquarium, transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow, and brown bullheads taken by angling. No more than four of each species may be transported at any one time, and any individual fish can be no longer than ten inches in total length.

Article 2, Sec. 60. [97C.303] CONSERVATION ANGLING LICENSE.

Subd. 1. Availability. The commissioner shall make available a conservation angling license according to this Sec. Conservation angling licenses shall be offered for resident individuals and resident married couples.

Subd. 2. Daily and possession limits. Daily and possession limits for fish taken under a conservation angling license are one-half the daily and possession limits for the corresponding fish taken under a standard angling license, rounded down to the next whole number if necessary. **Subd. 3. License fee.** The fee for a conservation angling license issued under this section is two-thirds of the corresponding standard angling license fee under Sec. 97A.475, Subd. 6, rounded

to the nearest whole dollar.

EFFECTIVE DATE. This section is effective March 1, 2009.

Article 2, Sec. 61. Minnesota Statutes 2007 Supplement, Sec. 97C.355, Subd. 2, is amended.

Subd. 2. License required. A person may not ~~take fish from~~ leave a dark house or fish house ~~that is left~~ unattended on the ice ~~overnight~~ at any time between midnight and one hour before sunrise unless the house is licensed and has a license tag attached to the exterior in a readily visible location, except as provided in this subdivision.

Article 2, Sec. 62. Minnesota Statutes 2006, Sec. 97C.355, Subd. 4, is amended.

Subd. 4. Distance between houses. A person may not erect a dark house ~~or~~ fish house, or shelter within ten feet of an existing dark house ~~or~~ fish house, or shelter.

Article 2, Sec. 63. Minnesota Statutes 2006, Sec. 97C.355, Subd. 7, is amended.

Subd. 7. Dates and times houses may remain on ice. (a) ~~Except as provided in paragraph (d),~~ A shelter, including a fish house or dark house, may not be on the ice unattended between ~~12:00 a.m.~~ midnight and one hour before sunrise after the following dates: (1) the last day of February first Monday in March, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and (2) the third Monday in March 15, for other state waters. A shelter, including a fish house or dark house, on the ice in violation of this Subd. is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously

posted on the shores of the waters as prescribed by the commissioner. (b) A conservation officer must confiscate a fish house, dark house, or shelter in violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter. The officer shall seize the contents of the house or shelter and hold them for 60 days. If the seized Articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner. ~~(c) When the last day of February, under paragraph (a), clause (1), or March 15, under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until 12:00 a.m. the following Monday. (d) A person may have a shelter, including a fish house or dark house, on the ice between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in paragraph (a), clause (2), but the house or shelter may not be unattended during those hours.~~

Article 2, Sec. 64. Minnesota Statutes 2006, Sec. 97C.355, Subd. 7a, is amended.
Subd. 7a. Houses left overnight. A fish house ~~or~~ dark house, or shelter left on the ice overnight must be marked with reflective material on each side of the ~~house structure~~. The reflective material must measure a total area of no less than two square inches on each side of the house structure. ~~Violation of this Subd. is not subject to Subd. 8 or Sec. 97A.301.~~

Article 2, Sec. 65. Minnesota Statutes 2007 Supplement, Sec. 97C.355, Subd. 8, is amended.

Subd. 8. Confiscation of unlawful structures; civil penalty.

(c) This Subd. also applies to structures left on state public access sites for more than 48 hours past the deadlines specified in Subd. 7.

Article 2, Sec. 66. Minnesota Statutes 2006, Sec. 97C.371, Subd. 4, is amended.
Subd. 4. Open season. The open season for spearing through the ice is ~~December~~
~~1~~November 15 to the last Sunday in February.

Article 2, Sec. 67. Minnesota Statutes 2006, Sec. 97C.395, Subd. 1, is amended.
Subd. 1. Dates for certain species.

(3) for the winter season for lake trout on all lakes, from January 15 to March 31;

(4) for brown trout, brook trout, rainbow trout, and splake, between January 1 to
October 31 as prescribed by the commissioner by rule except as provided in Sec.
97C.415, Subd. 2 ; ~~and~~

(5) for the winter season for brown trout, brook trout, rainbow trout, and splake
on all lakes, from January 15 to March 31; and ~~(4)~~ (6) for salmon, as prescribed by
the commissioner by rule. (b) The commissioner shall close the season in areas of
the state where fish are spawning and closing the season will protect the
resource.

Article 2, Sec. 68. Minnesota Statutes 2006, Sec. 97C.401, Subd. 2, is amended.

Subd. 2. Walleye; northern pike. (a) Except as provided in paragraph (b), a
person may ~~take~~ have no more than one walleye larger than 20 inches and one
northern pike larger than 30 inches ~~daily~~ in possession. (b) The restrictions in
paragraph (a) do not apply to boundary waters.

EFFECTIVE DATE. This section is effective March 1, 2009.

Article 2, Sec. 69. Minnesota Statutes 2006, Sec. 97C.865, Subd. 2, is amended.

Subd. 2. Rules. The commissioner may adopt rules establishing requirements
for labeling and packing fish under a fish packer's license. The commissioner
shall require only the license number of the fish packer, the name and license
number of the angler or person who lawfully possesses the fish, the name of the
lake on which the fish were caught, the species of fish, and the number of fish to
appear on a label. The commissioner must not allow sauger to be labeled as

walleye.

Article 2, Sec. 70. Minnesota Statutes 2006, Sec. 624.20, Subd. 1, is amended.

Subd. 1. Regulation.

(c) The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of ~~200~~ 500 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture. The use of items listed in this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.

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

Article 2, Sec. 71. MASTER ANGLER PROPOSAL; APPROPRIATION.

(a) By January 15, 2009, the commissioner of natural resources, after consultation with the director of Explore Minnesota Tourism and interested stakeholders, shall submit a proposal to improve, expand, and promote the master angler program. (b) \$10,000 in fiscal year 2009 from the game and fish fund is appropriated to the commissioner of natural resources for development of the proposal in paragraph (a).

Article 2, Sec. 72. BEAR HUNTING PERMIT DRAWING; RULEMAKING.

The commissioner of natural resources shall adopt rules to comply with the changes made to Minnesota Statutes, Sec. 97B.405. The commissioner may use the good cause exemption under Minnesota Statutes, Sec. 14.388, Subd. 1, clause

(3), to adopt the rules. Minnesota Statutes, Sec. 14.386, does not apply except as provided in Minnesota Statutes, Sec. 14.388.

Article 2, Sec. 73. WILD TURKEY HUNTING MANAGEMENT RECOMMENDATIONS.

The commissioner of natural resources, in consultation with the National Wild Turkey Federation, shall, by January 15, 2009, provide the legislature with recommendations for future management of hunting wild turkeys in Minnesota.

Article 2, Sec. 74. RULES.

The commissioner of natural resources shall adopt rules in compliance with the changes to Minnesota Statutes, Sec.s 97C.205 and 97C.865, Subd. 2. The rules required by this Sec. are exempt from the rulemaking provisions of Minnesota Statutes, Chapter 14. The rules are subject to Minnesota Statutes, Sec. 14.386, except that notwithstanding Minnesota Statutes, Sec. 14.386, paragraph (b), the rules continue in effect until repealed or superseded by other law or rule. As part of this rulemaking, the commissioner shall: (1) amend Minnesota Rules, part 6262.3250, by deleting item A and amending the part so that labels required under item D are consistent with the new requirements in Minnesota Statutes, Sec. 97C.865, Subd. 2; and (2) amend Minnesota Rules, part 6262.0100, to allow the possession of fish on special management or experimental waters for a meal, as provided in Minnesota Statutes, Sec. 97C.205.

Article 2, Sec. 75. DISABLED HUNTING REPORT.

By January 1, 2009, the commissioner of natural resources shall report to the chairs of the senate and house of representatives committees with jurisdiction over the environment and natural resources on changes, including any statutory changes, necessary to simplify the process for obtaining disabled hunting permits and for landowners to allow hunts on their land for the disabled. The

commissioner shall work with nonprofit groups and other interested parties in simplifying the process.

Article 2, Sec. 76. MINNESOTA MOOSE MANAGEMENT AND RESEARCH PLAN.

The commissioner of natural resources shall consult with research scientists, wildlife managers, tribal interests, other agencies with moose research and management expertise, and other key stakeholder groups on the development of a moose management and research plan for Minnesota. The plan shall address moose populations and habitats, including, but not limited to, the northwest Minnesota herd; likely causes of observed changes and trends; moose habitat and hunting management; and monitoring, research, and evaluation needs. The plan shall establish future moose management and research goals and strategies within the context of habitat and climate trends in Minnesota. By January 15, 2009, the commissioner shall provide a progress report on the plan to the senate and house of representatives committees with jurisdiction over natural resource policy.

Article 2, Sec. 77. WALLEYE STOCKING.

The commissioner of natural resources shall stock 22,500,000 additional walleye fry in calendar year 2009 and 22,500,000 additional walleye fry in calendar year 2010. This stocking shall be in a lake where the commissioner is studying the effects of cormorant control and the lack of natural reproduction of the walleye. The commissioner of natural resources may stock the lake at the commissioner's discretion in calendar year 2011.

Article 2, Sec. 78. UNCASED FIREARMS REPORT.

(a) The commissioner of natural resources shall submit a report funded by the game and fish fund to the legislature by January 1, 2009, on uncased firearms for the purposes of hunting, predator control, and trapping. (b) The report must

comply with Minnesota Statutes, Sec.s 3.195 and 3.197, and be submitted to the chairs of the house and senate committees with jurisdiction over the environment and natural resources. The commissioner may include additional information that the commissioner feels is important to this issue.

Article 2, Sec. 79. COCK PHEASANT BAG LIMIT; RULEMAKING.

The commissioner of natural resources shall amend Minnesota Rules, part 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day and nine in possession beginning on December 1, until the end of the pheasant season. The commissioner may use the good cause exemption under Minnesota Statutes, Sec. 14.388, Subd. 1, clause (3), to adopt the rule and Minnesota Statutes, Sec. 14.386, does not apply, except as provided under Minnesota Statutes, Sec. 14.388.

Article 2, Sec. 80. OUTDOOR EDUCATION WORKING GROUP.

(a) The commissioner of natural resources shall coordinate a working group with the commissioner of education to report recommendations to the legislature on the teaching of outdoor education in grades 7 through 12. (b) Each commissioner shall designate members of the working group and shall include at least one parent, one representative of higher education, one outdoor educator, and one representative from a sportsman or wildlife organization. The appointments and designations must be completed by August 1, 2008. (c) The working group must report recommendations, proposed changes, sources of funding, and draft legislation to the legislative committees with jurisdiction over kindergarten through grade 12 education policy and finance, and environment policy and environment finance by January 15, 2009. The working group expires June 30, 2009.

Article 2, Sec. 81. APPROPRIATIONS.

(a) \$102,000 in fiscal year 2009 is appropriated from the game and fish fund to the

commissioner of natural resources for the development of aquaculture best management practices. The base in fiscal year 2010 is \$150,000. The base for fiscal year 2011 is \$0. (b) \$123,000 in fiscal year 2008 and \$246,000 in fiscal year 2009 from the game and fish fund are appropriated to the commissioner of natural resources to implement fish virus surveillance, prepare infrastructure to handle possible outbreaks, and implement control procedures for highest risk waters and fish production operations. This is a onetime appropriation. If an appropriation for the same purpose is enacted in 2008 H.F. No. 1812, or another bill, the comparable appropriation in that act is void. (c) \$128,000 is appropriated in fiscal year 2009 from the game and fish fund for walleye stocking. This is a onetime appropriation.

Article 2, Sec. 82. REPEALER.

Minnesota Statutes 2006, Sec. 97A.411, Subd. 2, and Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4; and 6234.0100, subpart 4, are repealed.

REPEALER DEFINITIONS: FISH & WILDLIFE SECTION

Chapter 307, SF 3576/HF 3550

Sec. 21.

REPEALER. Minnesota Statutes 2006, Sec. 97C.515, Subd. 3, is repealed.

Repeals Minnesota Statutes 2006, Sec. 97C.515, Subdivision. 3: Use of in home aquariums allowed.

Chapter 368, SF 2651/HF 3280

Article 2, Sec. 82.

REPEALER. Minnesota Statutes 2006, Sec. 97A.411, Subd. 2, and Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4; and 6234.0100, subpart 4, are repealed.

- Repeals Minnesota Statutes 2006, Sec. 97A.411, Subdivision 2: signature on stamps;
- Repeals Minnesota Rules, part 6232.0200, subpart 4: bait;
- Repeals Minnesota Rules, part 6232.0300, subpart 4: party hunting;
- Repeals Minnesota Rules, part 6234.0100, subpart 4: shooting at grouse.

ECOLOGICAL SERVICES

Chapter 357

SF 3056

HF 3625

Omnibus Environment Policy Bill

Sec. 26. [103G.2251] STATE CONSERVATION EASEMENTS; WETLAND BANK CREDIT.

In greater than 80 percent areas, preservation of wetlands owned by the state or a local unit of government, protected by a permanent conservation easement as defined under Sec. 84C.01 and held by the board, may be eligible for wetland replacement or mitigation credits, according to rules adopted by the board. To be eligible for credit under this Sec., a conservation easement must be established after enactment of this Sec. and approved by the board.

Sec. 27. [115.0301] DEFINITIONS.

Subd. 1. Application. For purposes of Sec.s 115.0301 to 115.0309, the following terms have the meanings given them. **Subd. 2. Agency.** "Agency" means the Pollution Control Agency. **Subd. 3. Ballast water.** "Ballast water" means water taken on board a vessel to control trim, list, draft, stability, or stresses of the vessel, including matter suspended in the water, or any water placed into a ballast tank during cleaning, maintenance, or other operations. **Subd. 4. Ballast water management.** "Ballast water management" means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment. **Subd. 5. Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency. **Subd. 6. Constructed.** "Constructed" means a state of construction of a vessel at which the keel is laid, construction identifiable with the specific vessel begins, assembly of the vessel has begun comprising at least 50 tons or one percent of the estimated mass of all structural material of the vessel, whichever is less, or the vessel undergoes a major conversion. **Subd. 7. Foreign vessel.** "Foreign vessel" means a vessel of foreign registry or operated under the authority of a foreign country. **Subd. 8. Sediment.** "Sediment" means matter that has settled out of ballast water within a vessel. **Subd. 9. State waters of Lake Superior.** "State waters of Lake Superior" means the surface waters of Lake Superior and waters that discharge, flow, or otherwise are transferred into Lake Superior that are under the jurisdiction of the state.

Sec. 28. [115.0306] BALLAST WATER MANAGEMENT PLAN.

Subd. 1. Ballast water management plan required. (a) The operator of a vessel that is designed, constructed, or adapted to carry ballast water in state

waters of Lake Superior shall conduct all ballast water management operations of the vessel according to a ballast water management plan that is designed to minimize the discharge of invasive species, meets the requirements prescribed by the commissioner under Subd. 2, and is approved by the commissioner. (b) The owner or operator of a vessel required to have a ballast water management plan under paragraph (a) shall maintain a copy of the vessel's ballast water management plan on board at all times and keep the plan readily available for examination by the commissioner. **Subd. 2. Ballast water management plan approval.** (a) The commissioner may not approve a ballast water management plan unless the commissioner determines that the plan: (1) describes in detail the actions to be taken to implement ballast water management; (2) describes in detail the procedures to be used for disposal of sediment at sea and on shore; (3) describes in detail the safety procedures for the vessel and crew associated with ballast water management; (4) designates the officer on board of the vessel in charge of ensuring that the plan is properly implemented; (5) contains the reporting requirements for vessels as prescribed by the commissioner; and (6) meets all other requirements prescribed by the commissioner. (b) The commissioner may approve a ballast water management plan for a foreign vessel on the basis of a certificate of compliance with the criteria described in paragraph (a) issued by the vessel's country of registration according to standards established by the commissioner.

Sec. 29. [115.0307] BALLAST WATER RECORD BOOK.

Subd. 1. Ballast water record book required. The owner or operator of a vessel required to have a ballast water management plan under Sec. 115.0306 shall maintain, in English, on board the vessel, a ballast water record book in which each operation of the vessel involving ballast water or sediment discharge is recorded as required by the commissioner. The ballast water record book shall be kept readily available for examination by the commissioner. In cases where a vessel is without a crew and being towed, the ballast water record book may be kept on the towing vessel.

Subd. 2. Retention period. (a) Except as provided in paragraph (b), a ballast water record book required in Subd. 1 shall be retained on board the vessel for three years after the date on which the last entry in the book is made and shall be retained under the control of the vessel's owner for an additional three years. (b) The commissioner may prescribe alternative time periods for record retention by foreign vessels that are consistent with international practices.

Subd. 3. Regulations. (a) The commissioner shall require, at a minimum, that: (1) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded; (2) each completed page in the

ballast water record book be signed and dated by the owner or operator of the vessel; and (3) the owner or operator of the vessel transmit any information to the commissioner regarding the ballast operations of the vessel as the commissioner may require. (b) The commissioner may provide for alternative methods of record keeping, including electronic record keeping, to comply with the requirements of this Sec. Any electronic record keeping method authorized by the commissioner shall comply with applicable standards of the state and the National Institute of Standards and Technology governing reliability, integrity, identity authentication, and nonrepudiation of stored electronic data.

Sec. 30. [115.0309] CONSULTATION AND COOPERATION.

Subd. 1. Great Lakes Panel on Aquatic Nuisance Species. The commissioner of natural resources shall cooperate to the fullest extent practicable with the Great Lakes Panel on Aquatic Nuisance Species to ensure development of standards for the control of invasive species that are broadly protective of the state waters of Lake Superior and other natural resources. The commissioner of the Pollution Control Agency shall serve as the alternate to the commissioner of natural resources if necessary. **Subd. 2. Cooperation with other state agencies.** In developing the permit process and any standards established under Sec.s 115.0301 to 115.0309, the commissioner is encouraged to consult with the commissioners of commerce, agriculture, natural resources, and any other agency that the commissioner determines to be necessary to develop and implement an effective program for preventing the introduction and spread of invasive species through ballast water. **Subd. 3. Canada and other foreign governments.** In developing the permit process and any standards established under Sec.s 115.0301 to 115.0309, the commissioner is encouraged to consult with the government of Canada and any other government of a foreign country that the commissioner determines to be necessary to develop and implement an effective program for preventing the introduction and spread of invasive species through ballast water.

Chapter 363 HF 1812 SF 1475 (Substitute 3813)
Omnibus Supplemental Budget

Article 5, Sec. 4, Subd. 8

\$230,000 in 2008 is a reduction from the appropriation for impaired waters.

By June 30, 2008, the commissioner of finance shall transfer \$594,000 from the water recreation account in the natural resources fund to the invasive species account in the natural resources fund for invasive species-related expenses.

Article 5, Sec. 22, Minnesota Statutes 2006, Sec. 103G.615, Subd. 2, is amended.

Fees

- (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The fees must be set by rule, and Sec. 16A.1283 does not apply, but the rule must not take effect until 45 legislative days after it has been reported to the legislature.
- (b) ~~The A~~ fee for a permit for the control of rooted aquatic vegetation is \$35 for each contiguous parcel of shoreline owned by an owner may be charged. This fee may be charged for permits issued in connection with purple loosestrife control or lakewide Eurasian water milfoil control programs.
- (c) A fee may not be charged to the state or a federal governmental agency applying for a permit.
- (d) The money received for the permits under this Subd. shall be deposited in the treasury and credited to the water recreation account.

REPEALER DEFINITIONS: ECOLOGICAL RESOURCES
Chapter 357, SF 3056/HF 3625

Sec. 40

REPEALER. Minnesota Statutes 2006, Sec. 84.961, Subd. 4; 85.013, Subd. 21b; 85.054, Subd. 3; and 97A.141, Subd. 2, and Laws 1989, Chapter 335, Article 1, Sec. 21, Subd. 8, as amended by Laws 2002, Chapter 323, Sec. 19, are repealed.

- Repeals Minnesota Statutes 2006, Sec. 84.961, Subdivision 4: prairie biologist.

ENFORCEMENT

Chapter 357

SF 3056

HF 3625

Omnibus Environment Policy Bill

Sec. 12. Minnesota Statutes 2006, Sec. 84.9256, Subd. 1, is amended.

Subd. 1. Prohibitions on youthful operators.

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person 18 years of age or older who holds a valid driver's license.

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

Chapter 363

HF 1812

SF 1475 (Substitute 3813)

Omnibus Supplemental Budget

Article 5, Sec. 4, Subd. 9

\$543,000 in 2009 is a reduction in enforcement operations:

- \$75,000 of this reduction is for conservation officer recruiting
- \$85,000 of this reduction is for advanced hunter education
- \$383,000 in 2009 is from the water recreation account in the natural resources fund for enforcement operations.

\$185,000 in 2009 is from the all-terrain vehicle account in the natural resources fund for grants to county law enforcement agencies for all-terrain vehicle enforcement and public education activities based on all-terrain vehicle use in the county.

\$85,000 in 2009 is from the game and fish fund for advanced hunter education.

REPEALER DEFINITIONS: ENFORCEMENT

Chapter 357, SF 3056/HF 3625

Sec. 40

REPEALER. Minnesota Statutes 2006, Sec. 84.961, Subd. 4; 85.013, Subd. 21b; 85.054, Subd. 3; and 97A.141, Subd. 2, and Laws 1989, Chapter 335, Article 1, Sec. 21, Subd. 8, as amended by Laws 2002, Chapter 323, Sec. 19, are repealed.

- Repeals Laws 1989, Chapter 335, Article 1, Sec. 21, Subdivision 8, as amended by laws 2002, Chapter 323, Sec. 19: Special Investigation Unit reporting requirement.

MANAGEMENT RESOURCES

Chapter 357

SF 3056

HF 3625

Omnibus Environmental Policy Bill

Sec. 3. Minnesota Statutes 2006, Sec. 84.0857, is amended.

84.0857 FACILITIES MANAGEMENT ACCOUNT.

(a) The commissioner of natural resources may bill organizational units within the Department of Natural Resources for the costs of providing them with building and infrastructure facilities. Costs billed may include modifications and adaptations to allow for appropriate building occupancy, building code compliance, insurance, utility services, maintenance, repair, and other direct costs as determined by the commissioner. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made. (b) Money deposited in the special account from the proceeds of a sale under Sec. 94.16, Subd. 3, paragraph (b), is appropriated to the commissioner to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

Sec. 22. Minnesota Statutes 2006, Sec. 94.16, Subd. 3, is amended.

Subd. 3. Proceeds from natural resources land. (a) Except as provided in paragraph (b), the remainder of the proceeds from the sale of lands that were under the control and supervision of the commissioner of natural resources shall be credited to the land acquisition account in the natural resources fund. (b) The remainder of the proceeds from the sale of administrative sites under the control and supervision of the commissioner of natural resources shall be credited to the facilities management account established under Sec. 84.0857 and used to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

OFFICE OF MANAGEMENT & BUDGET SERVICES (OMBS)
Chapter 363 HF 1812 SF 1475 (Substitute 3813)

Article 5, Sec. 4, Subd. 10

\$755,000, reduction to department's administration costs in fiscal year 2009. The commissioner shall make these reductions throughout the agency through reduction in travel, administrative costs, and vacancy management.

The department's administration base is reduced by \$255,000 in FY 2010 and 2011.

ENERGY AND CLIMATE
Chapter 296 SF 3337
Omnibus Energy Bill 2008

HF 3661

Article 1: Utilities

- Sec. 1. [115C.04] Subd. 3. Cost recovery; subrogation.
- Sec. 2. [115C.09] Subd. 3h. Reimbursement; aboveground tanks in bulk plants.
- Sec. 3. [115C.09] Subd. 3k. PVC piping at residential locations.
- Sec. 4. [117.054] Copies of appraisal to landowner.
- Sec. 5. [216B.16] Subd. 7b. Transmission cost adjustment.
- Sec. 6. [216B.1645] Subd. 1. Commission authority.
- Sec. 7. [216B.1645] Subd. 2. Cost recovery.
- Sec. 8. [216B.1645] Subd. 2a. Cost recovery for owned renewable facilities.
- Sec. 9. [216B.241] Subd. 5a. Qualifying solar energy project.
- Sec. 10. [216B.2411] Subd. 1. Generation projects.
- Sec. 11. [216B.2411] Subd. 2. Definitions. Defines “qualifying solar energy project” for purposes of Sec.s 9 and 10.
- Sec. 12. [216B.2424] Subd. 1. Farm-grown closed-loop biomass. Defines the term.
- Sec. 13. [216B.243] Subd. 9. Renewable energy standard facilities.
- Sec. 14. [216C.051] Subd. 2. Establishes Legislative Energy Commission.
- Sec. 15. [216E.03] Subd. 3a. Project notice.
- Sec. 16. [216E.03] Subd. 3b. Preapplication consultation meetings.

- Sec. 17. [216E.03] Subd. 4. Application notice.
- Sec. 18. [216F.012] Size election.
- Sec. 19. [216F.09] WECS aggregation program.
- Sec. 20. [216H.07] Greenhouse gas emissions reductions attainment; policy development process.
- Sec. 21. [216H.10] Definitions.
- Sec. 22. [216H.11] High-GWP greenhouse gas reporting.
- Sec. 23. [216H.12] Mobile air conditioner leakage rates; disclosure.
- Sec. 24. [216H.15] Enforcement.
- Sec. 25. [500.30] Subd. 2. Like any conveyance.
- Sec. 26. Report. Requires the commissioner to submit a report to the legislature by February 1, 2009, identifying the uses and emissions sources of high-GWP gases and suggests options for reducing or eliminating those uses and the costs of doing so.
- Sec. 27. Solar rating and certification laboratory.
- Sec. 28. Size election stakeholder group.
- Sec. 29. State video franchising study.
- Sec. 30. Broadband mapping project.
- Sec. 31. Wind property interest mediation and report.
- Sec. 32. Appropriation; Department of Commerce.
- Sec. 33. Authorization.
- Article 2: Outdoor Lighting
- Sec. 1: [16B.328] Subd. 3. Standards for state-funded outdoor lighting fixtures.

Chapter 340 HF 3195 SF 2818
Green Solutions Act of 2008

- Sec. 1. Title.**
- Sec. 2. Midwestern Greenhouse Gas Accord.**
- Sec. 3. Economic, Environmental, and Public Health Impact and Potential Revenues Studies.**
- Sec. 4. Governance Study.**
- Sec. 5. Appropriation.**

Chapter 356 SF 3096 HF 3669
Energy Improvement Project

Relating to energy. Creating programs for government energy conservation investments; modifying or adding provisions relating to green economy activities; creating Green Jobs Task Force; requiring reports; appropriating money.

Chapter 363 HF 1812 SF 1475 (Substitute 3813)
Omnibus Supplemental Budget

Article 6, Sec. 11. Green Economy Report

(a) Each state agency, other than the Iron Range Resources and Rehabilitation Board or the Office of the Commissioner of Iron Range Resources and Rehabilitation, that administers a loan or grant program must assess those programs to determine their potential to advance or promote the growth of the green economy, as defined in Minnesota Statutes, Sec. 116J.437. An agency must report on its determination to the commissioner of commerce by September 15, 2008. (b) If a program is determined to have significant potential, the agency must develop a plan to integrate program elements appropriate to that program to advance or promote the growth of the green economy in this state. An agency must report on its plan to the commissioner of commerce by November 15, 2008. (c) The commissioner of commerce, in consultation with the commissioner of employment and economic development, must develop guidelines to be followed by state agencies in complying with this Sec. (d) By January 15, 2009, the commissioner of commerce, in consultation with the commissioner of employment and economic development, must submit a report containing the plans developed under paragraph (b), and any recommended implementing legislation, to the chairs and ranking minority members of the senate and house committees with primary jurisdiction over energy, environmental and economic development policy, and finance. (e) The commissioner of commerce may

contract for services to fulfill the commissioner's duties under this Sec.

Article 6, Sec. 12. Green Jobs Task Force

Subd. 1. Task force. (a) A Green Jobs Task Force is created to advise and assist the governor and legislature regarding activities to advance the state's economy, and to develop a statewide action plan as provided under Subd. 2. The task force shall be appointed no later than June 30, 2008, and consist of: (1) three members of the house of representatives, including one member of the minority party appointed by the speaker; (2) three members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, including one member of the minority; (3) seven representatives from state agencies and institutions appointed by the governor, including one member from the Office of Energy Security, one member from the Department of Employment and Economic Development, one member from the Job Skills Partnership Board, one member from the University of Minnesota, one member from Minnesota State Colleges and Universities, one member from the Pollution Control Agency, and one member from the Department of Natural Resources; (4) three public members appointed by the governor, including one member representing the manufacturing industry, one member representing a statewide organization dedicated to commerce, and one member representing the Agricultural Utilization Research Institute; (5) four public members appointed by the speaker of the house of representatives, including one member representing labor, one member representing a statewide environmental organization, one member representing financial institutions or venture capital, and one member from a local economic development authority from greater Minnesota; and (6) four public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration, including one member from a local economic development authority from the metropolitan area, one member from a statewide organization dedicated to furthering the green economy, one member from a firm currently engaged in green manufacturing, and one local workforce development representative from an area that has experienced significant manufacturing job loss. (b) The commissioner of commerce, in cooperation with the commissioner of employment and economic development, shall provide staff support to the task force. The task force may accept outside resources to help support its efforts. (c) Each of the legislative appointing authorities must name a cochair of the task force from the legislative members appointed by that authority. (d) Public members of the task force must be compensated as provided in Minnesota Statutes, Sec. 15.059, Subd. 3.

Subd. 2. Duties. (a) By January 15, 2009, the task force shall develop and present to the legislature under Minnesota Statutes, Sec. 3.195, and to the governor a

statewide action plan to optimize the growth of the green economy. For the purpose of this Sec., "green economy" has the meaning given it by new Minnesota Statutes, Sec. 116J.437, if enacted. (b) The plan must include necessary draft legislation and budget requests and may include administrative actions of governmental entities, collaborative actions, and actions of individuals and individual organizations. The plan must be developed following the analysis described in this paragraph and must be based on the analysis. The analysis must include: (1) a market analysis of the business opportunities and needs created by the laws enumerated in paragraph (a), including local, state, national, and international markets; (2) an analysis of the labor force needs related to the market analysis opportunities identified in clause (1), including educational, training, and retraining needs; and (3) an inventory of the current labor and business assets available to respond to the opportunities identified in clause (1) and the labor needs identified in clause (2). The task force shall contract for the analysis required by this paragraph. **Subd. 3. Expiration.** The task force expires June 30, 2009.

Legislative-Citizen Commission on Minnesota Resources
Appropriations
Chapter 307 SF 2492 HF 2745
LCCMR Funding Bill

- Sec. 1: Appropriations**
- Sec. 2, Subd. 1: Total Appropriation**
- Sec. 2, Subd. 2: Definitions**
- Sec. 2, Subd. 3: Land and Habitat**
- Sec. 2, Subd. 4: Water Resources**
- Sec. 2, Subd. 5: Natural Resource Information**
- Sec. 2, Subd. 6: Environmental Education**
- Sec. 2, Subd. 7: Emerging Issues Account**
- Sec. 2, Subd. 8: Availability of Appropriations**
- Sec. 2, Subd. 9: Data Availability Requirements**
- Sec. 2, Subd. 10: Project Requirements**
- Sec. 2, Subd. 11: Payment Conditions and Capital Equipment Expenditures**
- Sec. 2, Subd. 12: Purchase of Recycled and Recyclable Materials**
- Sec. 2, Subd. 13: Energy Conservation and Sustainable Building Guidelines**
- Sec. 2, Subd. 14: Accessibility**
- Sec. 2, Subd. 15: Carryforward**
- Sec. 2, Subd. 16: 2009 Recommendations**
- Sec. 3, Minnesota Statutes 2006, Sec. 116P.10, is amended.**
- 1169.10 Royalties, Copyrights, Patents, and Sale of Products and Assets.**

BWSR

Chapter

HF 1812

SF 1475 (Substitute 3813)

Omnibus Supplemental Budget

Article 5, Sec. 5

\$200,000 in 2009 is a reduction from the appropriation for county cooperative weed management programs.

\$47,000 is a reduction in 2009 from the appropriation for cost-sharing contracts to establish native buffers. This is a onetime reduction.

\$68,000 in 2009 is a reduction from the appropriation for the drainage assistance program.

\$450,000 in 2009 is for implementing rehabilitation, erosion, and sediment control projects in the area included in DR-1717.

Funds appropriated or transferred and waivers previously authorized to the board for DR-1717 flood relief and recovery as provided in Laws 2007, First Special Session Chapter 2, are available and applicable until June 30, 2010. The board may use money from this appropriation to implement federal funding for projects in the area. The base for 2010 is \$275,000 and the base for 2011 is \$0. This appropriation is available until expended.

\$100,000 in 2009 is for a grant to the Star Lake Board established in new Minnesota Statutes, Sec. The board may use up to ten percent of the appropriation for administration and initial meeting of the Star Lake Board. This is a onetime appropriation.

To the extent possible prairie restorations paid for in whole or in part by appropriations to the board must be made using best management practices for native prairie restoration as defined in Minnesota Statutes, Sec. 84.02, Subd. 2.