

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3631

(SENATE AUTHORS: HAWJ and McEwen)		
DATE	D-PG	OFFICIAL STATUS
02/15/2024	11588	Introduction and first reading Referred to Environment, Climate, and Legacy
04/02/2024		Comm report: To pass as amended Second reading

1.1

A bill for an act

1.2

relating to natural resources; providing for investment accounts; modifying report

1.3

requirements; providing for transfer or sale of bison; providing for enhanced

1.4

restitution values for mistreatment of wild animals; clarifying protection of

1.5

threatened species; modifying releaf program; increasing tree seedling availability;

1.6

correcting fee for water use general permit; extending Mineral Coordinating

1.7

Committee; appropriating money; amending Minnesota Statutes 2022, sections

1.8

16A.125, subdivision 5; 84.027, subdivision 12; 84.0895, subdivisions 1, 8; 88.82;

1.9

89.36, subdivision 1; 89.37, subdivision 3; 93.0015, subdivision 3; 97A.341,

1.10

subdivisions 1, 2, 3; 97A.345; Minnesota Statutes 2023 Supplement, section

1.11

103G.301, subdivision 2; proposing coding for new law in Minnesota Statutes,

1.12

chapter 11A.

1.13

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

1.14

Section 1. [11A.236] ACCOUNT TO INVEST FINANCIAL ASSURANCE MONEY

1.15

FROM PERMITS TO MINE.

1.16

Subdivision 1. Establishment; appropriation. (a) The State Board of Investment, when

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requested by the commissioner of natural resources, may invest money collected by the

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commissioner as part of financial assurance provided under a permit to mine issued under

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chapter 93. The State Board of Investment may establish one or more accounts into which

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money may be deposited for the purposes of this section, subject to the policies and

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procedures of the State Board of Investment. Use of any money in the account is restricted

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to the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted

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thereunder and as authorized under any trust fund agreements or other conditions established

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under a permit to mine.

(b) Money in an account established under paragraph (a) is appropriated to the commissioner of natural resources for the purposes for which the account is established under this section.

Subd. 2. Account maintenance and investment. (a) The commissioner of natural resources may deposit money in the appropriate account and may withdraw money from the appropriate account for the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted thereunder and as authorized under any trust fund agreements or other conditions established under the permit to mine for which the financial assurance is provided, subject to the policies and procedures of the State Board of Investment.

(b) Investment strategies related to an account established under this section must be determined jointly by the commissioner of natural resources and the executive director of the State Board of Investment. The authorized investments for an account are the investments authorized under section 11A.24 that are made available for investment by the State Board of Investment.

(c) Investment transactions must be at a time and in a manner determined by the executive director of the State Board of Investment. Decisions to withdraw money from the account must be determined by the commissioner of natural resources, subject to the policies and procedures of the State Board of Investment. Investment earnings must be credited to the appropriate account for financial assurance under the identified permit to mine.

(d) The commissioner of natural resources may terminate an account at any time, so long as the termination is in accordance with applicable statutes, rules, trust fund agreements, or other conditions established under the permit to mine, subject to the policies and procedures of the State Board of Investment.

Sec. 2. Minnesota Statutes 2022, section 16A.125, subdivision 5, is amended to read:

Subd. 5. Forest trust lands. (a) The term "state forest trust fund lands" as used in this subdivision, means public land in trust under the constitution set apart as "forest lands under the authority of the commissioner" of natural resources as defined by section 89.001, subdivision 13.

(b) The commissioner of management and budget shall credit the revenue from the forest trust fund lands to the forest suspense account. The account must specify the trust funds interested in the lands and the respective receipts of the lands.

(c) After a fiscal year, the commissioner of management and budget shall certify the costs incurred for forestry during that year under appropriations for the improvement,

administration, and management of state forest trust fund lands and construction and improvement of forest roads to enhance the forest value of the lands. The certificate must specify the trust funds interested in the lands. After presentation to the Legislative Permanent School Fund Commission or by June 30 each year, whichever is sooner, the commissioner of natural resources shall supply the commissioner of management and budget with the information needed for the certificate. The certificate shall include an analysis that compares costs certified under this section with costs incurred on other public and private lands with similar land assets.

(d) After a fiscal year, the commissioner shall distribute the receipts credited to the suspense account during that fiscal year as follows:

(1) the amount of the certified costs incurred by the state for forest management, forest improvement, and road improvement during the fiscal year shall be transferred to the forest management investment account established under section 89.039;

(2) the amount of costs incurred by the Legislative Permanent School Fund Commission under section 127A.30, and by the school trust lands director under section 127A.353, shall be transferred to the general fund;

(3) the balance of the certified costs incurred by the state during the fiscal year shall be transferred to the general fund; and

(4) the balance of the receipts shall then be returned prorated to the trust funds in proportion to their respective interests in the lands which produced the receipts.

Sec. 3. Minnesota Statutes 2022, section 84.027, subdivision 12, is amended to read:

Subd. 12. **Property disposal; gift acknowledgment; advertising sales.** (a) The commissioner may recognize the contribution of money or in-kind services on plaques, signs, publications, audiovisual materials, and media advertisements by allowing the organization's contribution to be acknowledged in print of readable size.

(b) The commissioner may accept paid advertising for departmental publications. Advertising revenues received are appropriated to the commissioner to be used to defray costs of publications, media productions, or other informational materials. The commissioner may not accept paid advertising from any elected official or candidate for elective office.

(c) Notwithstanding section 16B.2975, subdivision 6, clause (2), if the commissioner determines that a transfer benefits the state's natural resources management or bison management, the commissioner may request that the commissioner of administration donate and convey bison to a governmental unit or nonprofit organization, in or outside Minnesota,

4.1 or sell bison. The recipient of the bison is solely responsible for all future expenses related
4.2 to the bison.

4.3 Sec. 4. Minnesota Statutes 2022, section 84.0895, subdivision 1, is amended to read:

4.4 Subdivision 1. **Prohibition.** Notwithstanding any other law, a person may not take,
4.5 import, transport, release, or sell any portion of an endangered or threatened species of wild
4.6 animal or plant, or sell or possess with intent to sell an article made with any part of the
4.7 skin, hide, or parts of an endangered or threatened species of wild animal or plant, except
4.8 as provided in subdivisions 2 and 7.

4.9 Sec. 5. Minnesota Statutes 2022, section 84.0895, subdivision 8, is amended to read:

4.10 Subd. 8. **Application.** This section does not apply retroactively ~~or prohibit importation~~
4.11 ~~into this state and subsequent possession, transport, and sale of wild animals, wild plants,~~
4.12 ~~or parts of wild animals or plants that are legally imported into the United States or legally~~
4.13 ~~acquired and exported from another territory, state, possession, or political subdivision of~~
4.14 ~~the United States.~~

4.15 Sec. 6. Minnesota Statutes 2022, section 88.82, is amended to read:

4.16 **88.82 MINNESOTA RELEAF PROGRAM.**

4.17 The Minnesota releaf program is established in the Department of Natural Resources to
4.18 encourage, promote, and fund the inventory, planting, assessment, maintenance,
4.19 improvement, protection, utilization, and restoration of trees and forest resources in this
4.20 state to enhance community forest ecosystem health and sustainability as well as to reduce
4.21 atmospheric carbon dioxide levels and promote energy conservation.

4.22 Sec. 7. Minnesota Statutes 2022, section 89.36, subdivision 1, is amended to read:

4.23 Subdivision 1. **Production at state nurseries.** The commissioner of natural resources
4.24 may produce tree planting stock for the purposes of sections 89.35 to 89.39 upon any lands
4.25 under control of the commissioner which may be deemed suitable and available therefor so
4.26 far as not inconsistent with other uses to which such lands may be dedicated by law. ~~The~~
4.27 ~~commissioner may not produce more than 10,000,000 units of planting stock annually, after~~
4.28 ~~January 1, 2003.~~

5.1 Sec. 8. Minnesota Statutes 2022, section 89.37, subdivision 3, is amended to read:

5.2 Subd. 3. **Private lands.** The commissioner may supply ~~only bare-root~~ seedlings, woody
5.3 cuttings, and transplant material for use on private land, provided that such material must
5.4 be sold in lots of not less than 250 for a sum determined by the commissioner to be equivalent
5.5 to the cost of the materials and the expenses of their distribution. The commissioner may
5.6 not directly or indirectly supply any other planting stock for use on private lands.

5.7 Sec. 9. Minnesota Statutes 2022, section 93.0015, subdivision 3, is amended to read:

5.8 Subd. 3. **Expiration.** The committee expires June 30, ~~2026~~ 2036.

5.9 Sec. 10. Minnesota Statutes 2022, section 97A.341, subdivision 1, is amended to read:

5.10 Subdivision 1. **Liability for restitution.** A person who kills, injures, or possesses a wild
5.11 animal in violation of the game and fish laws or section 343.21 is liable to the state for the
5.12 value of the wild animal as provided in this section. Species afforded protection include
5.13 members of the following groups as defined by statute or rule: game fish, game birds, big
5.14 game, small game, fur-bearing animals, minnows, and threatened and endangered animal
5.15 species. Other animal species may be added by rule of the commissioner as determined
5.16 after public meetings and notification of the chairs of the environment and natural resources
5.17 committees in the senate and house of representatives.

5.18 Sec. 11. Minnesota Statutes 2022, section 97A.341, subdivision 2, is amended to read:

5.19 Subd. 2. **Arrest and charging procedure.** (a) An enforcement officer who arrests a
5.20 person for killing, injuring, or possessing a wild animal in violation of the game and fish
5.21 laws or section 343.21 must describe the number, species, and restitution value of wild
5.22 animals illegally killed, injured, or possessed on the warrant or the notice to appear in court.

5.23 (b) As part of the charge against a person arrested for killing, injuring, or possessing a
5.24 wild animal in violation of the game and fish laws or section 343.21, the prosecuting attorney
5.25 must include a demand that restitution be made to the state for the value of the wild animal
5.26 killed, injured, or possessed. The demand for restitution is in addition to the criminal penalties
5.27 otherwise provided for the violation.

5.28 Sec. 12. Minnesota Statutes 2022, section 97A.341, subdivision 3, is amended to read:

5.29 Subd. 3. **Sentencing procedure.** If a person is convicted of or pleads guilty to killing,
5.30 injuring, or possessing a wild animal in violation of the game and fish laws or section 343.21,
5.31 the court must require the person to pay restitution to the state for replacement of the wild

animal as part of the sentence or state in writing why restitution was not imposed. The court may consider the economic circumstances of the person and, in lieu of monetary restitution, order the person to perform conservation work representing the amount of restitution that will aid the propagation of wild animals. If the court does not order a person to pay restitution, the court administrator must send a copy of the court order to the commissioner.

Sec. 13. Minnesota Statutes 2022, section 97A.345, is amended to read:

97A.345 RESTITUTION VALUE OF WILD ANIMALS.

(a) The commissioner may, by rules adopted under chapter 14, prescribe the dollar value to the state of species of wild animals. The value may reflect the value to other persons to legally take the wild animal, the replacement cost, or the intrinsic value to the state of the wild animals. Species of wild animals with similar values may be grouped together.

(b) The value of a wild animal under the rules adopted by the commissioner is prima facie evidence of a wild animal's value under section 97A.341.

(c) The commissioner shall report annually to the legislature the amount of restitution collected under section 97A.341 and the manner in which the funds were expended.

(d) When a person kills, injures, or possesses a wild animal in violation of section 343.21, the restitution value prescribed by the commissioner under paragraph (a) is doubled.

Sec. 14. Minnesota Statutes 2023 Supplement, section 103G.301, subdivision 2, is amended to read:

Subd. 2. **Permit application and notification fees.** (a) A fee to defray the costs of receiving, recording, and processing must be paid for a permit application authorized under this chapter, except for a general permit application, for each request to amend or transfer an existing permit, and for a notification to request authorization to conduct a project under a general permit. Fees established under this subdivision, unless specified in paragraph (c), must comply with section 16A.1285.

(b) Proposed projects that require water in excess of 100 million gallons per year must be assessed fees to recover the costs incurred to evaluate the project and the costs incurred for environmental review. Fees collected under this paragraph must be credited to an account in the natural resources fund and are appropriated to the commissioner.

(c) The fee to apply for a permit to appropriate water, in addition to any fee under paragraph (b), is \$150. The application fee for a permit to construct or repair a dam that is subject to a dam safety inspection, to work in public waters, or to divert waters for mining

- 7.1 must be at least \$1,200, but not more than \$12,000. The fee for a notification to request
- 7.2 authorization to conduct a project under a general permit is \$400, except that the fee for a
- 7.3 notification to request authorization to appropriate water under a general permit is \$100.