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NATURAL RESOURCES LEGISLATION

**NATURAL RESOURCE
RELATED LAWS AND THEIR SUMMARIES
FROM THE
1997 REGULAR SESSION
OF THE
EIGHTIETH MINNESOTA LEGISLATURE**

**MINNESOTA DEPARTMENT OF NATURAL RESOURCES
LEGISLATIVE UNIT**

JULY, 1997

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Chapter 30 1837 Treaty Implementation Act

This chapter contains the laws necessary to provide peace keeping and law enforcement funds in order to begin harvest under treaty rights won by the Chippewa tribes in a suit to claim and use their 1837 Treaty Rights. The chapter also provides administrative authority for management of law enforcement resources.

Subdivision 1. [APPROPRIATION.] \$6,500,000 is appropriated from the budget reserve in the general fund to the commissioner of public safety to reimburse the department of natural resources, the office of tourism, the department of public safety, the department of military affairs, the department of transportation, local units of government, and other state agencies for costs incurred relating to the 1837 treaty. The appropriation is available until June 30, 1997.

Subd. 2. [EQUIPMENT AUTHORIZATION.] The commissioner of public safety shall reimburse a state agency or local unit of government for costs incurred in acquiring equipment to implement the 1837 treaty only if the acquisition has been preapproved by the commissioners of public safety and natural resources.

Subd. 3. [COMMISSIONER'S AUTHORITY.] The commissioner of public safety may request that local units of government assign peace officers to assist the department of public safety with its duties relating to the 1837 treaty and may make appropriate arrangements to pay their compensation. The commissioner may also employ off-duty peace officers to implement the 1837 treaty.

Chapter 30, subdivision one authorizes Public Safety to reimburse Natural Resources, Tourism, Public Safety, Military Affairs, Transportation, Local Units of Government, and other state agencies for costs incurred keeping the public safety as 1837 Treaty rights are implemented by Indian Bands.

This subdivision is effective April 11, 1997

Chapter 30, subdivision two includes reimbursement to state agencies or local governments for acquisition of equipment directly related to 1837 Treaty implementation related peace keeping

This subdivision is effective April 11, 1997

Chapter 30, subdivision three empowers the Commissioner of Public Safety to ask local governments to assign local peace officers to the Department of Public Safety. Public Safety will pay their salary or wages.

Subdivision three also empowers the Commissioner of Public Safety to hire off-duty peace officers to implement the 1837 Treaty

This subdivision is effective April 11, 1997

Chapter 46

Youth Corps Advisory Committee Continuation

This chapter makes technical changes in statutes governing the Minnesota Youth Conservation Corps. It expands the kind of work the crews can do, and provides a way for a county to retain, for use in the second fiscal year of a biennium, an allocation of work unused during the first fiscal year.

Section 1. Minnesota Statutes 1996, section 84.0887, subdivision 4, is amended to read:

Subd. 4. [ADVISORY COMMITTEE.] The commissioner shall establish a youth corps advisory committee with broad state representation including youth. The committee expires June 30, 2001.

Sec. 2. Minnesota Statutes 1996, section 84.0887, is amended by adding a subdivision to read:

Subd. 9. [CONTRACTS; GRANTS.] The commissioner of natural resources may contract with and make grants to nonprofit agencies to assist in carrying out the purposes, plans, and programs of the office of youth programs, Minnesota conservation corps.

Sec. 3. Minnesota Statutes 1996, section 84.99, is amended to read:

84.99 [WORK CREWS; ALLOCATION OF FUNDS.]

The commissioner of natural resources is authorized to provide work crews Minnesota conservation corps crew services to the 14 forested counties that operate land departments under chapter 282. Any money appropriated for these crews must be used for forestry-related programs using participants of the Minnesota conservation corps. Crews shall work on natural resources projects including, but not limited to, forestry projects.

The money must be apportioned to the counties in the proportion that each county's managed commercial forest land is to the managed commercial forest land in all 14 counties. If a county does not use all of its share, the commissioner shall reallocate the balance to those of the 14 counties whose Minnesota conservation corps program was not fully supported by the first allocation for either year. The reallocation must be based on the proportion that commercial forest lands in each county to receive the reallocated money is to the managed commercial forest land in all of the counties receiving a

Chapter 46, section one amends MS 1996, section 84.0887, subdivision 4 to extend the life of the YCC Advisory Committee to June 30, 2001.

This section is effective July 1, 1997.

Chapter 46, section two amends MS 1996, section 84.0887 to empower the MCC program to make grants and contracts. Previously this language was carried in each law appropriating money for these purposes. With this language codified, the rider language in law is no longer necessary.

This section is effective July 1, 1997.

46, section three amends MS 1996, Section 84.99 to enable MCC crews to do non-forestry projects. It redefines the to set a minimum of 4 crew weeks per participating county, with the remainder of effort distributed on the basis of amount of county managed forest land. Previously, the distribution was based only on the amount of county managed forest land

Counties are now required to prepare and submit a 2-year work plan for the crews. Any effort not expended in the first year is available to the county in the second year.

This section is effective July 1, 1997.

reallocation:

All participating counties will be eligible to receive a minimum of four weeks of three-person crew service. In determining the allocation of additional crew services, the commissioner will apportion the remaining crew time to participating counties in the proportion of the managed commercial forest land in each participating county to the total managed commercial forest land in all participating counties. Participating counties shall submit a two-year work plan to the commissioner in the first year of the biennium. The plan must describe proposed natural resources projects having demonstrable results and commissioner of their intention to participate by April 1 of each odd-numbered year. Crew time not fully utilized by a participating county in the first year of the biennium will be available to that participating county in the second year of the biennium.

Chapter 55

Restrictions on Entry to Confined Animal Facilities

This chapter requires DNR peace officers and others to follow procedures, when inspecting facilities, to reduce the risk of spread of disease damaging to farm animals.

Section 1. [17.986] [ENTRY INTO FARM ANIMAL FACILITIES.]

No law enforcement, peace, or animal control officer may enter a facility where confined farm animals are kept unless the officer follows a procedure and directive for bio-security measures that are identified by the commissioner of natural resources and the board of animal health.

This section does not apply to emergency or exigent circumstances.

Chapter 55, section one requires conservation officers and other officers to follow bio-security measures when entering a confined animal facility. The Commissioner of Natural Resources and The Board of Animal Control must jointly identify the protocol to be followed. The section does not govern entrances in the event of an emergency.

Chapter 94

Enabling an Unlicensed Individual to Assist a Disabled Angler

This chapter enables unlicensed individuals to help disabled persons fish.

Section 1. Minnesota Statutes 1996, section 97A.441, is

amended by adding a subdivision to read:

Subd. 9. [ANGLING ASSISTANCE TO

Chapter 94, section one enables an unlicensed person to provide angling assistance, such as holding a fishing rod or reeling in a fish, to a

DISABLED RESIDENTS.]An individual who is providing angling assistance to a disabled resident licensed under subdivision 1, 4, or 5, is not required to possess a license to take fish by angling provided that no lines in addition to those permitted for an individual under section 97C.315 are in the water.

properly licensed disabled person.

This section is effective on August 1, 1997

Chapter 104

State General Water Appropriations Permit Modifications

This chapter enables combining more than one similar water appropriation for the purposes of granting an appropriations permit.

Section 1. Minnesota Statutes 1996, section 103G.271, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED.] (a) Except as provided in paragraph (b), the state, a person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state may not appropriate or use waters of the state without a water use permit from the commissioner.

(b) This section does not apply to use for a water supply by less than 25 persons for domestic purposes.

The commissioner may issue a state general permit for temporary appropriation of water to a governmental subdivision or to the general public for classes of activities that have minimal impact upon waters of the state. The general permit may authorize more than one project and the appropriation or use of more than one source of water. Water use permit processing fees and reports required under subdivision 6 and section 103G.281, subdivision 3, are required for each project or water source that is included under a general permit, except that no fee or report is required for uses totaling less than 15,000,000 gallons annually.

Chapter 104, section one modifies the DNR's authority to grant water appropriations permits. Heretofore, the DNR was required to assess each appropriation independently and issue a unique permit for the appropriation, if approved. This change enables the DNR to provide a single appropriations permit for a series of related temporary appropriations. This is especially useful for large linear projects, such as road construction projects. Formerly these would require multiple applications and permits for each unique appropriation of water (dewatering during construction for example). Now one application and one permit will suffice. It also allows an applicant to combine a number of similar projects requiring the same sort of appropriation into one application. The DNR may grant one permit.

Effective date May 7, 1997

Chapter 119

State Tree Nursery Growth, Sale and Competition Restrictions

&

Timber Cutting Permit Extensions

This chapter limits the state production and sale of nursery stock for the purposes of avoiding competition with the private sector and implementing ecosystem standards. It requires a report designed to monitor compliance. The chapter also extends certain timber permits.

LEFT COLUMN - Language in Law

RIGHT COLUMN - Summary of Law

Section 1. Minnesota Statutes 1996, section 89.35, subdivision 1, is amended to read:

Subdivision 1. [~~TREES DEFINED~~
~~DEFINITIONS.~~] The term "tree" or "trees" as used in sections 89.35 to 89.39 shall include any kind of trees or woody perennial shrubs or vines deemed suitable by the commissioner of natural resources for the purposes herein authorized. The definitions in this subdivision apply to sections 89.35 to 89.39.

(a) "Tree" means any species of tree, woody perennial, shrub, or vine approved by the commissioner for the purposes authorized in sections 89.35 to 89.39, except such cultivated varieties as that are capable of producing fruit for human consumption.

(b) "Planting stock" or "tree planting stock" means trees native to this state and includes native tree hybrids that have been improved for conservation purposes.

Sec. 2. Minnesota Statutes 1996, section 89.36, subdivision 1, is amended to read:

Subdivision 1. [~~PRODUCTION AT STATE~~
~~NURSERIES.~~] The commissioner of natural resources may produce tree planting stock for the purposes of sections 89.35 to 89.39 upon any lands under control of the commissioner which may be deemed suitable and available therefor so far as not inconsistent with other uses to which such lands may be dedicated by law. The commissioner may not produce more than 10,000,000 units of planting stock annually.

Sec. 3. Minnesota Statutes 1996, section 89.36, is amended by adding a subdivision to read:

Subd. 1a. [~~ANNUAL REPORT.~~] The commissioner shall submit an annual report to the legislature relating to the production of planting stock at state nurseries. The report must include the following:

- (1) sales figures;
- (2) income figures; and
- (3) expenses for operations and administration.

Copies of the report must be filed with the legislative reference library and made available to the public.

The commissioner shall also provide any additional information requested by the legislature relating to the production of planting stock at state nurseries.

Sec. 4. Minnesota Statutes 1996, section 89.37, subdivision 3, is amended to read:

Chapter 119, section one amends MS 1996, section 89.35, subdivision 1 to clarify the DNR's authority to produce specific tree, shrub and vine species. The law restricts the DNR to producing only native species or native species hybridized for conservation purposes.

Section one is effective August 1, 1997

Chapter 119, section two amends MS 1996, section 89.36, subdivision 1 to limit the amount of planting stock the DNR nursery can produce to 10 million units.

Section two is effective August 1, 1997

Chapter 119, section three amends MS 1996, section 89.36 so that it requires the DNR to submit an annual report to the legislature showing the amount of stock sold, the income generated, and the expenses for operations and administration. Additional information may be requested and must be supplied by the DNR. The purpose of this report is to develop a mechanism to audit DNR compliance with restrictions on nursery production and sales.

Section 3 is effective on August 1, 1997

Chapter 119, section four amends MS 1996, section 89.37, subdivision 3 to provide

Subd. 3. [PRIVATE LANDS.] Except as otherwise expressly provided, such planting stock in lots of not less than 500 may be supplied for use on private land only upon payment of such sum as the commissioner shall determine to pay for the cost of the stock and expenses of distribution. The commissioner may supply only bare root seedlings, woody cuttings, and transplant material for use on private land, provided that such material must be sold in lots of not less than 500 for a sum determined by the commissioner to be equivalent to the cost of the materials and the expenses of their distribution. The commissioner may not directly or indirectly supply any other planting stock for use on private lands.

Sec. 5. Minnesota Statutes 1996, section 89.37, is amended by adding a subdivision to read:

Subd. 6. [PROMOTIONAL ACTIVITIES.] All promotional materials for public cost-share programs for tree planting shall address the eligibility of private nursery planting stock.

Sec. 6. [SPECIAL EXTENSION OF TIMBER PERMITS.]

Timber sale permits issued under Minnesota Statutes, sections 90.101, 90.121, 90.151, and 90.191, that would otherwise expire in 1997 are extended for one year. Extensions issued under this section shall be without interest, and any timber cut during the period of this extension or remaining uncut at the expiration of this extension shall be billed at the stumpage rates of the original sale. Extensions granted under Minnesota Statutes, section 90.193, from January 1, 1997, to the effective date of this section, due to a lack of suitable winter logging conditions or suitable economic conditions, shall be granted without interest, and any timber cut during the period of this extension or remaining uncut at the expiration of this extension shall be billed at the stumpage rate of the original sale.

increased specificity about how and what types of planting stock the DNR may provide for use on private lands. The minimum allowable sale is 500 units of planting stock. The commissioner must set the price to equal the cost of production of the stock and distributing it to the recipient. It prohibits any other sale of planting stock for use on private lands, either by direct sale to the land owner, or indirectly providing the stock, such as distribution to fish and wildlife clubs or conservation groups. This section prohibits DNR from selling other types of planting stock (e.g. potted or balled and burlapped), selling trees in small quantities, or selling trees below cost.

Section 4 is effective August 1, 1997

Chapter 119, section five amends MS 1996, section 89.37 to require all DNR promotional activities for programs requiring planting stock to include the fact that privately produced nursery stock is eligible for the program being promoted.

Section 5 is effective August 1, 1997

Chapter 119, section six extends, for one year, all state land timber harvest permits expiring in 1997 calendar year. This applies specifically to auction (< 6,000 cords), intermediate auction (< 3,000 cords), and informal sales (< 500 cords). There will be no interest and the stumpage rate will remain as originally defined in the permit.

If a permit holder applied for and received a timber permit extension under MS 90.193 (extension due to hardship outside the control of the permit holder) after January 1, 1997, and before the effective date of this section, that extension is not subject to the usual terms under MS 90.193 -- an interest charge of 8 percent for the period of the extension, and recalculation of the stumpage rates to bring them in line with current rates. There will be no interest and the stumpage rate will remain as originally defined.

Section 6 is effective May 6, 1997

Chapter 159 Omnibus Transportation and Public Safety Bill

This chapter contains the appropriations and minor policy language for the Department of Transportation and the Department of Public Safety. In addition, the chapter contains language regarding the disposition of tax owing to snowmobiles, a new study of that amount, and an expanded definition of recreational vehicle combination.

ARTICLE 1 APPROPRIATIONS

Sec. 5. ADMINISTRATION 25,000 -0-

This appropriation is from the highway user tax distribution fund. The commissioner shall spend this appropriation for a study by a qualified consultant to determine the actual percent of all gasoline received in and produced or brought into the state, except gasoline used for aviation purposes, that is being used as fuel for snowmobiles in the state. The study must include a determination of the amount of gasoline consumed by vehicles in the course of transporting snowmobiles on the highways of this state. The commissioner shall consult with the commissioners of revenue, transportation, and natural resources in preparing the request for proposals for the study and in selecting the consultant to perform the study. The commissioner shall report to the legislature on the results of the study by February 1, 1998.

ARTICLE 2 TRANSPORTATION DEVELOPMENT

Sec. 17. Minnesota Statutes 1996, section 169.01, subdivision 78, is amended to read:

Subd. 78. [RECREATIONAL VEHICLE COMBINATION.] "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; or all-terrain vehicle as defined in section 84.92, subdivision 8. For purposes of this subdivision: (a) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a towing pickup truck in which a portion of the weight of the

Chapter 159, article 1, section five contains a line item appropriation of \$25,000 to the Department of Administration, for an outside consultant to study the amount of fuel used in snowmobiles. The fuel being studied includes fuel received in Minnesota, produced in Minnesota, and brought into Minnesota and used in the State of Minnesota in snowmobiles. It also includes the fuel used by vehicles transporting snowmobiles in Minnesota. The Department of Administration must confer with the Departments of Transportation, Revenue, and Natural Resources as it prepares a request for proposals for the study, and when it selects the consultant to perform the study. The study report must be presented to the legislature by February 1, 1998.

This section is effective July 1, 1997

Chapter 159, article 2, section seventeen amends MS 1996, section 169.01, Traffic Regulation, to add fifth-wheel trailers for motorcycles, motorized bicycles, snowmobiles, and all-terrain vehicles to the definition of recreational vehicle combinations. With this amendment and the changes in **Chapter 159, article 2, section twenty-nine**, vehicles, including three vehicle combinations, under 60 feet total length and with a camper-semitrailer under 28 feet in combination, can be legally operated without a permit.

This section is effective July 1, 1997

LEFT COLUMN - Language in Law

RIGHT COLUMN - Summary of Law

camper-semitrailer is carried over or forward of the rear axle of the towing pickup. (b) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.

Sec. 29. Minnesota Statutes 1996, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATIONS.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if: (1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed; (2) the combination does not exceed 60 feet in length; (3) the camper-semitrailer in the combination does not exceed 28 feet in length until August 1, 1997, and 26 feet thereafter; (4) the operator of the combination is at least 18 years of age; (5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, or all-terrain vehicle meets all requirements of law; (6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and (7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 on Mondays through Fridays.

Sec. 39. Minnesota Statutes 1996, section 296.16, subdivision 1, is amended to read:

Subdivision 1. [INTENT; GASOLINE USE.] All gasoline received in this state and all gasoline produced in or brought into this state except aviation gasoline and marine gasoline shall be determined to be intended for use in motor vehicles in this state.

Approximately 1-1/2 percent of all gasoline received in this state and 1-1/2 percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motorboats on the waters of this state and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 1-1/2 percent of such revenues is the amount of tax on fuel used in motorboats operated on the waters of this state.

Approximately three-fourths of one percent in fiscal years 1998 and 1999, and three-fourths of one percent thereafter, of all gasoline received in and

Chapter 159, article 2, section thirty-nine increases the percent of all gasoline estimated to be used in snowmobiles from three-fourths of one percent to one percent, per year. This increases the annual transfer to the snowmobile account from approximately \$3,000,000 to \$3,900,000 .

This section is effective July 1, 1997.

produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, ~~three-fourths of one percent in fiscal years 1998 and 1999, and three-fourths of one percent thereafter~~, of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

Approximately 0.15 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 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

Approximately 0.046 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the operation of off-highway motorcycles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, 0.046 of one percent is the amount of tax on fuel used in off-highway motorcycles operated in this state.

Approximately .164 of one percent of all gasoline received or produced in or brought into this state, except gasoline used for aviation purposes, is being used for the off-road operation of off-road vehicles, as defined in section 84.797, in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than aviation purposes, .164 of one percent is the amount of tax on fuel used for off-road operation of off-road vehicles in this state.

Chapter 187

Administrative Procedures Act

This chapter implements revisions in the rulemaking requirements for certain programs which either no longer make rules or never did make rules. This relieves the entities from expiration associated with their unneeded rulemaking exemption.

ARTICLE 1

EXEMPTIONS ELIMINATED OR NO LONGER NEEDED; RULEMAKING REQUIRED

Sec. 7. Minnesota Statutes 1996, section 84.98,

Chapter 187, article one, section seven
amends MS 1996, section 84.98, subdivision 2

LEFT COLUMN - Language in Law

RIGHT COLUMN - Summary of Law

subdivision 2, is amended to read:

Subd. 2. [PLAN.] (a) The commissioner of natural resources shall develop a plan for the Minnesota conservation corps to provide:

(1) equal opportunities of employment for youths with preference given to youths who are economically, socially, physically, or educationally disadvantaged and youths residing in areas of substantial unemployment;

(2) equal opportunity for female and male youths;

(3) summer youth programs and year-round young adult programs;

(4) ways in which exclusive bargaining representatives are to be involved in regard to the planning and implementation of positions and job duties of persons employed in projects;

(5) methods for coordinating the programs of the Minnesota conservation corps with other publicly authorized or subsidized programs in cooperation with the commissioners of children, families, and learning and economic security, the workforce development council, and other state and local youth service and education entities;

(6) programs for participants to be assisted in gaining employment or training upon completing the projects, including, where feasible, in cooperation with the department of economic security and educational agencies, arranging for career assessment and planning services designed to enhance participant transition from the Minnesota conservation corps to future employment or education;

(7) a remedial education component utilizing, as resources permit and where feasible, the services of the department of economic security and educational agencies including instruction in life skills and basic remedial skills for participants who are deficient in the skills or who have not completed high school;

(8) the manner of allocating the services of Minnesota conservation corps members to the various divisions of the department of natural resources, to other state, local, and federal governmental conservation and natural resource managers, and to federally recognized Indian tribes or bands;

(9) standards of conduct and other operating guidelines for Minnesota conservation corps members; and

(10) a determination of preference for projects that will provide long-term benefits to the public, will provide productive work and public service experience to Minnesota conservation corps

to repeals the rule exemption formerly provided for the Minnesota Conservation Corps plan. It makes the rules adopted under the plan subject to rulemaking procedures. Removal of the exemption doesn't affect the validity of DNR statements of general applicability and future effect if they are adopted before the effective date of this section, and their purpose is to implement a law or make a law more specific.

This section is effective on June 30, 1997

members, will be primarily labor intensive, and will provide a significant return on taxpayer investment.

(b) ~~The commissioner shall establish the plan notwithstanding chapter 14.~~ No later than July 1, 1990, the plan established under this paragraph subdivision shall be adopted under the rulemaking provisions of chapter 14.

Sec. 8. Minnesota Statutes 1996, section 88.80, subdivision 2, is amended to read:

Subd. 2. [PILOT PROJECT.] The commissioner shall establish an aspen recycling program pilot project in the highest priority area on state lands in order to develop effective program procedures and practices. With respect to the pilot project, the commissioner may restrict bidding on contracts for the cutting, removal, and disposal of aspens, and for related activities, to loggers and others residing in the pilot project area designated under the program that are financially distressed. The commissioner may establish standards and procedures for awarding logging contracts; ~~notwithstanding chapter 14;~~ relating to eligibility for employment for conservation work projects.

ARTICLE 3 EXEMPTIONS THAT ARE NOT RULES

Sec. 22. Minnesota Statutes 1996, section 85.045, subdivision 3, is amended to read:

Subd. 3. [AGREEMENTS.] (a) The commissioner shall enter into informal agreements with business and civic groups or individuals for volunteer services to maintain and make improvements to real and personal property in state parks, monuments, historic sites, and trails in accordance with plans devised by the commissioner after consultation with the groups.

(b) The commissioner may erect appropriate signs to recognize and express appreciation to groups and individuals providing volunteer services under the adopt-a-park program.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the adopt-a-park program.

(d) ~~This section is not subject to chapter 14.~~

Sec. 23. Minnesota Statutes 1996, section 97A.085, subdivision 4a, is amended to read:

LEFT COLUMN - Language in Law

Chapter 187, article one, section eight amends MS 1996, section 88.89, subdivision 2 to eliminate the rulemaking exemption for the DNR's Aspen Removal Pilot Program. The program is dormant. The exemption is no longer necessary

This section is effective June 30, 1997

Chapter 187, article 3, section twenty-two recognizes that the former exemption for the adopt-a-park program is unnecessary because the program does not adopt rules. The effect is to remove the program from a sunset that would have otherwise occurred if the program were considered to be a rule-based program. The sunset applies to all programs exempt from M.S. 1996 Chapter 14 rule-making procedures.

This section is effective June 30, 1997

Chapter 187, article 3, section twenty-three amends MS 97A.085, subdivision 4a so as to

RIGHT COLUMN - Summary of Law

Subd. 4a. [HEARING REQUIRED.] Before designating a game refuge under this section, the commissioner must hold a public hearing within the county where the majority of the proposed game refuge exists. Notices of the time and place of the hearing must be posted in five conspicuous places within the proposed game refuge at least 15 days before the hearing. a notice of the hearing must be published in a legal newspaper in each county where the area is located at least seven days before the hearing. Designation of a game refuge under this section is not subject to chapter 14.

recognize that the game refuge designation process is not a rule-making activity. It removes the exemption currently in statute and simultaneously recognizes that the exemption was never necessary. The effect is to continue the existence of designated game refuges which otherwise would have expired under the sunset of programs with Chapter 14 rule exemption.

This section is effective June 30, 1997

Chapter 192

Sun setting State Agency Advisory Committees and Modifying Agency Publication Dates and Requirements

This chapter provides sunset extensions for advisory boards and commissions. The intent is to provide periodic review of these entities. It also requires reporting of member data and regulates compensation of members of boards and commissions. It establishes and aquaculture advisory board.

Section 1. Minnesota Statutes 1996, section 15.059, subdivision 5, is amended to read:

Subd. 5. [EXPIRATION DATE.] (a) Unless a different date is specified by law, the existence of each advisory council and committee created established before January 1, 1993 1997, and governed by this section shall terminate on terminates June 30, 1993 1997. An advisory council or committee whose expiration is not governed by this section does not terminate June 30, 1993; unless specified by other law. An advisory council or committee created established by law and in existence after June 30, 1993 1997, expires on the date specified in the law creating establishing the group or on June 30, 1997 2001, whichever is sooner. This expiration provision subdivision applies whether or not the law creating establishing the group provides that the group is governed by this section.

(b) ~~An advisory council or committee does not expire in accordance with paragraph (a) if it:~~
(2) ~~administers and awards grants; or~~
(3) ~~is required by federal law or regulation.~~
~~a council or committee covered by this paragraph expires June 30, 2001.~~

Sec. 2. Minnesota Statutes 1996, section 15.059, is amended by adding a subdivision to read:

Chapter 192, section one terminates all advisory councils, boards and commissions, created before January 1, 1997, as of June 30, 1997. Any advisory group established by law and still in existence after June 30, 1997 terminates on June 30, 1997 or earlier if specified in the enabling legislation.

The law specifies alternative expiration dates for any DNR related advisory committees administering grants or federally mandated advisory groups.

This section is effective on June 30, 1997

Chapter 192, section two provides an

Subd. 5a. [NO EXPIRATION.] Notwithstanding subdivision 5, the advisory councils and committees listed in this subdivision do not expire June 30, 1997. These groups expire June 30, 2001, unless the law creating the group or this subdivision specifies an earlier expiration date.

Aquaculture advisory committee, created in section 17.49;

Youth corps advisory committee, created in section 84.0887;

Iron range off-highway vehicle advisory committee, created in section 85.013;

Mineral coordinating committee, created in section 93.002;

Game and fish fund citizen advisory committees, created in section 97A.055;

Wetland heritage advisory committee, created in section 103G.2242;

Genetically engineered organism advisory committee, created in section 116C.93;

Environment and natural resources trust fund advisory committee, created in section 116P.06;

Permanent school fund advisory committee, created in section 124.078;

Mississippi River Parkway commission, created in section 161.1419;

Sec. 3. Minnesota Statutes 1996, section 15.0597, subdivision 2, is amended to read:

Subd. 2. [COLLECTION OF DATA.] The chair of an existing agency or the chair's designee, or the appointing authority for the members of a newly created agency, shall provide the secretary, on forms prepared and distributed by the secretary, with the following data pertaining to that agency:

(1) the name of the agency, its mailing address, and telephone number;

(2) the legal authority for the creation of the agency and the name of the person appointing agency members;

(3) the powers and duties of the agency;

(4) the number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;

(5) the dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;

(6) the compensation of members, and appropriations or other funds available to the agency;

(7) the regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;

alternative expiration date of June 30, 2001 for specified advisory groups. Groups related to DNR business that are specified in the law are the :

Aquaculture Advisory Committee;

Youth Corps Advisory Committee;

Iron Range Off-Highway Vehicle

Advisory Committee;

Mineral Coordinating Committee;

Game and Fish Fund Citizen's Advisory Committee;

Wetland Heritage Advisory Committee;

Genetically Engineered Organism

Advisory Committee;

Environment and Natural Resource

Trust Fund Advisory Committee

(CAC);

Permanent School Fund Advisory

Committee; and

Mississippi River Parkway

Commission.

This section is effective June 30, 1997

Chapter 192, section three amends MS 1996, section 15.0597, subdivision 2 to allow the chair of an advisory committee to appoint a designee to supply certain data on advisory group members. Agency, as used in this section of chapter 15, refers to the advisory group.

This section also clarifies that the data must include no party preference, if that applies to the advisory group member.

It further clarifies the nature of the data on address and telephone number that must be provided. Among the permissible data for item (8) are home or office address and telephone number, the address and phone number of the advisory group, if one exists, an e-mail address, or any other address that allows the public to communicate with the advisory board member.

This section is effective June 30, 1997

(8) the roster of current members, including mailing addresses and telephone numbers; and
(9) a breakdown of the membership showing distribution by county, legislative district, and congressional district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack thereof of party preference, race, and national origin of the members.

The secretary may provide for the submission of data in accordance with this subdivision by electronic means. The publication requirement under clause (8) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, if provided, or any other information that would enable the public to communicate with the member.

Sec. 4. Minnesota Statutes 1996, section 15.0597, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF AGENCY DATA.] The secretary of state shall provide for annual updating of the required data and shall annually arrange for the publication in the state register of the compiled data from all agencies on or about November October 15 of each year. Copies of the compilation shall must be delivered to the governor and the legislature. Copies of the compilation shall must be made available by the secretary to any interested person at cost, and copies shall must be available for viewing by interested persons. The chair of an agency who does not submit data required by this section or who does not notify the secretary of a vacancy in the agency, shall is not be eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

Sec. 6. Minnesota Statutes 1996, section 15.0599, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION; INFORMATION REQUIRED.] (a) The appointing authority of a newly established agency or the authority's designee shall provide the secretary with the following information: (1) the name, mailing address, and telephone number of the agency;

(2) the legal authority for the establishment of the agency and the name and the title of the person or persons appointing agency members;

(3) the powers and duties of the agency and whether the agency, however designated, is best described by section 15.012, paragraph (a), (b), (c),

Chapter 192, section four moves the required publication date for the above referenced data up one month to October 15 of each year.

This section is effective June 30, 1997

Chapter 192, section six allows the appointing authority to designate someone to comply with the reporting requirements for newly established advisory groups. It also amends current law to provide a more liberal definition of the address and telephone number that must be published. The more liberal definition includes the advisory groups mailing address or e-mail. The amendment clarifies the intent of publication as providing a means for the general public to contact the member.

(e), or (f);

(4) the number of authorized members, together with any prescribed restrictions on eligibility;

(5) the roster of current members, including mailing addresses and telephone numbers;

(6) a breakdown of the membership showing distribution by county, legislative district, and congressional district and compliance with any restrictions listed in accordance with clause (4);

(7) if any members have voluntarily provided the information, the sex, age, political preference or lack of preference, race, and national origin of those members;

(8) the dates of commencement and expiration of membership terms and the expiration date of the agency, if any;

(9) the compensation of members and appropriations or other money available to the agency;

(10) the name of the state agency or other entity, if any, required to provide staff or administrative support to the agency;

(11) the regular meeting schedule, if any, and the approximate number of hours a month of meetings or other activities required of members; and

(12) a brief statement of the goal or purpose of the agency, along with a summary of what an existing agency has done, or what a newly established agency plans to do to achieve its goal or purpose.

The publication requirement under clause (5) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, or any other information that would enable the public to communicate with the member.

(b) The chair of an existing agency or the chair's designee shall provide information, covering the fiscal year in which it is registering, on the number of meetings it has held, its expenses, and the number of staff hours, if any, devoted to its support. The chair or designee shall also, if necessary, update any of the information previously provided in accordance with paragraph (a).

(c) The secretary shall provide forms for the reporting of information required by this subdivision and may provide for reporting by electronic means.

Sec. 7. Minnesota Statutes 1996, section 15.0599, is amended by adding a subdivision to read:

Subd. 4a. [ELIGIBILITY FOR

This section is effective June 30, 1997

Chapter 192, section seven enables advisory groups that have complied with the reporting

COMPENSATION.] The members of an agency that submits all the information required by this section by the prescribed deadlines are eligible to receive compensation, but no compensation, including reimbursement for expenses, may be paid to members of an agency not in compliance with this section. If an agency has not submitted all required information by its applicable deadline, the secretary shall notify the agency that it is not in compliance and that it has 30 days from the date of the notice to achieve compliance. If the agency is out of compliance at the end of the 30-day period, the secretary shall notify the commissioner of finance that members of the agency are not entitled to compensation. If the agency subsequently complies with this section, the secretary shall notify the commissioner that the agency's members are eligible for compensation from the date of compliance. No retroactive compensation may be paid, however, for any period during which the agency was out of compliance.

Sec. 12. Minnesota Statutes 1996, section 17.49, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish and promote a program of aquaculture in consultation with an advisory committee consisting of the University of Minnesota, the commissioner of natural resources, the commissioner of agriculture, representatives of the private aquaculture industry, and the chairs of the environment and natural resources committees of the house of representatives and senate. The advisory committee expires on June 30, 2001.

requirements to compensate the members. It also expressly prohibits compensation, including expense reimbursement, to members of advisory groups that have not complied with the reporting requirements.

The section provide a method to alert advisory groups that are out of compliance, and gives a 30 day grace period for compliance. If the advisory group is still out of compliance at the end of the grace period, then no retroactive compensation or reimbursement may be made to members of the advisory group when it does come into compliance.

This section is effective June 30, 1997

Chapter 192, section twelve brings existing statute regarding the Aquaculture Advisory Committee into conformance with the expiration date of June 30, 2001 established in section two.

This section is effective June 30, 1997

Chapter 200

Omnibus Economic Development Bill

This chapter contains appropriations for state agencies related to economic development and minor policy changes, also related to economic development.

ARTICLE 1

APPROPRIATIONS

Sec. 35. [COMMISSIONER OF NATURAL RESOURCES; AVAILABILITY OF APPROPRIATION.]

The appropriation in Laws 1996, chapter 407, section 3, of \$750,000 to the commissioner of natural resources from the taconite protection fund for acquisition and development of the Iron Range

Chapter 200, article 1, section thirty-five amends ML 1996, chapter 407, section 3, Iron Range Off-Road Vehicle Recreation Area. The unspent portion of the original appropriation would have canceled July 1, 1997. This amendment extends the appropriation until June 30, 1999.

LEFT COLUMN - Language in Law

RIGHT COLUMN - Summary of Law

off-highway vehicle recreation area does not cancel but is available until June 30, 1999.

Sec. 62. [116J.992] [TACONITE MINING GRANTS.]

(a) The commissioner shall establish a program to make grants to taconite mining companies to enable them to research technologies that:

- (1) reduce energy consumption;
- (2) reduce environmental emissions;
- (3) improve productivity; or
- (4) improve pellet quality.

(b) To receive a grant a recipient must convey to the state permanent ownership of both mineral reserves and corresponding surface lands that:

- (1) contain unmined taconite with a 23 percent minimum magnetic iron content;
- (2) have an open pit stripping ratio of less than 1.5 to 1;
- (3) are unencumbered by current or planned surface development;
- (4) are substantially unencumbered by past mining activity;
- (5) have marketable title for both surface and mineral interests; and
- (6) are in an area that could reasonably be expected to be mined within 50 years.

(c) a grant may not exceed the value of the mineral reserves and surface land as assessed by the commissioner of natural resources. When assessing value, the commissioner must, at a minimum, take into account the future value of any royalty stream, the state's cost of capital, the costs of removing any encumbrances, and the probability that the reserves will be mined in the future. Any revenue generated by ownership or sale of the property must be deposited in the general fund.

Sec. 63. Minnesota Statutes 1996, section 116L.04, subdivision 1, is amended to read:

Subdivision 1. [GRANTS-IN-AID PARTNERSHIP PROGRAM.]

(a) The partnership program may provide grants-in-aid to educational or other nonprofit training institutions using the following guidelines:

- (1) the educational or other nonprofit institution is a provider of training within the state in either the public or private sector;
- (2) the program involves skills training that is an area of employment need; and
- (3) preference will be given to educational or other nonprofit training institutions which serve economically disadvantaged people, minorities, or those who are victims of economic dislocation and to

This section is effective May 31, 1997.

Chapter 200, article 2, section sixty-two

provides enabling language for the Department of Trade and Economic Development to establish a program for grants to taconite mining companies. The grants must be for research on technologies that reduce energy consumption or environmental emissions, or improve productivity or pellet quality. The grants are unlimited, but the recipient must deed to the state sufficient land, with high quality mineral reserves and good title to surface and subsurface rights, valued by DNR to equal the amount of the grant. This offers to repay the state for the amount of the grant.

This section is effective July 1, 1997

businesses located in rural areas.

(b) a single grant to any one institution shall not exceed \$200,000 \$400,000.

Chapter 202 Omnibus State Departments Bill

This chapter provides appropriations for various state agencies and adds or amends Minnesota Statutes governing various state agencies and programs.

ARTICLE 2 STATE GOVERNMENT OPERATIONS

Sec. 36. Minnesota Statutes 1996, section 116P.05, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] (a) a legislative commission on Minnesota resources of 16 20 members is created, consisting of the chairs of the house and senate committees on environment and natural resources or designees appointed for the terms of the chairs, ~~the chairs of the house and senate committees on environment and natural resources finance or designees appointed for the terms of the chairs, the chairs of the house ways and means and senate finance committees or designees appointed for the terms of the chairs, six seven~~ members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and six ~~seven~~ members of the house appointed by the speaker.

At least two ~~three~~ members from the senate and two ~~three~~ members from the house must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

(b) Members shall appoint a chair who shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(c) Members shall serve on the commission until their successors are appointed.

(d) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled in the same manner under paragraph (a).

Sec. 57. [STUDY OF SCHOOL FUND LAND MANAGEMENT.]

Chapter 202, article 2, section thirty-six amends MS 1996, section 116P.05, subdivision 1, defining the membership of the Legislative Commission on Minnesota Resources (LCMR), to increase membership. Total members increase by 4, from 16 to 20. Half the members are members of the House of Representatives, and half are members of the Senate. The chairs of the House and Senate Environment and Natural Resource Finance committees are defined as members. The chairs of those committees may designate other members of their respective bodies to serve on the LCMR for them.

The majority/minority balance remains roughly the same. Prior to the amendment the LCMR was 75 percent majority members. The amendment reduces this slightly to 70 percent majority, 30 percent minority

This section is effective May 31, 1997.

Chapter 202, article 2, section fifty-seven conditionally calls for a study, directed by the

If directed by the legislative audit commission, the legislative auditor shall conduct the studies in this section. The legislative auditor shall conduct a study to determine whether the administrative costs expended by the department of natural resources to manage permanent school fund land reflect the actual cost of managing the permanent school fund land. The study shall also encompass investment policies to maximize returns to the fund. The auditor shall also study whether another unit of government could manage the permanent school fund land more cost-efficiently. The auditor shall report to the permanent school fund advisory committee by January 15, 1998.

ARTICLE 4 COMMUNITY-BASED PLANNING

Section 1. [4A.08] [COMMUNITY-BASED PLANNING GOALS.]

The goals of community-based planning are:

(1) [CITIZEN PARTICIPATION.] To develop a community-based planning process with broad citizen participation in order to build local capacity to plan for sustainable development and to benefit from the insights, knowledge, and support of local residents. The process must include at least one citizen from each affected unit of local government;

(2) [COOPERATION.] To promote cooperation among communities to work towards the most efficient, planned, and cost-effective delivery of government services by, among other means, facilitating cooperative agreements among adjacent communities and to coordinate planning to ensure compatibility of one community's development with development of neighboring communities;

(3) [ECONOMIC DEVELOPMENT.] To create sustainable economic development strategies and provide economic opportunities throughout the state that will achieve a balanced distribution of growth statewide;

(4) [CONSERVATION.] To protect, preserve, and enhance the state's resources, including agricultural land, forests, surface water and groundwater, recreation and open space, scenic areas, and significant historic and archaeological sites;

(5) [LIVABLE COMMUNITY DESIGN.] To strengthen communities by following the principles of livable community design in development and redevelopment, including integration of all income

Legislative Audit Commission, of the costs charged by DNR to manage permanent school fund land. These charges are made against the income from the land, and the net income is then transferred to the school trust. The auditor is to include an analysis of whether another unit of government could manage the school trust fund lands in a more cost-efficient manner.

The study must also address the investment strategy for the corpus of the school trust.

This section is effective July 1, 1997.

Chapter 202, article 4 adds enabling legislation to MS 1996, chapter 4A, Office of Strategic and Long Range Planning, to create a community based planning program.

Chapter 202, article 2, section one defines the goals of community based planning as:

- Citizen participation;
- Cooperation among communities;
- Economic development;
- Conservation;
- Following principles of Livable Community Design;
- Adequate & affordable housing;
- Transportation moving people and goods rather than vehicles;
- Land use planning;
- Full accounting of the costs of development including public investment;
- Education of the public on finite growth capacity; and
- Sustainable development.

This section is effective May 31, 1997.

and age groups, mixed land uses and compact development, affordable and life-cycle housing, green spaces, access to public transit, bicycle and pedestrian ways, and enhanced aesthetics and beauty in public spaces;

(6) [HOUSING.] To provide and preserve an adequate supply of affordable and life-cycle housing throughout the state;

(7) [TRANSPORTATION.] To focus on the movement of people and goods, rather than on the movement of automobiles, in transportation planning, and to maximize the efficient use of the transportation infrastructure by increasing the availability and use of appropriate public transit throughout the state through land-use planning and design that makes public transit economically viable and desirable;

(8) [LAND-USE PLANNING.] To establish a community-based framework as a basis for all decisions and actions related to land use;

(9) [PUBLIC INVESTMENTS.] To account for the full environmental, social, and economic costs of new development, including infrastructure costs such as transportation, sewers and wastewater treatment, water, schools, recreation, and open space, and plan the funding mechanisms necessary to cover the costs of the infrastructure;

(10) [PUBLIC EDUCATION.] To support research and public education on a community's and the state's finite capacity to accommodate growth, and the need for planning and resource management that will sustain growth; and

(11) [SUSTAINABLE DEVELOPMENT.] To provide a better quality of life for all residents while maintaining nature's ability to function over time by minimizing waste, preventing pollution, promoting efficiency, and developing local resources to revitalize the local economy.

Sec. 2. [4A.09] [TECHNICAL ASSISTANCE.]

The office shall provide local governments technical and financial assistance in preparing their comprehensive plans to meet the community-based planning goals in section 4A.08.

Sec. 3. [4A.10] [PLAN REVIEW AND COMMENT.]

The office shall review and comment on community-based comprehensive plans prepared by counties, including the community-based

Chapter 202, article 4, section 2 directs the Office of Strategic and Long Range Planning to provide technical and financial assistance to local government engaged in community based planning

This section is effective May 31, 1997.

Chapter 202, article 4, section 3 directs the Office of Strategic and Long Range Planning to review and comment on community based comprehensive plans.

comprehensive plans of municipalities and towns that are incorporated into a county's plan, as required in section 394.232, subdivision 3.

Sec. 4. Minnesota Statutes 1996, section 394.23, is amended to read:

394.23 [COMPREHENSIVE PLAN.]

The board shall have has the power and authority to prepare and adopt by ordinance, a comprehensive plan. a comprehensive plan or plans when adopted by ordinance shall must be the basis for official controls adopted under the provisions of sections 394.21 to 394.37.

Sec. 5. [394.232] [COMMUNITY-BASED PLANNING.]

Subdivision 1. [GENERAL.] Each county is encouraged to prepare and implement a community-based comprehensive plan. a community-based comprehensive plan is a comprehensive plan that is consistent with the goals of community-based planning in section 4A.08.

Subd. 2. [NOTICE AND PARTICIPATION.] Notice must be given at the beginning of the community-based comprehensive planning process to the office of strategic and long-range planning, the department of natural resources, the department of agriculture, the department of trade and economic development, the board of soil and water resources, the pollution control agency, the department of transportation, local government units, and local citizens to actively participate in the development of the plan. An agency that is invited to participate in the development of a local plan but declines to do so and fails to participate or to provide written comments during the plan development process waives the right during the office's review and comment period to submit comments, except for comments concerning consistency of the plan with laws and rules administered by the agency. In determining the merit of the agency comment, the office shall consider the involvement of the agency in the development of the plan.

Subd. 3. [COORDINATION.] a county that prepares a community-based comprehensive plan

This section is effective May 31, 1997.

Chapter 202, article 4, section 4 amends MS 1996, section 394.23, regarding comprehensive plans, to clarify that boards of county commissioners have the power to adopt comprehensive plans by ordinance. That ordinance then controls county planning and zoning, and the enforcement of county planning and zoning.

This section is effective May 31, 1997.

Chapter 202, article 4, section 5 adds a section to MS 1996, chapter 394, establishing community based planning.

Subdivision one encourages each county to prepare and implement a community based comprehensive plan.

Subdivision two requires notice at the beginning of the community base planning process. Notice must be given to the: Office of Strategic and Long Range Planning; DNR; Agriculture; DTED; BSWR; PCA; MNDOT; Local Governments; and Local Citizens.

Agency failure to participate in the planning process waives the agency's right to comment during the official plan review period and process. The one exception to this waiver is that a nonparticipating agency may comment on the consistency of the plan with laws and rule administered by the agency.

Subdivision three requires the county preparing a community based plan to coordinate with the

shall coordinate its plan with the plans of its neighbors and its constituent municipalities and towns in order both to prevent its plan from having an adverse impact on other jurisdictions and to complement plans of other jurisdictions. The county's community-based comprehensive plan must incorporate the community-based comprehensive plan of any municipality or town in the county prepared in accordance with section 462.3535. a county may incorporate a municipal or town community-based comprehensive plan by reference.

Subd. 4. [JOINT PLANNING.] Under the joint exercise of powers provisions in section 471.59, a county may establish a joint planning district with other counties, municipalities, and towns, that are geographically contiguous, to adopt a single community-based comprehensive plan for the district. The county may delegate its authority to adopt official controls under this chapter, to the board of the joint planning district.

Subd. 5. [REVIEW AND COMMENT.] (a) The county or joint planning district shall submit its community-based comprehensive plan to the office of strategic and long-range planning for review. The plan is deemed approved 60 days after submittal to the office, unless the office disagrees with the plan as provided in paragraph (c).

(b) The office may not disapprove a community-based comprehensive plan if the office determines that the plan meets the requirements of this section.

(c) If the office disagrees with a community-based comprehensive plan or any elements of the plan, the office shall notify the county or district in writing of the plan deficiencies and suggested changes. Upon receipt of the office's written comments, the county or district has 60 days to revise the community-based comprehensive plan and resubmit it to the office for reconsideration.

(d) If the county or district refuses to revise the plan or the office disagrees with the revised plan, the office shall within 60 days notify the county or district that it wishes to initiate the dispute resolution process in chapter 572A.

(e) Within 30 days of notice from the office, the county or joint planning district shall notify the office of its intent to enter the dispute resolution process. If the county or district refuses to enter the dispute resolution process, the county or district shall refund any state grant received for community-based planning activities through the office.

plans of neighbors and constituent municipalities, so as to prevent adverse impacts of the community based plan on other jurisdictions. Counties must incorporate the plans of constituent municipalities or towns into their community based plan.

Subdivision four allows community based planning under the joint planning provisions guiding municipal planning (MS 1996, section 471.59).

Subdivision five defines the Office of Strategic and Long Range Planning review process:

The period of review is generally 60 days.

The plan must be approved if it meets the provisions of MS 1997, section 394.232 (this section)

If the Office of Strategic and Long Range Planning provides written objections and suggested corrections/improvements, the county has an additional 60 days to respond

If the county does not respond within 60 days the Office of Long Range Planning must, within an additional 60 days, initiate mediation under MS 1997, Chapter 572A.

A county or joint planning district has 30 days to agree to mediation or forfeit any planning grant received for community based planning .

Subd. 6. [PLAN UPDATE.] The county board, or the board of the joint planning district, shall review and update the community-based comprehensive plan periodically, but at least every ten years, and submit the updated plan to the office of strategic and long-range planning for review and comment.

Subd. 7. [NO MANDAMUS PROCEEDING.] a mandamus proceeding may not be instituted against a county under this section to require the county to conform its community-based comprehensive plan to be consistent with the community-based planning goals in section 4A.08.

Subd. 8. [PLANNING AUTHORITY.] Nothing in this section shall be construed to prohibit or limit a county's authority to prepare and adopt a comprehensive plan and official controls under this chapter.

Sec. 6. Minnesota Statutes 1996, section 394.24, subdivision 1, is amended to read:

Subdivision 1. [ADOPTED BY ORDINANCE.] Official controls which shall further the purpose and objectives of the comprehensive plan and parts thereof shall be adopted by ordinance. The comprehensive plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the comprehensive plan.

Sec. 7. Minnesota Statutes 1996, section 462.352, subdivision 5, is amended to read:

Subd. 5. [COMPREHENSIVE MUNICIPAL PLAN.] "Comprehensive municipal plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to sections 469.135 to 469.141, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. a comprehensive plan represents the planning agency's recommendations for the future development of the community.

Subdivision six requires periodic, no less than every ten years, review and update of community based plans.

Subdivision seven prevents taking action against a county to compel it to adjust its community based plan to conform with the goals of community based planning.

Subdivision eight separates community based planning from other county planning and zoning authority.

This section is effective May 31, 1997.

Chapter 202, article 4, section six amends MS 1996, section 394.24, county planning and zoning statutes defining the comprehensive plan, to ensure that the county comprehensive plan has a schedule for adoption of controls to guarantee planned, orderly and staged development.

This section is effective May 31, 1997.

Chapter 202, article 4, section seven amends MS 1996, section 462.352, Subd. 5, defining terms for the purposes of housing redevelopment planning and zoning, so as to require comprehensive municipal plans to include proposed density of development.

This section is effective May 31, 1997.

Sec. 8. Minnesota Statutes 1996, section 462.352, subdivision 6, is amended to read:

Subd. 6. [LAND USE PLAN.] "Land use plan" means a compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semipublic uses or any combination of such uses. a land use plan may also include the proposed densities for development.

Sec. 9. Minnesota Statutes 1996, section 462.352, is amended by adding a subdivision to read:

Subd. 18. [URBAN GROWTH AREA.] "Urban growth area" means the identified area around an urban area within which there is a sufficient supply of developable land for at least a prospective 20-year period, based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.

Sec. 10. [462.3535] [COMMUNITY-BASED PLANNING.]

Subdivision 1. [GENERAL.] Each municipality is encouraged to prepare and implement a community-based comprehensive municipal plan. a community-based comprehensive municipal plan is a comprehensive plan that is consistent with the goals of community-based planning in section 4A.08.

Subd. 2. [COORDINATION.] a municipality that prepares a community-based comprehensive municipal plan shall coordinate its plan with the plans, if any, of the county and the municipality's neighbors both in order to prevent the plan from having an adverse impact on other jurisdictions and to complement the plans of other jurisdictions. The municipality shall prepare its plan to be incorporated into the county's community-based comprehensive plan, if the county is preparing or has prepared one, and shall otherwise assist and cooperate with the county in its community-based planning.

Subd. 3. [JOINT PLANNING.] Under the joint exercise of powers provisions in section 471.59, a municipality may establish a joint planning district with other municipalities or counties that are geographically contiguous, to adopt a single community-based comprehensive plan for the

Chapter 202, article 4, section eight amends MS 1996, section 462.352, Subd. 6 defining terms for the purposes of housing redevelopment planning and zoning, so as to allow a land use plan to contain proposed densities for development.

This section is effective May 31, 1997.

Chapter 202, article 4, section nine amends MS 1996, section 462.352, adding a subdivision defining terms for the purposes of housing redevelopment planning and zoning, so as to add a definition for urban growth area.

This section is effective May 31, 1997.

Chapter 202, article 4, section ten adds as section to MS 1996, chapter 462, governing housing, redevelopment, planning and zoning. **Subdivision 1** promotes and encourages municipalities to undertake community based planning.

Subdivision 2 requires municipalities doing community based planning to coordinate with the county and neighboring governments.

Subdivision 3 enables municipalities to establish and/or join joint planning districts for the purposes of community based comprehensive planning.

district, a municipality may delegate its authority to adopt official controls under sections 462.351 to 462.364, to the board of the joint planning district.

Subd. 4. [CITIES; URBAN GROWTH AREAS.]

(a) The community-based comprehensive municipal plan for a statutory or home rule charter city, and official controls to implement the plan, must at a minimum, address any urban growth area identified in a county plan and may establish an urban growth area for the urbanized and urbanizing area. The city plan must establish a staged process for boundary adjustment to include the urbanized or urbanizing area within corporate limits as the urban growth area is developed and provided municipal services.

(b) Within the urban growth area, the plan must provide for the staged provision of urban services, including, but not limited to, water, wastewater collection and treatment, and transportation.

Subd. 5. [URBAN GROWTH AREA BOUNDARY ADJUSTMENT PROCESS.] (a) After an urban growth area has been identified in a county or city plan, a city shall negotiate, as part of the comprehensive planning process and in coordination with the county, an orderly annexation agreement with the townships containing the affected unincorporated areas located within the identified urban growth area. The agreement shall contain a boundary adjustment staging plan that establishes a sequencing plan over the subsequent 20-year period for the orderly growth of the city based on its reasonably anticipated development pattern and ability to extend municipal services into designated unincorporated areas located within the identified urban growth area. The city shall include the staging plan agreed upon in the orderly annexation agreement in its comprehensive plan. Upon agreement by the city and town, prior adopted orderly annexation agreements may be included as part of the boundary adjustment plan and comprehensive plan without regard to whether the prior adopted agreement is consistent with this section. When either the city or town requests that an existing orderly annexation agreement affecting unincorporated areas located within an identified or proposed urban growth area be renegotiated, the renegotiated plan shall be consistent with this section.

(b) After a city's community-based comprehensive plan is approved under this section, the orderly annexation agreement shall be filed with the municipal board or its successor agency. Thereafter, the city may orderly annex the part or parts of the

Subdivision 4 requires municipal community based comprehensive plans to address urban growth areas identified in a county plan. The plan may establish an urban growth area.

Subdivision 5 requires annexation of urban growth areas from townships, if such areas are identified as part of the comprehensive planning process. The subdivision defines the rate of annexation and the method of implementation.

designated unincorporated area according to the sequencing plan and conditions contained in the negotiated orderly annexation agreement by submitting a resolution to the municipal board or its successor agency. The resolution shall specify the legal description of the area designated pursuant to the staging plan contained in the agreement, a map showing the new boundary and its relation to the existing city boundary, a description of and schedule for extending municipal services to the area, and a determination that all applicable conditions in the agreement have been satisfied. Within 30 days of receipt of the resolution, the municipal board or its successor shall review the resolution and if it finds that the terms and conditions of the orderly annexation agreement have been met, shall order the annexation. The boundary adjustment shall become effective upon issuance of an order by the municipal board or its successor. The municipal board or its successor shall cause copies of the boundary adjustment order to be mailed to the secretary of state, department of revenue, state demographer, and the department of transportation. No further proceedings under chapter 414 or 572A shall be required to accomplish the boundary adjustment. This section provides the sole method for annexing unincorporated land within an urban growth area, unless the parties agree otherwise.

(c) If a community-based comprehensive plan is updated, the parties shall renegotiate the orderly annexation agreement as needed to incorporate the adjustments and shall refile the agreement with the municipal board or its successor.

Subd. 6. [REVIEW BY ADJACENT MUNICIPALITIES; CONFLICT RESOLUTION.] Before a community-based comprehensive municipal plan is incorporated into the county's plan under section 394.232, subdivision 3, a municipality's community-based comprehensive municipal plan must be coordinated with adjacent municipalities within the county. As soon as practical after the development of a community-based comprehensive municipal plan, the municipality shall provide a copy of the draft plan to adjacent municipalities within the county for review and comment. An adjacent municipality has 30 days after receipt to review the plan and submit written comments.

Subd. 7. [COUNTY REVIEW.] (a) If a city does not plan for growth beyond its current boundaries, the city shall submit its community-based comprehensive municipal plan to the county for

Subdivision 6 provides for municipal review of an adjacent municipality's community based plan.

Subdivision 7 provides for county review of a municipal or town community based comprehensive plan. The municipality or town is not bound to revise its plan if the plan does

review and comment. a county has 60 days after receipt to review the plan and submit written comments to the city. The city may amend its plan based upon the county's comments.

(b) If a town prepares a community-based comprehensive plan, it shall submit the plan to the county for review and comment. As provided in section 394.33, the town plan may not be inconsistent with or less restrictive than the county plan. a county has 60 days after receipt to review the plan and submit written comments to the town. The town may amend its plan based on the county's comment.

Subd. 8. [COUNTY APPROVAL.] (a) If a city plans for growth beyond its current boundaries, the city's proposed community-based comprehensive municipal plan and proposed urban growth area must be reviewed and approved by the county before the plan is incorporated into the county's plan. The county may review and provide comments on any orderly annexation agreement during the same period of review of a comprehensive plan.

(b) Upon receipt by the county of a community-based comprehensive plan submitted by a city for review and approval under this subdivision, the county shall, within 60 days of receipt of a city plan, review and approve the plan in accordance with this subdivision. The county shall review and approve the city plan if it is consistent with the goals stated in section 4A.08.

(c) In the event the county does not approve the plan, the county shall submit its comments to the city within 60 days. The city may, thereafter, amend the plan and resubmit the plan to the county. The county shall have an additional 60 days to review and approve a resubmitted plan. In the event the county and city are unable to come to agreement, either party may initiate the dispute resolution process contained in chapter 572A. Within 30 days of receiving notice that the other party has initiated dispute resolution, the city or county shall send notice of its intent to enter dispute resolution. If the city refuses to enter the dispute resolution process, it must refund any grant received from the county for community-based planning activities.

Subd. 9. [PLAN ADOPTION.] The municipality shall adopt and implement the community-based comprehensive municipal plan after the office of strategic and long-range planning has reviewed and commented on the county's plan that incorporates the municipality's plan. The municipality shall thereafter, where it deems appropriate, incorporate

not call for growth beyond the existing boundaries.

Subdivision 8 provides for county review of a municipal or town community based comprehensive plan. If the plan calls for growth beyond the existing boundaries, the county must approve if the plan is consistent with the goals of MS 1997, section 4A.08. If the county does not find conformance with the goals of MS 1997, section 4A.08, and provides comments to the city, the city has 60 day to respond. If the city refuses or fails to respond, the city and county go to mediation under MS chapter 572A.

Subdivision 9 requires municipal adoption and implementation of the plan after the Office of Strategic and Long Range Planning has reviewed and commented. The municipality retains the option of incorporating the Office of Strategic and Long Range Planning's

any comments made by the office into its plan and adopt the plan.

Subd. 10. [NO MANDAMUS PROCEEDING.] a mandamus proceeding may not be instituted against a municipality under this section to require the municipality to conform its community-based comprehensive plan to be consistent with the community-based planning goals in section 4A.08.

Sec. 11. Minnesota Statutes 1996, section 462.357, subdivision 2, is amended to read:

Subd. 2. [GENERAL REQUIREMENTS.] At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption. Subject to the requirements of subdivisions 3, 4 and 5, the governing body may adopt and amend a zoning ordinance by a two-thirds vote of all its members. If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance supersedes the plan. The plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the plan.

Sec. 12. [473.1455] [METROPOLITAN DEVELOPMENT GUIDE GOALS.]

The metropolitan council shall amend the metropolitan development guide, as necessary, to reflect and implement the community-based planning goals in section 4A.08. The office of strategic and long-range planning shall review and comment on the metropolitan development guide. The council may not approve local comprehensive plans or plan amendments after July 1, 1999, until the metropolitan council has received and considered the comments of the office of strategic and long-range planning.

Sec. 13. [ADVISORY COUNCIL ON COMMUNITY-BASED PLANNING.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] An advisory council on community-based planning is established to provide a forum for discussion and development of the framework for community-based planning and the incentives and tools to implement

comments.

Subdivision 10 prevents legal action to compel a municipality to conform its community based plan with the goals of community based planning.

This section is effective May 31, 1997.

Chapter 202, article 4, section eleven amend MS 1996, section 462.356, housing redevelopment, planning and zoning, require local land use plans to be adopted into official controls in a planned, orderly fashion.

Chapter 202, article 4, section twelve adds a section to MS 1996, chapter 473, to require the Met Council to amend its development guide to incorporate the goals of this chapter and article.

Chapter 202, article 4, section thirteen establishes and directs an advisory council on community based planning.

Subdivision 1 establishes the council and defines its purpose.

the plans.

Subd. 2. [DUTIES.] The advisory council shall propose legislation for the 1998 legislative session relating to the framework to implement community-based planning. The advisory council shall:

(1) develop a model process to involve citizens in community-based planning from the beginning of the planning process;

(2) hold meetings statewide to solicit advice and information on how to implement community-based planning;

(3) develop specific, measurable criteria by which plans will be reviewed for consistency with the goals in Minnesota Statutes, section 4A.08, and commented on by the office of strategic and long-range planning;

(4) recommend a procedure for review and comment on community-based plans;

(5) recommend a process for coordination of plans among local jurisdictions;

(6) recommend an alternative dispute resolution method for citizens and local governments to use to challenge proposed plans or the implementation of plans;

(7) recommend incentives to encourage state agencies to implement the goals of community-based planning;

(8) recommend incentives for local governments to develop community-based plans, including for example, assistance with computerized geographic information systems, builders' remedies and density bonuses, and revised permitting processes;

(9) describe the tools and strategies that a county, city, or town may use to achieve the goals, including, but not limited to, densities, urban growth areas, purchase or transfer of development rights programs, public investment surcharges, transit and transit-oriented development, and zoning and other official controls;

(10) recommend the time frame in which the community-based plans must be completed;

(11) consider the need for ongoing stewardship and oversight of sustainable development initiatives and the community-based planning process;

(12) review and recommend changes to the community-based planning framework established in this act; and

(13) make other recommendations to implement community-based planning as the advisory council determines would be necessary or helpful in achieving the goals.

Subdivision 2 provides the council with duties, including developing a model for citizen involvement; holding meetings statewide to get advice and information; developing scientific criteria to use in plan review; recommending a process for review and comment, a process for coordination among jurisdictions, an alternative dispute resolution method, incentives for state agencies to implement the goals of this chapter, incentives for local governments to develop community based plans, the time frame in which plans must be developed, needs for ongoing oversight of stewardship and sustainable development initiatives, and changes to the community base planning framework; and describing the tools and strategies to achieve the goals of this chapter and article.

Subd. 3. [MEMBERSHIP.] The advisory council consists of 18 voting members who serve at the pleasure of the appointing authority as follows:

(1) two members of the majority caucus of the house of representatives appointed by the speaker, and two members of the minority caucus appointed by the minority leader;

(2) four members of the senate appointed by the subcommittee on committees of the committee on rules and administration of the senate, two of whom shall be members of the minority caucus;

(3) the director, or the director's designee, of the office of strategic and long-range planning;

(4) three public members, at least one of whom must be knowledgeable about and have experience in local government issues or planning, appointed by the speaker of the house of representatives;

(5) three public members, at least one of whom must be knowledgeable about and have experience in local government issues or planning, appointed by the subcommittee on committees of the committee on rules and administration of the senate; and

(6) three public members, at least one of whom must be knowledgeable about and have experience in local government issues or planning, appointed by the governor.

The commissioners, or their designees, of the departments of natural resources, agriculture, transportation, and trade and economic development, and the chair, or the chair's designee, of the metropolitan council shall serve as ex-officio members.

The advisory council may form an executive committee to facilitate the work of the council.

Subd. 4. [FIRST MEETING; CHAIR.] The director of the office of strategic and long-range planning, or the director's designee, shall convene the first meeting of the advisory council. At its first meeting, the advisory council shall select from among its members a person to serve as chair.

Subd. 5. [ADMINISTRATION.] The office of strategic and long-range planning, with assistance from other state agencies and the metropolitan council as needed, shall provide administrative and staff assistance to the advisory council. The attorney general shall provide advice on legal issues to the advisory council.

Subd. 6. [EXPENSES.] The office of strategic and long-range planning shall compensate members of the advisory council. Members shall receive per

Subdivision 3 defines the membership of the advisory council, including legislative members, executive branch members, and public citizens. All executive branch members, including the commissioner of DNR, except the director of the Office of Strategic and Long Range Planning, are ex-officio members.

Subdivision 4 governs the first meeting and election of a chair.

Subdivision 5 requires the executive branch to staff the advisory council, under the direction of the Office of Strategic and Long Range Planning.

Subdivision 6 provides for payment of expenses of members of the advisory council.

diem and expenses as provided by Minnesota Statutes, section 15.059, subdivision 3.

Subd. 7. [EXPIRATION.] This section expires June 30, 1998.

Sec. 14. [CITATION.]
Sections 1 to 13 may be cited as the "Community-based Planning Act."

Sec. 15. [APPLICATION.]
Section 12 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 16. [PILOT PROJECTS ESTABLISHED.]
The office of strategic and long-range planning shall establish community-based comprehensive land use planning pilot projects as specified in sections 17 to 21.

Sec. 17. [PLAN SUBMITTAL; REVIEW.]
a county or joint planning district participating in a pilot project must prepare a community-based comprehensive plan as specified in Minnesota Statutes, section 394.232. The county or joint powers board must submit the plan to the office of strategic and long-range planning within 24 months of the county's or district's selection as a pilot project. The office shall review each plan to determine if it is consistent with the community-based planning goals in Minnesota Statutes, section 4A.08. The office shall complete its review and comment as specified in Minnesota Statutes, section 394.232, subdivision 5.

Sec. 18. [PLAN CONTENT.]
Subdivision 1. [GOALS.] The plan must address the community-based planning goals in Minnesota Statutes, section 4A.08.

Subd. 2. [MUNICIPAL AND TOWN PLAN INCORPORATION.] The plan must incorporate the community-based comprehensive plan of each municipality and town in the county. Incorporation of a municipal or town plan is sufficient if the county or joint powers board adopts a resolution approving

Subdivision 7 sunsets the advisory council on June 30, 1988.

This section is effective May 31, 1997.

Chapter 202, article 4, section fourteen provides the legal citation of "Community-based Planning Act".

This section is effective May 31, 1997.

Chapter 202, article 4, section fifteen clarifies that the Metropolitan Development Plan covers the seven county area only.

This section is effective May 31, 1997.

Chapter 202, article 4, section sixteen requires the Office of Strategic and Long Range Planning to establish pilot planning projects as specified below.

This section is effective May 31, 1997.

Chapter 202, article 4, section seventeen sets deadlines and a process for participation in the pilot planning phase.

This section is effective May 31, 1997.

Chapter 202, article 4, section eighteen, subdivision 1 sets the goals for the pilot plans as the goals in this chapter and article, including:

Subdivision 2, incorporating community based plans of sub county units into county community based comprehensive land use plans;

and incorporating by reference the plan or any subsequent amendments to the plan.

Subd. 3. [URBAN GROWTH AREAS.] The plan must identify, establish, and address urban growth areas, as defined in Minnesota Statutes, section 462.352, subdivision 18, within the county. The land outside an urban growth area must be zoned as permanent rural or agricultural land, or other appropriate land use, and must be maintained at density levels consistent with those uses. The plan must also identify the density at which the municipality wishes to develop.

Subd. 4. [EXISTING PLANS.] If the county has a previously adopted plan, the county board or joint powers board shall review, update, and submit to the office of strategic and long-range planning a revised plan and official controls meeting the requirements of this section, including the community-based comprehensive municipal plan for each municipality or town in the county, if any, within 24 months of the county's or district's selection as a pilot project.

Sec. 19. [COORDINATION WITH ADJACENT COUNTIES.]

Before submitting the community-based comprehensive plan to the office of strategic and long-range planning, the county or joint powers board shall coordinate its plan with adjacent counties. The adjacent counties shall review and submit written comments on the proposed plan to the board within 60 days of receiving the plan.

Sec. 20. [COORDINATION WITH METROPOLITAN COUNCIL.]

a county or joint planning district adjacent to the metropolitan area shall coordinate its plan with the metropolitan council, in relation to the council's development guide.

The county or joint planning district shall not submit its plan to the office of strategic and long-range planning until the metropolitan council has had 60 days for review and comment on the plan.

Sec. 21. [LIMITATION ON PLAN AMENDMENT.]

The county or joint powers board shall not amend its plan for an area inside an urban growth area that is outside a municipality's jurisdiction without the municipality's approval.

Subdivision 3, identifying urban growth areas; and

Subdivision 4, requiring governmental units within counties to update existing plans and controls to be consistent with the goals of community base plans within 24 months of the selection of a county for the pilot project.

This section is effective May 31, 1997.

Chapter 202, article 4, section nineteen requires pilot counties to coordinate with adjacent counties.

This section is effective May 31, 1997.

Chapter 202, article 4, section twenty requires counties participating in the pilot and adjacent to the Metro Area to coordinate with the Met Council.

This section is effective May 31, 1997.

Chapter 202, article 4, section twenty-one requires municipal agreement for changes in a plan for land inside an urban growth area without consent of the effected municipalities.

This section is effective May 21, 1997.

ARTICLE 6
DISPUTE RESOLUTION

Section 1. [572A.01] [COMPREHENSIVE
PLANNING DISPUTES; MEDIATION.]

Subdivision 1. [FILING.] In the event of a dispute between a county and the office of strategic and long-range planning under section 394.232 or a county and a city under section 462.3535, regarding the development, content, or approval of a community-based comprehensive land use plan, an aggrieved party may file a written request for mediation, as provided in subdivision 2, with the bureau of mediation services at any time prior to a final action on a community-based comprehensive plan or within 30 days of a final action on a community-based comprehensive plan.

Subd. 2. [MEDIATION.] Within ten days of receiving a request for mediation in subdivision 1, the bureau of mediation services shall provide written notice of the request for mediation to the parties and provide a list of neutrals experienced in land use planning or local government issues obtained from the supreme court, Minnesota municipal board, bureau of mediation services, Minnesota state bar association, Hennepin county bar association, office of dispute resolution, and others. Within 30 days thereafter, the affected parties shall select a mediator from the list of neutrals or someone else acceptable to the parties and submit to mediation for a period of 30 days facilitated by the bureau. If the dispute remains unresolved after the close of the 30-day mediation period, the bureau shall prepare a report of its recommendations and transmit the report within 30 days to the parties. Within 60 days after the date of issuance of the mediator's report, the dispute shall be submitted to binding arbitration as provided in this chapter. The mediator's report submitted to the parties is informational only and is not admissible in arbitration.

Sec. 2. [572A.015] [CHAPTER 414 DISPUTES;
MEDIATION.]

Subdivision 1. [FILING.] As provided by section 414.10, if an initiating document or timely objection under chapter 414 is filed with the municipal board, the filing party, jurisdiction, or jurisdictions may also file a written request for mediation with the bureau of

Chapter 202, article 6 amends MS 1996, chapter 572A, to provide that the dispute resolution statutes are consistent with the mediation features of the Community-based Planning Act.

mediation services within 30 days of filing the initiating document or timely objection. The request for mediation must contain the written consent to the mediation and arbitration process by all the parties, as defined in section 414.10, subdivision 1.

Subd. 2. [MEDIATION.] Within ten days of receiving a request for mediation, the bureau shall provide written notice of the request for mediation to the parties and provide a list of neutrals experienced in land use planning and local government issues obtained from the supreme court, Minnesota municipal board, bureau of mediation services, Minnesota state bar association, Hennepin county bar association, office of dispute resolution and others. Within 30 days thereafter, the affected parties, as defined in section 414.10, subdivision 1, shall select a mediator from the list of neutrals or someone else acceptable to the parties and submit to mediation for a period of 30 days facilitated by the bureau. If the dispute remains unresolved after the close of the 30-day mediation period, the bureau shall prepare a report of its recommendations and transmit the report within 30 days to the parties. Within 60 days after the date of issuance of the mediator's report, the dispute shall be submitted to binding arbitration as provided in this chapter. The mediator's report submitted to the parties is informational only and is not admissible in arbitration.

Sec. 3. [572A.02] [ARBITRATION.]

Subdivision 1. [SUBMITTAL TO BINDING ARBITRATION.] If a dispute remains unresolved after the close of mediation, the dispute shall be submitted to binding arbitration within 60 days of issuance of the mediation report pursuant to the terms of this section and the Uniform Arbitration Act, sections 572.08-572.30, except the period may be extended for an additional 15 days as provided in this section. In the event of a conflict between the provisions of the Uniform Arbitration Act and this section, this section controls.

Subd. 2. [APPOINTMENT OF PANEL.] (a) The parties shall each appoint one qualified arbitrator within 30 days of issuance of the mediation report. If a party does not appoint an arbitrator within 30 days, the bureau of mediation services shall appoint a qualified arbitrator from the list of neutrals under sections 572A.01, subdivision 2, and 572A.015, subdivision 2, or someone else for the party. The parties shall notify the bureau prior to the close of the

30-day appointment period of the name and address of their respective appointed arbitrator. Each party is responsible for the fees and expenses for the arbitrator it selects.

(b) After appointment of the two arbitrators to the arbitration panel by the parties, or by the bureau should one or both of the parties fail to act, the two appointed arbitrators shall appoint a third arbitrator who must be learned in the law, within 15 days of the close of the initial 30-day arbitrator appointment period. If the arbitrators cannot agree on the selection of the third arbitrator within 15 days, the arbitrators shall jointly submit a request to the district court of the county in which the disputed area is located in accordance with the selection procedures established in section 572.10. Within 15 days of receipt of an application by the district court, the district court shall select a neutral arbitrator and notify the parties and the bureau of mediation services of the name and address of the selected arbitrator. The fees and expenses of the third arbitrator shall be shared equally by the parties. The third appointed arbitrator shall act as chair of the arbitration panel and shall conduct the proceedings. If the district court selects the third arbitrator, the date required for first hearing the matter may be extended an additional 15 days.

Subd. 3. [HEARING.] Except as otherwise provided, within 60 days, the matter must be brought on for hearing in accordance with section 572.12. The bureau of mediation services shall provide for the proceedings to occur in the county in which the majority of the affected property is located.

Subd. 4. [CONTRACTS; INFORMATION.] The arbitration panel shall have authority to contract with regional, state, county, or local planning commissions or to hire expert consultants to provide specialized information and assistance. Any member of the panel conducting or participating in any hearing shall have the power to administer oaths and affirmations, to issue subpoenas, to compel the attendance and testimony of witnesses, and the production of papers, books, and documents. Any costs related to this subdivision shall be shared equally by the parties.

Subd. 5. [DECISION FACTORS.] In comprehensive planning disputes, the arbitration panel shall consider the goals stated in section 4A.08 and the following factors in making a decision. In all other disputes brought under this section, the

arbitration panel shall consider the following factors in making a decision:

(1) present population and number of households, past population, and projected population growth of the subject area and adjacent units of local government;

(2) quantity of land within the subject area and adjacent units of local government; and natural terrain including recognizable physical features, general topography, major watersheds, soil conditions, and such natural features as rivers, lakes and major bluffs;

(3) degree of contiguity of the boundaries between the municipality and the subject area;

(4) present pattern of physical development, planning, and intended land uses in the subject area and the municipality including residential, industrial, commercial, agricultural, and institutional land uses and the impact of the proposed action on those land uses;

(5) the present transportation network and potential transportation issues, including proposed highway development;

(6) land use controls and planning presently being utilized in the municipality and the subject area, including comprehensive plans for development in the area and plans and policies of the metropolitan council, and whether there are inconsistencies between proposed development and existing land use controls and the reasons therefore;

(7) existing levels of governmental services being provided in the municipality and the subject area, including water and sewer service, fire rating and protection, law enforcement, street improvements and maintenance, administrative services, and recreational facilities and the impact of the proposed action on the delivery of said services;

(8) existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems;

(9) plans and programs by the municipality for providing needed governmental services to the subject area;

(10) an analysis of the fiscal impact on the municipality, the subject area, and adjacent units of local government, including net tax capacity and the present bonded indebtedness, and the local tax rates of the county, school district, and township;

(11) relationship and effect of the proposed action on affected and adjacent school districts and communities;

(12) adequacy of town government to deliver services to the subject area;

(13) analysis of whether necessary governmental services can best be provided through the proposed action or another type of boundary adjustment; and

(14) if only a part of a township is annexed, the ability of the remainder of the township to continue or the feasibility of it being incorporated separately or being annexed to another municipality. Any party to the proceeding may present evidence and testimony on any of the above factors at the hearing on the matter.

Subd. 6. [DECISION.] The arbitrators, after a hearing on the matter, shall make a decision regarding the dispute within 60 days and transmit an order to the parties and the office of strategic and long-range planning or the municipal board. Unless appealed by an aggrieved party within 30 days of receipt of the arbitration panel's order by the municipal board, the municipal board shall execute an order in accordance with the arbitration panel's order and shall cause copies of the same to be mailed to all parties entitled to mailed notice, the secretary of state, the department of revenue, the state demographer, individual property owners if initiated in that manner, the affected county auditor, and any other party of record. The affected county auditor shall record the order against the affected property.

Sec. 4. [572A.03] [ARBITRATION PANEL DECISION STANDARDS.]

Subdivision 1. [DECISION STANDARDS.] The arbitration panel, based upon the factors in section 572A.02, subdivision 5, shall decide the matter based upon the decision standards in subdivisions 2 to 6.

Subd. 2. [COMPREHENSIVE LAND USE PLANNING.] For comprehensive land use planning disputes under section 462.3535, if a community-based comprehensive plan addresses the goals of section 4A.08 and the arbitrators find that the city's projected estimates found in its comprehensive plan are reasonable with respect to an identified urban growth area, the arbitration panel may order approval of the city plan. If the order is to approve the community-based comprehensive plan, the order shall contain notice directing the county to approve the city plan within ten days of receipt of the arbitration order. The city shall, thereafter, adopt the plan. If the order is to deny the plan, the arbitration order shall state the reasons for the denial in the order and transmit the order to the city, county, and the office of strategic and long-range planning. The city

shall within 30 days of receipt of the order amend its plan and resubmit the plan to the county for review and approval under this subdivision. The county shall not unreasonably withhold approval of the plan if the resubmitted city plan is in keeping with the arbitration panel's order.

Subd. 3. [MUNICIPAL INCORPORATIONS.] For municipal incorporations under section 414.02, the arbitration panel may order the incorporation if it finds that: (1) the property to be incorporated is now, or is about to become, urban or suburban in character; (2) that the existing township form of government is not adequate to protect the public health, safety, and welfare; or (3) the proposed incorporation would be in the best interests of the area under consideration. The panel may deny the incorporation if the area, or a part of it, would be better served by annexation to an adjacent municipality. The panel may alter the boundaries of the proposed incorporation by increasing or decreasing the area to be incorporated so as to include only that property which is now, or is about to become, urban or suburban in character, or may exclude property that may be better served by another unit of government. The panel may also alter the boundaries of the proposed incorporation so as to follow visible, clearly recognizable physical features for municipal boundaries. In all cases, the panel shall set forth the factors which are the basis for the decision.

Subd. 4. [ANNEXATIONS OF UNINCORPORATED PROPERTY.] For annexations of unincorporated property under section 414.031 or 414.033, subdivisions 3 and 5, the arbitration panel may order the annexation: (1) if it finds that the subject area is now, or is about to become, urban or suburban in character; (2) if it finds that municipal government in the area proposed for annexation is required to protect the public health, safety, and welfare; or (3) if it finds that the annexation would be in the best interest of the subject area. If only a part of a township is to be annexed, the panel shall consider whether the remainder of the township can continue to carry on the functions of government without undue hardship. The panel shall deny the annexation if it finds that the increase in revenues for the annexing municipality bears no reasonable relation to the monetary value of benefits conferred upon the annexed area. The panel may deny the annexation: (1) if it appears that annexation of all or a part of the property to an adjacent

municipality would better serve the interests of the residents of the property; or (2) if the remainder of the township would suffer undue hardship.

The panel may alter the boundaries of the area to be annexed by increasing or decreasing the area so as to include only that property which is now or is about to become urban or suburban in character or to add property of that character abutting the area proposed for annexation in order to preserve or improve the symmetry of the area, or to exclude property that may better be served by another unit of government. The panel may also alter the boundaries of the proposed annexation so as to follow visible, clearly recognizable physical features. If the panel determines that part of the area would be better served by another municipality or township, the panel may initiate and approve annexation on its own motion by conducting further hearings. In all cases, the arbitration panel shall set forth the factors that are the basis for the decision.

Subd. 5. [ORDERLY ANNEXATIONS WITHIN a DESIGNATED AREA.] For orderly annexations within a designated area under section 414.0325, which require a hearing, the arbitration panel may order the annexation: (1) if it finds that the subject area is now or is about to become urban or suburban in character and that the annexing municipality is capable of providing the services required by the area within a reasonable time; (2) if it finds that the existing township form of government is not adequate to protect the public health, safety, and welfare; or (3) if it finds that annexation would be in the best interests of the subject area. The board may deny the annexation if it conflicts with any provision of the joint agreement. The board may alter the boundaries of the proposed annexation by increasing or decreasing the area so as to include that property within the designated area which is in need of municipal services or will be in need of municipal services.

If the annexation is denied, no proceeding for the annexation of substantially the same area may be initiated within two years from the date of the board's order unless the new proceeding is initiated by a majority of the area's property owners and the petition is supported by affected parties to the resolution. In all cases, the arbitration panel shall set forth the factors which are the basis for the decision.

Subd. 6. [CONSOLIDATION OF MUNICIPALITIES.] For municipal consolidations under section 414.041, the arbitration panel shall

consider and may accept, amend, return to the commission for amendment or further study, or reject the commission's findings and recommendations based upon the panel's written determination of what is in the best interests of the affected municipalities. The panel shall order the consolidation if it finds that consolidation will be for the best interests of the municipalities. In all cases, the arbitration panel shall set forth the factors that are the basis for the decision.

Subd. 7. [DETACHMENT OF PROPERTY FROM a MUNICIPALITY.] For detachments of property from a municipality under section 414.06, the arbitration panel may order the detachment if it finds that the requisite number of property owners have signed the petition if initiated by the property owners, that the property is rural in character and not developed for urban residential, commercial, or industrial purposes, that the property is within the boundaries of the municipality and abuts a boundary, that the detachment would not unreasonably affect the symmetry of the detaching municipality, and that the land is not needed for reasonably anticipated future development. The panel shall deny the detachment if it finds that the remainder of the municipality cannot continue to carry on the functions of government without undue hardship. The panel shall have authority to decrease the area of property to be detached and may include only a part of the proposed area to be detached. If the tract abuts more than one township, it shall become a part of each township, being divided by projecting through it the boundary line between the townships. The detached area may be relieved of the primary responsibility for existing indebtedness of the municipality and be required to assume the indebtedness of the township of which it becomes a part, in the proportion that the panel deems just and equitable considering the amount of taxes due and delinquent and the indebtedness of each township and the municipality affected, if any, and for what purpose the indebtedness was incurred, in relation to the benefit inuring to the detached area as a result of the indebtedness and the last net tax capacity of the taxable property in each township and municipality.

Subd. 8. [CONCURRENT DETACHMENT AND ANNEXATION OF INCORPORATED PROPERTY.] For concurrent detachment and annexation of incorporated property under section 414.061, subdivisions 4 and 5, the arbitration panel shall order the proposed action if it finds that it will be for the best interests of the municipalities and the

property owner. In all cases, the arbitration panel shall set forth the factors which are the basis for the decision.

Chapter 207 State and Tax Forfeited Land Conveyances

This chapter enables sale of public tax-forfeited, lakeshore, or other public land to private individuals or political subdivisions of the state. It specifies sale methods.

Section 1. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATERS; BLUE EARTH COUNTY.]

(a) Notwithstanding Minnesota Statutes, chapter 282, and section 92.45, Blue Earth county may convey to the city of Mankato for no consideration the tax-forfeited land bordering on public waters that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city stops using the land for public purposes.

(c) The land that may be conveyed is located in Blue Earth county and is described as:

That part of Government Lot 4 in Section 7, Township 108 North, Range 26 West, Blue Earth county, Minnesota, being bounded by the following described lines:

On the North by the south line of a plat entitled Mankato City and its westerly extension; on the South by the north line of a plat entitled City of Mankato; on the East by the westerly right-of-way line of the abandoned Union Pacific Railroad Company; and on the West by the Minnesota River. Containing 2.84 acres, more or less.

(d) The county has determined that it is in the public's best interest to convey the parcel to the city of Mankato for use in connection with the North Minnesota River Trail.

Sec. 2. [SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR INCLUDING WETLANDS; CASS COUNTY.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Cass county may sell the tax-forfeited lands bordering public water or natural wetlands that are described in subdivision 2, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general.

Subd. 2. [DESCRIPTIONS.] The parcels of land that may be conveyed are described in paragraphs (a) and (b).

(a) The lands described in clauses (1) and (2) must

Chapter 207, section one allows Blue Earth County to convey one parcel of land on public waters to the City of Mankato for use as a trail connecting to the North Minnesota River Trail. The instrument conveying the land must contain a reverter clause returning the ownership to the county, if the City of Mankato stops using the land for public purposes. The sale may be made without following the public land sale statutes (MS 1996, chapter 282), and riparian land sale prohibitions and conditions (MS 1996, section 92.45).

Section one is effective May 23, 1997

Chapter 207, section two allows Cass County to sell six parcels of tax-forfeit land abutting public water. The section relieves the county of the requirements in: MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel; MS 1996, section 103F.535, withdrawing marginal lands and wetlands from sale unless, BWSR defined notice of the existence of the lands is made and the deed prohibits enrollment in state funded land conservation programs; and MS 1996, section 282.018, Subd. 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the

be sold under the alternate sale provisions in Minnesota Statutes, section 282.01, subdivision 7a, with a nonseverability clause in the conveyance document:

(1) that part of Lot 13 Lying South of the North line of 139-26, Sabin's Northburn Acres, Crooked Lake Township (PIN 12-371-0130); and

(2) Government Lot 1, Section 7-137-29, Wilson Township (PIN 50-007-2201).

(b) The lands described in clauses (1) to (4) must be sold as provided in subdivision 1:

(1) Outlot C, First Addition to Village of East Gull Lake Section 17-134-29 (PIN 87-369-0141);

(2) Lot 3 Wedgewoods, Section 13-141-28, Kego Township (PIN 19-379-0030);

(3) Lots 4 & 5, Block 12, Forbes Addition to Pine River, Section 31-138-29 (PIN 94-349-1260); and

(4) Lot 6, Block 2, Riverside, Section 6-137-29, Wilson Township (PIN 50-358-0230).

(c) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 3. [SALE OF TAX-FORFEITED LAND; CROW WING COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Crow Wing county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land that may be conveyed is located in Crow Wing county and is described as:

(1) Central Addition No. 2 to Crosby, Lot 1, Block 3;

(2) East 100 feet of West 1000 feet of Government Lot 4, Section 6, Township 136 North, Range 26 West; and

(3) Seventeenth Addition to Breezy Point Estates to the City of Breezy Point, Lot 98.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 4. [SALE OF TAX-FORFEITED LAND; BECKER COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Becker county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the

ordinary high water mark for public travel. Two of the parcels may only be sold to adjacent landowners with a non-severability clause in the conveyance document. The four remaining parcels must be sold under the remaining portions of MS 1996, chapter 282, defining the methods for public sale of public lands.

Section two is effective May 23, 1997

Chapter 207, section three allows Crow Wing County to sell three parcels of tax-forfeited land abutting public water. The section relieves the county of the requirements in MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel and MS 1996, section 282.018, subd. 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel. The sale must be made under the remaining portions of MS 1996, chapter 282, defining the methods for sale of public lands.

Section three is effective May 23, 1997

Chapter 207, section four allows Becker County to sell nine parcels of tax-forfeited land abutting public water. The section relieves the county of the requirements in MS 1996, section 92.45, prohibiting the sale of timbered lands

remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be conveyed is located in Becker county and is described as:

(1) That part of Government Lot 5 of Section 14, Township 138 North, Range 43 West, described as follows:

Commencing at a cast iron monument which designates the northwest corner of said Government Lot 5; thence South 04 degrees 17 minutes 38 seconds East 1786.20 feet on an assumed bearing along the west line of said Section 14 to the point of beginning; thence continuing South 04 degrees 17 minutes 38 seconds East 220.00 feet along the west line of said Section 14; thence South 68 degrees 32 minutes 38 seconds East 100 feet, more or less, to the water's edge of Big Cormorant Lake; thence northerly along the water's edge of said Big Cormorant Lake to the intersection with a line which bears South 68 degrees 32 minutes 38 seconds East from the point of beginning; thence North 68 degrees 32 minutes 38 seconds West 25 feet, more or less, to an iron monument; thence continuing North 68 degrees 32 minutes 38 seconds West 61.91 feet to an iron monument; thence continuing North 68 degrees 32 minutes 38 seconds West 86.02 feet to an iron monument; thence continuing North 68 degrees 32 minutes 38 seconds West 8.78 feet to the point of beginning;

(2) a Twelve Hundredths (0.12) acre lakeshore tract of land in Government Lot One of Section 34, Township 138 North, Range 43 West described as follows: Beginning at a point that bears South 50 degrees 7 minutes West 536.5 feet and South 62 degrees 36 minutes West 102 feet from the Northeast corner (Meander Corner #45) of the said Government Lot One; thence running South 62 degrees 36 minutes West 51.0 feet; thence North 37 degrees 58 minutes West 106.4 feet to an iron stake on the shore line of Lake Ida; thence North 62 degrees 36 minutes East 50.0 feet along the shore line of Lake Ida; thence South 38 degrees 30 minutes East 106.6 feet to the point of beginning and there terminating;

(3) Government Lot 5, Section 34, Township 139 North, Range 43 West;

(4) Lot 16 and Lot 17, Block 4, Bijou Heights, Section 29 and 30, Township 139 North, Range 43 West;

(5) That part of Government Lot 6 of Section 6, Township 138 North, Range 42 West described as follows: Commencing at an iron monument which

abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel and MS 1996, section 282.018, subd. 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel. The sale must be made under the remaining portions of MS 1996, chapter 282, defining the methods for sale of public lands.

Section four is effective May 23, 1997

designates the south quarter corner of said Section 6; thence South 88 degrees 37 minutes 43 seconds West 237.00 feet on an assumed bearing along the south line of said Section 6; thence North 01 degree 36 minutes 59 seconds West 145.37 feet parallel with the north-south quarter line of said Section 6 to the northerly right of way line of County State Aid Highway No. 6, said point is the point of beginning; thence continuing North 01 degree 36 minutes 59 seconds West parallel with said north-south quarter line to the intersection with the southerly line of Outlot C or its easterly extension, said Outlot C is a part of the plat of SUMMER ISLAND which is on file and of record in the office of the Recorder of said county; thence westerly 580 feet, more or less, along the easterly extension of the southerly line and along the southerly line of said Outlot C to the southwest corner of said Outlot C; thence southerly along the easterly line of said Outlot C; thence southerly along the easterly line of a Dedicated Public Road according to said SUMMER ISLAND to the northerly right of way line of said County State Aid Highway No. 6, thence easterly 580 feet more or less, along the northerly right of way line of said County State Aid Highway No. 6 to the point of beginning;

(6) All of the Northwest 1/4 of the Southeast 1/4 lying East of Creek, Section 26, Township 138 North, Range 42 West;

(7) Lot 11, Black Hawk Mountain Beach, Section 6, Township 138 North, Range 42 West;

(8) Lot 26, Block 1, Lakeland Estates, Section 4, Township 138 North, Range 42 West; and

(9) Lot 4 and 5, Palin Beach, Section 30, Township 138 North, Range 42 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 5. [SALE OF TAX-FORFEITED LAND; AITKIN COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Aitkin county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be conveyed is located in Aitkin county and is described as:

(1) Lots 4 and 5, Block 1, Plat of Blackrock Woods, City of Aitkin; and

(2) Undivided 1/35 interest in Lot 5, Plat of

Chapter 207, section five allows Aitkin County to sell two parcels of tax-forfeited land abutting public water. The section relieves the county of the requirements in MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel and MS 1996, section 282.018, subd 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel. The sale must be made under the remaining portions of MS 1996, chapter 282, defining the methods

Bakke's Woodland Beach, Township 44 North, Range 25 West, Section 29.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 6. [SALE OF TAX-FORFEITED LAND; MILLE LACS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Mille Lacs county may sell the tax-forfeited land bordering public water that is described in paragraph (c) to adjacent land owners, under the alternate sale provisions of Minnesota Statutes, section 282.01, subdivision 7a.

(b) The conveyance must be in a form approved by the attorney general, and sold only to an adjacent landowner. The conveyance document must include a nonseverability clause.

(c) The land to be conveyed is located in Mille Lacs county, consists of about .29 acres, and is described as:

Government Lot No. 2, Section 2, Township 42 North, Range 27 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 7. [PRIVATE SALE OF TAX-FORFEITED LAND; CARLTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Carlton county may sell by private sale the tax-forfeited land described in paragraph (d) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The land described in paragraph (d) may be sold by private sale. The consideration for the conveyance must include the taxes due on the property and any penalties, interest, and costs. If the lands are sold, the conveyance must reserve to the state a conservation easement, in a form prescribed by the commissioner of natural resources, for the land within 100 feet of the ordinary high water level of Slaughterhouse creek for public angler access and stream habitat protection and enhancement.

(c) The conveyance must be in a form approved by the attorney general.

(d) The land to be conveyed is located in Carlton county and is described as:

North 6.66 acres of the West Half of the Northeast

for sale of public lands.

Section five is effective May 23, 1997

Chapter 207, section six allows Mille Lacs County to sell one parcel of tax-forfeited land abutting public water. The section relieves the county of the requirements in MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel and MS 1996, section 282.018, subd. 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel. The sale must only be to an adjacent owner with a non-severability clause in the conveyance document, under the remaining portions of MS 1996, chapter 282, defining the methods for sale of public lands.

Section five is effective May 23, 1997

Chapter 207, section seven allows Carlton County to sell one parcel of tax-forfeited land abutting public water. The section relieves the county of the requirements in MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel and MS 1996, section 282.018, subd 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel. The county may make this a private sale and the public sale provisions of MS 1996, chapter 282 do not apply. The section requires the county to reserve a conservation easement on a strip within 100 feet of the ordinary high water mark of Slaughterhouse Creek for angler access and habitat protection

Section seven is effective May 23, 1997

Quarter of the Southwest Quarter, subject to pipeline easement, Section 6, Township 48 North, Range 16 West, City of Carlton.

(e) Carlton county has determined that this sale best serves the land management interests of Carlton county.

Sec. 8. [TRANSFER OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Washington county shall transfer the tax-forfeited land bordering public water that is described in paragraph (c) to the city of Oakdale, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Oakdale stops using the land for a public purpose.

(c) The land to be conveyed is located in Washington county and is described as follows: Outlot a, Oakpond Terrace, Washington county, Minnesota.

(d) Washington county has determined that the land is needed by the city of Oakdale for public purposes.

(e) Development of this parcel is limited to the north 230 feet of Outlot a.

Sec. 9. [CONVEYANCE OF TAX-FORFEITED LANDS; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45; 103F.535; and 282.018, subdivision 1, paragraph (a), and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may convey to the city of Hugo, without consideration, the lands bordering public waters that are described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Hugo stops using the land for public purposes.

(c) The lands that may be conveyed are located in Washington county, are designated by Washington county parcel number 93030-2250, and are described as follows:

The West One-Half (W ½) of the Northeast Quarter (NE ¼) of Section 30, Township 31 North, Range 21 West, City of Hugo, Washington County, Minnesota.

(d) The county has determined that the county's

Chapter 207, section eight allows Washington County to sell one parcel of tax-forfeited land abutting public water to the City of Oakdale for public purposes. Only the north 230 feet of Outlot a may be developed. The section relieves the county of the requirements in MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel, and MS 1996, section 282.018, subd 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel. The sale must be made under the remaining portions of MS 1996, chapter 282. The conveyance must provide for the land to revert to the state if the city stops using the land for a public purpose

Section eight is effective May 23, 1997

Chapter 207, section nine allows Washington County to sell one parcel of tax-forfeited land abutting public water to the City of Hugo. The city must use the land for public purposes or the ownership reverts to the county. The uses include water storage and public recreation of various sorts. The section relieves the county of the requirements in: MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel; MS 1996, section 103F.535, withdrawing marginal lands and wetlands from sale unless, BWSR defined notice of the existence of the lands is made; and MS 1996, section 282.018, subd 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel. The sale must be made under the remaining portions of MS 1996, chapter 282, defining the methods for sale of public lands.

land management interests would best be served if the lands described in paragraph (c) were transferred to the city of Hugo to allow improvements to Clearwater Creek, to make more effective use of storage available on existing wetlands, to create several regional ponding areas, to reserve areas for future recreational uses including, but not limited to, nature parks and walking trails, and to allow extension of various city streets.

Sec. 10. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATERS; COOK COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Cook county may sell by private sale the tax-forfeited lands bordering public waters that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general.

(c) The parcels of land that may be conveyed are located in Cook county and are described as:

(1) an undivided 1/3 interest in Government Lot 5, Section 28, Township 63 North, Range 1 East, containing approximately 14.08 acres; and

(2) an undivided 1/4 interest in the South one-half of the SW 1/4, the NW 1/4 of the SW 1/4, and Government Lot 4, Section 23, Township 63 North, Range 4 East.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 11. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATERS; COOK COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Cook county may sell the tax-forfeited lands bordering public waters that are described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The parcel of land that may be conveyed is located in Cook county and is described as:

Part of Lot 2 and part of the NE 1/4 of SE 1/4, Section 22, Township 63 North, Range 3 East, containing approximately 65 acres.

(d) The county has determined that the county's land management interests would best be served if

Section nine is effective May 23, 1997

Chapter 207, section ten allows Cook County to sell, at private sale, two parcels of tax-forfeited land abutting public water. The section relieves the county of the requirements in MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel and MS 1996, section 282.018, subd 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel.

Section eleven is effective May 23, 1997

Chapter 207, section eleven allows Cook County to sell one parcel of tax-forfeited land abutting public water. The section relieves the county of the requirements in MS 1996, section 92.45, prohibiting the sale of timbered lands abutting public water and reserving a strip two rods wide along the ordinary high water mark for public travel and MS 1996, section 282.018, subd 1, withdrawing from sale tax-forfeited lands and reserving a strip two rods wide along the ordinary high water mark for public travel.

Section eleven is effective May 23, 1997

the lands were returned to private ownership.

Sec. 12. [SALE OF STATE LANDS TO WILD RICE LESSEES.]

(a) Notwithstanding Minnesota Statutes, sections 84A.56, 89.021, 89.27, and 92.45, and the public sale provisions of Minnesota Statutes, sections 94.10, 282.14, and 282.221, the commissioner of natural resources may sell by private sale to the wild rice lessees under leases authorized in Minnesota Statutes, section 92.501, the acquired, consolidated conservation and Volstead area lands described in paragraph (b) under the remaining sale provisions in Minnesota Statutes, sections 94.10 and 282.14 to 282.226. The affected counties must approve the sales of the consolidated conservation and Volstead area lands described in paragraph (b).

(b) The land that may be sold is described as:

(1) The Southeast Quarter of Section 10; that part of the West Half of the Southwest Quarter of Section 11 lying westerly of the west bank of the Tamarac River; the Southeast Quarter of the Northwest Quarter and that part of the Northeast Quarter lying westerly of the west bank of the Tamarac River of Section 15; the Northwest Quarter of the Northwest Quarter and the West 160 feet of the Northeast Quarter of the Northwest Quarter of Section 16, Township 154 North, Range 30 West, Beltrami county, Minnesota;

(2) The Northwest Quarter of the Southwest Quarter, Section 11, Township 152 North, Range 32 West, Beltrami county, Minnesota;

(3) The North Half of the Southwest Quarter, the North Half of the Southwest Quarter of the Southwest Quarter, and the North Half of the Northwest Quarter of the Southeast Quarter of Section 14, Township 152 North, Range 32 West; the Northeast Quarter of the Southwest Quarter of Section 19, Township 155 North, Range 31 West; and Government Lot 1, the East 330 feet of Government Lot 2, and the North 330 feet of Government Lot 6, Section 25, Township 155 North, Range 32 West, Beltrami county, Minnesota;

(4) The South 330 feet of Government Lot 4 and the south 330 feet of the Southeast Quarter of the Southwest Quarter of Section 18; Government Lots 1, 2, 3 and 4, the East Half of the Northwest Quarter, the East Half of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter, the West 200 feet of the Southeast Quarter of the Southeast Quarter; and the West 900 feet of the South 700 feet of the Northwest Quarter of the Southeast Quarter of Section 19; and the North Half of the Northeast

Chapter 207, section twelve authorizes the state to sell, at private sale to the current lessees, acquired consolidated conservation and Volstead area lands within state forests. The land is currently leased for wild rice production. The section eliminates the prohibition of sale of state forest land (MS 1996, sections 89.021 & 89.27), consolidated conservation lands (MS 1996, section 84A.56), and land on meandered lakes (MS 1996, section 92.45). The section also eliminates the sale requirements in (MS 1996, sections 94.10, 282.014 & 282.21) delineating the sale process and form of conveyance for surplus state lands.

The purchaser must avoid affecting the ground water hydrology and may only alter the surface water hydrology with permission of the commissioner of DNR.

Section twelve is effective May 23, 1997

Quarter of Section 30, Township 154 North, Range 29 West, Koochiching county, Minnesota;

(5) The Northwest Quarter of the Northeast Quarter and the North 330 feet of the Southwest Quarter of the Northeast Quarter of Section 22, Township 150 North, Range 39 West, Polk county, Minnesota;

(6) The Southeast Quarter of the Northwest Quarter; that part of the Southwest Quarter of the Northwest Quarter lying east of County Road No. 24; that part of the Northwest Quarter of the Northwest Quarter lying south of the south bank of State Ditch No. 63 and east of County Road No. 24; and that part of the North Half of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter lying south of the south bank of State Ditch No. 63; all in Section 27, Township 48 North, Range 27 West, Aitkin county, Minnesota;

(7) The Northeast Quarter of Section 35, Township 48 North, Range 27 West, Aitkin county, Minnesota;

(8) The Northwest Quarter of the Northeast Quarter of Section 8, Township 48 North, Range 26 West, Aitkin county, Minnesota;

(9) The West Half of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, and the South 660 feet of the Northeast Quarter of the Northeast Quarter of Section 10; and the West 330 feet of the Southwest Quarter of the Northwest Quarter of Section 11; Township 154 North, Range 30 West, Beltrami county, Minnesota;

(10) The South 660 feet of the Northwest Quarter of the Northwest Quarter, the South 660 feet of the West 660 feet of the Northeast Quarter of the Northwest Quarter, the North 660 feet of the West 660 feet of the Southeast Quarter of the Northwest Quarter, and the South Half of the Northeast Quarter of the Southwest Quarter of Section 21, Township 154 North, Range 30 West, Beltrami county, Minnesota; and

(11) The Northeast Quarter of the Northwest Quarter, Section 11, Township 153 North, Range 31 West, Beltrami county, Minnesota.

(c) The conveyances shall be in a form approved by the attorney general. In determining the value of the described lands, no improvements paid for by the lessee shall be added to the value of the land. The purchaser of the land described in paragraph (b), clause (5), may not alter the existing groundwater hydrology, and may alter the surface water hydrology from the current operation only with the approval of the commissioner.

Sec. 13. [PRIVATE SALE OF STATE LAND;

Chapter 207, section thirteen allows the

LEFT COLUMN - Language in Law

RIGHT COLUMN - Summary of Law

HOUSTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may convey by private sale the surplus state land described in paragraph (c).

(b) The land described in paragraph (c) may be sold by private sale. The conveyance must be in a form approved by the attorney general.

(c) The land to be conveyed is located in Houston county, consists of about .14 acre, and is described as:

All that part of the CMC Real Estate Corporation's (the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company) real property in Government Lot 2, Section 25, Township 102 North, Range 4 West, Houston county, Minnesota, lying northwesterly of a line parallel with and 50 feet perpendicularly distant northwesterly of the center line of the Soo Line Railroad Company's main track, and being a strip of land 40 feet in width, lying northerly of, adjacent and contiguous to the following described line:

Commencing at the southwest corner of said Government Lot 2 from which the northwest corner of said Government Lot 2 bears North 01 degree 37 minutes 43 seconds East, bearing based on the Houston County Coordinate System of 1983; thence North 14 degrees 32 minutes 00 seconds East 536.38 feet to the west line of said CMC Real Estate Corporation's real property and the point of beginning of the line to be described; thence South 66 degrees 33 minutes 17 seconds East 150.00 feet to a point on a line parallel with and 50 feet perpendicularly distant northwesterly of the center line of the said Soo Line Railroad Company's main track and there terminating.

(d) The commissioner of natural resources has determined that the land conveyance would have no impact on the adjacent public access site and that the land would be put to better use if returned to private use.

commissioner of DNR to sell by private sale land in Houston County. The land is adjacent to a public access. The commissioner is not required to follow the statutory requirements regarding the sale of surplus state land, including the requirements of a public sale (MS 1996, sections 94.09 & 94.10).

This section is effective May 23, 1997

Chapter 216

Omnibus Environment, Agriculture and Natural Resources Appropriations Bill

This chapter is the appropriations bill for the Department of Natural Resources, the Pollution Control Agency, the Department of Agriculture, the Board of Water and Soil Resources, and the Legislative Commission on Minnesota Resources. It contains specific appropriations for agencies and agency programs. Some of the money appropriated is earmarked for specific projects or purposes. The bill also includes some policy measures and technical corrections to past laws.

Sec. 5. NATURAL RESOURCES

Subdivision 1. Total Appropriation

	188,063,000	180,580,000
Summary by Fund		
General	111,019,000	100,723,000
Natural Resources	22,958,000	23,403,000
Game and Fish	53,986,000	56,354,000
Solid Waste	100,000	100,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Mineral Resources Management

5,299,000 4,883,000

\$311,000 the first year and \$311,000 the second year are for iron ore cooperative research, of which \$225,000 the first year and \$225,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$376,000 the first year and \$377,000 the second year are for mineral diversification. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$46,000 the first year and \$47,000 the second year are for minerals cooperative environmental research, of which \$30,000 the first year and \$30,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$500,000 the first year is for a grant to develop a direct reduction iron processing facility in Minnesota. This appropriation is available until July 1, 1999.

Subd. 3. Water Resources Management

	11,002,000	9,560,000
Summary by Fund		
General	10,751,000	9,304,000
Natural Resources	251,000	256,000

\$95,000 the first year and \$95,000 the second year are for a grant to the Mississippi headwaters board for up to 50 percent of the cost of implementing the comprehensive plan for the upper Mississippi within

Section five of Chapter 216, the Omnibus Environment, Agriculture and Natural Resources Bill appropriates money to the Department of Natural Resources. It specifies which programs the money is to be spent by, and within those programs, earmarks certain appropriations. For the biennium, a total of \$368,643,000 is appropriated to the DNR. The General Fund provides \$211,742,000. Additional Funds come from the Natural Resources Fund (\$46,361,000), the Fish and Game Fund (\$110,340,000) and the Solid Waste Fund (\$200,000).

Chapter 216, section five, subdivision two appropriates \$10,182,000 for the minerals division programs. All of this is general fund money.

For the biennium, the section earmarks:

Minerals research	\$622,000
(In each year \$225,000 becomes available, on a dollar for dollar basis, if matched by nonstate money.)	
Minerals diversification	\$753,000
(\$93,000 is devoted to minerals research on the environment & \$60,000 must be matched on a dollar for dollar basis.)	
Direct reduction iron processing facility development grant	\$500,000
(available on July 1, 1997 and expiring at the end of the fiscal biennium.)	

This section is effective July 1, 1997

Chapter 216, section five, subdivision three appropriates funds for programs in the DNR's Division of Waters. The total biennial appropriation is \$20,562,000. The general funds supplies \$20,055,000 of the biennial total. The natural resources fund supplies the remainder (\$507,000).

Specified biennial grants to be made by the

areas under its jurisdiction.

\$17,000 the first year and \$17,000 the second year are for payment to the Leech Lake Band of Chippewa Indians to implement its portion of the comprehensive plan for the upper Mississippi.

\$400,000 the first year and \$500,000 the second year are for water monitoring activities, including gauging of priority lakes and watersheds, dissemination of information, replacement of equipment, and installation of observation wells, groundwater sensitivity maps, and documentation.

\$70,000 the first year is for a grant to the city of Granite Falls, not to exceed 50 percent of the nonfederal share of costs for restoration of the banks of the Minnesota river within the city limits.

\$400,000 the first year is for a grant to the St. Paul Foundation for restoring native vegetation along the Mississippi river through the Greening the Great River Park Project. Money is available for the grant to the extent matched by an expenditure of money from nonstate sources for the project until June 30, 1999.

\$25,000 the first year and \$25,000 the second year are for a grant to the joint powers board established under Minnesota Statutes, section 471.59, for the Lewis and Clark rural water system. The joint powers board must prepare an annual work plan that identifies actions to be taken to advance the Lewis and Clark project as a continuing source of water to meet water supply needs in the southwest part of the state. The work plan must include a report on the ongoing efforts of member cities and rural water systems to conserve water and protect existing groundwater supplies. The work plan is subject to review and approval by the commissioner. This appropriation is available to the extent matched by an equal amount of nonstate money.

Notwithstanding Minnesota Statutes, section 103G.271, subdivision 6, paragraph (g), all water appropriation fees collected from July 1, 1997, to July 1, 1999, shall be deposited in the general fund.

\$100,000 is for a mediation process regarding flood damage reduction issues in the Red river basin. The commissioner, the Red River Watershed Management Board, and additional parties selected in an equal number by the commissioner and by the

Division of Waters are:

Mississippi Headwaters	
Board comprehensive planning	\$190,000
Leech Lake Band of Chippewa Indians	\$34,000
Granite Falls Minn. riverbank restoration	\$70,000
Greening the Great River Park Grant	\$400,000
Lewis & Clark rural water system	\$50,000
East Grant Forks riverbank stabilization	\$190,000
Marshall flood control project	\$376,000
Wright County - Lake Charlotte flood control	\$70,000
Thief River Falls dredging	\$500,000

Water monitoring programs in the Division of Waters received an initiative appropriation of \$900,000 for the biennium. In addition, \$100,000 was earmarked for a mediation effort to find ways to reduce flooding in the Red River Basin. This is a joint effort by the DNR and the Red River Watershed Management Board, with each entity appointing an equal number of members to the mediation panel.

MS 1996, section 103G.271, subd. 6 para (g) requires 75% of the fees from once through cooling systems to be deposited in a Minnesota Public Facilities account for use in a once-through cooling conversion loan program. This law redirects those funds to the general fund.

This section is effective July 1, 1997

board are the parties to the mediation. All parties to the mediation must consent to the expenditure of any funds by the commissioner for the mediation process. This is a one-time appropriation.

\$190,000 is for a grant to the city of East Grand Forks for a river bank stabilization project on the Red River of the North and the Red Lake river. The appropriation is available until June 30, 1999, to the extent matched by an equal amount of nonstate money.

\$376,000 is for a grant to the city of Marshall for its flood control project. \$70,000 is for the Lake Charlotte project in Wright county. Prior to these funds being made available, the commissioner must ensure that the project sponsor has held a public hearing in each affected watershed after the date of enactment of this section.

\$500,000 the first year is for a grant to the city of Thief River Falls for dredging projects within the city on the Red Lake river and the Thief river. The appropriation is available until June 30, 1999, to the extent matched by an equal amount of nonstate money.

Subd. 4. Forest Management

	34,786,000	33,750,000
Summary by Fund		
General	34,343,000	33,298,000
Natural Resources	443,000	452,000

\$3,500,000 the first year and \$3,500,000 the second year are for presuppression and suppression costs of emergency fire fighting. If the appropriation for either year is insufficient to cover all costs of suppression, the amount necessary to pay for emergency firefighting expenses during the biennium is appropriated from the general fund. If money is spent under the appropriation in the preceding sentence, the commissioner of natural resources shall, by 15 days after the end of the following quarter, report on how the money was spent to the chairs of the house of representatives ways and means committee, the environment and agriculture budget division of the senate environment and natural resources committee, and the house of representatives environment and natural resources finance committee. The appropriations may not be transferred.

\$600,000 the first year and \$600,000 the second year

Chapter 216, section five, subdivision four appropriates \$ 68,536,000 for programs in the DNR Division of Forestry. Of this amount, \$67,641,000 is from the general fund and \$895,000 is from the natural resources account.

This subdivision further directs the expenditure of these funds as follows:

Forest fire fighting is funded at \$3,500,000 in each year of the biennium. If that sum is insufficient, there is an open appropriation authority to enable needed fire suppression. In the event the open appropriation authority is needed, DNR must account for the expenditures within 15 days of the close of the fiscal quarter in which the authority was used.

White Pine protection and regeneration received \$1,200,000 for the biennium. The law includes permissive authority to use up to \$560,000 for 50-50 matching grants for white pine cultural practices of nonindustrial private forest land

are for programs and practices on state, county, and private lands to regenerate and protect Minnesota's white pine. Up to \$280,000 of the appropriation in each year may be used by the commissioner to provide 50 percent matching funds to implement cultural practices for white pine management on nonindustrial, private forest lands at rates specified in the Minnesota stewardship incentives program manual. Up to \$150,000 of the appropriation in each year may be used by the commissioner to provide funds to implement cultural practices for white pine management on county-administered lands through grant agreements with individual counties, with priorities for areas that experienced wind damage in July 1995. \$40,000 each year is for a study of the natural regeneration process of white pine. The remainder of the funds in each fiscal year will be available to the commissioner for white pine regeneration and protection on department-administered lands.

\$150,000 the first year and \$150,000 the second year is appropriated to the commissioner for a grant to the University of Minnesota's College of Natural Resources for research to reduce the impact of blister rust on Minnesota's white pine.

\$300,000 is for grants to the counties of Becker, Clearwater, and Hubbard for reforestation, timber stand improvements, aerial photography, and new forest inventories in areas damaged by windstorms in July 1995. The appropriation is available until June 30, 1999. Of this amount, \$33,000 is for Becker county, \$87,000 for Hubbard county, and \$180,000 for Clearwater county.

\$750,000 the first year is for the corps to career community service program established in Minnesota Statutes, section 84.0887, subdivision 2. This appropriation is subject to the receipt of education awards from the national service trust for the participants. This appropriation may be used for administering the program and for providing a monthly stipend for a living allowance as provided in Minnesota Statutes, section 121.707, subdivision 5. Eligible participants in the program may provide only services authorized in Minnesota Statutes, section 84.0887, subdivision 1, clauses (1) to (12). To the extent that service opportunities are not suitable under subdivision 1, participants may provide services under subdivision 2. Up to seven percent of this appropriation is available for the cost of health and child care coverage for eligible participants and

owners; \$300,000 for white pine cultural practices on county administered lands, with priority for areas damaged by the July 1995 wind storm; and \$80,000 for a study of white pine's natural regeneration process. The remainder plus any funds not expended as outlined above may be spent on white pine regeneration on department-administered land.

The law earmarks funds for grants as follows:

U of MN white pine blister research	\$300,000
July '95 wind damage reforestation, timber stand improvement and inventory in Becker, Clearwater & Hubbard counties	\$300,000
Local community forest ecosystem health grants	\$250,000
Minnesota ReLeaf Grants to communities for native tree planting	\$200,000

In addition \$750,000 of the program is available for the youth and young adult conservation corps program. The funds may be used for: conservation, rehabilitation, and the improvement of wildlife habitat, prairie, parks, and recreational areas; urban and rural revitalization, historical and cultural site preservation, and reforestation of both urban and rural areas; fish culture, wildlife habitat maintenance and improvement, and other fishery assistance; road and trail development, maintenance, and improvement; erosion, flood, drought, and storm damage assistance and controls; stream, lake, waterfront harbor, and port improvement; wetlands protection and pollution control; insect, disease, rodent, and fire prevention and control; the improvement of abandoned railroad beds and rights-of-way; energy conservation projects, renewable resource enhancement, and recovery of biomass; reclamation and improvement of strip-mined land; and forestry, nursery, and cultural operations. Full-time participants may receive a living allowance of not less than \$500 a month. Part-time participants may receive a prorated allowance. In addition to the living allowance participants may get health and child care coverage for each participant who does not

their dependents, to the extent such coverage is not otherwise available.

\$250,000 the first year is for grants to local community forest ecosystem health programs. The appropriations are available until June 30, 1999. The commissioner of natural resources shall allocate individual grants of up to \$10,000 to local communities that have matching nonstate money available to undertake projects that improve the health of forest ecosystems, including insect and disease suppression programs, community-based forest health education programs, and other arboricultural treatments. This is a one-time appropriation.

\$60,000 the first year and \$60,000 the second year are for the focus on community forests program, to provide communities with natural resources technical assistance.

\$200,000 the first year is for the Minnesota Releaf program to provide matching grants to local communities to plant predominantly native trees. This appropriation is available until June 30, 1999, and is a one-time appropriation.

\$50,000 the first year is to develop guidelines for communities and best management practices for developers and landowners in order to increase the protection of woodlands being lost through urbanization.

\$1,018,000 the first year and \$1,030,000 the second year are for implementation of the activities under Minnesota Statutes, chapter 89A, including the generic environmental impact statement on timber harvesting. Up to \$240,000 the first year and \$190,000 the second year are available for grants to the University of Minnesota college of natural resources' continuing education center, county land departments for participation in the Interagency Information Cooperative, and for forest research projects identified by the Minnesota Forest Resources Council's research advisory committee.

The commissioner must report to the chairs of the house and senate environment and natural resources finance committee and division, by February 1998, detailing progress toward implementation of the comprehensive timber harvesting and forest management guidelines, and the establishment of a framework for conducting landscape-based forest

otherwise have access to health or child care coverage.

Two technical assistance initiatives directed toward local governments are funded. a community natural resources technical assistance position in the Metro Area is funded at \$120,000, and \$50,000 is appropriated to prepare urban woodland preservation community guidelines and best management practices.

The program received \$2,048,000 to implement the 1995 Sustainable Forest Resources Act, including the Generic Environmental Impact Statement on Timber Harvesting . The appropriation includes up to \$430,000 for grants to fund research priorities identified by the Minnesota Forest Resources Council's research advisory committee. The grants are available for the U of MN College of Natural Resources Continuing Education Center, and county land departments, to facilitate their participation in the Interagency Information Cooperative.

The DNR must also prepare two reports regarding the progress of the Forest Resources Council. One report, for delivery to the legislature by February 1998, must show the progress toward implementing timber harvesting and forest management guidelines and establishing a framework for landscape-based forest planning. The second report, due December 31, 1998, is the contents of the comprehensive, integrated timber harvest guidelines.

This section is effective July 1, 1997.

resource planning and coordination under Minnesota Statutes, chapter 89A. By December 31, 1998, the council must submit its fully integrated and comprehensive timber harvest guidelines to the senate environment and agriculture budget division and the house environment and natural resources finance committee.

Subd. 5. Parks and Recreation Management

	27,033,000	26,870,000
Summary by Fund		
General	26,402,000	26,238,000
Natural Resources	631,000	632,000

\$631,000 the first year and \$632,000 the second year are from the water recreation account in the natural resources fund for state park development projects. If the appropriation in either year is insufficient, the appropriation for the other year is available for it.

\$3,000,000 the first year and \$3,000,000 the second year are for payment of a grant to the metropolitan council for metropolitan area regional parks maintenance and operation.

\$500,000 the first year is for state park and recreation area acquisition, development, and rehabilitation.

\$75,000 the first year is for predesign and design for a Minnesota rock, gem, and mineral interpretative center to be located within Moose Lake state park near prime rock collecting areas. The commissioner shall initiate the architectural and engineering design for the center. The focal point of the center shall be the display of Lake Superior agates as well as rocks, gems, minerals, and geologic artifacts indigenous to Minnesota. The commissioner shall consult with the Minnesota geological survey and members of state and local rock, gem, and mineral associations on the design of the center. The commissioner may accept for display at the center rocks, gems, minerals, and geologic artifacts collected by individuals and associations and shall enter into any loan agreements necessary to protect all parties from liability for loss or damage to items loaned for display. The commissioner shall prepare information for visitors describing geologic field trips and local rock collecting opportunities and, in addition, shall display and provide written information on other areas of the state that provide prime rock, gem, and mineral collecting opportunities. The commissioner shall consult with the Minnesota Geological Society as

Chapter 216, section five, subdivision five appropriates a total of \$53,903,000 for the DNR's Division of Parks and Recreation's programs. The general fund's share of this appropriation is \$52,640,000 and \$1,263,000 comes from the water recreation account in the natural resources fund. The water recreation account funds are for development in state parks. In addition, \$500,000 of the appropriation is a one-time appropriation for state park and recreation area acquisition, development and rehabilitation.

The DNR is instructed to prepare a design and predesign for a Minnesota rock, gem and mineral interpretive center in Moose Lake State Park. The center will focus on Lake Superior agates and other indigenous Minnesota geologic artifacts. DNR must consult with state and local geologic/rock groups on the design, location of prime collection sites and field trip literature. DNR is authorized to accept objects for display on a loan basis.

The Metropolitan Council Regional Parks Maintenance and Operations Grants program receives \$6,000,000.

This section is effective July 1, 1997.

well as state and local rock, gem, and mineral associations on the location of prime collection sites and on the preparation of field trip literature. This appropriation is available until June 30, 1999.

Subd. 6. Trails and Waterways Management	18,129,000	15,760,000
Summary by Fund		
General	4,672,000	2,227,000
Natural Resources	12,178,000	12,482,000
Game and Fish	1,279,000	1,051,000

\$4,649,000 the first year and \$4,649,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for snowmobile grants-in-aid. Also, \$600,000 each year is from the general fund for snowmobile grants-in-aid.

The commissioner shall study improved paving methods for state trails that prevent wear from snowmobile and other uses, including the use of improved paving materials and the application of coatings to existing paved trails. The commissioner must report on the results of the study to the house environment and natural resources finance committee, the senate environment and agriculture budget division, and the house and senate environment and natural resources committees by December 15, 1998.

\$252,000 the first year and \$254,000 the second year are from the water recreation account in the natural resources fund for a safe harbor program on Lake Superior. Any unencumbered balance at the end of the first year does not cancel and is available for the second year.

\$400,000 the first year is for the Taconite Harbor safe harbor project. This appropriation is available until expended. The legislature intends that future appropriations will be contingent on receipt of an equal amount of nonstate matching money for the total project.

\$30,000 in the first year is for an upgrade of the horse rider section of the Heartland trail to permit use by snowmobiles equipped with metal studs.

\$300,000 the first year is to provide safe crossings along the Gateway segment of the Willard Munger trail in North St. Paul and parking enhancements.

Chapter 216, section five, subdivision six appropriates \$33,889,000 to the programs in DNR's Trails and Waterways Unit. The general fund provides \$4,899,000 of the amount. The natural resources account is the source of \$24,660,000, and the game and fish account funds \$2,330,000.

Snowmobile grant-in-aid to local clubs managing snowmobile trails is funded at \$9,298,000 from the natural resources snowmobile account in the natural resources account. The general fund adds \$1,200,000 to this grant-in-aid program during the biennium.

Earmarked development expenditures are:

Lake Superior safe harbors	\$506,000
Taconite Harbor safe harbor	
(contingent on 1-1 nonstate match)	\$400,000
Heartland Trail horse section upgrade to allow metal stud equipped snowmobiles	\$30,000
Safe crossings to the North St. Paul section of the Willard Munger Trail	\$300,000
Ramsey County grant to connect Roseville trails to the Willard Munger Trail	\$600,000
Root River Trail western extension	\$128,000
Root River Trail Harmony trailhead parking	\$212,000
Fishing piers (one-half for the Metro access)	\$300,000
Locally developed regional trail grants up to \$250,000	\$500,000

The subdivision extends the availability of \$750,000 from the taconite environmental protection fund to acquire and develop the Iron Range off-highway vehicle recreation area. The extension ends June 30, 1998.

The bill includes a mandate for a study and report on ways to improve or harden the surfacing of state trails to prevent wear from snowmobiles. The report must be delivered to the legislature by December 15, 1998

This section is effective July 1, 1997.

\$600,000 the first year is for a grant to Ramsey county for a connection from the city of Roseville trail system to the Gateway segment of the Willard Munger trail.

\$340,000 the first year is for trail improvements. Of this amount, \$128,000 is to develop the western extension of the Root river state trail in the Blufflands trail system and \$212,000 is to construct a parking lot at the Harmony trailhead.

\$300,000 the first year is to provide increased access to lakes and rivers statewide through the provision of fishing piers and shoreline access. One-half of the amount is for access within the seven-county metropolitan area. This is a one-time appropriation.

\$500,000 is for grants of up to \$250,000 for locally funded trails of regional significance.

The unobligated balance remaining in the appropriation from the taconite environmental protection fund, Laws 1996, chapter 407, section 3, to acquire and develop the Iron Range off-highway vehicle recreation area, shall not cancel but be made available until June 30, 1998.

Subd. 7. Fish and Wildlife Management	40,538,000	41,719,000
Summary by Fund		
General	4,535,000	3,664,000
Natural Resources	2,013,000	2,048,000
Game and Fish	33,990,000	36,007,000

\$305,000 the first year and \$310,000 the second year are for resource population surveys in the 1837 treaty area. Of this amount, \$104,000 the first year and \$106,000 the second year are from the game and fish fund.

\$923,000 the first year and \$943,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management. Any unencumbered balance remaining in the first year does not cancel but is available the second year.

\$1,337,000 the first year and \$1,361,000 the second year are for the reinvest in Minnesota programs of game and fish, critical habitat, and wetlands established under Minnesota Statutes, section 84.95, subdivision 2. Any unencumbered balance for the first year does

LEFT COLUMN - Language in Law

Chapter 216, section five, subdivision seven appropriates \$82,257,000 for the programs in the DNR's Fish and Wildlife Division. The general fund supplies \$8,199,000 of the total; the natural resources account finances \$4,061,000; and the game and fish account funds \$69,997,000 of the program effort.

Earmarked biennial appropriations are:

1837 Treaty implementation	
resource population surveys	
(210,000 from game and fish)	\$615,000
Nongame wildlife	\$1,866,000
RIM Critical Habitat Program	\$2,704,000
RIM Critical Habitat Match Account	\$600,000
SNA acquisition & development	\$250,000
Wildlife acquisition account	
(at least 50 percent for land costs and the remainder for wildlife land development & maintenance, or developing, preserving, restoring, & maintaining waterfowl breeding grounds in Canada)	\$2,227,000
Deer habitat improvement & management	\$1,741,000

RIGHT COLUMN - Summary of Law

not cancel but is available for use the second year.

\$1,110,000 the first year and \$1,117,000 the second year are from the wildlife acquisition account for only the purposes specified in Minnesota Statutes, section 97A.071, subdivision 2a.

\$860,000 the first year and \$881,000 the second year are from the deer habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 1, paragraph (b).

\$60,000 the first year and \$61,000 the second year are from the deer and bear management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 1, paragraph (c).

\$668,000 the first year and \$673,000 the second year are from the waterfowl habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 2.

\$652,000 the first year and \$654,000 the second year are from the trout and salmon management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 3.

\$545,000 the first year and \$545,000 the second year are from the pheasant habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 4. In addition to the purposes specified in Minnesota Statutes, section 97A.075, subdivision 4, this appropriation may be used for pheasant restocking efforts.

\$292,000 the first year and \$295,000 the second year are from the game and fish fund for activities relating to reduction and prevention of property damage by wildlife. \$50,000 each year is for emergency damage abatement materials.

\$63,000 the first year and \$63,000 the second year are from the wild turkey management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 5.

\$100,000 the first year and \$100,000 the second year are for water monitoring activities, including integrated monitoring using biology, chemistry, hydrology, and habitat assessment for water quality assessment.

Deer & bear management programs (including computerized licensing)	\$121,000
Migratory waterfowl development & management	\$1,341,000
Trout & salmon management, acquisition & development	\$1,306,000
Pheasant management & development	\$1,090,000
Wildlife damage reduction (\$100,000 for emergency abatement materials)	\$587,000
Wild turkey management & development	\$126,000
Water monitoring in Fish and Wildlife	\$200,000
Thief Lake WMA interpretive sign	\$8,000
Railroad prairie inventory and BMP's	\$125,000

The section requires DNR to hold a public meeting in each DNR region before January 15, 1998 to identify priority fisheries projects. The comments must be considered in making the final decisions on expenditure of the revenue raised by the fishing license increase in this section. At least 75% of the increase must be spent on fisheries .

The section transfers from the unclassified service to the classified service the following positions in the Division of Fish and Wildlife:

- The forest ecologist;
- The metropolitan natural community ecologist; and
- The natural area volunteer stewardship coordinator.

This section is effective July 1, 1997.

Before January 15, 1998, the commissioner must hold one public meeting in each of the department's regions to identify priority fisheries projects. Before the public meetings, notice of the meetings must be published in a news release issued by the commissioner and in a newspaper of general circulation in each county within the region. The notice must be published at least once between 30 and 60 days before the meetings, and at least once between seven and 30 days before the meetings. The notices required in this paragraph must invite public comment and specify a deadline for the receipt of public comments. The commissioner shall consider any public comments received in making final decisions on expenditure of additional revenue generated by increased fishing license revenue raised under this act. At least 75 percent of the increase must be spent on fisheries.

\$8,000 is for the construction of an interpretive sign in the Thief Lake wildlife management area, to be available until June 30, 1998.

\$600,000 the first year is to the critical habitat private sector matching account for the purposes of Minnesota Statutes, section 84.943.

\$250,000 the first year is to accelerate the acquisition of land for scientific and natural areas under Minnesota Statutes, section 84.033.

\$125,000 the first year is for a railroad prairie right-of-way inventory and for the development of voluntary prairie right-of-way best management practices.

The positions for the forest ecologist, metropolitan natural community ecologist, and scientific and natural areas volunteer stewardship coordinator now in the unclassified service shall be transferred without competitive examination to the classified service of the state.

Subd. 8. Enforcement

	19,599,000	19,457,000
Summary by Fund		
General	3,489,000	3,092,000
Natural Resources	3,971,000	3,991,000
Game and Fish	12,039,000	12,274,000
Solid Waste	100,000	100,000

\$1,082,000 the first year and \$1,082,000 the second year are from the water recreation account in the

LEFT COLUMN - Language in Law

Chapter 216, section five, subdivision eight appropriates \$39,056,000 for the programs in the DNR's Division of Enforcement. The appropriation comes from four accounts as follows: general fund, \$6,581,000; natural resources, \$7,962,000; game and fish \$24,313,000; and solid waste, \$200,000.

The appropriation earmarks the following

RIGHT COLUMN - Summary of Law

natural resources fund for grants to counties for boat and water safety.

\$100,000 each year is from the solid waste fund for solid waste enforcement activities under Minnesota Statutes, section 116.073.

\$100,000 the first year is for enforcement activities regarding the 1837 treaty.

Within the funding appropriated, the commissioner shall hire at least seven new full-time equivalent conservation officers. Four of the officers must come from protected groups. The protected group officers must be hired before the remaining new officers.

\$200,000 is for the purchase of specialty equipment to increase the effectiveness and safety of enforcement of snowmobile laws and rules.

\$150,000 the first year and \$100,000 the second year are to recruit and train members of the Southeast Asian community for four new conservation officer positions that will begin after July 1, 1999. This appropriation is for recruiting, screening, and training the candidates, and for providing a monthly stipend for the candidates, educational costs, a part-time program coordinator, and outreach locations within the Southeast Asian community. This is a one-time appropriation.

\$400,000 each year from the snowmobile trails and enforcement account in the natural resources fund is for grants to local law enforcement agencies for snowmobile enforcement activities above and beyond current levels of local law enforcement activities.

Subd. 9. Operations Support

	31,677,000	28,581,000
Summary by Fund		
General	21,528,000	18,017,000
Natural Resources	3,471,000	3,542,000
Game and Fish	6,678,000	7,022,000

The commissioner of natural resources may contract with and make grants to nonprofit agencies to carry out the purposes, plans, and programs of the office of youth programs, Minnesota conservation corps.

None of the money appropriated to the commissioner under this section may be used for transfer to the office of strategic and long-range planning. The

LEFT COLUMN - Language in Law

expenditures:

County boat and water safety grants	\$2,184,000
Solid waste law enforcement	\$200,000
1837 Treaty enforcement	\$100,000
Snowmobile enforcement equipment	\$200,000
Local government snowmobile enforcement grants	\$800,000

The law provides for at least seven new enforcement officers. The first four officers hired must be from protected classes. In addition, \$250,000 is allocated to recruit and train Southeast Asian officers, who shall be placed in four new conservation officer positions beginning on July 1, 1999. The appropriation may be spent for living stipends, education, outreach and coordination.

This section is effective July 1, 1997.

Chapter 216, section five, subdivision nine appropriates \$60,258,000 for Operations Support programs in DNR. These funds come from the following accounts: general fund, \$39,545,000; natural resources, \$7,013,000; and game and fish, \$13,700,000.

The appropriation prohibits transfer of funds to the Office of Strategic and Long Range Planning (Minnesota Planning). This serves to end the planning grant to the Northern Resources Planning Board.

It provides a \$950,000 Governor's initiative to

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appropriations in this subdivision reflect a reduction in the base of \$250,000.

\$425,000 the first year and \$425,000 the second year are for the community assistance program, including metropolitan trout stream watershed coordinators, Red River technical assistance, northeast Minnesota public affairs and communication, southwest Minnesota planning assistance, Metro Greenways and natural areas assistance and grants, and regional resource enhancement grants.

The department shall submit to the Minnesota office of technology for review its plans for offering consumer access through the North Star world wide web site.

\$200,000 the first year is for a grant to Friends of Rydell Refuge Association, Inc. The Friends of Rydell Refuge must enter into a memorandum of agreement with the United States Fish and Wildlife Service to provide for people with disabilities the following facilities at Rydell national wildlife refuge in Polk county: (1) seven miles of paved trails, including overlooks; (2) accessible fishing pier, decks, landscaping, and boardwalk at sights within the refuge; (3) accessible restroom facilities; (4) meeting room accessibility and visitor center upgrade; and (5) target range accessibility. Any amount unexpended in fiscal year 1998 remains available for expenditure in fiscal year 1999.

\$100,000 the first year and \$100,000 the second year are for the Southeast Asian environmental education internship and training program.

\$200,000 the first year is for a grant to the city of South St. Paul for erosion control at Kaposia Park and development of a regional trail connection. Nonstate match funding of \$2 for every \$1 of this appropriation is required.

\$85,000 the first year and \$85,000 the second year are for a grant to the Minnesota Children's Museum for early childhood environmental education that introduces young children to the natural environment through four different Minnesota habitats.

\$2,700,000 the first year is for a grant to the city of St. Paul for expenditures necessary to carry out the Harriet Island redevelopment in accordance with the Lilydale/Harriet Island master plan. The appropriation is available to the extent it is matched

regional administration for community assistance programs. These include technical assistance for the Red River Valley (DNR Region 1), northeast Minnesota (DNR Region 2), southwest Minnesota (DNR Region 4), and the Metropolitan region (DNR Region 6). The Region 6 effort is directed to trout stream protection and greenway/natural area enhancement.

DNR is required to submit a report on its plan for the North Star World Wide Web site to the Minnesota Office of Technology for their review.

The following expenditures are earmarked:

Friends of Rydell Refuge Assoc. grant	\$200,000
Southeast Asian environmental internship & training program	\$200,000
South St. Paul, Kaposia Park erosion control & trail connections	\$200,000
Minnesota Children's Museum early childhood grant	\$170,000
St. Paul, Harriet Island redevelopment grant	\$2,700,000
State park trail accessibility survey	\$142,000
Laurentian ELC renovation grant	\$325,000
Electronic Licensing System (\$200,000 game & fish)	\$600,000
One time appropriation for Administrative costs	\$3,025,000
Chippewa County, Minnesota River boat landing, trail, and other regional park facilities	\$55,000

This section is effective July 1, 1997.

by an equal amount from nonstate sources by June 30, 1998. Before the appropriation or local match is spent or obligated, the city of St. Paul must seek public comments on the Harriet Island redevelopment.

\$142,000 is for a survey of trails in state parks for accessibility to persons with disabilities. This appropriation is available for the biennium.

\$325,000 the first year is for a grant to independent school district No. 621, Mounds View, to renovate the Laurentian Environmental Learning Center located in the Superior National Forest. This appropriation is available until June 30, 1999.

\$300,000 the first year and \$300,000 the second year is for the electronic licensing system. Of this amount, \$200,000 the second year is from the game and fish fund.

\$1,503,000 the first year and \$1,522,000 the second year are for administrative costs. This is a one-time only appropriation.

\$55,000 the first year is for a grant to Chippewa county for design and engineering specifications for: (1) expansion of the landing and boat access on the Minnesota river at Wegdahl and related development of a regional park; and (2) development of a 15-mile multiuse trail along the Minnesota river valley connecting the city of Granite Falls to the Chippewa county regional trail system.

Sec. 15. MINNESOTA RESOURCES

Subd. 4. Recreation

(a) STATE PARK AND RECREATION AREA ACQUISITION, DEVELOPMENT, BETTERMENT, AND REHABILITATION

3,500,000

This appropriation is from the trust fund to the commissioner of natural resources as follows: (1) for state park and recreation area acquisition, \$2,500,000; and (2) for state park and recreation area development, rehabilitation, and resource management, \$1,000,000, unless otherwise specified in the approved work program. The use of the Minnesota conservation corps is encouraged. The commissioner must submit grant requests for supplemental funding for federal ISTE money in eligible categories and report the results to the legislative commission on Minnesota resources. This project must be completed and final products

Chapter 216, section fifteen the Omnibus Environment, Agriculture and Natural Resources Appropriations Bill appropriates funds to projects recommended by the Legislative Commission on Minnesota Resources. The section also provides conditions of acceptance of the funds.

Below is a summary of the biennial appropriations to DNR for programs in the DNR

State Park Acquisition, Development, Betterment and Rehabilitation	\$3,500,000
Acquisition (\$2,500,000)	
Dev., Betterment, & Rehab (\$1,000,000)	
Local Initiatives Grants	\$2,900,000
Park grants (\$600,000)	
Natural & Scenic Area grants (\$600,000)	

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delivered by June 30, 2000, and the appropriation is available until that date.

(b) METROPOLITAN REGIONAL PARK SYSTEM 3,500,000

This appropriation is from the trust fund for payment by the commissioner of natural resources to the metropolitan council for subgrants for acquisition, development and rehabilitation in the metropolitan regional park system consistent with the metropolitan council regional recreation open space capital improvement plan. This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources. The metropolitan council shall collect and digitize all local, regional, state and federal parks and all off-road trails with connecting on-road routes for the Metropolitan area and produce a printed map. This project must be completed and final products delivered by June 30, 2000, and the appropriation is available until that date.

(c) LOCAL INITIATIVES GRANTS PROGRAM 2,900,000

This appropriation is from the future resources fund to the commissioner of natural resources to provide matching grants, as follows: (1) \$600,000 to local units of government for local park and recreation areas pursuant to Minnesota Statutes, section 85.019. \$50,000 of this appropriation is to complete the Larue public water access. (2) \$600,000 to local units of government for natural and scenic areas pursuant to Minnesota Statutes, section 85.019. (3) \$900,000 for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grant. \$200,000 is for grants of up to \$50,000 per project for trail linkages between communities, trails, and parks, and \$700,000 is for grants of up to \$250,000 for locally funded trails of regional significance. \$250,000 is to provide matching funds for an ISTE grant to provide easement acquisition and engineering costs for a proposed trail between the city of Pelican Rapids and Maplewood state park. (4) \$600,000 for a statewide conservation partners program, to encourage private organizations and local governments to cost share improvement of fish, wildlife, and native plant habitats and research and surveys of fish and wildlife. Conservation partners grants may be up to \$10,000 each. (5) \$200,000 for environmental partnerships program grants of up to \$10,000 each for environmental service projects and related education activities through public and private partnerships. In addition to the required work program, grants may not be approved until grant

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Local Trail grants (\$900,000)	
Conservation Partners grants (\$600,000)	
Environmental Partners grants (\$200,000)	
Border to Border Trail Study	\$100,000
Fort Snelling State Park - Upper Bluff Utilization & AYH Hostel	\$250,000
Prairie-Grasslands Landscapes	\$125,000
Wolf Management Plan	\$100,000
Environmental Initiatives Initiative	\$250,000
Minnesota Forest Bird Initiative	\$350,000
Stream Habitat Protection	\$225,000
Sand Dune State Forest Acquisition	\$400,000
Sustainable Woodlands on Private Lands	\$875,000
RIM Critical Habitat Acquisition & Development	\$630,000
RIM Wildlife Habitat Stewardship	\$400,000
Scientific & Natural Area Acquisition	\$200,000
RIM Wildlife Habitat Acquisition	\$500,000
RIM Accelerate Fisheries Acquisition	\$567,000
Minnesota County Biological Survey	\$1,200,000
Fishing Pier & Public Access Development	\$355,000
Public Boat Access	\$350,000
Fisheries Statewide Hatchery Rehabilitation	\$400,000
Minnesota ReLeaf Tree Planting & Preservation grants	\$300,000
Ballast Water Technology Demonstration for Exotic Species Control	\$250,000
Biological Control of Eurasian Water Milfoil & Purple Loosestrife	\$150,000

Chapter 216, subdivision fifteen also appropriates LCMR recommended funds to other agencies for projects of interest to DNR. These are:

U of MN - Soudan Mine development	\$400,000
PCA - Red River Valley Planning & Management	\$375,000
U of MN - Sustainable Lake Plans	\$270,000
MN Planning - Foundations for Integrated Access to Environmental Information	\$650,000
PCA - Water Quality Indicators of Endocrine Disrupting Chemicals	\$250,000

DNR also receives appropriations for agreements with local and private non-profits for work recommended by the LCMR. These are:

Met. Council - Metropolitan Regional Park System Acquisition, Rehabilitation & Development grants	\$3,500,000
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proposals to be funded have been submitted to the legislative commission on Minnesota resources and the commission has approved the grants or allowed 60 days to pass. The above appropriations, in combination, are available half for the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and half for outside of the metropolitan area. For the purpose of this paragraph, the match must be nonstate contributions, but may be either cash or in-kind. This project must be completed and final products delivered by June 30, 2000, and the appropriation is available until that date.

(d) BORDER-TO-BORDER TRAIL STUDY

100,000

This appropriation is from the future resources fund to the commissioner of natural resources for the border-to-border trail study of the trails and waterways division. The border-to-border trail study shall inventory and integrate local, regional, and state trail systems and plan for future development, including identifying abandoned rail lines and dual treadways. The Minnesota recreational trail users association (MURTA) shall serve as the advisory group to the department of natural resources in developing the study and plan. The appropriation is available until June 30, 1999.

Subd. 5. Historic Sites

(a) FT. SNELLING STATE PARK - UPPER BLUFF UTILIZATION AND AYH HOSTEL

250,000

This appropriation is from the future resources fund to the commissioner of natural resources for a cooperative project with Hostelling International and community cooperators to develop a conceptual utilization plan for the Upper Bluff Area, assess buildings for potential hostel use, and complete the design and construction documents for a building or buildings for future renovation as a hostel. This appropriation must be matched by at least \$20,000 of nonstate money.

(e) WHITE OAK LEARNING CENTER ENVIRONMENTAL AWARENESS THROUGH HISTORY

120,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the White Oak Society, Inc., to create an education program integrating environmental education into historical, cultural, and social contexts.

(h) SOUDAN UNDERGROUND PHYSICS LABORATORY EXPANSION

400,000

This appropriation is from the future resources fund

White Oak Society - <i>White Oak Learning Center Environmental Awareness Through History</i>	\$120,000
Mpls. Park Board - <i>Lakeshore Restoration</i>	\$300,000
Land Stewardship Project - <i>New Models for Land Use Planning</i>	\$530,000
Mpls. Park Board - <i>North Mpls. Upper River Master Plan</i>	\$300,000
City of Winona - <i>Land Use Development & Natural Resource Protection Model</i>	\$400,000
Center for Energy & Environment - <i>Renewable Energy Demonstrations & Education in State Parks</i>	\$230,000
Sustainable Resources Center - <i>Sustainable Gardening for Minnesota Homes & Communities</i>	\$400,000
St. Olaf College - <i>School Nature Area Proj.</i>	\$250,000
Center for Global Environmental Education, Hamline University - <i>Minnesota Frog Watch</i>	\$300,000
Eco Education - <i>Environmental Service Learning Projects in Mpls. Schools</i>	\$100,000
Wilderness Inquiry - <i>Partners in Accessible Recreation and Environmental Responsibility</i>	\$550,000
Stowe Environmental Elementary School - <i>Environmental Service Learning</i>	\$100,000
International Wolf Center - <i>State Wolf Management: Electronically Moderated Discussion</i>	\$100,000
Rainy Lake Sportfishing Club - <i>Catch & Release</i>	\$20,000
Ramsey Co. Parks - <i>Green Print Success</i>	\$136,000
St. Paul Parks - <i>St. Paul & Mpls. Regional Park Urban Interpretation Program</i>	\$200,000
City of St. Paul - <i>Phalen Area Wetland Restoration</i>	\$600,000
Carpenter St. Croix Valley Nature Center - <i>Point Douglas Bluffland Acquisition</i>	\$125,000
Park Point Community Club - <i>Minnesota Point Protection</i>	\$75,000
Mn Sharp-Tailed Grouse Society - <i>Savannah Restoration for Sharp-Tailed Grouse</i>	\$30,000
St. Louis & Lake Counties Regional Railroad Authority - <i>Mesabi Trail Land Acquisition & Development</i>	\$600,000
City of Montevideo - <i>Chippewa County Regional Trail</i>	\$400,000
St. Paul Parks - <i>Oak Savannah Restoration in St. Paul Regional Parks</i>	\$200,000
St. Paul Parks - <i>Prairie & Oak Savannah Restoration</i>	\$50,000
Bois Forte Reservation - <i>Control of Weeds</i>	

to the University of Minnesota to assist in the construction of the Soudan Mine facilities for scientific interpretation.

Subd. 6. Water Resources

(e) RED RIVER VALLEY PLANNING AND MANAGEMENT 375,000

This appropriation is from the trust fund to the pollution control agency to create an ecosystem management plan for the Red River Valley, integrating land and water basin management strategies in cooperation with interstate and international organizations.

(f) SUSTAINABLE LAKE PLANS 270,000

This appropriation is from the trust fund to the University of Minnesota, Center for Urban and Regional Affairs, in cooperation with the Minnesota Lakes Association, to develop education programs and a comprehensive lake plan in each of the state's five lake regions.

(g) LAKESHORE RESTORATION - MINNEAPOLIS CHAIN OF LAKES

300,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with the Minneapolis Park and Recreation Board to restore native plants on lake shores of the chain of lakes to improve water quality, wildlife habitat, and decrease erosion. This appropriation must be matched by at least \$150,000 of nonstate money.

Subd. 7. Agricultural Practices

(d) PRAIRIE-GRASSLAND LANDSCAPES 25,000

This appropriation is from the trust fund to the commissioner of natural resources for the second biennium to implement grassland ecosystem stewardship activities in the Glacial Lake Agassiz Interbeach area in cooperation with the resource conservation and development councils.

Subd. 9. Impacts on Natural Resources

(d) NEW MODELS FOR LAND-USE PLANNING 530,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with the Land Stewardship Project for planning, inventory, technical assistance, and education addressing voluntary easements, purchase, and transfer of development rights to create a protected green corridor in Washington and Chisago counties. Up to \$30,000 is to provide training in adapting holistic resource management concepts and principles for decision making in land use planning.

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in Native Wild Rice

\$100,000

This section is effective July 1, 1997.

Chapter 216, section fifteen, subdivision twenty-one (a) requires that data collected by LCMR recommended projects conform to standards of the Information Policy Office. The data must be made accessible and free to the public, unless protected under the Data Privacy Act. **Part (b)** requires all entities acquiring land to provide DNR with the information necessary to update the Public Recreation Information Maps (PRIM) and other appropriate media. DNR may specify the form of the information delivered.

This section is effective July 1, 1997.

Chapter 216, section fifteen, subdivision twenty-two places the full effect of MS 1996, Chapter 116P on all funded projects. This includes work program requirements, copyright and patent sharing and restrictions on the use of the project funds.

This section is effective July 1, 1997.

Chapter 216, section fifteen, subdivision twenty-three addresses projects that cannot proceed until they have raised a match. It specifies that the match must be in place by January 1, 1998. It further prohibits in-kind match, unless the appropriation specifically allows in-kind match.

This section is effective July 1, 1997.

Chapter 216, section fifteen, subdivision twenty-four specifies that all agreements with third parties will be administered on a reimbursable basis. It further allows reimbursement for expenditures made after the work program is approved by LCMR, or if approved before July 1, 1997, after June 30, 1997. If LCMR approves, cash advances may be made to third parties. No capital equipment may be purchased with the funds appropriated in section 15, unless specifically approved by

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(e) NORTH MINNEAPOLIS UPPER RIVER
MASTER PLAN 300,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the Minneapolis Park and Recreation Board to develop a master plan addressing greenspace and trail development, riverbank restoration, and stimulation of river-oriented land uses within a corridor along the east and west banks of the Mississippi River from Plymouth Avenue north to the Minneapolis city limits. This appropriation must be matched by at least \$100,000 of nonstate money.

Subd. 10. Decision-Making Tools

(c) WOLF MANAGEMENT PLAN 100,000

This appropriation is from the future resources fund to the commissioner of natural resources to develop a management plan for Minnesota wolves, to be ready for implementation if the Eastern Timberwolf is removed from the federal endangered species list.

(e) LAND USE DEVELOPMENT AND NATURAL
RESOURCE PROTECTION MODEL 400,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with the city of Winona to develop a geographic information system implementation tool to assist in the evaluation of natural resource protection in land use decision making by local governments. This appropriation must be matched by at least \$88,000 of nonstate money.

Subd. 11. Public Access to Natural Resource Data

(a) FOUNDATIONS FOR INTEGRATED ACCESS
TO ENVIRONMENTAL INFORMATION 650,000

This appropriation is from the future resources fund to the director of the office of strategic and long-range planning for a collaborative effort among natural resource agencies to design, develop, and test a solution to provide integrated electronic access to environmental and natural resource data. These data must be made accessible and free to the public unless made private under the Data Practices Act.

Subd. 12. Sustainable Development Activities

(b) RENEWABLE ENERGY DEMONSTRATION
AND EDUCATION IN STATE PARKS 230,000

\$80,000 of this appropriation is from the trust fund and \$150,000 is from oil overcharge money to the commissioner of natural resources for an agreement with the Center for Energy and Environment to demonstrate cost-effective applications of renewable energy technologies in state parks by developing

LCMR in the work program for the project.

This section is effective July 1, 1997.

Chapter 216, section fifteen, subdivision twenty-five specifies that all recipients of funds appropriated in section fifteen must comply with recycled and recyclable material statutes in MS 1997, Chapter 16B.121 to 16B.123.

This section is effective July 1, 1997.

Chapter 216, section fifteen, subdivision twenty-six extends the availability of funds appropriated by previous LCMR recommended appropriations. These extensions are granted for reasons such as: the funds are part of a grant program to third parties for development projects under way; the funds are for development by state agencies that requires fair weather for completion; or the projects are delayed by complications beyond the control of the project manager.

The extensions of DNR projects are:

Extended to June 30, 1998

Laws of 1996

Local grants funds

Laws of 1995

Local grants funds

Wildcat Regional Park

Blufflands landscape project

Ney Environmental Learning Center

Lawndale Environmental Learning
Center

Urban Wildlife Habitat program

Pahlen Wetland Restoration program

Extended to June 30, 1999

Laws of 1995

Metropolitan Regional Park System

Restore Historic Mississippi River Mill
Site

Laws of 1994

Silver Bay Harbor

Laws of 1993

Lake Superior Safe Harbors

technology selection guidelines, installing projects in state parks, and providing public renewable energy education. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) SUSTAINABLE GARDENING FOR MINNESOTA HOMES AND COMMUNITIES 400,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the Sustainable Resources Center for the fifth biennium to accelerate community garden programs through technical assistance to encourage ecologically sound landscape plantings and maintenance. Up to \$60,000 is to provide a link between sustainable agriculture farmers and urban consumers.

Subd. 13. Environmental Education

(a) SCHOOL NATURE AREA PROJECT (SNAP) 250,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with St. Olaf College for the second biennium to accelerate partnerships between institutions of higher education and schools to develop school nature areas and demonstrate methods of ecological enhancement for integration into school curriculum.

(c) MINNESOTA FROG WATCH 300,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with the Center for Global Environmental Education, Hamline University, for the second biennium to accelerate the Minnesota frog watch environmental education and monitoring program for youth and families in formal and nonformal education settings. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) ENVIRONMENTAL SERVICE LEARNING PROJECTS IN MINNEAPOLIS SCHOOLS 100,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Eco Education to provide training and minigrants for student service learning projects. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) PARTNERS IN ACCESSIBLE RECREATION AND ENVIRONMENTAL RESPONSIBILITY 50,000

This section is effective July 1, 1997.

Chapter 216, section fifteen, subdivision twenty-seven applies the energy conservation statutes to all appropriations in chapter 216, section fifteen. These statutes require use of energy efficient fixtures and heating ventilation and air conditioning equipment, and make further specifications regarding allowable use of the funds appropriated in this section.

This section is effective July 1, 1997.

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with Wilderness Inquiry for the second biennium to provide a statewide program of environmental education, outdoor recreation, and inclusion of people with disabilities and other minority groups.

(f) ENVIRONMENTAL SERVICE LEARNING 100,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with Stowe Environmental Elementary School to develop a partnership of schools, communities, and agencies for environmental service learning projects.

(g) STATE WOLF MANAGEMENT:
ELECTRONICALLY MODERATING THE
PUBLIC DISCUSSION 100,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with the International Wolf Center to provide a public electronic forum and information on wolf management. This appropriation must be matched by at least \$20,000 of nonstate money.

(h) CATCH AND RELEASE 20,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the Rainy Lake Sportfishing Club to accelerate its catch and release program. This appropriation must be matched by at least \$10,000 of nonstate contributions, either cash or in-kind.

(j) GREEN PRINT SUCCESS 136,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Ramsey county parks and recreation department for a cooperative project including environmental learning centers, counties, and school districts to prepare, pilot, and disseminate information on successful implementation of the Minnesota green print plan for environmental education.

(k) ST. PAUL AND MINNEAPOLIS REGIONAL
PARK URBAN INTERPRETATION PROGRAM 200,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the city of St. Paul, division of parks and recreation, for a program to increase utilization of St. Paul and Minneapolis regional parks for environmental education activities.

Subd. 14. Benchmarks and Indicators

(a) ENVIRONMENTAL INDICATORS
INITIATIVE-CONTINUATION 250,000

This appropriation is from the trust fund to the

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commissioner of natural resources for the second biennium of a three biennium project to create a statewide framework for selecting and monitoring environmental indicators to assess and communicate Minnesota's environmental health status and trends.

(b) MINNESOTA'S FOREST BIRD DIVERSITY INITIATIVE: CONTINUATION 350,000

This appropriation is from the trust fund to the commissioner of natural resources for the fourth biennium of a six-biennium project for a comprehensive monitoring and research program that develops management tools to maintain forest bird diversity. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) WATER QUALITY INDICATORS OF ENDOCRINE DISRUPTING CHEMICALS 250,000

This appropriation is from the trust fund to the pollution control agency to monitor and research the effects of endocrine disrupting chemicals in surface waters on fish and wildlife through analysis of biological effects.

(d) STREAM HABITAT PROTECTION: CONTINUATION 225,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate the stream flow protection program. This is the third biennium of a proposed eight-biennium effort to establish a watershed level stream habitat database and develop the tools to set protected flows for ecosystem diversity. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 16. Land Acquisition in High Growth Areas

(a) SAND DUNES STATE FOREST ACQUISITION 400,000

This appropriation is from the trust fund to the commissioner of natural resources to acquire approximately 200 acres of lands within the Sand Dunes State Forest, according to the Cambridge area forest resource management plan.

Subd. 17. Critical Lands or Habitats

(a) SUSTAINABLE WOODLANDS ON PRIVATE LANDS 875,000

This appropriation is from the future resources fund to the commissioner of natural resources, in cooperation with the Minnesota Forestry Association, to develop stewardship plans for private landowners and implement natural resource projects by providing

matching money to private landowners.

(d) PRAIRIE HERITAGE PROJECT 500,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with Pheasants Forever, Inc., to acquire and develop land for prairie grasslands and wetlands to be donated to the public. The land must be open and accessible to the public. This appropriation must be matched by at least \$500,000 of nonstate money. In addition to the required work program, parcels may not be acquired until parcel lists have been submitted to the legislative commission on Minnesota resources and the commission has approved the parcel list or allowed 60 days to pass.

(e) PHALEN AREA WETLAND RESTORATION, PHASE II 600,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with the city of St. Paul for design, pre- and post-construction monitoring, and construction of approximately nine acres of wetland. (f) POINT DOUGLAS BLUFFLAND ACQUISITION

125,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the Carpenter St. Croix Valley Nature Center to purchase blufflands along the Mississippi and St. Croix riverways. The land must be open and accessible to the public. The nature center must provide that the property will revert to the state if the property ceases to be used as a nature center that is open and accessible to the public at no charge. This appropriation is available until June 30, 1999, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(g) MINNESOTA POINT PROTECTION 75,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Park Point Community Club for administrative and management expenses to secure the protection of the old growth stands and bird sanctuary at Minnesota Point in Duluth.

(h) SAVANNAH RESTORATION FOR SHARP-TAILED GROUSE 30,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the Minnesota Sharp-Tailed Grouse Society to identify and inventory restorable northern savannahs for sharp-tailed grouse habitat.

(i) RIM - CRITICAL HABITAT ACQUISITION AND ENHANCEMENT 630,000

This appropriation is from the trust fund to the

commissioner of natural resources to accelerate the reinvest in Minnesota program activities authorized under Minnesota Statutes, section 84.943. Projects must occur in both urban and rural areas. Retroactive reimbursement for the greening the great river park project is authorized.

(j) RIM - WILDLIFE HABITAT STEWARDSHIP
400,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate the reinvest in Minnesota program to improve wildlife habitat and natural plant communities statewide on public lands, both urban and rural, to protect and enhance wildlife, native plant species, and ecological diversity.

(k) SCIENTIFIC AND NATURAL AREA
ACQUISITION 200,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate the acquisition of land for scientific and natural areas under Minnesota Statutes, section 84.033.

(l) RIM - WILDLIFE HABITAT ACQUISITION
500,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate acquisition of North American waterfowl management plan wetlands and associated uplands on a cost-share basis and wildlife habitat in areas of high population growth.

(m) RIM - ACCELERATE FISHERIES
ACQUISITION 567,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate the reinvest in Minnesota program to acquire land adjacent to lakes and streams to provide for angler and management access or protection of critical riparian habitat, including access for nonboat owners and urban users. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(n) MINNESOTA COUNTY BIOLOGICAL
SURVEY - CONTINUATION 1,200,000

This appropriation is from the trust fund to the commissioner of natural resources for the sixth biennium of a proposed 12-biennium project to accelerate the county biological survey for the systematic collection, interpretation, and distribution of data on the ecology of rare plants, animals, and natural communities.

(o) FISHING PIER AND PUBLIC SHORE ACCESS
355,000

This appropriation is from the trust fund to the

commissioner of natural resources to provide increased access to lakes and rivers statewide through the provision of fishing piers and shoreline access.

(p) PUBLIC BOAT ACCESS 350,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate public water access acquisition and development statewide.

(q) FISHERIES STATEWIDE HATCHERY REHABILITATION 400,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate the reinvest in Minnesota program to implement projects to maintain and improve statewide fish culture facilities. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 18. Wildlife or Trail Corridors

(a) MESABI TRAIL LAND ACQUISITION AND DEVELOPMENT 600,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the St. Louis and Lake Counties Regional Rail Authority for the third biennium to develop and acquire segments of the Mesabi trail. This appropriation must be matched by at least \$600,000 of nonstate money. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) CHIPPEWA COUNTY REGIONAL TRAIL 400,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the city of Montevideo for the second biennium to complete the construction of the Chippewa county trail system in Montevideo. This appropriation must be matched by at least \$226,000 of nonstate money. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 19. Native Species Planting

(a) MINNESOTA RELEAF TREE PLANTING AND PRESERVATION GRANT PROGRAM 300,000

This appropriation is from the future resources fund to the commissioner of natural resources for the third biennium for matching grants to local communities to plant predominantly native trees and protect native oak forests from oak wilt.

(c) OAK SAVANNAH RESTORATION IN ST.
PAUL REGIONAL PARKS 200,000

This appropriation is from the trust fund to the commissioner of natural resources for an agreement with the city of St. Paul, division of parks and recreation, to restore oak savannah ecosystems in regional parks.

(d) PRAIRIE AND OAK SAVANNAH
RESTORATION 50,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the St. Paul Audubon Society to restore natural areas of sites in at least two parks that have residual prairie and oak savannah areas.

Subd. 20. Exotic Species

(a) BALLAST WATER TECHNOLOGY
DEMONSTRATION FOR EXOTIC SPECIES
CONTROL 250,000

This appropriation is from the future resources fund to the commissioner of natural resources for a demonstration project in cooperation with the Duluth Port Authority to test, evaluate, and refine techniques for preventing the introduction and dispersal of exotic species from ballast water into Lake Superior.

(b) BIOLOGICAL CONTROL OF EURASIAN
WATER MILFOIL AND PURPLE LOOSESTRIFE -
CONTINUATION 150,000

This appropriation is from the trust fund to the commissioner of natural resources for the third biennium of a five-biennium project to develop biological controls for Eurasian water milfoil and purple loosestrife. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) CONTROL OF WEEDS IN NATIVE WILD
RICE 100,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Bois Forte Reservation for a Nett Lake biocontrol study to remove exotic and nuisance weeds from a wild rice lake. Any release of organisms must be in compliance with state and federal permits. This appropriation must be matched by at least \$100,000 of nonstate money. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 21. Data Availability Requirements

(a) During the biennium ending June 30, 1999, the

LEFT COLUMN - Language in Law

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data collected by the projects funded under this section that have common value for natural resource planning and management must conform to information architecture as defined in guidelines and standards adopted by the information policy office and government information access council. These data must be made accessible and free to the public unless made private under the Data Practices Act.

(b) As part of their project expenditures, recipients of land acquisition appropriations must provide the information necessary to update public recreation information maps and other appropriate media to the department of natural resources in the specified form.

Subd. 22. Project Requirements

It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must comply with Minnesota Statutes, chapter 116P.

Subd. 23. Match Requirements

Unless specifically authorized, appropriations in this section that must be matched and for which the match has not been committed by January 1, 1998, are canceled, and in-kind contributions may not be counted as match.

Subd. 24. Payment Conditions and Capital Equipment Expenditures

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 1997, or the date the work program is approved, whichever is later, are eligible for reimbursement. Payment must be made upon receiving documentation that project-eligible reimbursable amounts have been expended, except that reasonable amounts may be advanced to projects in order to accommodate cash flow needs. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

Subd. 25. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121 to 16B.123, requiring the purchase of recycled, repairable, and durable materials, the purchase of uncoated paper stock, and the use of soy-based ink,

the same as if it were a state agency.

Subd. 26. Carryforward

(a) The availability of the appropriations for the following projects is extended to June 30, 1998: Laws 1996, chapter 407, section 8, subdivision 3, paragraph (c), local grants; Laws 1995, chapter 220, section 19, subdivision 4, paragraph (e), local grants, paragraph (l), Wildcat Regional Park; subdivision 5, paragraph (d), blufflands landscape, paragraph (f), atmospheric mercury emissions, deposition and environmental cost evaluation, paragraph (i), water quality impacts of feedlot pollution control systems, and paragraph (r), developing, evaluating, and promoting sustainable farming systems; subdivision 6, paragraph (b), environmental education teacher training, paragraph (g), electronic environmental education network; and paragraph (r), as amended by Laws 1996, chapter 407, section 51, Ney environmental center and paragraph (s), Lawndale Environmental Center; subdivision 7, paragraph (f), completion of statewide land use update, paragraph (g), Fillmore county soil survey update, paragraph (j), microbial deterioration of asphalt materials and prevention, and paragraph (k), analysis of lands enrolled in conservation reserve program; subdivision 8, paragraph (a), urban wildlife habitat program; paragraph (e), Phalen wetland restoration; subdivision 11, paragraph (e), energy improvements in public ice arenas.

(b) The availability of the appropriation for the following projects is extended to June 30, 1999: Laws 1995, chapter 220, section 19, subdivision 4, paragraph (a), metropolitan regional park system; paragraph (g), clause (1), as amended by Laws 1996, chapter 407, section 50, local share for ISTE federal projects and subdivision 12, paragraph (a), restore historic Mississippi river mill site; Laws 1994, chapter 632, article 2, section 6, Silver Bay harbor; and Laws 1993, chapter 172, section 14, subdivision 10, paragraph (o), Lake Superior safe harbors-continuation.

Subd. 27. Energy Conservation

A recipient to whom an appropriation is made in this section for a capital improvement project shall ensure that the project complies with the applicable energy conservation standards contained in law, including Minnesota Statutes, sections 216C.19 to 216C.21, and rules adopted thereunder. The recipient may use the energy planning and intervention and energy technologies units of the commissioner of public service to obtain information and technical assistance

on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

Sec. 16. 1997 DEFICIENCIES; DEPARTMENT OF NATURAL RESOURCES

\$500,000 in fiscal year 1997 is for a binding arbitration award related to the removal of the Flandrau Dam.

\$600,000 is for snowmobile grants-in-aid from the snowmobile trails and enforcement account for fiscal year 1997, to be available until June 30, 1997.

Sec. 23. [17.458] [AGROFORESTRY.]
Subdivision 1. [DEFINITION.] "Agroforestry" means the cultivation of short-rotation woody crops using agricultural practices to produce timber or forest products.

Subd. 2. [AGRICULTURAL PURSUIT.]
Agroforestry is an agricultural pursuit.

Sec. 24. Minnesota Statutes 1996, section 17.4988, is amended to read:

17.4988[LICENSE AND INSPECTION FEES]

Subd. 2. [AQUATIC FARMING LICENSE.] (a)
The annual fee for an aquatic farming license is \$275.

(b) The aquatic farming license may contain endorsements for the rights and privileges of the following licenses under the game and fish laws. The endorsement must be made upon payment of the license fee prescribed in section 97A.475 for the following licenses:

- (1) minnow dealer license;
- (2) minnow retailer license for sale of minnows as bait;
- (3) minnow exporting license;
- (4) minnow dealer helper license;
- (5) aquatic farm vehicle endorsement, which includes a minnow dealer vehicle license, a minnow retailer vehicle license, an exporting minnow hauler vehicle license, and a fish vendor vehicle license;
- (6) (5) sucker egg taking license; and
- (7) (6) game fish packers license.

LEFT COLUMN - Language in Law

Chapter 216, section sixteen appropriates funds for expenses in fiscal year 1997, ending June 30, 1997, that cannot be financed with fiscal year '97 appropriations. This appropriation pays those expenses. The deficiency appropriations are:

Flandrau Dam arbitration award	\$500,000
Snowmobile grant-in-aid trail maintenance billings	\$600,000

This section is effective July 1, 1997.

Chapter 216, section twenty-three defines cultivation of short-rotation woody crops used to produce timber or forest products as agroforestry and defines agroforestry as an agricultural pursuit. This places agroforestry under the authority of the MN Dept. of Agriculture, exempting agroforestry from forestry statutes.

This section is effective August 1, 1997.

Chapter 216, section twenty-four eliminates the minnow dealer helper license, increases the aquatic farm fish health inspection fee from \$80.00 to \$100.00 per lot, and increases the license fee for an aquarium facility from \$15.00 to \$19.00.

This section is effective March 1, 1998.

RIGHT COLUMN - Summary of Law

Subd. 3. [INSPECTION FEES.] The fees for the following inspections are:

- (1) initial inspection of each water to be licensed, \$50;
- (2) fish health inspection and certification, \$20 plus \$80 \$100 per lot thereafter; and
- (3) initial inspection for containment and quarantine facility inspections, \$50.

Subd. 4. [AQUARIUM FACILITY.] (a) A person operating a commercial aquarium facility must have a commercial aquarium facility license issued by the commissioner if the facility contains species of aquatic life that are for sale and that are present in waters of the state. The commissioner may require an aquarium facility license for aquarium facilities importing or holding species of aquatic life that are for sale and that are not present in Minnesota if those species can survive in waters of the state. The fee for an aquarium facility license is \$15 \$19.

(b) Game fish transferred by an aquarium facility must be accompanied by a receipt containing the information required on a shipping document by section 17.4985, subdivision 3, paragraph (b).

Sec. 58. Minnesota Statutes 1996, section 84.027, is amended by adding a subdivision to read:

Subd. 15. [ELECTRONIC TRANSACTIONS.] (a) ~~The commissioner may receive an application for, sell, and issue any license, stamp, permit, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. The commissioner may:~~

- ~~(1) provide for the electronic transfer of funds generated by electronic transactions, including by telephone;~~
 - ~~(2) assign a license identification number to an applicant who purchases a hunting or fishing license by electronic means, to serve as temporary authorization to engage in the licensed activity until the license is received or expires;~~
 - ~~(3) charge and permit agents to charge a fee of individuals who make electronic transactions, and transactions by telephone, including a transaction fee under section 97A.485, subdivision 6, and a credit card fee not to exceed \$3.50 for electronic transactions;~~
 - ~~(4) select up to four volunteer counties, not more than two in the metropolitan area, to participate in this pilot project and the counties shall select the participating agents; and~~
 - ~~(5) adopt rules to administer the provisions of this subdivision.~~
- ~~(b) A county shall not collect a commission for the~~

Chapter 216, section fifty-eight permits DNR to use electronic means to accept applications for, sell, and issue DNR licenses, stamps, permits, registrations, or transfers of registrations.

Specifically the law is amended to: allow use of electronic funds transfer; payment by credit card; assignment of a personal identification number (PIN) to electronic purchasers, so as to provide a temporary form of license; allow DNR to charge fees for electronic license purchases, the credit card portion of which cannot exceed \$3.50; allow DNR to pilot electronic licensing in four volunteer counties, of which no more than two can be in the metropolitan area; authorize DNR to adopt rules governing electronic licensing; and prohibit counties from collecting a commission from agents who participate in electronic licensing and permitting.

This section is effective August 1, 1997.

sale of licenses or permits made by agents selected by the participating counties under this subdivision.

Sec. 59. Minnesota Statutes 1996, section 84.0273, is amended to read:

84.0273 [CORRECTION ESTABLISHMENT OF BOUNDARY LINES RELATING TO CERTAIN STATE LANDHOLDINGS.]

In order to correct errors in legal descriptions resolve boundary line issues affecting the ownership interests of the state and adjacent landowners, the commissioner of natural resources may, in the name of the state upon terms the commissioner deems appropriate, convey, without monetary consideration, by a boundary line agreement, quitclaim deed, or management agreement in such form as the attorney general approves, such rights, titles, and interests of the state in state lands for such rights, titles and interests in adjacent lands as are necessary for the purpose of correcting legal descriptions of establishing boundaries. A notice of the proposed conveyance and a brief statement of the reason therefor shall be published once in the State Register by the commissioner between 15 and 30 days prior to conveyance. The provisions of this section are not intended to replace or supersede laws relating to land exchange or disposal of surplus state property.

Sec. 60. Minnesota Statutes 1996, section 84.0887, subdivision 2, is amended to read:

Subd. 2. [ADDITIONAL SERVICES; CORPS TO CAREER COMMUNITY SERVICE.] (a) In addition to services under subdivision 1, youth corps programs may coordinate with or provide services to:

- (1) making public facilities accessible to individuals with disabilities;
- (2) federal, state, local, and regional governmental agencies;
- (3) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, child and adult day care centers, programs servicing individuals with disabilities, and schools;
- (4) law enforcement agencies, and penal and probation systems;
- (5) private nonprofit organizations that primarily focus on social service such as community action agencies;
- (6) activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged individuals, weatherization of and basic repairs to low-income

Chapter 216, section fifty-nine broadens the DNR's authority to adjust boundary lines in disputes between the state and adjacent landowners. Previously the statute confined DNR to correcting errors in legal descriptions. The amendment allows adjustments deemed appropriate by the commissioner, through an agreement, at a price if appropriate.

This section is effective August 1, 1997.

Chapter 216, section sixty amends Minnesota Statutes 1996, section 84.0887, subdivision 2, the Minnesota Youth Corps enabling legislation, to add a program, called Corps to Career. Corps to Career is dedicated to providing bridge employment to high school drop outs who are parents of minors. The minors must be recipients of Aid to Families with Dependent Children (AFDC), Minnesota Family Investment Plan (MFIP), Minnesota Family Investment Plan- Ramsey County (MFIP-R), or Minnesota Family Investment Plan - (MFIP-S). Alternatively, the program may employ a minor who is a recipient of the above aid. The Minnesota program builds on the federal Americorps program and requires the participant to live in an enterprise zone. The program is supplemental to existing employment opportunities funded by the DNR budget. It further specifies that the program will not result in displacement of work hours except overtime hours, wages, employment benefits, or

housing including housing occupied by older adults, activities that focus on drug and alcohol abuse education, prevention, and treatment; and

(7) any other nonpartisan civic activities and services that the commissioner determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs, particularly needs related to poverty, or in the community where volunteer service is to be performed.

(b) Youth and young adults may provide full-time or part-time youth community service in a program known as "corps to career" if the individual:

(1) is an unemployed high school dropout and is a parent of a minor member of an assistance unit under the AFDC, MFIP or MFIP-R programs under chapter 256 or under the MFIP-S program under chapter 256J, or is a person who is a member of an assistance unit under the AFDC, MFIP or MFIP-R programs under chapter 256 or under the MFIP-S program under chapter 256J;

(2) agrees to only use the individual's postservice benefit under the federal Americorps Act to complete a customized job training program that requires 20 percent of the individual's time to be spent in the corps to career program and that is consistent with the work requirements of the employment and training services component of the MFIP-S program under chapter 256J or, if a customized job training program is unavailable, agrees to use the postservice benefit consistent with the federal education award; and

(3) during the entire time the individual completes the individual's job training program, resides within an enterprise zone as defined in section 469.303.

To be eligible under this paragraph, any individual who receives assistance under clause (1) after MFIP-S has been implemented in the individual's county of financial responsibility, and who meets the requirements in clauses (2) and (3), also must meet the requirements of the employment and training services component of the MFIP-S program under chapter 256J.

(c) The commissioner of natural resources shall ensure that the corps to career program will not decrease employment opportunities that would be available without the program; will not displace current employees including any partial displacement in the form of reduced hours of work other than overtime, wages, employment benefits, or regular seasonal work; will not impair existing labor agreements; and will not result in the substitution of project funding for preexisting funds or sources of funds for ongoing work.

regular season work. DNR may not use the program to impair existing labor agreements and may not substitute Corps to Career funding for existing project funding.

This section is effective August 1, 1997.

Sec. 61. Minnesota Statutes 1996, section 84.82, subdivision 3, is amended to read:

Subd. 3. [FEES FOR REGISTRATION.] (a) The fee for registration of each snowmobile, other than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as follows: ~~\$30~~ \$45 for three years and \$4 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

Sec. 62. [84.8205] [SNOWMOBILE STATE TRAIL PERMIT.]

A snowmobile that is not registered in this state may not be operated on a state or grant-in-aid snowmobile trail unless the snowmobile operator has in possession a snowmobile state trail permit. The commissioner of natural resources shall issue a permit upon application and payment of a \$15 fee. The permit is valid from November 1 through April 30. Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 63. Minnesota Statutes 1996, section 84.86, subdivision 1, is amended to read:

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

(1) Registration of snowmobiles and display of registration numbers.

(2) Use of snowmobiles insofar as game and fish resources are affected.

(3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.

(4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.

(5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of

Chapter 216, section sixty-one amends MS 1996, section 84.82, that enables a snowmobile fee, to increase the fee from \$30.00 for three years to \$45.00 for three years.

This section is effective August 1, 1997.

Chapter 216, section sixty-two adds a section (section 84.8205) to MS 1996, chapter 84. The new section requires snowmobiles not registered in Minnesota to have a permit to operate on a grant-in-aid snowmobile trail or a state snowmobile trail. The permit fee is \$15.00 a year.

This section is effective August 1, 1997.

Chapter 216, section sixty-three amends MS 1996, section 84.86, subdivision 1 amends the snowmobile training program rulemaking authority so as to authorize a "youth and young adult" safety training program. It also enables necessary rulemaking and collection of a \$5 fee for participating in a the training program. This makes the enabling and rulemaking authority consistent with futher amendments to Chapters 84 requiring participation in a "youth and young adult" safety training program.

This section is effective August 1, 1997.

snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray a portion of the expenses of training and certifying snowmobile operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the youth and young adult training and a fee established under chapter 16A from each person who receives the adult training. The commissioner shall deposit the fee in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 64. [84.862] [SNOWMOBILE TRAINING REQUIRED.]

Subdivision 1. [YOUTH AND YOUNG ADULT SAFETY TRAINING.] Effective October 1, 1998, any resident born after December 31, 1979, who operates a snowmobile in Minnesota, must possess a valid snowmobile safety certificate or a driver's license or identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12. The certificate or qualification indicator may only be issued upon successful completion of the course authorized under section 84.86.

Subd. 2. [ADULT SAFETY TRAINING.] Effective October 1, 2002, any resident born after December 31, 1976, and before December 31, 1983, who operates a snowmobile in Minnesota, must

Chapter 216, section sixty-four adds a section to MS 1996, chapter 84. Subdivision 1 of the new section requires residents of Minnesota, who operate a snowmobile in Minnesota and are born after December 31, 1979, to have a valid snowmobile safety certificate; valid drivers license; or I.D. card with a valid snowmobile indicator issued by Public Safety. This subdivision is effective on October 1, 1998.

Subdivision 2 of the new section extends the requirements of subdivision 1 to anyone born after December 31, 1976. This subdivision is effective on October 1, 2002.

possess a valid operators permit or drivers license or identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12, showing successful completion of a safety course designed for adults. Whenever possible, the course shall include a riding component that stresses stopping distances.

Subd. 3. [TRAINING FOR OFFENDERS.] Any person who is convicted for a second or subsequent speeding violation in a snowmobile season, or any conviction for careless or reckless operation of a snowmobile, must successfully complete the training course in subdivision 1 or 2 before continuing operation of a snowmobile.

Sec. 65. Minnesota Statutes 1996, section 85.015, is amended by adding a subdivision to read:

Subd. 1c. [METAL TRACTION DEVICES; PROHIBITION ON PAVED TRAILS.] A person may not use a snowmobile with metal traction devices on any paved state trail.

Sec. 66. Minnesota Statutes 1996, section 85.015, is amended by adding a subdivision to read:

Subd. 20. [STAGECOACH TRAIL; STEELE, DODGE, AND OLMSTED COUNTIES.] The trail shall originate at the Douglas trail near the city of Rochester in Olmsted county and extend westerly along the Zumbro river valley to the city of Mantorville and the village of Wasioja in Dodge county, following as closely as possible the historic stagecoach trail to Wasioja, through Rice Lake state park to the city of Owatonna in Steele county.

Sec. 67. Minnesota Statutes 1996, section 85.055, is amended by adding a subdivision to read:

Subd. 1a. [PATRON PERMIT.] The commissioner may develop a special patron permit requiring persons to pay an additional amount above the annual permit fee required in subdivision 1. The additional amount paid under this subdivision shall be deposited in the state treasury and credited to the working capital account under section 85.22, subdivision 1.

Sec. 69. Minnesota Statutes 1996, section 86A.23, is amended to read:

86A.23 [OPEN FACILITIES; LIABILITY EXEMPTION.] Facilities in harbors and connecting waterways established under sections 86A.20 to 86A.24 shall be public and open to all users on equal and reasonable terms. Users shall have no cause of action against owners of land adjacent to small craft harbors and mooring facilities for damage

Subdivision 3 of the new section suspends the snowmobiling privileges of anyone convicted two or more times for speeding on a snowmobile, or any time for careless or reckless snowmobiling. The suspension is effective until they successfully complete the "youth and young adult" training course. This subdivision of the new section is effective August 1, 1997.

Chapter 216, section sixty-five prohibits operation of a snowmobile equipped with metal traction devices on a paved state trail.

Section sixty-five is effective August 1, 1997.

Chapter 216, section sixty-six amends MS 1996, section 85.015, adding a section authorizing a state trail named the Stagecoach Trail. The Stagecoach Trail is authorized to go from the Douglas Trail near Rochester the Mantorville/Wasioja area.

This section is effective July 1, 1997.

Chapter 216, section sixty-seven adds a section to MS 1996, section 85.055 to authorize the DNR to develop and presumably sell a State Park Patron Permit. The fee, unstated, is in addition to the normal fee paid for an annual State Park Permit. Receipts are deposited to the general fund in the same manner as other state park fees.

This section is effective August 1, 1997

Chapter 216, section sixty-nine amends MS 1996, section 86A.23 86A.23 to prevent liability suits against land owners adjacent to small craft harbors, channels, mooring facilities, marinas, launching ramps, and facilities normally used to support harbors of refuge, channels, docks, and launching ramps for damages resulting from

as a result of noise and dust generated by facilities of iron-producing industries.

Sec. 70. Minnesota Statutes 1996, section 88.79, is amended by adding a subdivision to read:

Subd. 3. [COST-SHARING OF CONSERVATION PRACTICES.] The commissioner of natural resources may provide cost-sharing of conservation practices to nonindustrial owners of less than 5,000 acres of private land within this state, provided that the landowners successfully complete conservation practices approved by the commissioner. The cost shared by the commissioner may not exceed 75 percent of the actual cost of the conservation practice.

Sec. 71. Minnesota Statutes 1996, section 92.06, subdivision 1, is amended to read:

Subdivision 1. [TERMS.] (a) The terms of payment on the sale of state public lands must be as follows: The purchaser shall pay in cash at the time of sale the appraised value of all timber and costs determined by the commissioner to be associated with the sale including survey, appraisal, publication, deed tax, filing fee, and similar costs. At least 15 percent of the purchase price of the land exclusive of timber and associated costs must be paid in cash at the time of sale. The balance of the purchase price must be paid in no more than 20 equal annual installments. Payments must be made by June 1 each year following the year in which the purchase was made, with interest at the rate in effect at the time of sale, calculated under this subdivision, on the unpaid balances. Any installment of principal or interest may be paid in advance, but part payment of an installment will not be accepted. For the purpose of computing interest, any installment of principal not paid on June 1 shall be credited on the following June 1. The purchaser may pay the balance due on a sale within 30 days of the sale with no interest due.

(b) Interest on unpaid balances must be computed as annual simple interest. The rate of interest must be based on average effective interest rates on mortgage loans as provided in paragraph (c).

(c) On or before December 31 of each year, the commissioner of natural resources shall determine the rate from the average effective interest rate on loans closed using the office of thrift supervision series, formerly the federal home loan bank board series, or its successor agency, for the most recent

noise and dust generated by iron-producing industries.

This section is effective August 1, 1997

Chapter 216, section seventy adds a section to MS 1996, section 88.79 to give clear authority to the Division of Forestry to cost share conservation practices with nonindustrial owners of less than 5,000 acres of private land. The division can pay up to 75 percent of the cost of the practice.

This section is effective August 1, 1997

Chapter 216, section seventy-one amends MS 1996, section 92.06, subd. 1, governing the sale of state lands and the investment of proceeds. The amendment requires the buyer of state land to pay for the costs of survey, appraisal, publication, deed tax, filing fee, and similar costs determined by the commissioner to relate to the sale. These costs are part of the base for determining the amount the buyer must pay at sale. The amendment also provides that if the buyer pays the balance due on a sale within 30 days of the date of sale, no interest will be charged.

This statute is referenced by other statutes regarding the sale of land. This amendment makes the way costs are handled the same for all land sales that reference this statute.

This section is effective August 1, 1997.

calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the federal reserve system. This yield, rounded to the nearest quarter of one percent, is the annual interest rate for sales of state land during the succeeding calendar year.

(d) For state land sales in calendar year 1993 after July 1, 1993, the rate is eight percent, which is the September 1992 average from the office of thrift supervision series, rounded to the nearest quarter of one percent.

Sec. 72. Minnesota Statutes 1996, section 92.06, subdivision 4, is amended to read:

Subd. 4. [IMPROVEMENTS, WHEN PAYMENT NOT NECESSARY.] If a person has made improvements to the land and if: (1) the commissioner believes that person settled the land in good faith as homestead land under the laws of the United States before it was certified to the state, or if (2) the improvements were lawfully made by that person as a lessee of the state, or (3) the commissioner determines, based on clear and convincing evidence provided by the person, that the improvements were made by the person as an inadvertent trespasser, then the value of the improvements must be separately appraised and, if the settler or, lessee, or inadvertent trespasser purchases the land, the settler or, lessee, or inadvertent trespasser is not required to pay for the improvements. If another person purchases the land, that person must pay the owner of the improvements, in addition to all other required payments, the appraised amount for the improvements. Payment for improvements must be made within 15 days of the auction sale, either in cash or upon terms and conditions agreeable to the owner of the improvements. If payment for improvements is not made in cash, and if there is no agreement between the parties within 15 days of the auction sale, the commissioner may:

(1) sell the property to the second highest qualified bidder if that bidder submitted to the commissioner's representative, at the auction sale, a written request to buy the property at a specified price; or

(2) void the sale and reoffer the property at a subsequent sale.

This subdivision does not apply unless the owner of the improvements makes a verified application to the commissioner showing entitlement to the improvements before the first state public sale at which the land is offered for sale. The applicant must appear at the sale and offer to purchase the land

Chapter 216, section seventy-two amends MS 1996, section 92.06, subd. 4, governing the sale of state lands and the investment of proceeds. The amendment adds inadvertent trespass as a reason a trespasser, buying state land on which he or she has trespassed, may be relieved from having to pay for improvements on the land being bought. The inadvertent trespasser must provide clear and convincing evidence that the improvements were unintentionally put on state land.

This section is effective August 1, 1997

for at least its appraised value including all timber on it, and make the purchase if no higher bid is received. Actions or other proceedings involving the land in question begun before the sale must have been completed.

Sec. 73. Minnesota Statutes 1996, section 92.16, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS; DEFAULT, RESALE.] At the time of the sale the commissioner shall execute, acknowledge, and deliver to the purchaser a certificate of sale, numbered and made assignable, certifying the description of the land sold, its quantity, the price per acre, the consideration paid and to be paid, and the time and terms of payment. A certificate must not be delivered until the sum required by law to be paid at the time of the sale is paid. The sum includes costs determined by the commissioner to be associated with the sale such as survey; appraisal, publication, deed tax, filing fee, and similar costs. If the purchaser fails to pay the sum, the commissioner may immediately reoffer the land for sale, but a bid may not be accepted from the person failing to pay the original offer. If the purchaser pays in full at the time of sale, the commissioner is not required to issue a certificate of sale.

Sec. 74. [92.80] [PAYMENT OF TAXES AND ASSESSMENTS.]

Subdivision 1. [CANCELLATION OF CERTIFICATE OF SALE.] If the state acquires an interest in real property prior to the cancellation of a certificate of sale or upon completion of the cancellation process by advertisement or court order, the state must make provision to pay all taxes, interests, costs, penalties, and assessments. The commissioner of natural resources must request the certificate of sale vendee to make a good faith attempt to pay the debt. If the commissioner determines that the vendee is unwilling or unable to pay the debt, the commissioner may pay the debt and seek redress against the vendee.

Subd. 2. [VOLUNTARY AND INVOLUNTARY REVERSIONS.] (a) If a grantee on a certificate of sale or state deed desires the state to exercise its reversionary interest in real property, the grantee must pay all real estate taxes, costs, interest, penalties, and assessments on the property prior to reversion.

(b) If a grantee on a certificate of sale or state deed breaches the contractual terms of the certificate or deed, the commissioner of natural resources must

Chapter 216, section seventy-three amends MS 1996, section 92.16, subd. defining the certificate of sale delivered to a buyer of state land at the time of sale. The amended definition no longer contains the requirement of adding the costs of survey, appraisal, publication, deed tax, filing fees, and similar costs to the balance to be paid. Combined with the changes above, in **Chapter 216, section seventy-one**, this amendment requires the buyer to pay 15 percent of the sale related costs, along with 15 percent of the bid price, at the time of sale. If the buyer pays the full cost of the transaction, including related costs, no certificate of sale need be provided to the buyer.

This section is effective August 1, 1997

Chapter 216, section seventy-four adds a section to MS 1996, section 92, to clarify how to resolve outstanding taxes and assessments on land sold with a certificate of sale. a certificate of sale entitles the holder to possession of the land described in it, but fee title remains in the state's name until a patent is issued.

The new section provides that the DNR must make provision to pay all taxes, interest, costs, penalties and assessments due when the state acquires a debt during a transaction covered by a certificate of sale. The DNR must ask the buyer of the certificate of sale to attempt to pay the debt. If the DNR determines the buyer is unable or unwilling to pay the debt, DNR may pay and seek redress from the buyer.

In the event the buyer wants the state to take the property back, the buyer owes the real estate taxes, costs, interests, penalties and assessments due on the property at the moment it is returned to the state. If the property returns to the state because the buyer failed to complete payment

request the grantee to make a good faith attempt to pay all real estate taxes, costs, interest, penalties, and assessments on the property prior to reversion. If the commissioner determines that the grantee is unwilling or unable to pay the debt, the commissioner may pay the debt and seek redress against the grantee.

Sec. 75. Minnesota Statutes 1996, section 94.10, subdivision 2, is amended to read:

Subd. 2. (a) Lands certified as surplus by the head of a department or agency other than the department of natural resources shall be offered for public sale by the commissioner of administration as provided in this paragraph. After complying with subdivision 1 and before any public sale of surplus state-owned land is made, the commissioner of administration shall publish a notice thereof at least once in 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, which notice shall specify the time and place at which the sale will commence, a general description of the lots or tracts to be 100.1 offered, and a general statement of the terms of sale. Each tract or lot shall be sold separately and shall be sold for not less than the appraised value thereof. Parcels remaining unsold after the offering may be sold to anyone agreeing to pay the appraised value thereof. The sale shall continue until all parcels are sold or until the commissioner orders a reappraisal or withdraws the remaining parcels from sale.

(b) Lands certified as surplus by the commissioner of natural resources shall be offered for public sale by the commissioner of natural resources in the manner provided in paragraph (a) for sales by the commissioner of administration.

(c) Except as provided in section 94.11, the cost of any survey or appraisal as provided in subdivision 1 shall be added to and made a part of the appraised value of the lands to be sold, whether to any political subdivision of the state or to a private purchaser as provided in this subdivision.

Sec. 76. [94.55] [TRANSFER OF STATE-OWNED IMPROVEMENTS.]

The commissioner may sell or transfer an improvement located on state-owned lands, the

for the sale, DNR must ask the failing buyer to try to pay real estate taxes, costs, interests, penalties and assessments due on the property. If DNR determines the failing buyer cannot or will not pay the debt, the DNR may pay it and seek redress from the buyer.

This section is effective August 1, 1997.

Chapter 216, section seventy-five amends MS 1996, section 94.10 governing the sale of surplus state forest lands to political subdivisions. It allows adding to the purchase price, the survey, appraisal, publication, deed tax, filing fee, and similar costs determined by the commissioner to relate to the sale. (See **Chapter 216, section seventy-one.**)

This section is effective August 1, 1997.

Chapter 216, section seventy-six adds a section to MS 1996, chapter 94 permitting DNR to determine the payment necessary for transfer

compensation for which shall be determined by the commissioner. The sale or transfer shall be accomplished by a bill of sale, describing the improvement transferred and the terms and conditions of the sale or transfer. Proceeds resulting from the sale or transfer must be deposited in the state treasury and credited to the land acquisition account established in section 94.165.

Sec. 77. Minnesota Statutes 1996, section 97A.015, is amended by adding a subdivision to read:

Subd. 27a. [LICENSE IDENTIFICATION NUMBER.] "License identification number" means a verification number issued under the authority of the commissioner in conjunction with the electronic purchase of a license or stamp and valid until the license is received by the purchaser.

Sec. 78. Minnesota Statutes 1996, section 97A.028, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Agricultural crops" means annually seeded crops, legumes, fruit orchards, tree farms and nurseries, turf farms, and apiaries.

(c) "Parcel" has the meaning given in section 272.03, subdivision 6.

(d) "Specialty crops" means fruit orchards, vegetables, tree farms and nurseries, turf farms, and apiaries.

(e) "Stored forage crops" means hay, silage, grain, or other crops that have been harvested and placed in storage for commercial livestock feeding.

Sec. 79. Minnesota Statutes 1996, section 97A.028, subdivision 3, is amended to read:

Subd. 3. [EMERGENCY DETERRENT MATERIALS ASSISTANCE.] (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials

of an improvement on surplus state land. The DNR must describe, in a bill of sale, the improvements being transferred and the terms of sale. It directs the proceeds of the sale of improvements to the land acquisition account. This allows DNR to transfer unwanted improvements on state land such as pipelines.

This section is effective August 1, 1997.

Chapter 216, section seventy-seven adds a section to MS 1996, section 97A.015, defining a license identification number. This section provides definitions for Minnesota hunting and fishing laws. The new definition says a license identification number is the number issued by the DNR as evidence of an electronic purchase of a license, registration or stamp.

This section is effective August 1, 1997.

Chapter 216, section seventy-eight amends MS 1996, section 97A.028, subd. 1, to add stored forage crops, defined as hay, silage, grain, or other crops that are harvested and stored for commercial livestock feeding, as one of the items for which DNR can provide wildlife depredation technical assistance and depredation related emergency deterrent materials assistance. The assistance is to private land owners.

This section is effective August 1, 1997.

Chapter 216, section seventy-nine amends MS 1996, section 97A.028 to further specify the amount of and crop for which emergency deterrent materials assistance may be provided. The specification allows up to \$3,000 worth of deterrent material on a parcel in specialty crops, \$750 for stored forage crops, and \$500 agricultural crops being damaged by Canada geese.

This section is effective August 1, 1997.

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

(1) immediate action is necessary to prevent significant damage from continuing; and

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

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops, or \$750 for stored forage crops, or \$500 for agricultural crops damaged by flightless Canada geese. If a person is a coowner or cotenant with respect to the specialty crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

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

Sec. 80. Minnesota Statutes 1996, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. [DEER AND BEAR LICENSES.]
(a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4) and, (5), and (9), and 3, clauses (2) and, (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) At least \$2 from each deer license shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each resident deer license and each resident bear license shall be used for deer and bear management programs, including a

Chapter 216, section eighty amends MS 1996, section 97A.075, subd. 1, to add the deer licenses previously excluded, including nonresident, multibuck; deer management permits; and deer intensive permits, to the list of deer licenses with dedication of a portion of the license fee to deer habitat management and feeding. The dedication requires that \$2.00 of each license fee go to deer habitat improvement and management programs and \$1.00 of each fee goes to deer management and emergency feeding programs.

computerized licensing system. Fifty cents from each resident deer license is appropriated for emergency deer feeding. Money appropriated for emergency deer feeding is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding at the end of a fiscal year exceeds \$750,000, \$750,000 is canceled to the unappropriated balance of the game and fish fund and the amount appropriated for emergency deer feeding is reduced to 25 cents from each resident deer license.

Sec. 81. Minnesota Statutes 1996, section 97A.405, subdivision 2, is amended to read:

Subd. 2. [PERSONAL POSSESSION.] (a) A person to whom a license is issued must have the license in personal possession while acting under the a license and while or traveling from the an area where the a licensed activity is was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit the proper license when, as requested by a conservation officer or peace officer., either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license or stamp issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase.

Sec. 82. Minnesota Statutes 1996, section 97A.415, subdivision 2, is amended to read:

Subd. 2. [TRANSFER PROHIBITED.] A person may not lend, transfer, borrow, or solicit a license or permit, license identification number, application for

This section is effective August 1, 1997.

Chapter 216, section eighty-one amends MS 1996, section 97A.405, subd. 2, the license requirement statute, to clarify statutory language, and allow the use of a license identification number or stamp validation issued through an electronic licensing system in lieu of personal possession of a license. The license identification number may only be used until the actual license has been received by the buyer. Section eighty-one further requires the holder of a license to exhibit the license, or the holder of a license identification number or stamp validation to exhibit that number and a valid state driver's license, state ID card, or other form of identification provided by the DNR. The amendment explicitly states that the use of the license identification number in lieu of the actual license ends when the buyer receives the actual license. It further requires the DNR to provide an actual license within 30 days of electronic purchase.

This section is effective August 1, 1997.

Chapter 216, section eighty-two amends MS 1996, section 97A.415 to prohibit transfer of license identification numbers issued through an electronic licensing system.

a license or permit, coupon, tag, or seal, or use a license, permit, license identification number, coupon, tag, or seal not issued to the person unless otherwise expressly authorized.

Sec. 83. Minnesota Statutes 1996, section 97A.475, is amended to read:

97A.475 [LICENSE FEES.]

Subd. 6. [RESIDENT FISHING.] Fees for the following licenses, to be issued to residents only, are:

- (1) to take fish by angling, for persons under age 65, \$13 \$15;
- (2) to take fish by angling, for persons age 65 and over, \$4.50 \$5.50;
- (3) to take fish by angling, for a combined license for a married couple, \$17.50 \$20.50;
- (4) to take fish by spearing from a dark house, \$13 \$15; and

(5) to take fish by angling for a 24-hour period selected by the licensee, \$7.50 \$8.

Subd. 7. [NONRESIDENT FISHING.] Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, \$27.50 \$31;
- (2) to take fish by angling limited to seven consecutive days selected by the licensee, \$19 \$21.50;

(3) to take fish by angling for a 72-hour period selected by the licensee, \$16 \$18;

(4) to take fish by angling for a combined license for a family, \$37.50 \$41.50;

(5) to take fish by angling for a 24-hour period selected by the licensee, \$7.50 \$8; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$27.50 \$32.

Subd. 8. [MINNESOTA SPORTING.] The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

- (1) for an individual, \$17.50 \$20; and
- (2) for a combined license for a married couple to take fish and for one spouse to take small game, \$24 \$27.50.

Subd. 10. [TROUT AND SALMON STAMP.] The fee for a trout and salmon stamp is \$5 \$8.50.

Subd. 11. [FISH HOUSES AND DARK HOUSES; RESIDENTS.] Fees for the following licenses are:

- (1) for a fish house or dark house that is not rented, \$9 \$10; and
- (2) for a fish house or dark house that is rented, \$20 \$23.

Subd. 12. [FISH HOUSES; NONRESIDENT.]

This section is effective August 1, 1997.

Chapter 216, section eighty-three amends MS 1996, section 97A.475 to increase fishing license fees. It also eliminates the Minnesota and Mississippi River rough fish license, and the minnow dealer helper's license. The new fee schedule is:

Residents	
Individual under age 65	\$15.00
Individual 65 or over	\$5.50
Combined married couple	\$20.50
Dark house spearing	\$15.00
Individual 24 hour	\$8.00
Individual sporting	\$20.00
Combined married sporting	\$27.50
Nonresidents	
Individual	\$31.00
Individual 7 day	\$21.50
Individual 72 hour	\$18.00
Combined family	\$41.50
Individual 24 hour	\$8.00
Combined married couple 14 days	\$32.00
Trout & salmon stamp	\$8.50
Fish and dark house license	
Resident not rented	\$10.00
Resident rental	\$23.00
Nonresident annual	\$31.50
Nonresident 7 day	
Netting whitefish and cisco	\$9.00
Lake Superior fishing guide	
Resident	\$35.00
Nonresident	\$140.00
(Or the fee charge for nonresidents in the nonresident's state if greater than \$140.00)	
Minnow dealers, retailers and related fees	
Dealer	\$100.00
Dealer vehicle	\$15.00
Exporting dealer	\$350.00
Exporting dealer vehicle	\$15.00
Retailer	\$15.00
Retailer's vehicle	\$15.00
Exporting hauler	\$675.00
Exporting hauler's vehicle	\$15.00
Private Fish hatcheries	
Annual sales less than \$200	\$35.00
Annual sales \$200 plus	\$70.00
To take sucker eggs	\$210.00
(plus \$4 per quart taken over 100 quarts)	
Commercial netting of fish	
Resident/nonresident inland waters	\$90.00

Fees for fish house licenses for a nonresident are:

- (1) annual, \$27.50 ~~\$31.50~~; and
- (2) seven consecutive days, ~~\$16.50~~ \$18.50.

Subd. 13. [NETTING WHITEFISH AND CISCOES FOR PERSONAL CONSUMPTION.] The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, \$8 ~~\$9~~.

Subd. 14. [ROUGH FISH; MINNESOTA AND MISSISSIPPI RIVERS.] The fee for a license to take rough fish for domestic use with a set line in the Minnesota and Mississippi rivers is ~~\$14.50~~.

Subd. 15. [LAKE SUPERIOR FISHING GUIDES.] The fee for a license to operate a charter boat and guide anglers on Lake Superior is:

- (1) for a resident, ~~\$27.50~~ \$35;
- (2) for a nonresident, ~~\$110~~ \$140; or
- (3) if another state charges a Minnesota resident a fee greater than \$100 ~~\$140~~ for a Lake Superior fishing guide license in that state, the nonresident fee for a resident of that state is that greater fee.

Subd. 26. [MINNOW DEALERS.] The fees for the following licenses are:

- (1) minnow dealer, ~~\$77~~ \$100;
- (2) minnow dealer's helper, ~~\$5.50~~;
- (3) minnow dealer's vehicle, ~~\$11~~ \$15;
- (4) (3) exporting minnow dealer, ~~\$275~~ \$350; and
- (5) (4) exporting minnow dealer's vehicle, ~~\$11~~ \$15.

Subd. 27. [MINNOW RETAILERS.] The fees for the following licenses, to be issued to residents and nonresidents, are:

- (1) minnow retailer, ~~\$11~~ \$15; and
- (2) minnow retailer's vehicle, ~~\$11~~ \$15.

Subd. 28. [NONRESIDENT MINNOW HAULERS.] The fees for the following licenses, to be issued to nonresidents, are:

- (1) exporting minnow hauler, ~~\$525~~ \$675; and
- (2) exporting minnow hauler's vehicle, ~~\$11~~ \$15.

Subd. 29. [PRIVATE FISH HATCHERIES.] The fees for the following licenses to be issued to residents and nonresidents are:

- (1) for a private fish hatchery, with annual sales under \$200, ~~\$27.50~~ \$35;
- (2) for a private fish hatchery, with annual sales of \$200 or more, ~~\$55~~ \$70; and
- (3) to take sucker eggs from public waters for a private fish hatchery, ~~\$165~~ \$210, plus \$3 ~~\$4~~ for each quart in excess of 100 quarts.

Subd. 30. [COMMERCIAL NETTING OF FISH IN INLAND WATERS.] The fee for a license fees to net take commercial fish in inland waters, to be issued to residents and nonresidents, is \$70 plus are:

Residents netting Lake Superior, Lake of the Woods, Rainey, Namakan, & Sand Point Lakes \$50.00
Residents seining the Mississippi River, St. Anthony Falls to the St. Croix River \$50.00
Residents seining, netting and set lining in Wisconsin border waters \$50.00
Resident apprentice \$25.00

Commercial gear fees

Lake Superior, Wisconsin border waters, and Namakan Lake gill nets \$3.50 per 100 ft. of net

Inland waters, Mississippi River, and Wisconsin boundary waters seines \$7.00 per 100 ft of net

Inland water hoop nets \$1.25

Lake Superior, St. Louis Estuary, Lake of the Woods, Rainey, Namakan and Sand Point lakes, and for each pound net in Lake Superior \$15.00

Lake of the Woods pound and stake nets \$60.00

Wisconsin boundary waters set line \$20.00

Lake Superior trawl \$50.00

Fish buyers (resident and nonresident)

Lake Superior fish for retailers \$70.00

Lake Superior fish for consumers \$15.00

Lake of the Woods, Namakan, Sand Point, and Rainey Lake fish for retailers \$140.00

Lake of the Woods, Namakan, Sand Point, and Rainey Lake fish for consumers \$15.00

Fish packer \$20.00

Fish vendor \$35.00

Turtle sellers \$70.00

Frog dealers

Resident purchase, possess and transport \$100.00

Nonresident purchase, possess and transport \$280.00

Resident take, possess, transport and sell \$15.00

Duplicate licenses

Big game \$5.00

Other licenses \$2.00

This section is effective March 1, 1998.

(1) commercial license fees:

- (i) for each hoop net pocket, \$1 residents and nonresidents seining and netting in inland waters, \$90;
- (2) (ii) for each 1,000 feet of seine, \$16.50 residents netting in Lake Superior, \$50; and
- (3) (iii) for each apprentice license, \$25: residents netting in Lake of the Woods, Rainy, Namakan, and Sand Point lakes, \$50;
- (iv) for residents seining in the Mississippi River from St. Anthony Falls to the St. Croix River junction, \$50;
- (v) for residents seining, netting, and set lining in Wisconsin boundary waters from Lake St. Croix to the Iowa border, \$50; and
- (vi) for a resident apprentice license, \$25; and

(2) commercial gear fees:

- (i) for each gill net in Lake Superior, Wisconsin boundary waters, and Namakan Lake, \$3.50 per 100 feet of net;
- (ii) for each seine in inland waters, on the Mississippi River as described in section 97C.801, subdivision 2, and in Wisconsin boundary waters, \$7 per 100 feet;
- (iii) for each commercial hoop net in inland waters, \$1.25;
- (iv) for each submerged fyke, trap, and hoop net in Lake Superior, St. Louis Estuary, Lake of the Woods, and Rainy, Namakan, and Sand Point lakes, and for each pound net in Lake Superior, \$15;
- (v) for each stake and pound net in Lake of the Woods, \$60;
- (vi) for each set line in the Wisconsin boundary waters, \$20; and
- (vii) for each trawl used in Lake Superior, \$50.

Subd. 31. [COMMERCIAL NETTING OF FISH IN LAKE OF THE WOODS.] The fee for a license to commercially net fish in Lake of the Woods is:

- (1) for each pound net or staked trap net, \$49.50;
- (2) for each fyke net, \$11, plus \$5 for each two-foot segment, or fraction, of the wings or lead in excess of four feet in height;
- (3) for each 100 feet of gill net, \$2.75;
- (4) for each submerged trap net, \$16.50; and
- (5) for each apprentice license, \$25.

Subd. 32. [COMMERCIAL NETTING OF FISH IN RAINY LAKE.] The fee for a license to commercially net fish in Rainy Lake is:

- (1) for each pound net, \$49.50;
- (2) for each 100 feet of gill net, \$2.75; and
- (3) for each apprentice license, \$25.

Subd. 33. ~~[COMMERCIAL NETTING OF FISH IN NAMAKAN AND SAND POINT LAKES.]~~ The fee for a license to commercially net fish in Namakan Lake and Sand Point Lake is:

- (1) for each 100 feet of gill net, \$1.75;
- (2) for each pound, fyke, and submerged trap net, \$16.50; and
- (3) for each apprentice license, \$25.

Subd. 34. ~~[COMMERCIAL SEINE AND SET LINES TO TAKE FISH IN THE MISSISSIPPI RIVER.]~~ (a) The fee for a license to commercially seine rough fish in the Mississippi river from St. Anthony Falls to the St. Croix river junction is:

- (1) for a seine not exceeding 500 feet, \$27.50; or
 - (2) for a seine over 500 feet, \$44, plus \$2 for each 100 foot segment or fraction over 1,000 feet.
- (b) The fee for each apprentice license issued under paragraph (a) is \$25.

Subd. 35. ~~[COMMERCIAL SEINING OF FISH IN WISCONSIN BOUNDARY WATERS.]~~ The fee for a license to commercially seine fish in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the Iowa border is:

- (1) for a seine not exceeding 500 feet, \$27.50; or
- (2) for a seine over 500 feet, \$44, plus \$2.50 for each 100 feet over 1,000 feet; and
- (3) for each apprentice license to be issued to residents, \$25.

Subd. 36. ~~[COMMERCIAL NETTING IN WISCONSIN BOUNDARY WATERS.]~~ The fee for a license to commercially net in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border is:

- (1) for each gill net not exceeding 500 feet, \$14.50;
- (2) for each gill net over 500 feet, \$27.50;
- (3) for each fyke net and hoop net, \$11;
- (4) for each bait net, \$1.75;
- (5) for each turtle net, \$1.75;
- (6) for each set line identification tag, \$14.50; and
- (7) for each apprentice license to be issued to residents, \$25.

Subd. 37. ~~[COMMERCIAL NETTING OF FISH IN LAKE SUPERIOR.]~~ The fee for a license to commercially net fish in Lake Superior is:

- (1) for each gill net, \$77 plus \$2 for each 1,000 feet over 1,000 feet;
- (2) for a pound or trap net, \$77 plus \$2 for each additional pound or trap net; and
- (3) for each apprentice license, \$25.

Subd. 38. ~~[FISH BUYERS.]~~ The fees for licenses to buy fish from commercial fishing licensees to be issued residents and nonresidents are:

- (1) for Lake Superior fish bought for sale to

retailers, \$55 \$70;

(2) for Lake Superior fish bought for sale to consumers, \$11 \$15;

(3) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for sale to retailers, \$110 \$140; and

(4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$11 \$15.

Subd. 39. [FISH PACKER.] The fee for a license to prepare dressed game fish for transportation or shipment is \$14.50 \$20.

Subd. 40. [FISH VENDORS.] The fee for a license to use a motor vehicle to sell fish is \$27.50 \$35.

Subd. 41. [TURTLE SELLERS.] The fee for a license to take, transport, purchase, and possess turtles for sale is \$55 \$70.

Subd. 42. [FROG DEALERS.] The fee for the licenses to deal in frogs that are to be used for purposes other than bait are:

(1) for a resident to purchase, possess, and transport frogs, \$77 \$100;

(2) for a nonresident to purchase, possess, and transport frogs, \$220 \$280; and

(3) for a resident to take, possess, transport, and sell frogs, \$11 \$15.

Subd. 43. [DUPLICATE LICENSES.] The fees for duplicate licenses are:

(1) for licenses to take big game, \$5; and

(2) for other licenses, \$2.

Sec. 84. Minnesota Statutes 1996, section 97B.667, is amended to read:

97B.667 [REMOVAL OF BEAVER DAMS AND LODGES BY ROAD AUTHORITIES.]

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 9, may remove the impairment and any associated beaver lodge within 300 feet of the road, if the commissioner approves.

Sec. 85. Minnesota Statutes 1996, section 97B.715, subdivision 1, is amended to read:

Subdivision 1. [STAMP REQUIRED.] (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person required to possess a small game license may not hunt pheasants without:

(1) a pheasant stamp in possession; and

(2) a pheasant stamp validation on the small game license when issued electronically.

(b) The following persons are exempt from this subdivision:

Chapter 216, section eighty-four amends MS 1996, section 97B.667 to allow a public road authority to remove a beaver dam or lodge without permission of DNR, when water behind the dam or lodge has damaged, is damaging, or threatens to damage a public road.

This section is effective August 1, 1997.

Chapter 216, section eighty-five amends MS 1996, section 97B.715 to authorize the use of an electronic pheasant stamp validation, in lieu of a actual stamp, until the buyer receives the actual stamp. The section also removes the exemption from the stamp requirement for private shooting preserves and adds an exemption for commercial shooting preserves.

- (1) residents under age 18 or over age 65; and
- (2) persons hunting on licensed private commercial shooting preserves.

Sec. 86. Minnesota Statutes 1996, section 97B.721, is amended to read:

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

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without a turkey license and:

- (1) a turkey stamp in possession; and
- (2) a turkey stamp validation on the turkey license when issued electronically.

(b) The requirement in paragraph (a) to possess a turkey stamp or a license validation does not apply to persons under age 18.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

Sec. 87. Minnesota Statutes 1996, section 97B.801, is amended to read:

97B.801 [MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.] (a) Except as provided in this section or section 97A.405, subdivision 2, a person required to possess a small game license may not take migratory waterfowl without:

- (1) a Minnesota migratory waterfowl stamp in possession; and
- (2) a migratory waterfowl stamp validation on the small game license when issued electronically.

(b) Residents under age 18 or over age 65 and persons hunting on their own property are not required to possess the a stamp or a license validation under this section.

Sec. 88. Minnesota Statutes 1996, section 97C.305, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] Except as provided in subdivision 2 or section 97A.405, subdivision 2, a person over age 16 and under age 65 required to possess an angling license must have a trout and salmon stamp in possession and a trout stamp validation on the angling license when issued electronically to:

- (1) take fish by angling in:
 - (i) a stream designated by the commissioner as a trout stream;
 - (ii) a lake designated by the commissioner as a trout lake; or

This section is effective August 1, 1997.

Chapter 216, section eighty-six amends MS 1996, section 97B.721 to authorize the use of an electronic turkey stamp validation, in lieu of a actual stamp, until the buyer receives the actual stamp.

This section is effective August 1, 1997.

Chapter 216, section eighty-seven amends MS 1996, section 97B.721 to authorize the use of an electronic state waterfowl stamp validation, in lieu of a actual stamp, until the buyer receives the actual stamp.

This section is effective August 1, 1997.

Chapter 216, section eighty-eight amends MS 1996, section 97C.305 to authorize the use of an electronic trout stamp validation, in lieu of a actual stamp, until the buyer receives the actual stamp

This section is effective August 1, 1997.

(iii) Lake Superior; or
(2) possess trout or salmon taken in the state by angling.

Sec. 89. Minnesota Statutes 1996, section 97C.501, subdivision 2, is amended to read:

Subd. 2. [MINNOW DEALERS.] (a) A person may not be a minnow dealer without a minnow dealer license except as provided in subdivision 3.

(b) A minnow dealer must obtain a minnow dealer's helper license for each person employed to take, buy, sell, or transport minnows by the minnow dealer. The minnow dealer may transfer a helper's license from a former helper to a new helper.

(c) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(d) (c) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

Sec. 90. Minnesota Statutes 1996, section 97C.801, is amended to read:

97C.801 [TAKING ROUGH FISH ON MISSISSIPPI AND MINNESOTA RIVERS RIVER.]

Subdivision 1. [ROUGH FISH ON MINNESOTA AND MISSISSIPPI RIVERS.] (a) A license is required to take rough fish by set line in the Minnesota river from Mankato to its junction with the Mississippi river, and in the Mississippi river from St. Anthony Falls to the St. Croix junction.

(b) A person may use only one set line to take rough fish in the Minnesota river from Mankato to its junction with the Mississippi river, and in the Mississippi river from St. Anthony Falls to the St. Croix river junction, and the set line must:

- (1) have not more than ten hooks;
- (2) be set only in the flowing waters of the river;
- (3) staked only at one end; and
- (4) remain at the location designated in the application for license unless approval of the

Chapter 216, section eighty-nine amends MS 1996, section 97C.501 to eliminate reference to the repealed minnow dealer's helper license (MS 1996, section 97A.475, subd. 26(2)).

This section is effective March 1, 1998.

Chapter 216, section ninety eliminates the repealed license to use set lines to take rough fish on the Minnesota and Mississippi Rivers (MS 1996, section 97A.475, subd 14). It also permits moving nets in the Mississippi River between its junction with the St. Croix and St. Anthony Falls without notifying the DNR.

This section is effective March 1, 1998.

commissioner has been given to change the location:

(c) Notwithstanding section 97C.391, subdivision 1, rough fish taken under this subdivision may not be bought or sold.

Subd. 2. [COMMERCIAL FISH NETTING AND SET LINES ON MISSISSIPPI RIVER.] (a) A license is required to commercially take rough fish with seines and set lines in the Mississippi river from the St. Croix river junction to St. Anthony Falls.

(b) A person may take rough fish in the Mississippi river, from the St. Croix river junction to St. Anthony Falls, only with the following equipment and methods:

(1) operations shall be conducted only in the flowing waters of the river and in tributary backwaters prescribed by the commissioner;

(2) only one set line may be used that has an identification tag and not more than 100 hooks;

(3) seines may be used only as prescribed by the commissioner;

(4) (3) seines must be hauled to a landing immediately after being placed;

(5) (4) two seines may not be joined together in the water;

(6) (5) a net may not be raised, laid out, or landed, between sunset and sunrise; and

(7) (6) the location of a net or seine may not be changed from the place specified in the license application without notifying the commissioner of the proposed change.

Sec. 125. [219.99] [RAILROAD PRAIRIE RIGHTS-OF-WAY; BEST MANAGEMENT PRACTICES.]

The commissioner of natural resources shall conduct a field review of railroad rights-of-way to identify native prairie. The priority will be to identify and conduct a field review of any surveys which have been conducted previously, whether by public or private persons, of native prairies within railroad rights-of-way in this state. In cooperation with railroad companies, the commissioner shall identify management practices used to control vegetation along railroad rights-of-way. The commissioner shall then assess the impact of those management practices on the prairie lands within the railroad rights-of-way. Based on that assessment, the commissioner and railroad companies shall jointly develop voluntary best management practices for prairie lands within railroad rights-of-way.

Chapter 216, Section one hundred and twenty-five adds a section to MS 1996, chapter 216, Railroads. The addition requires DNR to make a field survey of railroad rights-of-way and identify the native prairie thereon. The first step is to field review existing surveys of prairie. The DNR, in cooperation with railroad management, must select management practices to be used along railroad rights-of-way and assess the impact of those practices on native prairie. Based on the assessment, the DNR and the railroads must jointly develop voluntary best management practices for managing prairie in railroad rights-of-way.

This section is effective August 1, 1997.

Sec. 139. Laws 1995, chapter 220, section 19, subdivision 4, as amended by Laws 1996, chapter 407, section 50, is amended to read:

Subd. 4. Parks and Trails

(I) WILDCAT REGIONAL PARK 40,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Houston county to construct an off-channel boat ramp on the Mississippi River, and wingwalls to protect the ramp and existing swimming beach, and facilities for users of the ramp.

Sec. 142. Laws 1996, chapter 463, section 7, subdivision 24, is amended to read:

Subd. 24. McQuade Public Access
500,000

For acquisition and development of a public access on Lake Superior in the city of Duluth, the town of Duluth, and the town of Lakewood. This appropriation must be matched by a total of \$350,000 from the iron range resources and rehabilitation board and \$200,000 of this appropriation is available without match and the remaining \$300,000 is available to the extent matched by nonstate sources and is contingent on sufficient land owned by the cities and the town, the value of which may not be applied as part of the required match, being made available to complete the project.

Sec. 144. [DEER WINTER SURVIVAL WORK GROUP.]

~~The section of wildlife of the department of natural resources, representatives of the Minnesota Deer Hunters Association, and representatives of other groups or individuals interested in deer hunting and deer management in this state shall meet as a work group to develop recommendations on deer feeding and other deer management options to provide for management of deer and deer winter survival in this state.~~

~~The work group shall develop a plan for deer management in winter that provides recommendations on deer management and feeding needs. The work group shall examine and make reports on the following:~~

- ~~(1) when and where deer feeding may be appropriate;~~
- ~~(2) appropriate funding mechanisms, criteria, and delivery systems when feeding is determined to be appropriate;~~
- ~~(3) other winter-related deer management needs~~

Chapter 216, section one hundred and thirty-nine amends the ML 1995, chapter 220, section 19, as amended by ML 1996, chapter 407, section 50. This is a Legislative Commission on Minnesota Resources appropriation. The amendment permits development of facilities for users of the boat ramp being constructed.

This section is effective May 31, 1997.

Chapter 216, section one hundred and forty-two amends ML 1996, chapter 463, section 7, subd. 24. This is an appropriation of bond funds to build the McQuade Access to Lake Superior in Duluth. The amendment reduces the necessary match by \$50,000; deletes specification that the match needs to come from the Iron Range Resources and Rehabilitation Board; and allows \$200,000 of the appropriation to be spent without match.

This section is effective August 1, 1997.

Chapter 216, section one hundred and forty-four provides for the DNR to participate in a Deer Survival Work Group, consisting of the Section of Wildlife, the Minnesota Deer Hunters Association, and representatives of other groups interested in deer hunting and deer management in Minnesota. The group is instructed to develop recommendations for deer feeding, management and winter survival.

Specifically the group will address winter deer management and feeding needs, and report on: when deer feeding may be appropriate; where deer feeding may be appropriate; funding processes for appropriate feeding; other winter related deer management needs; and what is needed to understand winter deer management. Consensus is required. The report is due to the legislature by January 15, 1998.

This section is effective August 1, 1997.

and practices, such as food plots, wintering area identification and protection, deer yard improvement, browse regeneration, openings, and other deer foraging areas; and

(4) needs for improving understanding of deer wintering requirements and management practices. The work group shall recommend any statutory changes or funding necessary to accomplish those needs.

The work group shall operate on a consensus basis and shall report its recommendations back to the house and senate environment and natural resources committees, the house environment and natural resources finance committee, and the senate environment and agriculture budget division by January 15, 1998.

Sec. 145. [ELECTRONIC LICENSING; RETRAINING OF AFFECTED STATE EMPLOYEES.]

(a) If any employees of the department of natural resources are affected by the implementation of Minnesota Statutes, section 84.027, subdivision 15, the commissioner shall meet and negotiate with the exclusive representatives of the affected employees. Bargaining under this section must have as its purpose the achievement of the highest possible degree of public service delivery to the citizens of Minnesota and the provision of appropriate incentives to any affected state employees. Incentives may include, but are not limited to, early retirement incentives, negotiated options in place of layoffs, job training and retraining opportunities, and enhanced severance.

(b) The commissioner and the representatives of any employees affected by the implementation of Minnesota Statutes, section 84.027, subdivision 15, shall determine the employee training and retraining required for any employees affected by Minnesota Statutes, section 84.027, subdivision 15. Employees whose job duties are affected by Minnesota Statutes, section 84.027, subdivision 15, must be given the opportunity to take part in training or retraining for new job duties. Employees affected by Minnesota Statutes, section 84.027, subdivision 15, must be trained or retrained for agency positions before new hiring takes place.

Sec. 146. [SALE OF STATE FOREST LAND.]

(a) Notwithstanding Minnesota Statutes, section 89.01, subdivision 5, the commissioner of natural resources may sell school trust and acquired state land in the Richard J. Dorer Memorial Hardwood

Chapter 216, section one hundred and forty-five provides DNR direction in the event electronic licensing affects state employees. In that event, DNR is to negotiate with the exclusive representatives of the affected employees in order to achieve the highest possible degree of public service and provide appropriate incentives to affected employees. Authorized incentives include early retirement incentives, options to layoff, job training opportunities and enhanced severance. If affected employees occur, DNR hiring is frozen until, affected employees are given the opportunity for retraining and are retrained for agency positions.

This section is effective August 1, 1997.

Chapter 216, section one hundred and forty-six authorizes the sale of five parcels of land in the Richard J. Doerer Memorial Hardwood Forest. No commissioner's order is necessary.

State Forest described in this section in the manner for sale of trust fund and acquired lands under Minnesota Statutes, chapter 92 or 94.

(b) The land that may be sold is described as follows:

(1) Township 110 North, Range 12 West, Section 28, the Southeast Quarter of the Southwest Quarter containing 40 acres more or less and the Southwest Quarter of the Southeast Quarter containing 40 acres more or less, in Wabasha County;

(2) Township 107 North, Range 8 West, Section 16, the Northeast Quarter of the Southeast Quarter containing 40 acres more or less, the Southwest Quarter of the Southeast Quarter containing 40 acres more or less, in Winona County;

(3) Township 106 North, Range 5 West, Section 30, the Southeast Quarter of the Southeast Quarter containing 40 acres more or less, in Winona County;

(4) Township 106 North, Range 6 West, Section 36, the Northeast Quarter of the Southeast Quarter containing 40 acres more or less, in Winona County; and

(5) Township 104 North, Range 6 West, Section 6, the Southwest Quarter of the Northwest Quarter containing 38.28 acres more or less, in Houston County.

Sec. 147. [SALE OF TRUST FUND LAND IN HUBBARD COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell the state trust fund land bordering on public waters described in paragraph (c) in accordance with the procedures in Minnesota Statutes, chapter 92.

(b) The conveyance shall be in a form approved by the attorney general.

(c) The land that may be sold is located in Hubbard County and is described as: that part of the Southeast Quarter of the Southeast Quarter of Section 8, Township 144 North, Range 32 West, Hubbard County, Minnesota, lying easterly of the Necktie River and northerly of the centerline of county state-aid highway No. 16, containing up to 5 acres, more or less.

(d) The sale will result in the elimination of a trespass situation with the adjacent landowner who built a house on the property in 1989.

Sec. 148. [SALE OF STATE LAND IN OTTER TAIL COUNTY.]

(a) Notwithstanding the public sale requirements of Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by

The lands are to be sold in the usual manner for acquired lands or trust fund lands.

This section is effective May 31, 1997.

Chapter 216, section one hundred and forty-seven permits the sale of one parcel of land in Hubbard County to resolve a trespass. Notwithstanding ML 1996, section 92.45, this law relieves the DNR of the constraints regarding sale of state land on meandered lakes and the reservation of a public easement.

This section is effective May 31, 1997.

Chapter 216, section one hundred and forty-eight permits the sale of one parcel of state land in Ottertail County. The section notwithstanding Minnesota Statutes defining procedures for sale and disposition of surplus state-owned land, and

private sale, for a consideration not less than its appraised value, the land described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 94.

(b) The conveyance shall be in a form approved by the attorney general.

(c) The land that may be sold is located in Otter Tail County and is described as: all that part of the Southwest Quarter of the Southeast Quarter of Section 22, Township 137, Range 42, Otter Tail County, Minnesota described as follows: beginning at the South Quarter corner of said Section 22; thence on an assumed bearing of North 0 degrees 31 minutes 36 seconds East along the west line of said Southwest Quarter of the Southeast Quarter, a distance of 442.58 feet; thence South 19 degrees 29 minutes 47 seconds East a distance of 108.74 feet; thence southeasterly on a tangential curve, concave to the northeast, having a radius of 498.22 feet and a central angle of 69 degrees 43 minutes 29 seconds, for an arc distance of 606.30 feet to the easterly line of a tract of land described in Book 392 of Deeds, page 509, Office of the Otter Tail County Recorder; thence South 10 degrees 03 minutes 49 seconds West along said easterly line, a distance of 14.18 feet to the southeast corner of said tract of land described in Book 392 of Deeds, page 509; thence North 89 degrees 20 minutes 11 seconds West along the south line of said Section 22, a distance of 500.80 feet to the point of beginning, containing 1.44 acres more or less, subject to easements and reservations of public record, if any. The grantor, for itself, its successors and assigns, reserves an easement for use and maintenance of the existing ditch over and across the above described parcel, being a strip of land 33 feet in width lying 16.5 feet on each side of the centerline of the existing ditch running in a southwesterly direction from the township road to the west line of said Southwest Quarter of the Southeast Quarter.

(d) The commissioner has determined that the land is no longer useful for any natural resource purpose, or any other public purpose, and intends to sell this unneeded land to the adjoining landowner to resolve an inadvertent trespass.

Sec. 149. [SALE OF STATE LAND IN CROW WING COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell acquired state land bordering public waters described in this section in accordance with Minnesota Statutes, section 85.015, subdivision 1,

surveys, appraisals and sale of those lands.

This section is effective May 31, 1997.

Chapter 216, section one hundred and forty-nine permits the sale of two parcels of land in Crow Wing County. The section eliminates the statutory requirements that withdraw from sale state land on meandered lakes.

paragraph (b), and chapter 94.

(b) The land that may be sold is located in Crow Wing County and is described as follows:

(1) Lot 3, Block 5, Plat of Paul Bunyan Trail, Nisswa Addition; and

(2) Lot 5, Block 5, Plat of Paul Bunyan Trail, Nisswa Addition.

Sec. 150. [SALE OF SURPLUS LAND FOR RECREATIONAL PURPOSES IN PINE COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell the land described in paragraph (b) to the city of Willow River in the manner prescribed by Minnesota Statutes, section 84.027, subdivision 10. The conveyance must provide that the land revert to the state of Minnesota should the land cease to be retained and developed as Stanton Lake Park for public use.

(b) The land that may be sold is located in Pine county and described as:

All that part of the following described tract: that part of the Northeast Quarter of the Southwest Quarter of Section 2, Township 44 North, Range 20 West, of the Fourth Principal Meridian, situated in Pine County, described as follows: beginning at a point on the east and west one quarter line of Section 2 at the intersection with the easterly right-of-way line of U.S. Highway No. 61; thence in a southerly direction along said easterly right-of-way line of U.S. Highway No. 61 a distance of 695 feet; thence in a northeasterly direction at an angle of 60 degrees with the U.S. Highway No. 61 right-of-way line for a distance of 410 feet to a point on the lake bank; thence in a northeasterly direction at an angle of 153 degrees 35 minutes with the preceding line to the intersection with the east and west one quarter line of Section 2, thence in a westerly direction along said east and west one quarter line of Section 2 to point of beginning, containing 5.81 acres, more or less.

(c) This property was purchased for development of the Stanton Lake dam. The state, its agents, and servants shall retain ownership of the dam and retain perpetual access to the dam via the existing road for the purposes of inspection, maintenance, repair, or reconstruction. The state shall not be held liable to make any immediate repairs on the dam. Such work shall be based on availability of dam maintenance funds. The land in this section is not needed for resource management and has been declared surplus. It best serves the public interest if this property is sold and proceeds used for acquisition of other land.

This section is effective May 31, 1997.

Chapter 216, section one hundred and fifty permits the DNR to sell a parcel of land in Pine County to the City of Willow River. DNR is exempted from following statutes withdrawing from sale state land on meandered lakes. The conveyance document must have a reverter clause returning the land to the state if the city fails to retain the land, use it for Stanton Lake Park, and keep the park open to the public.

This section is effective May 31, 1997.

Sec. 151. [HORSESHOE BAY LEASES.]

Subdivision 1. [DEFINITIONS.] (a) "Lessee" means a lessee of lands leased under Minnesota Statutes, section 92.46, that are located in Section 16, Township 62 North, Range 4 East, Cook County, of record with the commissioner of natural resources as of May 14, 1993.

(b) "New lease" means a lease issued after the effective date of this act under the terms and conditions specified in Minnesota Statutes, section 92.46, subdivisions 1, 1a, and 3, except that the lease may be for a life term and is not assignable or transferable and may not be amended to include additional lessees.

Subd. 2. [OPTIONS FOR LESSEES.] (a) If requested in writing by a lessee before January 1, 1998, the commissioner shall, at the lessee's option:

(1) pay to the lessee the appraised value of the lessee's improvements on the land and terminate the existing lease as of the date of payment for improvements; or

(2) issue a new lease for the life of the lessee that provides that when the lease term expires, the commissioner shall pay to the lessee or a beneficiary that must be designated in writing by the lessee the appraised value of the lessee's improvements on the land. A lessee who elects this option may elect to terminate the lease at any time during the term of the lease in exchange for payment by the commissioner for the appraised value of the lessee's improvements on the land.

(b) If the commissioner has not received written notice of a lessee's election by January 1, 1998, the commissioner may proceed under paragraph (a), clause (1).

(c) After the effective date of this section, no lessee under paragraph (a), clause (2), shall construct or remodel, other than necessary for maintenance and upkeep, a cabin or other structure during the lease.

(d) The commissioner may use money appropriated from the land acquisition account under Minnesota Statutes, section 94.165, for payments under paragraph (a).

(e) Notwithstanding Minnesota Statutes, section 92.46, subdivision 1a, the commissioner may elect whether to amend the leases in paragraph (a) to expand lot size to conform with current shoreline standards.

Sec. 152. [PRIVATE SALE OF STATE LAND IN

Chapter 216, section one hundred and fifty-one addresses problems with leased state land on Horseshoe Bay of Lake Superior. It gives the defined lessees the option to obtain a lease for the life of the lessee, rather than the standard twenty year lease. The life lease is not assignable or transferable.

Before January 1, 1998, the lessee may have the DNR pay him or her the value of the lessee's improvements on the land, in which case DNR will terminate the lease.

If the lessee chooses a life term lease by January 1, 1998, then the DNR must pay the lessee's designee the value of the lessee's improvements when the lease expires. A life lessee may choose to terminate the lease at any time and receive payment from DNR for their improvements.

If the lessee fails to act by January 1, 1998, then the DNR is permitted to proceed to pay the lessee the value of their improvements and terminate the lease.

After August 1, 1997 a life lessee may not construct or remodel, other than needed maintenance and upkeep, any cabin or structure on the leased land.

This section is effective May 31, 1997.

CLEARWATER COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45; 97A.135, subdivision 2a; and 282.01, subdivision 2; and the public sale provisions of Minnesota Statutes, chapter 94, the commissioner of natural resources may sell the land described in paragraph (c) to the adjoining landowner for \$1,000.

(b) The conveyance must be in a form approved by the attorney general and must provide that:

(1) the land may not be sold for commercial use or be developed into more than a two-family residence; and

(2) placement or construction of additional buildings or structures on the land, including corrals and animal shelters or pens, is prohibited.

(c) The land that may be sold is located in Clearwater county and is described as follows:

That part of Government Lot 6, Section 18, Township 143 North, Range 37 West, Clearwater County, Minnesota, described as follows:

Beginning at the northeast corner of Lot 1 Block 1 of HIGHLAND VIEW, on file and of record in the office of the County Recorder, being a 3/4 x 24 inch rebar with plastic cap stamped MN DNR PROPERTY MONUMENT, (DNR MON), from which the north line of said Lot 1 bears, assumed bearing, North 88 degrees 57 minutes 39 seconds West; thence North 80 degrees 50 minutes 33 seconds West 275.16 feet to a DNR MON; thence North 85 degrees 25 minutes 17 seconds West 93.89 feet to a DNR MON; thence South 50 degrees 06 minutes 54 seconds West 68.17 feet to the north line of said Lot 1 and a DNR MON; thence South 88 degrees 57 minutes 39 seconds East along the north line of said Lot 1 a distance of 417.62 feet to the point of beginning, containing 0.23 acres.

(d) The sale authorized by this section would resolve an inadvertent trespass consisting of the encroachment of a private dwelling on state land.

(e) The sale authorized by this section is subject to the following additional conditions:

(1) the costs of construction and maintenance of a boundary fence are the sole responsibility of the purchaser; and

(2) the adjoining landowner shall reimburse the department of natural resources for the cost of surveying the land and for time spent by department staff relating to this land trespass matter.

Sec. 153. [LOAN FORGIVENESS.]

The outstanding balance of the loan to the city of Fridley for reconstruction of the Locke Lake dam, that was appropriated in Laws 1991, chapter 254,

Chapter 216, section one hundred and fifty-two permits the sale of one parcel of state land in Clearwater County for the sum of \$1,000 to the adjoining land owner. The land may not be used commercially. It may not be developed into more than one two family residence. No other buildings may be constructed on the land.

The DNR is exempt from the statues prohibiting sale of state land on meandered lakes, disposal of land in wildlife management areas, and conveyance of tax forfeited land.

This section is effective May 31, 1997.

Chapter 216, section one hundred and fifty-three forgives the outstanding balance on a loan to reconstruct Locke Lake Dam taken out by the

article 1, section 5, subdivision 3, is canceled and forgiven.

Sec. 154. [PROTECTION OF OLD GROWTH FOREST AREA.]

The commissioner of natural resources shall negotiate with the city of Duluth, the Duluth Airport Authority, and other federal, state, and local parties to identify and delineate the land subject to the 1939 conveyance on Minnesota Point and develop a management plan that will provide a level of protection sufficient to ensure the continued ecological integrity of the area and to prohibit further cutting of the old growth forest area.

Sec. 156. [JOINT DITCH NO. 1, CHISAGO AND WASHINGTON COUNTIES.]

Notwithstanding Minnesota Statutes, section 103E.811, the counties of Chisago and Washington may, after making a determination that joint ditch no. 1 is not of public benefit and utility, order its abandonment.

Sec. 160. [REPEALER.]

(a) Minnesota Statutes 1996, sections 25.34; 115A.908, subdivision 3; 115A.9523; 115B.223; 115B.224; 116.991; 116.992; and 296.02, subdivision 7a, are repealed.

(b) Laws 1995, chapter 77, section 3, is repealed effective the day after final enactment.

(c) Laws 1995, chapter 220, section 21, is repealed.

City of Fridley.

This section is effective August 1, 1997.

Chapter 216, section one hundred and fifty-four requires DNR to work with the City of Duluth, the Duluth Airport Authority, MnDOT, the Federal Aviation Administration and the residents of Minnesota Point to protect the old growth trees on Minnesota Point threatened by aviation activity. DNR and the group must develop a management plan.

This section is effective August 1, 1997.

Chapter 216, section one hundred and fifty-six allows Chicago and Washington Counties to abandon a joint ditch after making a joint determination that it is no longer of public benefit. The counties are exempted from statutes covering the abandonment of a drainage system.

This section is effective August 1, 1997.

Chapter 216, section one hundred and sixty repeals ML 1995, chapter 77, section 3, thus repealing the authority to sell the property commonly referred to as "Miracle Bible Camp" and "Perch Lake".

The repeal of ML 1995, chapter 220, section 21 repeals a transfer of \$1,460,000 from the Minnesota Future Resources Fund (LCMR) to the general fund, due to occur on or before June 30, 1997.

This section is effective August 1, 1997.

Chapter 226

Game and Fish Omnibus Policy Bill

This bill appropriates money; authorizes special hunts for youth, sale of merchandise, rules to restrict air boats, shooting hours for migratory game birds, and a firearms safety pilot program; modifies provisions relating to taking minnows, stamp provisions, the procedure for vacating or modifying a state game

refuge, fish habitat and propagation provisions, recreational motor vehicle provisions, special license plate provisions, license provisions, and personal watercraft provisions; permits persons 65 years of age or older to take certain game with a crossbow, and youth residents to hunt deer without a license tag; prohibits air boats on certain lakes; provides criminal penalties, and purposes for the game and fish fund; requires personal watercraft safety certificate, reports, snowmobile safety certificate, and a snowmobile state trail permit;

Section 1. Minnesota Statutes 1996, section 17.4982, is amended by adding a subdivision to read:

Subd. 18a. [NONINDIGENOUS SPECIES.]

"Nonindigenous species"

means a species of fish or other aquatic life that is:

(1) not known to have been historically present in the state;

(2) not known to be naturally occurring in a particular part of the state; or

(3) designated by rule as a prohibited or restricted exotic species.

Sec. 2. Minnesota Statutes 1996, section 17.4982, is amended by adding a subdivision to read:

Subd. 18b. [NONINDIGENOUS STRAIN.]

"Nonindigenous strain" means a species of fish or other aquatic life that:

(1) has an original source outside of this state and contiguous states;

(2) is an unnaturally occurring hybrid or genetically engineered species; or

(3) in areas north of marked state highway 210, is a walleye, the original source of which is from south of marked state highway 210 or from outside the state.

Sec. 3. Minnesota Statutes 1996, section 17.4982, is amended by adding a subdivision to read:

Subd. 18c. [PROCESSING.] "Processing" means rendering a species of aquatic life for food, bait, or other purposes so that it is no longer alive.

Sec. 4. Minnesota Statutes 1996, section 17.4983, is amended by adding a subdivision to read:

Subd. 8. [INTERFERENCE PROHIBITED.] a person may not knowingly damage, disturb, or interfere with legal aquatic farm operations.

Sec. 5. Minnesota Statutes 1996, section 17.4998, is amended to read:

17.4998 [VIOLATIONS; PENALTY.]

Subdivision 1. [MISDEMEANOR.] Unless a different penalty is prescribed, a violation of a provision of sections 17.4981 to 17.4997 or a rule of

Chapter 226, section one amends Minnesota Statutes 1996, section 17.4982 to provide a definition of nonindigenous species, for the purposes of private aquaculture management, regulation and enforcement.

This section is effective July 1, 1997

Chapter 226, section two amends Minnesota Statutes 1996, section 17.4982 to provide a definition of nonindigenous strain, for the purposes of private aquaculture management, regulation and enforcement.

This section is effective July 1, 1997

Chapter 226, section three provides a definition of processing, for the purposes of private aquaculture management, regulation and enforcement.

This section is effective July 1, 1997

Chapter 226, section four makes it illegal to interfere in any way with a legal aquatic farm operation.

This section is effective July 1, 1997

Chapter 226, section five amends Minnesota Statutes 1996, section 17.4998 to provide a petty misdemeanor for violations of aquatic farming laws and regulations, that do not involve intentionally falsifying records, and do not put public waters at a risk from non-

the commissioner governing the operation of an aquatic farm, private fish hatchery, or quarantine facility is a misdemeanor.

Subd. 2. [PETTY MISDEMEANOR.] a first and second violation, within a three-year period, of sections 17.4981 to 17.4997 or a rule of the commissioner governing the operation of an aquatic farm, private fish hatchery, or quarantine facility is a petty misdemeanor if it does not involve intentionally falsifying records and does not put public waters or other fish hatchery facilities at risk from harmful nonindigenous species, nonindigenous strains, or emergency fish diseases.

Subd. 3. [LICENSE VOID.] The license of a person convicted of a violation of sections 17.4981 to 17.4997 or a rule of the commissioner governing the operation of an aquatic farm, private fish hatchery, or quarantine facility is void for a period of one year after the conviction if the person is convicted of two or more misdemeanors within a three-year period. If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate a license voided under this subdivision.

Sec. 6. Minnesota Statutes 1996, section 84.0855, is amended to read:

84.0855 [SPECIAL SALES; RECEIPTS; APPROPRIATION.]

Subdivision 1. [SALES AUTHORIZED; GIFT CERTIFICATES.] The commissioner may sell natural resources-related publications and maps; federal migratory waterfowl, junior duck, and other federal stamps; and other nature-related merchandise, and may rent or sell items for the convenience of persons using department of natural resources facilities or services. The commissioner may sell gift certificates for any items rented or sold. Notwithstanding section 16A.1285, a fee charged by the commissioner under this section may include a reasonable amount in excess of the actual cost to support department of natural resources programs. The commissioner may advertise the availability of a program or item offered under this section.

Subd. 2. [RECEIPTS; APPROPRIATION.] Money received by the commissioner of natural resources as fees for seminars or workshops, from the sale of publications and maps, from the sale of other natural resource-related merchandise, under this section or to buy supplies for the use of volunteers, may be credited to one or more special accounts in the state treasury and is appropriated to the commissioner for the purposes for which the money was received. Money received from sales at the state fair shall be

indigenous species, strains, or emergency fish diseases. Subdivision three provides for voiding an aquatic farming license if the holder is convicted of two or more violations within three years.

This section is effective July 1, 1997

Chapter 226, section six amends Minnesota Statutes 1996, section 84.0855 which governs the DNR's ability to sell items such as federal resource stamps, merchandise, gift certificates, publications, maps, and other merchandise.

Prior to the revision the DNR could receive money as fees or from sale, however it was not clear the DNR itself could make sales. This clarifies the statute in this regard. In addition, prior statute did not authorize sale of federal resource stamps such as the federal waterfowl and junior duck stamps.

This section is effective May 31, 1997.

available for state fair related costs.

Sec. 7. Minnesota Statutes 1996, section 84.82, subdivision 2, is amended to read:

Subd. 2. [APPLICATION, ISSUANCE, REPORTS, ADDITIONAL FEE.] (a) Application for registration or reregistration shall be made to the commissioner of natural resources, or the commissioner of public safety or an authorized deputy registrar of motor vehicles in such form as the commissioner of public safety shall prescribe, and shall state the legal name and address of every owner of the snowmobile and be signed by at least one owner.

(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 temporary registration permit to each purchaser who applies to the dealer for registration. The temporary registration is valid for 60 days from the date of issue. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such a clearly visible and permanent manner for enforcement purposes as the commissioner of natural resources shall prescribe.

(c) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(d) a fee of \$2 in addition to that otherwise prescribed by law shall be charged for:

(1) each snowmobile registered by the registrar or a deputy registrar and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) each snowmobile registered by the commissioner and the additional fee shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 8. Minnesota Statutes 1996, section 84.87, subdivision 2, is amended to read:

Chapter 226, section seven amends Minnesota Statutes 1996, section 84.82, covering snowmobile registration, to require applicants registering their snowmobile to use their legal address. Part (b) is amended to clarify that the manner of display of the registration number on the snowmobile, as prescribed by DNR, ensures the number is clearly visible, permanent and useful for enforcement purposes.

This section is effective July 1, 1997.

Chapter 226, section eight makes a technical change in the numbering of Minnesota Statutes

Subd. 2. [OPERATION GENERALLY.] It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

- (a) (1) at a rate of speed greater than reasonable or proper under all the surrounding circumstances;
- (b) (2) in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
- (c) (3) without a lighted head and taillight when required for safety; or
- (d) (4) in any tree nursery or planting in a manner which damages or destroys growing stock.

Sec. 9. Minnesota Statutes 1996, section 84.872, is amended by adding a subdivision to read:

Subd. 1a. [HELMET REQUIRED.] (a) No person under the age of 18 shall operate or ride a snowmobile in this state without wearing protective headgear that complies with standards established by the commissioner of public safety.

(b) The provisions of this subdivision shall not apply to persons during their participation in a parade that has been granted a permit or other official authorization by a local unit of government or to a person operating a snowmobile on land that is owned by the person or the person's parents, grandparents, siblings, uncles, or aunts.

Sec. 10. Minnesota Statutes 1996, section 84.873, is amended to read:

84.873 [SIGNAL FROM OFFICER TO STOP.]

It is unlawful for a snowmobile operator, after having received a visual or audible signal from any law enforcement officer to come to a stop, to (a) (1) operate a snowmobile in willful or wanton disregard of such signal, or (b) (2) interfere with or endanger the law enforcement officer or any other person or vehicle, or (c) increase speed or attempt to flee or elude the officer.

Sec. 11. Minnesota Statutes 1996, section 86B.201, is amended by adding a subdivision to read:

Subd. 3. [NONMOTORIZED CARRY-ON ACCESS.] a person may access any public waters through public land with a hand-carried nonmotorized watercraft.

Sec. 12. Minnesota Statutes 1996, section 97A.015, is amended by adding a subdivision to read:

1996, section 84.87.

This section is effective July 1, 1997.

Chapter 226, section nine adds a new subdivision to Minnesota Statutes 1996, chapter 84 to require snowmobile operators under 18 years of age to wear a snowmobile helmet. This requirement is waived for operators in permitted parades or operators on land owned by an immediate relation.

This section is effective July 1, 1997.

Chapter 226, section ten amends Minnesota statutes 1996, section 84.873. The law makes technical changes to the section numbering and deletes the prohibition on fleeing a peace officer. This prohibition is reinstated in M.S. 1997, Chapter 609, criminal code, in **section forty-four of chapter 226**, by including snowmobiles in the definition of motor vehicles. The crime becomes a felony.

This section is effective July 1, 1997.

Chapter 226, section eleven amends Minnesota Statutes 1996, section 86B.201, governing the operation of watercraft on public waters, to allow launching a hand carried, nonmotorized craft on any public waters over public land.

This section is effective July 1, 1997.

Chapter 226, section twelve amends Minnesota Statutes 1996 97A.015, game and fish statutes,

Subd. 37a. [PROCESSING.] "Processing" means rendering a species of aquatic life for food, bait, or other purposes so that it is no longer alive.

Sec. 13. Minnesota Statutes 1996, section 97A.015, subdivision 49, is amended to read:

Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

- (1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, or grouse, with feet and feathered head intact;
- (2) a migratory waterfowl, excluding geese, with a fully feathered wing and head attached; or
- (3) a pheasant, Hungarian partridge, or grouse with one leg and foot or the fully feathered head or wing intact; or
- (4) a goose with a fully feathered wing attached.

Sec. 14. Minnesota Statutes 1996, section 97A.015, subdivision 53, is amended to read:

Subd. 53. [UNPROTECTED WILD ANIMALS.] "Unprotected wild animals" means wild animals that are not protected wild animals including weasel, coyote (brush wolf), gopher, porcupine, striped skunk, civet cat, and unprotected birds.

Sec. 15. Minnesota Statutes 1996, section 97A.045, subdivision 7, is amended to read:

Subd. 7. [DUTY TO ENCOURAGE STAMP DESIGN AND PURCHASES.] (a) The commissioner shall encourage the purchase of:

- (1) Minnesota migratory waterfowl stamps by nonhunters interested in the migratory waterfowl preservation and habitat development;
 - (2) pheasant stamps by persons interested in pheasant habitat improvement; and
 - (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.
- (b) The commissioner shall make rules governing contests for selecting a design for each stamp.

Sec. 16. Minnesota Statutes 1996, section 97A.075, subdivision 3, is amended to read:

Subd. 3. [TROUT AND SALMON STAMP.] (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. Money in the account may be

to define processing of aquatic life.

This section is effective July 1, 1997.

Chapter 226, section thirteen amends Minnesota Statutes 1996, section 97A.015 defining an undressed bird to include a goose with a fully feathered wing. This changes current law that requires geese to be transported with both head and wing attached.

This section is effective July 1, 1997.

Chapter 226, section fourteen amends Minnesota Statutes 1996, section 97A.015, defining unprotected wild animals, to delete the civet cat and specify the striped skunk. This clarifies that the civet cat is protected. It currently receives protection as a state endangered species.

This section is effective July 1, 1997.

Chapter 226, section fifteen amends Minnesota statutes 1996, section 97A.045, providing the commissioner's duties for fish and game, to include turkey stamp contests, and encouraging the purchase of turkey stamps.

This section is effective July 1, 1997.

Chapter 226, section sixteen amends Minnesota Statutes 1996, section 97A.075, governing the uses of trout and salmon stamp revenues, to include identification and acquisition of public easements and fee title

used only for:

(1) the development, restoration, maintenance, and preservation of trout streams and lakes; and

(2) rearing and stocking of trout and salmon and stocking of trout and salmon in trout streams and lakes and Lake Superior;

(3) ~~acquisition of easements and fee title along trout waters;~~

(4) ~~identifying easement and fee title areas along trout waters; and~~

(5) ~~research and special management projects on Lake Superior and the anadromous portions of its tributaries.~~

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a) or to specific fish rearing activities under paragraph (a), clause (2).

Sec. 17. Minnesota Statutes 1996, section 97A.085, subdivision 8, is amended to read:

Subd. 8. [MODIFICATION OR ABANDONMENT.] a state game refuge may be vacated or modified by the commissioner under the same procedures required for establishment of the refuge, ~~except that a refuge established or modified under subdivision 2 or 3 may be vacated or modified following a public hearing as specified in subdivision 4a.~~

Sec. 18. Minnesota Statutes 1996, section 97A.101, is amended by adding a subdivision to read:

Subd. 4. [RESTRICTIONS ON AIR BOATS, WATERCRAFT, AND RECREATIONAL VEHICLES.] (a) ~~The use of air boats is prohibited at all times on lakes designated for wildlife management purposes under this section unless otherwise authorized by the commissioner.~~

(b) ~~The commissioner may restrict the use of motorized watercraft and recreational vehicles on lakes designated for wildlife management purposes by posting all public access points on the designated lake.~~

Sec. 19. Minnesota Statutes 1996, section 97A.411, subdivision 1, is amended to read:

Subdivision 1. [LICENSE PERIOD.] (a) Except as provided in paragraph (b), a license is valid during the lawful time within the license year that the licensed activity may be performed. a license year begins on the first day of March and ends on the last

areas abutting trout waters, and research and other special management project on Lake Superior and its trout and salmon holding tributaries.

This section is effective July 1, 1997.

Chapter 226, section seventeen amends Minnesota Statutes 1996, section 97A.085, governing game refuges, to allow vacating or modifying a game refuge without a petition. The DNR must hold a public hearing within the county where refuge exists, notice the change least 15 days before the hearing, and legally publish a notice of the hearing.

This section is effective July 1, 1997.

Chapter 226, section eighteen adds a section to Minnesota Statutes 1996, chapter 97A, game and fish statutes, prohibiting the use of airboats on designated wildlife lakes and allowing DNR to restrict the use of watercraft and recreational vehicles on wildlife lakes, by posting restrictions at accesses to the lake.

This section is effective July 1, 1997.

Chapter 226, section nineteen amends Minnesota Statutes 1996, section 97A.411, governing the valid license period for fish and game licenses, to allow nonresident, seven day fish house licenses to be issued for a seven day period spanning license years.

day of February.

(b) a license issued under section 97A.475, subdivision 6, clause (5), or section 97A.475, subdivision 7, clause (2), (3), (5), or (6), or ~~97A.475, subdivision 12, clause (2)~~, is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

Sec. 20. Minnesota Statutes 1996, section 97A.411, subdivision 3, is amended to read:

Subd. 3. [ARCHERY DEER LICENSE.] (a) Except as provided in paragraph paragraphs (b) and c, a license to take deer by archery, ~~firearms, or muzzleloader~~ issued after the opening of the related archery, ~~firearms, or muzzleloader~~ deer season, respectively, is not valid until the fifth second day after it is issued.

(b) The commissioner may issue a license to take a second additional deer by archery under section 97B.301, subdivision 4, that is valid immediately upon issuance.

~~(c) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 97A.465, subdivision 4.~~

Sec. 21. Minnesota Statutes 1996, section 97A.421, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) The license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records; or

~~(4) two or more misdemeanor convictions occur within a three-year period under a private fish hatchery license; or~~

(5) the conviction occurs under a license not described in clause (1) or, (2), ~~or (4)~~ or is for a violation of section 97A.425 not described in clause (3).

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license relating to the game and fish law violation.

This section is effective July 1, 1997.

Chapter 226, section twenty amends Minnesota Statutes 1996, section 97A.411, governing the valid license period for fish and game licenses, making all deer licenses valid the second day following issuance. It also consolidates authority for DNR to issue licenses for additional deer taken by all methods. As in the past, discharged military personnel are issues licenses valid immediately.

This section is effective July 1, 1997.

Chapter 226, section twenty-one amends Minnesota Statutes 1996, section 97A.421, governing suspension of fish and game licenses, to add a provision voiding the license of a private fish hatchery with two or more misdemeanor convictions in a three-year period. See **Chapter 226, section five**.

This section is effective July 1, 1997.

Sec. 22. Minnesota Statutes 1996, section 97A.465, subdivision 4, is amended to read:

Subd. 4. [DISCHARGED RESIDENT; OBTAINING DEER LICENSE DURING SEASON.] Notwithstanding section 97A.485, subdivision 9, a resident who is discharged from the United States armed forces during, or within ten days before, the firearms deer season may, upon showing the official discharge paper, obtain a firearm deer license during the season that is valid immediately upon issuance.

Sec. 23. Minnesota Statutes 1996, section 97A.475, subdivision 2, is amended to read:

Subd. 2. [RESIDENT HUNTING.] Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$10;
- (2) for persons age 65 or over, \$5;
- (3) to take turkey, \$16;
- (4) to take deer with firearms, \$22;
- (5) to take deer by archery, \$22;
- (6) to take moose, for a party of not more than six persons, \$275;
- (7) to take bear, \$33;
- (8) to take elk, for a party of not more than two persons, \$220; and
- (9) to take antlered deer in more than one zone, \$44; and
- (10) to take Canada geese during a special season, \$3.

Sec. 24. Minnesota Statutes 1996, section 97A.475, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENT HUNTING.] Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take small game, \$56;
- (2) to take deer with firearms, \$110;
- (3) to take deer by archery, \$110;
- (4) to take bear, \$165;
- (5) to take turkey, \$56;
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50; and
- (7) to take antlered deer in more than one zone, \$220; and
- (8) to take Canada geese during a special season, \$3.

Sec. 25. Minnesota Statutes 1996, section 97A.485, subdivision 6, is amended to read:

Subd. 6. [LICENSES TO BE SOLD AND

Chapter 226, section twenty-two amends Minnesota Statutes 1996, section 97A.465, governing issuance of deer licenses to discharged military personnel during the deer season, to conform with the amendments to licensing provisions in **Chapter 226, sections twenty and twenty-six**.

This section is effective July 1, 1997.

Chapter 226, section twenty-three amends Minnesota Statutes 1996, section 97A.475, governing fees for resident hunting licenses, to add a \$3 fee for a special season for Canada geese. Formerly this was a \$3.00 special permit.

This section is effective July 1, 1997.

Chapter 226, section twenty-four amends Minnesota Statutes 1996, section 97A.475, governing fees for nonresident hunting licenses, to add a \$3 fee for a special season for Canada geese.

This section is effective July 1, 1997.

Chapter 226, section twenty-five amends Minnesota Statutes 1996, section 97A.485, subdivision 6, governing the licenses subagents

ISSUING FEES.] (a) Persons authorized to sell licenses under this section must sell 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, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, and for a special season Canada goose license, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp 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.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) a license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

Sec. 26. Minnesota Statutes 1996, section 97A.485, subdivision 9, is amended to read:

Subd. 9. [CERTAIN LICENSES NOT TO BE ISSUED AFTER SEASON OPENS.] (a) The following licenses may not be issued after the day before the opening of the related firearms season:

(1) to take deer with firearms, except a license to take more than one deer under section 97B.301, subdivision 4;

(2) to guide bear hunters; and

(3) (2) to guide turkey hunters.

(b) Paragraph (a) does not apply to deer licenses for discharged military personnel under section 97A.465, subdivision 4.

(c) a nonresident license or tag to take and possess raccoon, bobcat, Canada lynx, or fox may not be issued after the fifth day of the open season:

must sell and the fees they collect, to provide that they must sell licenses for special Canada goose licenses at no fee. The special license will be a small sticker or stamp, to be issued like other stamps.

This section is effective July 1, 1997.

Chapter 226, section twenty-six amends Minnesota Statutes 1996, section 97A.485, subdivision 9, restricting certain licenses to sale prior to the opening of season, to delete the: prohibition of sale of firearms deer licenses after the day before opening day; permitting of sale of deer licenses for discharged military personnel after opening; and prohibition of sale of licenses to take/tag raccoon, bobcat, Canada lynx or fox after the fifth day of the open season.

This section is effective July 1, 1997.

Sec. 27. Minnesota Statutes 1996, section 97A.485, is amended by adding a subdivision to read:

Subd. 12. [YOUTH DEER LICENSE.] The commissioner may, for a fee of \$5, issue to a resident under the age of 16 a license, without a tag, to take deer with firearms. a youth holding a license issued under this subdivision may hunt under the license only if accompanied by a licensed hunter who is at least 18 years of age and possesses a valid tag. a deer taken by a youth holding a license issued under this subdivision must be promptly tagged by the licensed hunter accompanying the youth. Section 97B.301, subdivision 6, does not apply to a youth holding a license issued under this subdivision.

Sec. 28. Minnesota Statutes 1996, section 97B.055, subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS RELATED TO MOTOR VEHICLE.] a person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section. An archer in a permitted bow fishing tournament may transport the bow uncased while in an electric motor-powered boat.

Sec. 29. Minnesota Statutes 1996, section 97B.075, is amended to read:

97B.075 [HUNTING RESTRICTED BETWEEN EVENING AND MORNING.]

a person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except big game may be taken from one-half hour before sunrise until one-half hour after sunset, and, except as otherwise prescribed by the commissioner during the first eight days of the season, until January 1, 2001, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner.

Sec. 30. [97B.112] [SPECIAL HUNTS FOR YOUTH.]

The commissioner may by rule establish criteria, special seasons, and limits for youth hunters to take big game and small game by firearms or archery in designated areas or times. The criteria may also include provisions for an unlicensed adult to assist a youth hunter during a special season or special hunt established under this section.

LEFT COLUMN - Language in Law

Chapter 226, section twenty-seven adds a section Minnesota Statutes 1996, chapter 97A to allow DNR to sell a firearms youth deer license to a resident under 16 years old for \$5. The youth must be accompanied by a licensed hunter 18 years old or older, who possesses a valid deer tag. A deer taken by the youth must be immediately tagged by the adult with the adult's tag. A youth with this license may not take a deer of either sex, as provided in 97B.301. See **Chapter 226, section thirty-two.**

This section is effective July 1, 1997.

Chapter 226, section twenty-eight amends Minnesota Statutes 1996, section 97B.055, subdivision 2, restricting taking of wild animals from a motor vehicle, to allow transporting an uncased bow, in a bow fishing tournament, while in an electrically powered boat.

This section is effective May 31, 1997.

Chapter 226, section twenty-nine amends Minnesota Statutes 97B.075, restricting hunting between evening and morning, to require the DNR to allow waterfowl hunting one-half hour before sunrise to sunset, after the first eight days of the waterfowl season. This is valid to January 1, 2001.

This section is effective July 1, 1997.

Chapter 226, section thirty adds a section to Minnesota Statutes 1996, chapter 97B to allow DNR to establish special youth hunts by rule.

This section is effective July 1, 1997.

RIGHT COLUMN - Summary of Law

Sec. 31. Minnesota Statutes 1996, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. [POSSESSION OF FIREARMS PROHIBITED.] (a) Except as provided in paragraph (b) when hunting bear, a person may not take big game by archery while in possession of a firearm.

(b) a person may take bear by archery while in possession of a handgun specified in section 97B.031, subdivision 1.

Sec. 32. Minnesota Statutes 1996, section 97B.301, subdivision 6, is amended to read:

Subd. 6. [RESIDENTS UNDER AGE 16 MAY TAKE DEER OF EITHER SEX.] a resident under the age of 16 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 under age 16, under the procedures provided in section 97B.305, and may give preference to residents under the age of 16 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Sec. 33. Minnesota Statutes 1996, section 97B.655, subdivision 1, is amended to read:

Subdivision 1. [OWNERS AND OCCUPANTS MAY TAKE CERTAIN ANIMALS.] a person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. a person that kills mink, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver under this subdivision must bring the entire animal to notify a conservation officer or employee of the division within 24 hours after the animal is killed.

Sec. 34. [97B.802] [SPECIAL CANADA GOOSE SEASON LICENSE REQUIRED.]

Except as provided in this section, a person required to possess a small game license may not take Canada geese during a special season without a valid special season Canada goose license in possession. Residents under age 18 or over age 65 and persons hunting on their own property are not

Chapter 226, section thirty-one amends Minnesota Statutes 1996, section 97B.211, subdivision 1, hunting big game by archery, to permit the possession of any firearm while hunting bear by archery.

This section is effective July 1, 1997.

Chapter 226, section thirty-two amends Minnesota Statutes 97B.301, youth either sex deer, to allows DNR to issue youth either sex permits to youth under 16 in areas otherwise closed to taking of antlerless deer.

This section is effective July 1, 1997.

Chapter 226, section thirty-three amends Minnesota Statutes 1996, section 97B.655, allowing land owners or tenants to take nuisance animals, to add opossums to the list of possible nuisance animals that can be taken when causing damage. In addition, it deletes the requirement that the carcass be taken to a conservation officer within 24 hours, substituting notification of the officer.

This section is effective July 1, 1997.

Chapter 226, section thirty-four adds a section to Minnesota Statutes, chapter 97B, hunting statutes, to codify, the special Canada goose season permit, necessary while taking Canada geese during a special season. This does not apply to those under age 18, over age 65, or hunting on their own land.

required to possess the license.

Sec. 35. [97B.926] [PINE MARTEN AND FISHER ZONE.]

Where a combined pine marten and fisher trapping zone exists, the commissioner must provide an option of a combined limit of fisher and marten.

Sec. 36. Minnesota Statutes 1996, section 97C.035, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONS.] If the commissioner determines that fish in shallow waters are endangered by lack of oxygen in the winter in danger of dying, or if waters will be restored with the use of piscicides, the commissioner shall may rescue the fish under subdivision 2 or allow taking of the fish under subdivision 3.

Sec. 37. Minnesota Statutes 1996, section 97C.211, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIRED.] a person may not operate a private fish hatchery without a private fish hatchery license. a private fish hatchery is a facility for raising fish, including minnows, for sale, stocking waters, angling, or processing. A private fish hatchery license is valid for five years but must be renewed annually.

Sec. 38. Minnesota Statutes 1996, section 97C.211, is amended by adding a subdivision to read:

Subd. 6. [NONPUBLIC RECORDS.] Information on production, harvest, and sales of aquatic life by a private fish hatchery is nonpublic information.

Sec. 39. Minnesota Statutes 1996, section 97C.321, subdivision 1, is amended to read:

Subdivision 1. [GENERAL PROHIBITION.] A person may not take fish by angling with a set line or an unattended line except as provided in this section and section 97C.801 rules adopted under the game and fish laws.

Sec. 40. Minnesota Statutes 1996, section 97C.505, is amended by adding a subdivision to read:

Subd. 7. [INTERFERENCE PROHIBITED.] A person may not knowingly damage, disturb, or

This section is effective July 1, 1997.

Chapter 226, section thirty-five adds a section to Minnesota Statutes chapter 97B, hunting statutes, to require DNR to provide an option for a combined fisher and marten limit in any zone open to pine marten and fisher trapping.

This section is effective July 1, 1997.

Chapter 226, section thirty-six amends Minnesota Statutes 1996, section 97C.035, fishing statutes, to expand the authority of DNR to rescue or allow pemiscuous fishing for fish in danger of dying.

This section is effective July 1, 1997.

Chapter 226, section thirty-seven amends Minnesota Statutes 1996, section 97C.211, governing private fish hatcheries, to set the license period to five years, renewed annually.

This section is effective July 1, 1997.

Chapter 226, section thirty-eight adds a subdivision to Minnesota Statutes 1996, section 97C.211, governing private fish hatcheries, to define certain hatchery records as nonpublic data.

This section is effective July 1, 1997.

Chapter 226, section thirty-nine amends Minnesota Statutes 1996, section 97C.321, restricting unattended lines, allowing permitting of set or unattended line by rule.

This section is effective July 1, 1997.

Chapter 226, section forty amends Minnesota Statutes 1996, section 97C.505, regulating minnows, to make it illegal to interfere with commercial minnow harvest.

This section is effective July 1, 1997.

interfere with legal commercial minnow harvest operations.

Sec. 41. Minnesota Statutes 1996, section 97C.801, subdivision 2, is amended to read:

Subd. 2. [COMMERCIAL FISH NETTING AND SET LINES ON MISSISSIPPI RIVER.] (a) A license is required to commercially take rough fish with seines and set lines in the Mississippi river from the St. Croix river junction to St. Anthony Falls.

(b) A person may take rough fish in the Mississippi river, from the St. Croix river junction to St. Anthony Falls, only with the following equipment and methods:

(1) operations shall be conducted only in the flowing waters of the river and in tributary backwaters prescribed by the commissioner;

(2) only one set line may be used that has an identification tag and not more than 100 hooks;

(3) seines may be used only as prescribed by this section and rules adopted by the commissioner;

(4) (3) seines must be hauled to a landing immediately after being placed;

(5) (4) two seines may not be joined together in the water; and

(6) (5) a net seine may not be raised, laid out, or landed; between sunset and sunrise; and

(7) the location of a net or seine may not be changed from the place specified in the license application without notifying the commissioner of the proposed change.

Sec. 42. Minnesota Statutes 1996, section 168.1291, is amended to read:

168.1291 [SPECIAL LICENSE PLATES; DESIGN.]

Subdivision 1. [DEFINITION.] For purposes of this section "special license plates" means license plates issued under sections 168.12, subdivisions 2b to 2e; 168.123; 168.129; and 168.1292; and ~~168.1296~~.

Subd. 2. [DESIGN OF SPECIAL LICENSE PLATES.] The commissioner shall design a single special license plate that will contain a unique number and a space for a unique symbol. The commissioner shall design a unique symbol related to the purpose of each special license plate. Any provision of sections 168.12, subdivisions 2b to 2e; 168.123; 168.129; and 168.1292; and ~~168.1296~~ that requires the placement of a specified letter or letters on a special license plate applies to those license plates only to the extent that the commissioner

Chapter 226, section forty-one amends Minnesota Statutes 1996, section 97C.801, regulating commercial fishing on the Mississippi River, to permit use of set lines without a special license, and delete the requirement that set lines have an ID tag and no more than 100 hooks. It also deletes the requirement to notify DNR when changing the location of nets or seines and permits rules for seines.

This section is effective July 1, 1997.

Chapter 226, section forty-two amends Minnesota Statutes 1996, section 168.1291, covering the design of special license plates for motor vehicles, allowing the continuation of the Critical Habitat License Plate's unique design.

This section is effective July 1, 1997.

includes the letter or letters in the design. Where a law authorizing a special license plate contains a specific requirement for graphic design of that license plate, that requirement applies to the appropriate unique symbol the commissioner designs.

Subd. 3. [ISSUANCE OF SPECIAL LICENSE PLATES WITH UNIQUE SYMBOLS.]

Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; 168.129; or 168.1292; or 168.1296, beginning with special license plates issued in calendar year 1996 the commissioner shall issue each class of special license plates permanently marked with specific designs under those laws only until the commissioner's supply of those license plates is exhausted. Thereafter the commissioner shall issue under those laws only the license plate authorized under subdivision 2, with the appropriate unique symbol attached.

Subd. 4. [FEES.] Notwithstanding section 168.12, subdivisions 2b to 2e; 168.123; 168.129; or 168.1292; or 168.1296, the commissioner shall charge a fee of \$10 for each set of license plates issued under this section.

Subd. 5. [APPLICATION.] This section does not apply to a special motorcycle license plate designed by the registrar under section 168.123, subdivision 1, clause (2)

Sec. 43. Minnesota Statutes 1996, section 168.1296, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a) The registrar shall issue special critical habitat license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes at least a minimum of \$30 annually to the Minnesota critical habitat private sector matching account established in section 84.943; and
- (6) complies with laws and rules governing registration and licensing of vehicles and drivers.

(b) The critical habitat license application form must clearly indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the license plate and that the applicant may make an additional contribution to the account.

Chapter 226, section forty-three amends Minnesota Statutes 1996, section 168.1296, enabling the Critical Habitat Plate, to clarify that \$30 is the minimum donation to the account required for receiving the plate. It also requires the application to clearly state that \$30 is a minimum and more may be donated.

This section is effective July 1, 1997.

Chapter 226, section forty-four amends Minnesota Statutes 1996, section 609.487, the

Sec. 44. Minnesota Statutes 1996, section 609.487, is amended by adding a subdivision to read:

Subd. 2a. [MOTOR VEHICLE; DEFINITION.] For the purposes of this section, "motor vehicle" has the meaning given it in section 169.01, subdivision 3, and includes a snowmobile, as defined in section 84.81.

Sec. 45. Laws 1993, chapter 273, section 1, as amended by Laws 1994, chapter 623, article 1, section 41, and Laws 1995, chapter 186, section 110, is amended to read:

Section 1. [AUTHORIZATION TO TAKE TWO DEER IN CERTAIN COUNTIES.]

Notwithstanding Minnesota Statutes, section 97B.301, subdivision 2, during the ~~1994, 1995, and 1996~~ 1997 and 1998 hunting seasons 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.

Sec. 46. Laws 1996, chapter 410, section 56, is amended to read:

Sec. 56. [PERSONAL FLOTATION DEVICE RULES; VIOLATIONS.]

A violation prior to May 1, 1997 ~~1999~~, of requirements added in the proposed rule published in the State Register, Volume 19, Number 45, pages 2207 to 2210, May 8, 1995, and subsequently adopted on October 2, 1995, shall not result in a penalty, but is punishable only by a safety warning.

Sec. 47. [STUDY.]

The commissioner of natural resources must survey and identify, with the cooperation of local grant-in-aid trail groups, possible one-way circular trail systems for snowmobile use. A recommendation must be made to the 1998 legislature.

Sec. 48. [GAME AND FISH FUND REPORT; 1997.]

(a) In the 1997 report required under Minnesota Statutes, section 97A.055, subdivision 4, paragraph (a), clause (3), the commissioner must include:

(1) an analysis and discussion of the appropriate

criminal code prohibiting fleeing a peace officer in a motor vehicle, to define a snowmobile as a motor vehicle, thus making fleeing a peace officer on a snowmobile a felony.

This section is effective July 1, 1997.

Chapter 226, section forty-five amends

Minnesota Laws of 1993, chapter 273, section 1 as further amended in Minnesota Laws of 1994 and 1995 to extend the authorization for people to obtain licenses for and take one deer by firearms and one deer by archery in 1997 and 1998, in Kittson, Lake of the Woods, Marshall, Pennington and Roseau counties.

This section is effective July 1, 1997.

Chapter 226, section forty-six amends

Minnesota Laws of 1996, chapter 410, section 56, requiring only a warning for violation of rules requiring Coast Guard approved personal flotation devices until May 1, 1997, extending the warning period to May 1, 1999.

This section is effective Jay 31, 1997.

Chapter 226, section forty-seven mandates a study in cooperation with local grant-in-aid trail groups to identify possible one-way circular snowmobile trail routes. The findings must be recommended to the 1998 legislature.

This section is effective July 1, 1997.

Chapter 226, section forty-eight adds to the content of the annual report on the game and fish fund, due November 15. In addition to describing the money credited to the game and fish fund and the purposes for which expenditures were made from the fund, the

level of expenditure from the game and fish fund for field operations support, administrative management, statewide indirect costs, fleet management, ecological services, office rent, statewide communications, unemployment compensation, regional indirect costs, and workers' compensation;

(2) a comparison of expenditures for each of the purposes listed in clause (1) from all funds and accounts used by the department; and

(3) recommendations for changes in the allocation of funding from the game and fish fund for the purposes listed in clause (1).

(b) The commissioner must establish a citizens advisory committee of 20 members to recommend to the commissioner and the house and senate natural resources policy committees actions that are necessary to promote Minnesota's hunting, trapping, and fishing heritage and to ensure the continuation of the heritage. Upon request, the commissioner may provide information and staff support to the committee. The committee members may not be compensated for their expenses in serving on the committee.

The committee also must evaluate the 1984 report entitled, the Governor's Citizen Commission to Promote Hunting and Fishing in Minnesota, and make any recommendations to complete the eleven-point reinvestment program mentioned in the report and to achieve the goals of the reinvest in Minnesota resources program.

Sec. 49. [FIREARMS SAFETY PILOT PROGRAM.]

The commissioner of natural resources is authorized to establish a two-year firearms safety pilot demonstration program promoting awareness and understanding of the safe use and storage of firearms that is value-neutral concerning firearms ownership. The demonstration program shall be conducted in two school districts, one of which shall be located in the metropolitan area and one of which shall be conducted in outstate Minnesota. The commissioner shall submit a report to the legislature by January 15, 1999, regarding the efficacy of the program and recommending whether the commissioner should continue and expand the program.

Sec. 50. [APPROPRIATION.]

Notwithstanding Minnesota Statutes, section 84.943, subdivision 3, \$65,000 is appropriated from

report must assess the appropriate level of expenditure from the game and fish fund for:

field operations support;
administrative management;
statewide indirect costs;
fleet management;
ecological services;
office rent;
statewide communications;
unemployment compensation;
regional indirect costs; and
workers compensation.

The report must compare expenditures for the above from all funds and accounts, and recommend changes for the allocation from the game and fish fund. An advisory committee of 20 citizens is established to recommend actions to promote and ensure continuation of Minnesota hunting, fishing and trapping heritage. DNR may provide information and staff support. The committee must also review the 1984 report of the Governor's Commission to Promote Hunting and Fishing in Minnesota, and recommend actions to complete the re-investment program in that report.

This section is effective July 1, 1997.

Chapter 226, section forty-nine authorizes DNR to pilot a value-neutral fire-arms safety education program in two school districts, one in the Metro area and one in Greater Minnesota. By January 15, 1999 the DNR must report on the effectiveness of the program and recommend whether to continue and/or expand the program.

This section is effective July 1, 1997.

Chapter 226, section fifty appropriates \$65,000 to Public Safety, from the Critical Habitat Private Sector Matching Account to

the Minnesota critical habitat private sector matching account to the commissioner of public safety for costs of handling and manufacturing 10,000 special critical habitat license plates. Notwithstanding Minnesota Statutes, section 168.1296, subdivision 5, \$65,000 of the fees collected from applicants for the license plates must be deposited in the state treasury and credited to the Minnesota critical habitat private sector matching account. Fees collected in excess of \$65,000 must be deposited in the highway user tax distribution fund. This appropriation is available until expended.

Sec. 51. [REPEALER.]
Minnesota Statutes 1996, sections 97A.111; and 97C.801, subdivision 1, are repealed.

manufacture and distribute 10,000 more motor vehicle plates. The Critical Habitat Private Sector Matching Account is repaid the \$65,000 from fees formerly collected and deposited in the highway user tax distribution fund. The repayment comes from the first \$65,000 collected and is not repaid on a pro rata basis.

This section is effective July 1, 1997.

Chapter 226, section fifty-one repeals the licensing and regulation of muskrat farms and taking rough fish on the Mississippi and Minnesota rivers.

This section is effective July 1, 1997.

Chapter 231 Omnibus Minerals Tax Bill

Chapter 231 is the Omnibus Tax Bill. The Department of Natural Resources agency bill to clarify the ownership of stockpiled iron bearing material is contained in this bill. Article 8 contains that language, which clarifies ownership of stockpiled mineral bearing material. The intent is to facilitate economic use of the material.

ARTICLE 8 MINERALS TAXES

Section 1. Minnesota Statutes 1996, section 93.41, is amended to read:

93.41 [STATE-OWNED IRON-BEARING MATERIALS.]

Subdivision 1. [USE FOR ROAD CONSTRUCTION AND OTHER PURPOSES.] In case the commissioner of natural resources shall determine that any paint rock, taconite, or other iron-bearing material belonging to the state and containing not more than 45 percent dried iron by analysis is needed and suitable for use in the construction or maintenance of any road, tailings basin, settling basin, dike, dam, bank fill, or other works on public or private property, and that such use would be in the best interests of the public, the commissioner may authorize the disposal of such material therefor as hereinafter provided.

Chapter 231, article 8, section one amends Minnesota Statutes 1996, section 93.41, the commissioner's authority to sell stockpiled iron-bearing material.

Subdivision 1 deletes a requirement that material must not be more than 45% dried iron by analysis. The commissioner must still determine that the material is suitable for road construction or related purposes, rather than as iron ore.

Subd. 2. [MATERIALS SUBJECT TO STATE IRON ORE MINING LEASE.] If such material is subject to an existing state iron ore mining lease or located on property subject to an existing state iron ore mining lease, the commissioner, by written agreement with the holder of the lease, may authorize the use of the material for any purpose specified in subdivision 1 that will facilitate the mining and disposal of the iron ore therein on such terms as the commissioner may prescribe consistent with the interests of the state, or may authorize the holder of the lease to dispose of the material otherwise for any purpose specified in subdivision 1 upon payment of an amount therefor equivalent to the royalty that would be payable under the terms of the lease if the material were shipped or otherwise disposed of as iron ore, but not less than the applicable minimum rate prescribed by section 93.20.

Subd. 3. [ISSUANCE OF LEASES, ROYALTIES.] If such material, whether in the ground or in stockpile, is not subject to an existing lease, the commissioner may issue leases for the taking and removal thereof for the purposes specified in subdivision 1 in like manner as provided by section 92.50 for leases for the taking and removal of sand, gravel, and other materials specified in said section, and subject to all the provisions thereof, so far as applicable; provided, that the amount payable for such material shall be at least equivalent to the minimum royalty that would be payable therefor under the provisions of section 93.20.

Subd. 4. [SALE OF STOCKPILED IRON-BEARING MATERIAL IN PLACE.] If such material is in stockpile and is not subject to an existing lease, the commissioner may sell stockpiled iron-bearing material in place. The sale must be to a person holding an interest in the surface of the property upon which the stockpile is located or to a person holding an interest in publicly or privately owned stockpiled iron-bearing material located in the same stockpile.

Sec. 4. [273.1651] [TAXATION AND FORFEITURE OF STOCKPILED METALLIC MINERALS MATERIAL.]

Subdivision 1. [DEFINITION.] "Stockpiled metallic minerals material" for purposes of this section, means surface overburden, rock, lean ore, tailings, or other material that has been removed from the ground and deposited elsewhere on the surface in

Subdivision 2 provides that stockpiled material located on property subject to a state mining lease may be sold to the state mineral lessee in the same manner as iron bearing material subject to an existing state mining lease, when the material is being used for road construction or related purposes.

Subdivision 3 removes the requirement that the amount payable for materials shall be at least the minimum rate payable in the state taconite lease. This requirement has caused confusion in administration since in many instances there has been no equivalent material covered by the royalty rates in the state mining leases. The commissioner is required to prescribe rates in the same manner as provided under Minnesota Statutes, sec. 92.50 for surface leases.

Subdivision 4 expands the state's authority to include sale of stockpiled material in place to the owner or other owners of the stockpiled materials. This allows consolidation of the stockpiled material with the surface owner or other owners of the stockpiled material.

This section is effective August 1, 1997

Chapter 231, article 8, section four creates new law, Minnesota Statutes, sec. 273.1651, to clarify ownership of stockpiled metallic minerals material.

Subdivision 1 defines stockpiled metallic minerals material, so as to include all material removed and redeposited elsewhere during the

the process of iron ore, taconite, or other metallic minerals mining, or in the process of beneficiation. Stockpiled metallic minerals material does not include processed metallic minerals concentrates in the form of pellets, chips, briquettes, fines, or other form which have been prepared for or are in the process of shipment.

Subd. 2. [PURPOSE.] The purpose of this section is to clarify the ownership of stockpiled metallic minerals material in this state. Depending on the intent of the person who extracted the material from the ground, stockpiled metallic minerals material may or may not be owned separately and apart from the fee title to the surface of the real property. The legislature finds that the uncertainty of ownership of stockpiled metallic minerals material located on real property that becomes tax forfeited has created a burden on the public owner of the surface of the real property and an impediment to productive management or use of a public resource.

Subd. 3. [TAXATION AND FORFEITURE.] From and after the effective date of this section, for purposes of taxation, the definition of "real property," as contained in section 272.03, subdivision 1, includes stockpiled metallic minerals material. Nothing in this subdivision shall be construed to subject stockpiled metallic minerals material to the general property tax when the stockpiled metallic minerals material is exempt from the general property tax pursuant to section 298.015 or 298.25. If the surface of the real property forfeits for delinquent taxes, stockpiled metallic minerals material located on the real property forfeits with the surface of the property.

Subd. 4. [PRIOR FORFEITURE.] Stockpiled metallic minerals material located on real property that forfeited prior to the effective date of this section or forfeits due to a judgment for delinquent taxes issued prior to the effective date of this section shall be assessed and taxed as real property. The tax applies only to stockpiled metallic minerals material located on real property that remains in the ownership of the state or a political subdivision of the state. The tax shall be based on the market value of the rental of the property for storage of stockpiled metallic minerals material.

Subd. 5. [EXCEPTIONS; TAX LAWS.] (a) The tax imposed pursuant to this section shall not be imposed on the following:

act of metallic minerals mining. It excludes processed or value added metallic materials that are in the process of shipment.

Subdivision 2 describes, as the purpose of the law, removal of the uncertainty of ownership of stockpiled metallic minerals material located on property that becomes tax forfeited. This section finds that situation has created a burden on public owners of surface property, and impedes productive management or use of a public resource.

Subdivision 3 provides that, for purposes of taxation, stockpiled metallic minerals material is included in the definition of real property. Specifies that if the surface of the real property forfeits, the stockpiled metallic minerals material forfeits with the surface. Also provides that this law does not change general property taxation of stockpiled metallic materials that are exempt from general property tax under taxation statutes for iron ore, taconite and non-ferrous metallic minerals.

Subdivision 4 provides real property taxation of stockpiled metallic minerals located on tax forfeited property, or on property forfeited under a delinquent tax judgement issued prior to the effective date of this law. The tax applies only to material located on real property owned by the state or a political subdivision. The tax basis is the market rent value of property for storage of stockpiled metallic minerals material.

Subdivision 5 provides that the tax imposed under this law does not apply if the material is

(1) stockpiled metallic minerals material valued and taxed under other laws relating to the taxation of minerals, gas, coal, oil, or other similar interests;

(2) stockpiled metallic minerals material that is exempt from taxation pursuant to constitutional or related statutory provisions; or

(3) stockpiled metallic minerals material that is owned by the state.

(b) All laws for the enforcement of taxes on real property shall apply to the tax imposed pursuant to this section on stockpiled metallic minerals material.

Subd. 6. [FEE OWNER.] For purposes of section 276.041, the owner of stockpiled metallic minerals material is a fee owner.

Sec. 5. Minnesota Statutes 1996, section 282.01, subdivision 8, is amended to read:

Subd. 8. [MINERALS IN TAX-FORFEITED LAND AND TAX-FORFEITED STOCKPILED METALLIC MINERALS MATERIAL SUBJECT TO MINING; PROCEDURES.] In case the commissioner of natural resources shall notify the county auditor of any county in writing that the minerals in any tax-forfeited land or tax-forfeited stockpiled metallic minerals material located on tax-forfeited land in such county have been designated as a mining unit as provided by law, or that such minerals or tax-forfeited stockpiled metallic minerals material are subject to a mining permit or lease issued therefor as provided by law, the surface of such tax-forfeited land shall be subject to disposal and use for mining purposes pursuant to such designation, permit, or lease, and shall be withheld from sale or lease by the county auditor until the commissioner shall notify the county auditor that such land has been removed from the list of mining units or that any mining permit or lease theretofore issued thereon is no longer in force; provided, that the surface of such tax-forfeited land may be leased by the county auditor as provided by law, with the written approval of the commissioner, subject to disposal and use for mining purposes as herein provided and to any special conditions relating thereto that the commissioner may prescribe, also

valued and taxed under laws relating to taxation of minerals, exempt from taxation by law, or owned by the state. It also provides that the laws on enforcement of payment of real property tax apply to the tax imposed under this statute.

Subdivision 6 provides that owners of stockpiled metallic minerals material are fee owners for the purposes of Minnesota Statutes 1996, section 276.04. That statute allows fee owners to file their name and address with the county auditor for the purpose of receiving notices affecting the land.

This section is effective August 1, 1997

Chapter 231, article 8, section five amends Minnesota Statutes 1996, section 282.01, subd. 8, so as to authorize the commissioner to include stockpiled metallic minerals material belonging to the state located on tax forfeited land in a mining unit. The stockpiled material would then be available for leasing under a state mineral lease issued by the commissioner of natural resources. The commissioner shall also notify the county auditor when such stockpiled metallic minerals material is in mining unit status or under mining lease.

This section is effective August 1, 1997

subject to cancellation for mining purposes on three months written notice from the commissioner to the county auditor.

Sec. 6. Minnesota Statutes 1996, section 282.04, subdivision 1, is amended to read:

Subdivision 1. [TIMBER SALES; LAND LEASES AND USES.] (a) The county auditor may sell timber upon any tract that may be approved by the natural resources commissioner. Such sale of timber shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until such time as the county board may withdraw such timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources.

(b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be no less than 15 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be no less than 15 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for.

(c) The county board may require final settlement on the basis of a scale of cut products. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale above mentioned, in which case the notice shall contain a description of such parcels, a statement of the estimated quantity of each species of timber thereon and the appraised price of each species of timber for 1,000 feet, per cord or per piece, as the case may be. In such cases any bids offered over and above the appraised prices shall be by percentage, the

Chapter 231, article 8, section six adds new language to Minnesota Statutes 1996, section 282.04, subd. 1, at part (e), to provide county auditors the authority to sell tax forfeited stockpiled iron bearing material belonging to the state and located on tax forfeited land. The authority to lease would be for the same purposes as the commissioner may lease stockpiled iron bearing material located on state land pursuant to Minnesota Statutes 1996, section 93.41 (see sec. 1 of this legislation). The leasing procedures would be similar to the county's procedures for issuing other surface leases.

In order to ensure that the material is not suitable for ore, the use of a stockpile must first be approved by the commissioner of natural resources. There is a six months time limit for the commissioner to respond to the county's request, with that amount of time needed if the request comes during the winter months and the stockpile needs to be sampled before a response is provided.

This section is effective August 1, 1997

percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from such parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of such sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of such sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from such parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by the purchaser when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of such sale involving a total appraised value of more than \$200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two such sales, directly or indirectly to any individual shall be in effect at one time.

(d) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private vendue, and at such prices and under such terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt therefrom, and for garden sites and other

temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$1,500 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any such leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by such cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

(e) ~~As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations, or organized subdivisions of the state at public or private vendue, at such prices and under such terms as the county board may prescribe, for the purpose of taking and removing for use for road construction and other purposes tax-forfeited stockpiled iron-bearing material. The county auditor must determine that the material is needed and suitable for use in the construction or maintenance of a road, tailings basin, settling basin, dike, dam, bank fill, or other works on public or private property, and that the use would be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile for these purposes must first be approved by the commissioner of natural resources. The request shall be deemed approved unless the requesting county is notified to the contrary by the commissioner of natural resources within six months after receipt of a request for approval for use of a stockpile. Once use of a stockpile has been approved, the county may continue to lease it for these purposes until approval is withdrawn by the commissioner of natural resources.~~

(f) The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon such conditions and for such consideration and for such period of time, not exceeding 15 years, as the county board may determine; said permits, licenses, or leases to be subject to approval by the commissioner of natural resources.

(g) Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

(h) The county auditor may, with the approval of

the county board, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat from tax-forfeited lands upon such terms and conditions as the county board may prescribe. Any lease for the removal of peat from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

Chapter 236

State Park Additions and Name Changes

Chapter 236 adds to the statutory boundaries of Bear Head Lake, Forestville, John Latch and Split Rock Lighthouse state parks; renames O.L. Kipp State Park; permits liquor sales in Itasca and John Latch state parks; authorizes the commissioner to contract out restaurant services in John Latch State Park; permits a land sale in St. Louis county; and provides for entry to Tettegouche state park.

Section 1. Minnesota Statutes 1996, section 85.012, is amended by adding a subdivision to read:
Subd. 24a. Great River Bluffs state park, Winona county, which is renamed from O.L. Kipp state park.

Chapter 236, section one amends MS 1996, section 85.012, authorizing state parks, to rename O. L. Kipp State Park to Great River Bluffs State Park.

This section is effective August 1, 1997.

Sec. 2. Minnesota Statutes 1996, section 85.0505, is amended to read:

~~85.0505 [SALE OF WINE AT DOUGLAS LODGE IN ITASCA STATE PARK FOOD AND BEVERAGE SERVICE IN STATE PARKS.]~~

~~Subdivision 1. [ITASCA STATE PARK.] Minnesota produced wine and beer may be sold and consumed by the drink at the restaurant in Douglas Lodge in Itasca State Park, subject to other laws relating to the sale of intoxicating liquor.~~

~~Subd. 2. [JOHN A. LATSCH STATE PARK.] (a) Liquor may be sold and consumed by the drink at the restaurant in John A. Latsch state park, subject to other laws relating to the sale of intoxicating liquor, and provided that the restaurant is operated by a private entity as provided in paragraph (b).~~

~~(b) The commissioner of natural resources may contract with a private person, firm, or corporation to~~

Chapter 236, section two amends MS 1996, section 85.0505, authorizing sale of wine at Douglas Lodge in Itasca State Park, to also authorize sale of beer. The statute is further amended to authorize only Minnesota produced beer and wine at Itasca State Park. Sale of liquor by the drink is authorized at the restaurant in John Latch State Park, if the restaurant is operated by a private entity under contract to the state. Part (b) authorizes contracting with the private sector to operate a restaurant in John Latch State Park.

This section is effective August 1, 1997.

operate the restaurant in John A. Latsch state park.

Sec. 3. Minnesota Statutes 1996, section 85.054, is amended by adding a subdivision to read:

Subd. 7. [TETTEGOUCHE STATE PARK.] A state park permit is not required and a fee may not be charged for motor vehicle entry at Palisade Head in Tettegouche state park, provided that motor vehicles entering the park under this provision may not be parked at Palisade Head for more than one hour.

Sec. 4. [ADDITIONS TO STATE PARKS.]

Subdivision 1. [85.012] [Subd. 4.] [BEAR HEAD LAKE STATE PARK, ST. LOUIS COUNTY.] The following areas are added to Bear Head Lake state park, all in St. Louis county, Minnesota:

- (1) Outlot A in the plat of Swanson Shores in Section 34, Township 62 North, Range 14 West; and
- (2) Government Lots 1 and 2, Section 3, Township 61 North, Range 14 West.

Subd. 2. [85.012] [Subd. 19.] [FORESTVILLE STATE PARK, FILLMORE COUNTY.] The following area is added to Forestville state park: the Northeast Quarter of the Northeast Quarter of Section 23, Township 102 North, Range 12 West, Fillmore county, Minnesota.

The commissioner shall manage this addition as a state park as provided in section 86A.05, subdivision 3, but in addition to other activities authorized in Forestville state park shall allow hunting.

Subd. 3. [85.012] [Subd. 30a.] [JOHN LATSCH STATE PARK, WINONA COUNTY.] The following areas are added to John Latsch state park, all in Township 108 North, Range 8 West, Winona county, Minnesota:

- (1) Government Lot 1, Section 16;
- (2) that part of Government Lots 1 and 2, Section 17, lying north and east of the right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company; and
- (3) that part of the East Half of Government Lot 3, Section 17, lying north and east of a line 35 feet riverward and parallel with the centerline of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company's riverward track, excepting therefrom that part of the East Half of Government Lot 3 acquired as tract Wi-1 by the United States Government on January 6, 1936, by condemnation.

Subd. 4. [85.012] [Subd. 54.] [SPLIT ROCK LIGHTHOUSE STATE PARK.] The following areas are added to Split Rock Lighthouse state park:

Chapter 236, section three adds a subdivision to MS 1996, section 85.054, authorizing state park permit exemptions, to prohibit requiring a state park permit to enter the Palisade Head portion of Tettegouche State Park, so long as the entrant is not parked over one hour.

This section is effective August 1, 1997.

Chapter 236, section four amends various subdivisions of MS 1996, section 85.012, state park boundary descriptions, to add parcels to the following state parks:

- Bear Head Lake (2 parcels);
- Forestville (1 parcel);
- John Latch (3 parcels); and
- Split Rock Lighthouse (2 parcels).

This section is effective August 1, 1997.

(1) Outlot 4 of Government Lot 2; and
(2) Government Lot 1, Section 33, Township 55 North of Range 8 West of the Fourth Principal Meridian, according to the United States Government survey thereof, except that part described as follows:
(i) that part of said premises shown as Parcel 1142 on Minnesota Department of Transportation Right of Way Plat Numbered 38-1 filed in the office of the Registrar of Titles, Lake County, Minnesota, as Document No. 111,156.

Those lands in Government Lot 1 North and West of Highway 61 shall remain open to hunting and other recreational uses as approved in the park management plan.

Sec. 5. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may sell the land in St. Louis county described in this section by private sale under the remaining provisions of chapter 282.

(b) The conveyance must be in a form approved by the attorney general and must reserve an easement for the state, in a form prescribed by the commissioner of natural resources, for the land within 66 feet of either side of the center line of Amity creek for angling and fish management purposes, and rights of access to the easement for the commissioner by a reasonable route across the parcels of land.

(c) The parcels of land that may be sold are described as:

(1) City of Duluth: that part of the Northeast Quarter of the Northeast Quarter of the Northwest 1/4 lying north of the center line of Amity creek, Section 31, Township 51, Range 13; and

(2) City of Duluth: that part of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Northeast 1/4 lying north of the center line of Amity creek and within 220 feet of the west line of the said Northwest 1/4 of the Northeast 1/4, Section 31, Township 51, Range 13.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Chapter 236, section five authorizes the sale of two parcels of land in St. Louis County. The land to be sold is on meandered, public waters. Normal land sale provisions may be ignored, and the land may be sold at a private sale. The sale conveyance must reserve an easement for the state 66 feet either side of Amity Creek, and reasonable rights of access to the easement. The easement is for angling and fish management.

This section is effective August 1, 1997

Chapter 246 Omnibus Bonding Bill

The bonding bill contains appropriations for projects to be funded by bonds backed by general fund revenues and corrections to past bonding appropriations and related appropriations.

Sec. 3. NATURAL RESOURCES
Flood Damage Reduction 4,000,000
This appropriation is to the commissioner of natural resources to fund flood damage reduction projects under Minnesota Statutes, section 103F.161, including the nonfederal portion of federal hazard mitigation grant program projects. The appropriation is available until expended.

Sec. 24. Laws 1994, chapter 643, section 23, subdivision 28, as amended by Laws 1995, First Special Session chapter 2, article 1, section 48, is amended to read:
Subd. 28. Environmental 11,500,000
Learning Centers
This appropriation is to the commissioner of natural resources to plan, design, and construct facilities owned by political subdivisions at residential environmental learning centers as provided in this subdivision and new Minnesota Statutes, section 84.0875.
The appropriations in items (a) through (e) and (b) are available as follows: (1) of the \$7,500,000 total, \$5,000,000 is available only when the commissioner has determined that matching money in the sum of \$12,500,000, up to 25 percent of which may consist of loans, has been committed by nonstate sources for predesign, design, and construction of the facilities named in items (a) and (b), and the following privately owned residential environmental learning centers: Wolf Ridge Environmental Learning Center, Northwoods Audubon Center, and Southeastern Minnesota Forest Resource Center; and (2) the remaining \$2,500,000 is available to the extent that matching money, which may include loans, in the amount of \$2 \$1 for each \$1 of state money is committed by nonstate sources, as determined by the commissioner, provided that money may not be spent under this sentence until the amount available, including matching any money from nonstate sources that is allocated to a facility in item (a) or (b), is

Chapter 246, section three appropriates \$4,000,000 to DNR for flood damage reduction grants to local government. The grants are for damage reduction studies and planning and implementing flood mitigation measures. These state funds can be used to match federal funds for the same purposes.

This section is effective June 3, 1997.

Chapter 246, section twenty-four amends the 1994 appropriation of bond funds to build environmental learning centers. The amendment assigns all of the state money to the two environmental learning centers that are publicly owned and operated (Long Lake and Deep Portage). Under the former language, when state bond funds were used on private facilities, the state had to take title to all or a portion of the private facility. Taking title to the private property is no longer necessary, with this change.

The section changes the definition of matching money by expressly including money spent of committed to be spent on predesign and design tasks and removing the reference to matching from the description of the commitment. Nonstate money is further defined as any money not specifically appropriated for an environmental learning center. This liberalizes the type of funds that can be used as "nonstate" match.

sufficient to complete a functional improvement at the facility. Up to 25 percent of the total amount of money committed by nonstate sources under this subdivision may consist of loans. After the first \$12,500,000 has been committed by nonstate sources for the Long Lake Conservation Center, the Deep Portage Conservation Reserve, the Wolf Ridge Environmental Learning Center, the Northwoods Audubon Center, and the Southeastern Minnesota Forest Resource Center, the appropriations in items (a) and (b) must be distributed and administered separately for each facility. Money from nonstate sources required for the balances of the appropriations in items (a) and (b) must be committed as required in this section for each facility separately to allow functional improvements, but work at the facilities need not proceed simultaneously. Funds raised or borrowed after January 1, 1992, and spent or committed to be spent for predesign, design, or construction of these facilities are eligible to count toward the required commitment from nonstate sources, and, upon proper application, nonstate money spent after that date for qualified capital expenditures at the Long Lake Conservation Center and the Deep Portage Conservation Reserve shall be reimbursed by the commissioner from money appropriated for these facilities, to allow the nonstate money to be used for qualified capital expenditures at the Wolf Ridge Environmental Learning Center, the Northwoods Audubon Center, and the Southeastern Minnesota Forest Resource Center. The predesign and design requirements of Minnesota Statutes, section 16B.335, do not apply to the specific appropriations for these facilities in this section.

(a) Long Lake Conservation Center	1,200,000
	3,370,000

This appropriation is for a grant to Aitkin county.

(b) Deep Portage Conservation Reserve	-1,470,000
	4,130,000

This appropriation is for a grant to Cass county.

(c) Wolf Ridge Environmental Learning Center	2,100,000
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This appropriation is for a grant to independent school district No. 381, Lake Superior.

(d) Northwoods Audubon Center	1,080,000
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This appropriation is for a grant to independent school district No. 2580, East Central.

(e) (c) Forest Resource Eagle Bluff Environmental Learning Center	1,650,000
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This appropriation is for a grant to

The match formula is reduced for the private match, from \$10,000,000 to \$7,500,000 and expressly authorizes up to \$2,500,000 in loans as match.

The new language requires separate grant agreements for the grants to the two private facilities, and exempts them from predesign requirements of MS 1996, section 16B.335.

This section is effective June 3, 1997.

independent school district No. 229, Lanesboro. If land and improvements in Fillmore county that were conveyed by the state to Southern Minnesota Forest Resource Center under Laws 1990, chapter 452, section 7, are pledged as security for a loan to assist with the completion of this project provide financing for the predesign, design, or construction of environmental education facilities at the Eagle Bluff Environmental Learning Center, the right of reverter retained by the state is waived in favor of the lender. For the purposes of this subdivision, "nonstate source" means a source of money other than a direct state appropriation for an environmental learning center.

(f) (d) Agassiz Environmental Learning Center 300,000

This appropriation is for a grant to the city of Fertile.

(g) (e) Laurentian Environmental Learning Center 450,000

This appropriation is for a grant to independent school district No. 621, Mounds View.

(h) (f) Prairie Woods Environmental Learning Center 250,000

This appropriation is for a grant to Kandiyohi county.

(i) (g) Prairie Wetlands Environmental Learning Center 3,000,000

This appropriation is for a grant to the city of Fergus Falls. Appropriations in this subdivision must be used for qualified capital expenditures.

Sec. 25. Laws 1994, chapter 643, section 23, is amended by adding a subdivision to read:

Subd. 31. St. Croix Valley

Heritage Center 150,000

To the commissioner of natural resources for a grant to the city of Taylors Falls to prepare a preliminary design for a heritage center, subject to Minnesota Statutes, section 16A.695.

Sec. 26. Laws 1996, chapter 407, section 8, subdivision 3,

is amended to read:

Subd. 3. Parks and Trails

(a) Metropolitan Regional Park System 1,000,000 850,000

Chapter 246, section twenty-five appropriates \$150,000 in bond funds to DNR for a grant to the City of Taylors Falls for a preliminary design for a heritage center.

This section is effective June 3, 1997.

Chapter 246, sections twenty-six, twenty-seven, and thirty-two comprise a three way switch of funds. The purpose of the switch is to substitute LCMR funds for bonding

This appropriation is from the future resources fund for payment by the commissioner of natural resources to the metropolitan council for subgrants to rehabilitate, develop, acquire, and retrofit the metropolitan regional park system consistent with the metropolitan council regional recreation open space capital improvement program. This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources.

(b) State Park and Recreation

Area Acquisition 1,000,000

This appropriation is from the trust fund to the commissioner of natural resources for acquisition of land within the statutory boundaries of state parks and recreation areas.

(c) Local Grants 895,000

This appropriation is from the future resources fund to the commissioner of natural resources to provide matching grants to local units of government for local park and recreation areas; trail linkages between communities, trails, and parks; and at least \$100,000 for the conservation partners program as provided in Laws 1995, chapter 220, section 19, subdivision 4, paragraph (e). In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources, and the commission has either made a recommendation or allowed 60 days to pass without making a recommendation. The above appropriations are available half for the seven-county metropolitan area and half for outside the metropolitan area. For the purposes of this paragraph, match includes nonstate contributions in either cash or in-kind.

(d) Chippewa County Regional Trail

410,000

This appropriation is to the commissioner of natural resources from the future resources fund for a grant to the city of Montevideo for acquisition and development of the Chippewa county regional trail.

Sec. 27. Laws 1996, chapter 463, section 7, subdivision 9,

is amended to read:

Subd. 9. Metro Regional Park
Rehabilitation, Acquisition, and

Development 9,400,000 9,550,000

money appropriated for the renovation of the privately held Pickwick Mill (**section thirty two**). To free up LCMR funds for Pickwick Mill, **section twenty-six** reduces the LCMR appropriation to the Met. Council for parks by \$150,000. To make the Met. Council whole, **section twenty-seven** takes the \$150,000 in bonding, formerly appropriated to the Pickwick Mill, and appropriates it to the Met. Council parks. **Section thirty-two** merely substitutes \$150,000 in bonding dollars with \$150,000 in LCMR future resources money.

This section is effective June 3, 1997.

This appropriation is for payment by the commissioner of natural resources to the metropolitan council. The commissioner shall pay the amount on a reimbursement basis to the metropolitan council upon receipt of a certified copy of a council resolution requesting payment. The appropriation must be used to pay the cost of rehabilitation, acquisition, and development by the council and local government units of regional recreational open-space lands in accordance with the council's policy plan as provided in Minnesota Statutes, section 473.315. The metropolitan council, in cooperation with the city of St. Paul, must develop a plan and fund the restoration of oak savannah remnants in two regional parks in Ramsey county. This appropriation must not be used for research, planning, administration, or tax equivalency payments. This appropriation may be used for the purchase of homes only if the purchases are included in the work program required by law and they are expressly approved by the legislative commission on Minnesota resources.

Sec. 32. Laws 1996, chapter 463, section 22, subdivision 8, is amended to read:
 Subd. 8. Pickwick Mill 150,000
 For a grant to Winona county for renovation of the historic Pickwick Mill. ~~This appropriation is from the Minnesota future resources fund and is available until June 30, 1999.~~

Sec. 35. [REPEALER.]
 Laws 1994, chapter 643, section 19, subdivision 11; Laws 1996, chapter 463, section 7, subdivision 26; and Laws 1997, chapter 200, article 2, section 5, are repealed.

Sec. 36. [EFFECTIVE DATE.]
 This act is effective the day following final enactment."

Chapter 247

Public Waters Boathouse and Floating Habitation Restriction

Chapter 247A bill for an act relating to natural resources; requires public waters work permits for boathouses; and provides authority to issue public waters work permits for boathouses to the commissioner of natural resources

Section 1. Minnesota Statutes 1996, section 103G.245, subdivision 4, is amended to read:

Subd. 4. [STRUCTURES IN OR ADJACENT TO PUBLIC WATERS OUTSIDE CITIES.] (a) The

following definitions apply to this subdivision: (1) "boathouse" means a floating structure that is moored by spuds, cables, ropes, anchors, or chains that may be intended for habitation and has walls, a roof, and either an open well for boats or a floor from wall to wall and does not include houseboats; and

(2) "houseboat" means a motorboat that has either a pontoon or a flat-bottomed hull configuration, and a permanent enclosed superstructure housing, at a minimum, built-in sleeping, cooking, and toilet facilities.

(b) The commissioner, subject to the approval of the county board, may grant and prescribe terms and conditions for granting public waters work permits to establish, construct, maintain, and control wharves, docks, piers, levees, breakwaters, basins, canals, and hangars in or adjacent to public waters of the state, except within the corporate limits of a municipality.

(c) Boathouses are prohibited on public waters of Minnesota, except as allowed by paragraph (d).

(d) The commissioner may issue a public waters work permit for boathouses only:

(1) in areas of historic use for such structures, as determined by the commissioner;

(2) when approved by the local government unit; and

(3) where the boathouse is in existence on public waters prior to January 1, 1997.

(e) A boathouse in existence on public waters prior to January 1, 1997, may be repaired or replaced, provided that the repairs or replacement are consistent with the permit issued by the commissioner under paragraph (d).

Chapter 247, section one amends MS 1996, section 103G.245, subdivision 4, regulating structures in public waters. The amendment defines a boathouse as a moored floating structure intended for habitation, including those with an open well for boats. It specifically excludes houseboats from the definition. A houseboat is defined as motorboat with a flat-bottomed or pontoon hull with a permanent enclosure containing sleeping, toilet and cooking facilities.

The law prohibits boathouses on public waters, except that DNR may permit boathouses if they are in areas of historic use of such structures, are approved by the local government, and are in existence on public waters on or before January 1, 1997. Those boathouses permitted under the above may be repaired or replaced, provided that the repairs or replacements are consistent with the terms of the permit issued by the DNR.

This section is effective July 1, 1997.

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