

# 2010 Natural Resources Legislation

## Summary of the Action 2010 Regular Session and First Special Session Eighty-Sixth Minnesota Legislature

### Department of Natural Resources July 2010



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**2010 BWCAW Resolution**

**Resolution 1**

**SF 2494**

**HF 3084**

**For resolution text (control + click) to follow link:**

[Resolution 1](#)

Congress and the Secretary of Agriculture are memorialized to appropriate money and negotiate with the State of Minnesota on the sale and exchange of school trust lands located within the BWCAW.

**RESOLUTION 1**

A resolution memorializing Congress and the Secretary of Agriculture to appropriate money and negotiate with the State of Minnesota on the sale and exchange of school trust lands.

WHEREAS, the Federal Government granted the state school trust lands for a source of continued revenue for the betterment of public schools throughout the state; and

WHEREAS, the legislature established the Permanent School Fund Advisory Committee to advise the Department of Natural Resources on the management of school trust land; and

WHEREAS, the school trust lands in the Boundary Waters Canoe Area Wilderness do not generate any revenue to the permanent school fund;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of Minnesota that it affirms the recommendation of the subcommittee to the Permanent School Fund Advisory Committee to support negotiations with the United States Forest Service on the sale and exchange of school trust lands in the Boundary Waters Canoe Area Wilderness.

BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it affirms the recommendation of the Permanent School Fund Advisory Committee to include in those negotiations a hybrid model that would provide for both the sale and exchange of school trust lands in the Boundary Waters Canoe Area Wilderness for Federal lands outside the Boundary Waters Canoe Area Wilderness.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to transmit copies of this memorial to Minnesota's Senators and Representatives in Congress, the Secretary of Agriculture, and the Director of the United States Forest Service.

Presented to the governor March 29, 2010

Signed by the governor April 1, 2010, 9:50 a.m.

## 2010 Capital Investment Bill

Chapter 189

HF 2700

SF 2360

For bill text (control + click) to follow link:

[Chapter 189](#)

For complete text of line-item veto message (control + click) to follow link:

[Line-Item Veto Message](#)

### Article 1, Section 1

#### Capital Improvement Appropriations

### Article 1, Section 7

#### Natural Resources

##### ❖ Subdivision 1. Total Appropriation

##### ❖ Subdivision 2. Natural Resources Asset Preservation

For renovation of state-owned facilities and recreational assets operated by the commissioner of natural resources that can be substantially completed within 12 months after the effective date, to be spent in accordance with Minnesota Statutes, section 84.946. The commissioner may use the appropriation to replace buildings if, considering the embedded energy in the building, that is the most energy-efficient and carbon-reducing method of renovation.

##### ❖ Subdivision 3. Flood Hazard Mitigation Grants

- a) State share of flood hazard mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage;
- b) Commissioner shall determine project priorities as appropriate, based on need;
- c) Appropriation includes money for following county and municipal projects;
- d) Appropriation includes money for certain watershed district projects;
- e) Commissioner may spend money and make grants for land acquisition, predesign, and engineering for the Fargo-Moorhead metropolitan diversion project proposed by the US Army Corps of Engineers, but must not spend money or make grants for construction of the diversion channel until an implementation plan for mitigation of downstream impacts has been developed, or April 1, 2012, whichever occurs first. The mitigation plan must ensure that the project will not make downstream flooding worse than it would have been without the project.
- f) Projects listed in this subdivision that the commissioner determines not ready to proceed or does not expend all the money allocated to it, the

commissioner may allocate that project's money to a project on the commissioner's priority list.

- g) To the extent that the cost of a project exceeds two percent of the median household income in the municipality, Oakport Township, or Clay County multiplied by the number of households in the municipality, Oakport Township, or Clay County, this appropriation is also for the local share of the project.
- h) For purposes of determining any local match required for the Moorhead project and other municipal Red River flood hazard mitigation projects, the projects include all bondable flood hazard mitigation activities occurring under the DNR flood hazard mitigation grants after April 2009 and bondable flood hazard mitigation projects resulting from the US Army Corps of Engineers Fargo-Moorhead Metropolitan Feasibility Study.
- i) Report required.

❖ **Subdivision 4. Groundwater Monitoring and Observation Wells**

To install new publicly owned groundwater level observation wells to monitor the Mount Simon aquifer and assess groundwater for water supply planning in the south and central regions of the state. This appropriation may also be used to seal existing obsolete monitoring wells in the Mount Simon region that are no longer functional.

❖ **Subdivision 5. Dam Renovation and Removal**

To renovate or remove publicly owned dams.

❖ **Subdivision 6. Wildlife and Aquatic Management Area Land Acquisition and Improvement**

To acquire land in fee for wildlife management area and aquatic management area purposes and for improvements of a capital nature to develop, protect, or improve habitat and facilities on wildlife management areas.

❖ **Subdivision 7. RIM Critical Habitat Match**

To provide the state match for critical habitat private sector matching account. This appropriation must be used only to acquire fee title.

❖ **Subdivision 8. Scientific and Natural Area Acquisition and Development**

To acquire in fee the Hastings Sand Coulee in Dakota County and other lands identified by the commissioner as targeted sites for potential acquisition for SNAs and for protection and improvements of a capital nature in SNAs.

❖ **Subdivision 9. Forests for the Future**

To acquire conservation easements as described under Minnesota Statutes on private forest lands and within Forest Legacy Areas established under USC, title 16, section 2103C. The conservation easements must guarantee public access, including hunting and fishing.

❖ **Subdivision 10. State Forest Land Reforestation**

To increase reforestation activities to meet the reforestation requirements of Minnesota Statutes, section 89.002, subdivision 2, including planting, seeding, site preparation, and purchasing native seeds and native seedlings' and for timber stand improvement.

❖ **Subdivision 11. Forest Roads and Bridges**

For reconstruction, resurfacing, replacement, and construction of state forest roads and bridges.

❖ **Subdivision 12. Shade Tree Program**

For grants to cities, counties, townships, and park and recreation boards in cities of the first class for the planting of publicly owned shade trees on public land to provide environmental benefits; replace trees lost to forest pests, disease or storm; or to establish a more diverse community forest better able to withstand disease and forest pests. The commissioner must give priority to grant requests to remove and replace trees with active infestations of emerald ash borer. Any tree planted with funding under this section must be a species native to Minnesota.

❖ **Subdivision 13. State Park Rehabilitation**

For rehabilitation projects within state parks as identified in the January 20, 2010 list of projects titled State Park Development Projects – 12 month completion possible. Up to one percent of the appropriation may be used for project predesign for next funding cycle. Most of the appropriation in this subdivision must be spent within 12 months after the effective date of this section.

❖ **Subdivision 14. State Park and Recreation Area Acquisition**

To acquire from willing sellers private lands for the following state parks: land within William O'Brien State Park and land near Split Rock Lighthouse State Park and land within Cuyuna Country State Recreation Area.

❖ **Subdivision 15. State Park and Recreation Area Development**

For projects within state parks established and state recreation areas.

❖ **Subdivision 16. State Trail Rehabilitation**

To renovate state trails according to the commissioner's priorities. Most of the appropriation in this subdivision must be spent within 12 months after the effective date of this section. This appropriation is for the following trails:

- (1) Gateway Trail
- (2) Luce Line Trail
- (3) Munger Trail
- (4) Paul Bunyan Trail
- (5) Root River Trail

*This appropriation may also be used to renovate the Alborn-Pengilly Railroad ATV Trail.*

❖ **Subdivision 17. State Trail Acquisition and Development**

To acquire land for and to construct and renovate state trails under Minnesota Statutes, section 85.015. *Refer to bill for specific appropriations.*

❖ **Subdivision 18. Regional Trails**

For matching grants under Minnesota Statutes. For a grant to Aitkin County to acquire land for and to construct segments of the Northwoods Regional All-Terrain Vehicle Trail.

❖ **Subdivision 19. Trail Connections**

*For matching grants under Minnesota Statutes:*

- ❖ \$55,000 is for a grant to Carlton County to make safety Improvements on the Soo Line Trail in Moose Lake, including restoring decking, railings, and approaches of the trestles on the trail.
- ❖ \$512,000 is for a grant to the city of Granite Falls to renovate the Roebling suspension pedestrian bridge over the Minnesota River in Granite Falls.
- ❖ \$175,000 is for a grant to the city of Hibbing to acquire land, predesign, design, construct, and resurface the Carey Lake Bike Trail.
- ❖ \$1,000,000 is for a grant to the city of Rochester to acquire the DM & E Pine Island spur right-of-way to connect to the Douglas State Trail.
- ❖ \$800,000 is for a grant to the Rocori Trail Board to acquire, design, and construct phase I of the Rocori Trail, from Richmond to the east side of the Sauk River into Cold Spring, connecting the Glacial Lakes State Trail to the Beaver Island Trail and Lake Wobegon Trail.
- ❖ \$250,000 is for a grant to Stearns County to develop the 26-mile Dairyland Trail connecting to the Lake Wobegon Trail.
- ❖ \$500,000 is for a grant to the city of Walker for phases 2 and 3 of the Shingobee Trail Connection to the Paul Bunyan State Trail.

❖ **Section 61. Laws 2008, chapter 365, section 25, is amended to read:  
ACQUISITION; LAKE VERMILION STATE PARK**

The commissioner of natural resources may acquire by gift or purchase the lands for Lake Vermilion State Park. Minnesota Statutes, section 84.0272, subdivision 1, does not apply to a purchase, except for the requirement that the lands be appraised. ~~The commissioner must not pay more than 12 percent above the appraised value of the land.~~



**2010 Supplemental Budget**

**Chapter 215**

**HF 1671**

**SF 3223**

**For bill text (control + click) to follow link:**

[Chapter 215](#)

**Article 3, Section 1**

**Natural Resources: Summary of Appropriations**

The amounts reflected in this section of the bill summarize direct appropriations by fund made in this article.

**Article 3, Section 2**

**Natural Resources: Appropriations**

Refer to bill for specific appropriations.

**Article 3, Section 3**

Pollution Control Agency

**Article 3, Section 4**

**Natural Resources**

Reductions are made to the DNRs general fund appropriations as well as transfers from the police officer training account in the game & fish fund, stream loan protection program in the special revenue fund, and fleet management account in the special revenue fund, to the general fund.

- ❖ Subdivision 1      Total Appropriation
- ❖ Subdivision 2      Lands and Minerals
- ❖ Subdivision 3      Water Resource Management
- ❖ Subdivision 4      Forest Management
- ❖ Subdivision 5      Parks & Trails Management
- ❖ Subdivision 6      Fish & Wildlife Management
- ❖ Subdivision 7      Ecological Services
- ❖ Subdivision 8      Enforcement
- ❖ Subdivision 9      Operations Support
- ❖ Subdivision 10     Transfers In

**Article 3, Section 8**

Minnesota Statutes, section 103G.705 is repealed. [Reference repealer section of report].

**Article 12, Section 31**

**State Government**

This article contains general fund reductions, transfers from various accounts and increased funding for tax collection efforts.

**2010 Omnibus Environment, Energy and Natural Resources Policy and Finance bill;  
Outdoor Heritage Appropriations**

**Chapter 361**

**SF 3275 (3702)**

**HF 3702**

**For bill text (control + click) to follow link:**

[Chapter 361](#)

**For complete text of line-item veto message (control + click) to follow link:**

[Line-Item Veto Message](#)

**ARTICLE 1  
OUTDOOR HERITAGE FUND**

**Article 1, Section 2 (Outdoor Heritage)**

**Subdivision 1. Total Appropriation**

- ❖ Provides total FY11 appropriations: \$58,939,000 from the Outdoor Heritage Fund.

**Subdivision 2. Prairies**

- ❖ Provides a total appropriation for prairie and grassland programs of \$18,093,000, including funding for:
  - a) Accelerated Prairie Grassland Restoration and Enhancement Program on DNR Lands (\$5,833,000) for acquisition, restoration and enhancement projects.
  - b) The Green Corridor Legacy Program (\$1,651,000) for acquisition and restoration.
  - c) Prairie Heritage Fund – Acquisition and Restoration (\$3,015,000) for acquisition and restoration.
  - d) Northern Tallgrass Prairie National Wildlife Refuge Protection (\$2,041,000) for acquisition or permanent easements.
  - e) Rum River – Cedar Creek Initiative (\$1,900,000) for acquisition.
  - f) Minnesota Prairie Recovery Project (\$3,653,000) for acquisition, restoration, and enhancement.

**Subdivision 3. Forests**

- ❖ Provides a total appropriation for forest programs of \$5,603,000, including funding for:
  - a) Critical Shoreline Habitat Protection Program (\$816,000) for permanent conservation easements.
  - b) Protect Key Industrial Forest Land Tracts in Central Minnesota (\$594,000) for acquisition.
  - c) Little Nokasippi River Wildlife Management Area (\$843,000) for acquisition.

- d)* Accelerated Forest Wildlife Habitat Program (\$1,791,000) for acquisition, restoration, and enhancement.
- e)* Northeastern Minnesota Sharp-Tailed Grouse Habitat (\$1,559,000) for acquisition, restoration, and enhancement.

#### **Subdivision 4. Wetlands**

- ❖ Provides a total appropriation for wetland and shallow lakes programs of \$16,905,000, including funding for:
  - a)* Accelerated Shallow Lake and Wetland Enhancement and Restoration Program (\$6,505,000) for acquisition, restoration, and enhancement.
  - b)* Accelerate the Waterfowl Production Area Program in Minnesota (\$3,505,000) for acquisition and restoration.
  - c)* Reinvest in Minnesota Wetlands Reserve Program Acquisition and Restoration (\$6,895,000) for permanent conservation easements and restoration.

#### **Subdivision 5. Habitat**

- ❖ Provides a total appropriation for other habitat programs of \$17,563,000, including funding for:
  - a)* Metro Big Rivers Habitat Program (\$2,397,000) for acquisition, permanent conservation easements, restoration, and enhancement.
  - b)* Accelerated Aquatic Management Area Acquisition (\$3,416,000) for acquisition, permanent conservation easements, restoration, and enhancement.
  - c)* Cold Water River and Stream Restoration, Protection, and Enhancement (\$1,269,000) for acquisition, restoration, and enhancement.
  - d)* Dakota County Riparian and Lakeshore Protection and Restoration (\$2,097,000) for permanent conservation easements, restoration, and enhancement.
  - e)* Valley Creek Protection Partnership (\$1,218,000) for acquisition, restoration, and enhancement.
  - f)* Anoka Sand Plain Restoration and Enhancement (\$747,000) for restoration and enhancement.
  - g)* Lower Mississippi River Habitat Restoration Acceleration (\$1,000,000) for acquisition, restoration, and enhancement.
  - h)* Washington County St. Croix River Land Protection (\$1,033,000) for permanent conservation easements.
  - i)* Outdoor Heritage Conservation Partners Grant Program (\$4,386,000) for a competitive small (up to \$400,000) grants program administered by DNR to

local, regional, state, and national organizations, including government, for protection, restoration, or enhancement.

#### **Subdivision 6. Administration and Other**

- ❖ Provides a total appropriation for administration of appropriated Outdoor Heritage Funds of \$775,000, including funding for:
  - a) Contract Management (\$175,000) for DNR administration of pass-through appropriations.
  - b) Legislative Coordinating Commission (\$600,000) for administrative expenses of the Lessard-Sams Outdoor Heritage Council and for compensation and reimbursement of council members.

#### **Subdivision 7. Availability of Appropriation**

- ❖ Provides for the availability of appropriations.

#### **Subdivision 8. Accomplishment Plans**

- ❖ Provides that the agency or entity using the appropriations shall submit to the Council an accomplishment plan and periodic accomplishment reports.

#### **Subdivision 9. Project Requirements**

- ❖ Provides that all requirements of this subdivision must be complied with by agency or entity accepting appropriations.
- ❖ Provides that restorations must plant vegetation native to Minnesota, preferably of local ecotype, with high diversity of species originating near the site, and protect existing native prairies, grasslands, forests, wetlands, and aquatic systems from genetic contamination.
- ❖ Provides that conservation easements must 1) be permanent, 2) specify parties to easement, 3) specify all provisions of an agreement that are permanent, 4) specify the habitat types and location being protected, 5) require water to be retained on the landscape when appropriate for conservation or water protection outcomes, 6) specify responsibilities of parties for habitat enhancement and restoration and associated costs, 7) be sent to the Council, 8) include a long-term stewardship plan and identify sources and amount of funding to monitor and enforce easement, and 9) identify parties responsible for monitoring and easement.
- ❖ Provides that recipients of appropriations for restorations must prepare and keep an ecological restoration and management plan that is consistent with current conservation science and ecological goals of the site, and that includes a timetable for implementation, identifies long-term maintenance and management needs, and how those needs will be financed.

- ❖ Provides that newly acquired lands must have a restoration and management plan prepared in compliance with paragraph (d).
- ❖ Provides that recipients of appropriations must provide documentation to the Council of the selection process used to identify parcels acquired in fee or easement, along with documentation of all related transaction costs. Information must be provided to all transaction parties. Recipient must also report to the Council any difference between acquisition amount and that paid to seller. Acquisition data may remain private during negotiations, but ultimately must be made public.
- ❖ Provides that all restorations or enhancements must be on land permanently protected by conservation easement, public ownership, or in public waters, except as otherwise provide in this section.
- ❖ Provides that recipients acquiring an interest in real property must provide to the Council and to the commissioner of management and budget an analysis of increased operations and maintenance costs likely to be incurred by public entities as a result of the acquisition and how these costs will be paid.
- ❖ Provides that recipients must give consideration to the Minnesota Conservation Corps for possible use of their services for restoration or enhancement.
- ❖ Provides that recipients must erect signage according to Laws 2009, chapter 172, article 5, section 10.

**Subdivision 10. Payment Conditions and Capital Equipment Expenditures**

- ❖ Provides requirements for payment.

**Subdivision 11. Purchase of Recycled and Recyclable Materials**

- ❖ Provides the requirement of purchase of recycled and recyclable materials and paper stock.

**Subdivision 12. Accessibility**

- ❖ Provides that facilities must meet ADA guidelines.

**Subdivision 13. Land Acquisition Restrictions**

- ❖ Provides that an interest in real property must be used in perpetuity.
- ❖ Provides that recipients of funding may not alter intended use of the interest in real property without prior review and approval of the Council, provides that the Council establish procedures for such review, specifies criteria to be considered in such review, and requires Council to notify appropriate legislative chairs and ranking minority members at least 15 days before said approval.
- ❖ Provides that recipients of funding who acquire an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the

appropriate local government office where the conveyance of the interest in real property is filed, and specifies what the notice must include.

#### **Subdivision 14. Real Property Interest Report**

- ❖ Provides that a recipient of funding for an interest in real property must submit annual reports on status of property to the Council, and provides requirements for transferring reporting responsibility.

#### **Subdivision 15. Successor Organizations**

- ❖ Provides requirements of continuing a project with an organization that has adopted a new name.

### **Article 1, Section 3**

#### **Restoration Evaluations – Parks and Trails Fund**

Minnesota Statutes 2009 Supplement, section 85.53 is amended, adding Subdivision 5. Restoration Evaluations. The language requires the DNR to convene a technical evaluation panel comprised of five members, including one from BWSR, one from DNR, one from the University of Minnesota or MNSCU, and two others. The DNR must also assign a coordinator to identify a sample of up to ten habitat restoration projects completed with parks and trails funding, direct the technical evaluation panel, and summarize their findings. A report shall go to the chairs of the respective house of representatives and senate policy and finance committees with jurisdiction over natural resources and spending from the parks and trails fund. Up to one-tenth of one percent of parks and trails funding may be used for evaluations under this section.

### **Article 1, Section 4**

#### **Council Recommendations**

Minnesota Statutes 2009 Supplement, section 97A.056, subdivision 3 is amended, clarifying that the Council shall consider a range of options that would best restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife when making recommendations, and shall not adopt definitions of “protect,” “restore,” and “enhance” that would limit the Council from considering options consistent with the Constitution; and recommendations made by the Council under this section must be consistent with the constitution and the strategic plan of the Council, and demonstrate a direct benefit to wetlands, prairies, forests, or habitat for fish, game, and wildlife.

## **Article 1, Section 5**

### **Open Meetings**

Minnesota Statutes 2008, section 97A.056, subdivision 5 is amended, clarifying that travel to and from site visits by Council members for the purpose of receiving information is not a violation of paragraph (a), and that any decision or agreement to make a decision during travel is a violation of paragraph (a).

## **Article 1, Section 6**

### **Revenues**

Minnesota Statute 2008, section 97A.056 is amended, adding Subdivision 8. Revenues. The language stipulates that when land purchased with outdoor heritage funds is transferred to the state, the owner must disclose to the Council and to DNR: 1) revenues generated from activities on the land since time of purchase with outdoor heritage funds; 2) holding costs associated with managing the land; and 3) total net revenues by subtracting costs in (2) from revenues in (1).

## **Article 1, Section 7**

### **Lands in Public Domain**

Minnesota Statutes 2008, section 97A.056 is amended, adding Subdivision 9. Lands in Public Domain. The use of Outdoor Heritage Funds is prohibited to purchase land in fee title or conservation easement, if the land is fully or partially owned by the state of Minnesota or a political subdivision, unless 1) the purchase creates additional direct benefit to habitat, and 2) the purchase is approved by an affirmative vote of at least nine members of the Council.

## **Article 1, Section 8**

### **Restoration Evaluations – Outdoor Heritage Fund**

Minnesota Statutes 2008, section 97A.056 is amended, adding Subdivision 10. Restoration Evaluations. The language requires the DNR and BWSR to convene a technical evaluation panel comprised of five members, including one from BWSR, one from DNR, one from the University of Minnesota or MNSCU, and two others. DNR and BWSR must also assign a coordinator to identify a sample of up to ten habitat restoration projects completed with outdoor heritage funding, direct the technical evaluation panel, and summarize their findings. A report shall go to the chair of the Lessard-Sams Outdoor Heritage Council, and to the chairs of the respective house of representatives and senate policy and finance committees with jurisdiction over natural resources and spending from the outdoor heritage fund. Up to one-tenth of one percent of outdoor heritage funding may be used for evaluations under this section.



## **Article 1, Section 9**

### **Restoration Evaluations – Clean Water Fund**

Minnesota Statutes 2009 Supplement, section 114D.50 is amended, adding Subdivision 6. Restoration Evaluations. The language requires BWSR to convene a technical evaluation panel comprised of five members, including one from BWSR, one from DNR, one from the University of Minnesota or MNSCU, and two others. BWSR must also assign a coordinator to identify a sample of up to ten habitat restoration projects completed with clean water funding, direct the technical evaluation panel, and summarize their findings. A report shall go to the chairs of the respective house of representatives and senate policy and finance committees with jurisdiction over natural resources and spending from the clean water fund. Up to one-tenth of one percent of clean water funding may be used for evaluations under this section.

## **Article 1, Section 10**

### **Land Management Recommendations**

This provision requires the commissioner of management and budget, in consultation with the DNR and BWSR, to prepare recommendations to the legislature on methods to accomplish the reasonable management, care, restoration, and protection of land acquired in fee title or easement by January 15, 2011.

## **Article 1, Section 11**

### **Repealer**

Minnesota Statutes 2009 Supplement, section 3.3006 and Minnesota Statutes, section 84.02, subdivisions 4a, 6a, and 6b are repealed. [Reference repealer section of report].

## **ARTICLE 2 CLEAN WATER FUND**

## **Article 2, Section 3**

### **Clean Water Fund; 2009 Appropriation Adjustments**

The appropriations in FY 2011 and 2012 to the Department of Natural Resources for high-resolution digital elevation data in Laws 2009, chapter 172, article 2, section 5, paragraph (d)), are available until June 30, 2012.

## **Article 2, Section 4, Subdivision 2**

### **Clean Water Fund Appropriations**

This subdivision reappropriates \$4 million to the commissioner of natural resources to (1) develop a groundwater monitoring network for the non-stressed aquifers in the 11 county metropolitan area that describes aquifer characteristics and natural water level trends; and

(2) develop an automated data system to capture groundwater level and water use information to evaluate changes to the aquifers caused by pumping existing wells.

## **ARTICLE 3 GENERAL PROVISIONS**

### **Article 3, Section 1**

#### **Legacy Funds**

Minnesota Statutes 2008, section 3.9741 is amended, providing that the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund must each reimburse the general fund for costs incurred by the legislative auditor in examining financial activities relating to each fund.

### **Article 3, Section 2**

#### **Expenditures; Accountability**

Minnesota Statutes 2009 Supplement, section 85.53 is amended, striking the requirement that a recipient of money from the parks and trails fund must display a sign on lands and capital improvements purchased, restored, or protected with money from the parks and trails fund that includes the logo developed by the commissioner of natural resources to identify it as a project funded with money from the votes of the people of Minnesota on November 4, 2008.

### **Article 3, Section 3**

#### **Expenditures; Accountability**

This section pertains to the arts and cultural heritage fund.

### **Article 3, Section 4**

#### **Committee Guide**

Laws 2009, chapter 172, article 5, section 8 is amended, providing that a committee guide be developed by the House of Representatives with jurisdiction over the cultural and outdoor resources expenditures.

### **Article 3, Section 5**

#### **Logo**

Laws 2009, chapter 172, article 5, section 10 is amended requiring that by September 1, 2010 the Minnesota Board of Arts in consultation with the DNR shall sponsor a contest for selecting the design of a logo to use on signage. If this deadline is not met and a logo design is not selected, the DNR shall assume the task of sponsoring the logo contest and design selection solely.

### **Article 3, Section 6**

#### **Funds Carryover**

Amounts appropriated in Laws 2009, chapter 172 are available until June 30, 2011. For acquisition of an interest in real property, the amounts in Laws 2009, chapter 172 are available until June 30, 2012. If federal funding is received, the time period of the appropriation is extended to equal the availability of federal funds.

### **Article 3, Section 7**

#### **Parks**

This section applies to the Minneapolis Park and Recreation Board.

### **Article 3, Section 8**

#### **Use of Carryforward**

This language allows legacy funds to be carried over from the previous biennium to be used to reimburse the legislative auditor for conducting audits related to legacy funds.

### **Article 3, Section 9**

#### **Repealer**

Laws 2009, chapter 172, article 5, section 9 is repealed.

## **ARTICLE 4 ENVIRONMENT AND NATURAL RESOURCES**

### **Article 4, Section 1**

#### **Professional Services Support Account**

Minnesota Statutes 84.025 is amended, allowing the DNR to bill other governmental units, including tribal governments for the costs of providing them professional support services.

### **Article 4, Section 2**

#### **Electronic Licensing System**

Minnesota Statutes 2008, section 84.027 is amended, adding gift cards as a product available through the electronic licensing system (ELS), and expanding potential safety training certificate access through ELS.

### **Article 4, Section 3**

#### **Fleet Management Account**

Minnesota Statutes 2008, section 84.0856 is amended, allowing the DNR to bill other governmental units, including tribal governments for the costs of providing them professional support services.

#### **Article 4, Section 4**

##### **Facilities Management Account**

Minnesota Statutes 2008, section 84.0857 is amended, allowing the DNR to bill other governmental units, including tribal governments for the costs of providing them professional support services.

#### **Article 4, Section 5**

##### **Joint Applications for Residential Use**

Minnesota Statutes 2008, section 84.415 is amended. An application for a utility license may cover more than one type of utility if the utility lines are being installed for residential use only. Separate applications submitted by utilities for the same crossing shall be joined together and processed as one application, provided that the applications are submitted within one year of each other and the utility lines are for residential use only. The application fees for a joint application or separate applications subsequently joined together shall be as if only one application was submitted.

#### **Article 4, Section 6, Subdivision 6**

##### **Supplemental Application Fee and Monitoring Fee**

(a) In addition to the application fee and utility crossing fees specified in Minnesota Rules, the commissioner of natural resources shall assess the applicant for a utility license the following fees: (1) a supplemental application fee of ~~\$1,500~~ \$1,750 for a public water crossing license and a supplemental application fee of ~~\$4,500~~ \$3,000 for a public lands crossing license, to cover reasonable costs for reviewing the application and preparing the license; and (2) a monitoring fee to cover the projected reasonable costs for monitoring the construction of the utility line and preparing special terms and conditions of the license to ensure proper construction. The commissioner must give the applicant an estimate of the monitoring fee before the applicant submits the fee.

(b) The applicant shall pay fees under this subdivision to the commissioner of natural resources. The commissioner shall not issue the license until the applicant has paid all fees in full.

(c) Upon completion of construction of the improvement for which the license or permit was issued, the commissioner shall refund the unobligated balance from the monitoring fee revenue. The commissioner shall not return the application fees, even if the application is withdrawn or denied.

(d) If the fees collected under paragraph (a), clause (1), are not sufficient to cover the costs of reviewing the applications and preparing the licenses, the commissioner shall improve efficiencies and otherwise reduce department costs and activities to ensure the revenues raised under paragraph (a), clause (1), are sufficient, and that no other funds are necessary to carry out the requirements.

#### **Article 4, Section 7**

##### **Off-Highway Vehicle Seasonal Restrictions**

Minnesota Statutes 2008, section 84.777, subdivision 2 is amended, establishing seasonal restrictions for the operation of off-highway vehicles during the firearms deer hunting season in areas of the state where deer may be taken by rifle.

#### **Article 4, Section 8**

##### **Exemptions**

Minnesota Statutes 2008, section 84.788, subdivision 2 is amended, exempting Indian tribal governments from registration requirements for off-highway motorcycles.

#### **Article 3, Section 9**

##### **Prohibitions on Youthful Operators**

Minnesota Statutes 2009 Supplement, section 84.793, subdivision 1 is amended, allowing nonresidents less than 16 years of age may operate an off-highway motorcycle (OHM) on public lands or waters when in possession of evidence of completion of the off-highway motorcycle safety course offered by the Motorcycle Safety Foundation or another state.

#### **Article 4, Section 10**

##### **Exemptions**

Minnesota Statutes 2008, section 84.798, subdivision 2 is amended, exempting Indian tribal government from registration requirements for off-highway vehicles.

#### **Article 4, Section 11**

##### **Fees for Registration (Snowmobile)**

Minnesota Statutes 2008, section 84.82 is amended by establishing a onetime fee for registration of an exempt snowmobile under subdivision 6a of \$6.

#### **Article 4, Section 12**

##### **Exemptions**

Minnesota Statutes 2008, section 84.82, subdivision 6 is amended, exempting Indian tribal governments from registration requirements for snowmobiles.

#### **Article 4, Section 13**

##### **Exemption; Collector Unlimited Snowmobile Use**

Minnesota Statutes 2008, section 84.82 is amended, issuing exempt registration to snowmobiles that are at least 25 years old. Guidelines for valid exempt registration are defined.

#### **Article 4, Section 14**

##### **Sticker Required; Fee**

Minnesota Statutes 2008, section 84.8205, subdivision 1 is amended, exempting Indian tribal governments from state trail sticker requirements.

#### **Article 4, Section 15**

##### **Class I All-Terrain Vehicle Definition**

Minnesota Statutes 2008, section 84.92 is amended, increasing the maximum weight on a class 1 ATV from 900 to 1,000 pounds.

#### **Article 4, Section 16**

##### **Class II All-Terrain Vehicle Definition**

Minnesota Statutes 2008, section 84.92 is amended, increasing the maximum weight on a class 2 ATV from 1,000 to 1,800 pounds.

#### **Article 4, Section 17**

##### **Exemptions**

Minnesota Statutes 2009 Supplement, section 84.922, subdivision 1a is amended, exempting registration of all-terrain vehicles owned and used by an Indian tribal government.

#### **Article 4, Section 18**

##### **Collector Unlimited Use; Exempt Registration (ATV)**

Minnesota Statutes 2008, section 84.922 is amended, issuing exemption from registration for all-terrain vehicles that are at least 25 years old. Guidelines for valid exempt registration are defined.

#### **Article 4, Section 19**

##### **Fees for Registration (Exempt Collector ATV)**

Minnesota Statutes 2008, section 84.922 is amended, providing a onetime fee for registration of an exempt collector ATV (those at least 25 years old) is \$6.

#### **Article 4, Section 20**

##### **Program Established**

Minnesota Statutes 2008, section 84.925 is amended, standardizing the maximum additional amount an instructor can charge students for the all-terrain vehicle (ATV) DNR sponsored safety training programs they provide, up to the established class fee of \$15 specified in statute.

#### **Article 4, Section 21**

##### **Prohibitions on Youthful Operators**

Minnesota Statutes 2008, section 84.9256, subdivision 1 is amended, allowing nonresidents at least 12 years old, but less than 16 years old, to make direct crossing at a public road right-of-way of a trunk, county state-aid, or county highway or operate an ATV on public lands and waters or state or grant-in-aid trails if the nonresident youth possesses evidence of completion of a specified ATV safety course offered by the ATV Safety Institute or another state and is accompanied by a person 18 years of age or older who holds a valid driver's license.

#### **Article 4, Section 22**

##### **Pass Required; Fee**

Minnesota Statutes 2009 Supplement, section 84.9275, subdivision 1 is amended, specifying nonresident ATV registration requirements pursuant to section 84.922.

#### **Article 4, Section 23**

##### **Operation on Roads and Rights-of-Way**

Minnesota Statutes 2009 Supplement, section 84.928, subdivision 1 is amended, permitting an ATV to be operated on public road right-of ways that are part of grant-in-aid trails in the ag zone by exempting such trails from existing restrictions.

#### **Article 4, Section 24**

##### **Organized Contests, Use of Highways and Public Lands and Waters**

Minnesota Statutes 2008, section 84.928, subdivision 5, is amended, specifying that notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under the age of 12 may operate an ATV in an organized contest on public lands or waters; defines engine capacity; defines compliance with section 84.9256; and specifies supervision requirements.

#### **Article 4, Section 25**

##### **Persons Leaving Public Waters**

Minnesota Statutes 2008, section 84D.10 is amended, adding subdivision 4 regarding the draining of boating-related equipment holding water excluding marine sanitary systems, and live wells and bilges by removing the drain plug before transporting the watercraft and associated equipment on public roads. Drain plugs, bailers, valves, or other devices used to control drainage of water from ballast tanks, bilges, and live wells must be removed or opened while transporting watercraft on a public road. Marine sanitary systems are excluded from this requirement. The Commissioner shall report by January 15 of each odd-numbered year to advise the legislature on additional measures to protect state water resources from human transport of invasive species.

#### **Article 4, Section 26**

##### **Civil Penalties**

Minnesota Statutes 2008, section 84D.13, subdivision 5 is amended, clarifying civil penalties imposed for failure to drain water from watercraft and equipment before leaving waters of the state.

#### **Article 4, Section 27**

##### **Arrowhead Trail System (Add MN/WI Boundary Trail to System)**

Minnesota Statutes 2009 Supplement, section 85.015, is amended, moving the MN/WI Trail originating in Duluth to the Arrowhead regional trails. This section also renames a segment of trail the "Matthew Lourey Trail" after retired Senator Becky Lourey's son who was killed in Iraq.

#### **Article 4, Section 28**

##### **Willard Munger Trail System**

Minnesota Statutes 2008, section 85.015 is amended, deleting the second segment under the Munger Trail System and moving it to the Arrowhead Trail System.

#### **Article 4, Section 29**

##### **Deposit of Fees (State Parks Working Capital Account)**

Minnesota Statutes 2008, section 85.052 is amended, specifying that funds from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, that are currently being deposited in the general fund be deposited in the state parks working capital account.

#### **Article 4, Section 30**

##### **Free Entrance; Disabled Veterans**

Minnesota Statutes 2009 Supplements, section 85.053 is amended, providing a daily park permit to any resident veteran with any level of service-connected disability.

#### **Article 4, Section 31**

##### **Exemption**

Minnesota Statutes 2008, section 85.22, subdivision 5 is amended, exempting purchases for resale or rental made from the state parks working capital account from competitive bidding, notwithstanding chapter 16C.

#### **Article 4, Section 32**

##### **Areas Marked**

Minnesota Statutes 2008, section 85.32 is amended, replacing the phrase canoe and boating with water trails. The Blue Earth River is added to the water trails system.



#### **Article 4, Section 33**

##### **Exemptions (Pass Requirements)**

Minnesota Statutes 2008, section 85.41, subdivision 3, is amended, exempting students, teachers, and supervising adults engaged in school-sanctioned activities or other youth activities sponsored by a nonprofit organization from the pass requirements defined (unless otherwise exempted).

#### **Article 4, Section 34**

##### **User Fee; Validity**

Minnesota Statutes 2008, section 85.42 is amended, adjusting ski pass amounts. Fees: Annual cross-country ski pass for individual age 16 and over is adjusted from \$14 to \$19; three-year pass for individual 10 and over is adjusted from \$39 to \$54; daily cross-country skier pass for individual age 16 and over is adjusted from \$4 to \$5.

#### **Article 4, Section 35**

##### **Disposition of Receipts; Purpose**

Minnesota Statutes 2008, section 85.43 is amended, allowing the expenditure of funds in the dedicated ski account to be spent anywhere a ski pass is required. Fees are appropriated to the DNR for grants-in-aid for cross-country ski trails, construction and maintenance of cross-country ski trails, administration of cross-country ski trail grant in-aid programs. Development and maintenance of state cross-country ski trails are eligible for funding from the cross-country ski account if the money is appropriated by law.

#### **Article 4, Section 36**

##### **Horse Pass**

Minnesota Statutes 2008, section 85.46 is amended, making technical changes to the language, requiring a horse pass for a person riding, leading, or driving a horse on land administered by the commissioner. A horse pass is not required on property owned by a person or the person's spouse, child, parent, or guardian.

#### **Article 4, Section 37**

##### **Master Plan Exemption for SNAs**

Minnesota Statutes 2009 Supplement, section 86A.09 is amended, exempting scientific and natural areas from master plan requirements.

#### **Article 4, Section 38**

##### **Exemption; Watercraft Licenses**

Minnesota Statutes 2008, section 86B.301 is amended, exempting watercraft owned by an Indian tribal government. The effective date for this section is upon the state

receiving written approval from the United States Coast Guard pursuant to USC, title 46, section 12303, and the Code of Federal Regulations, title 33, section 174.7.

#### **Article 4, Section 39**

##### **Rowing Team Members; Personal Flotation Devices**

Minnesota Statutes 2008, section 86B.501 is amended, specifying that a member of a rowing team that is sanctioned by an academic or nonprofit entity is not required to wear or possess a person flotation device in a racing shell if a chase boat carrying the devices accompanies the racing shell. No local ordinance or rule may alter this requirement. The requirement for a chase boat does not apply on waters where it is preempted by federal regulations.

#### **Article 4, Section 41**

##### **Special Permits**

Minnesota Statutes 2008, section 88.17 is amended, providing permission to start a fire to burn vegetative materials and other materials allowed by Minnesota Statutes or official state rules and regulations may be given by the commissioner or commissioner's agent. The statute is amended by adding provisions for site dimensions, burn-pile size, operating conditions, and smoke management on permanent tree and brush opening burn sites. The commissioner is granted the right to revoke the permit or order actions to mitigate threats to public health, safety, and the environment in the event that permit conditions are violated.

#### **Article 4, Section 42**

##### **Charge for Service; Receipts to Special Revenue Fund (State Register)**

Minnesota Statutes 2008, section 88.79 is amended, adding that fees charged to owners receiving forest management services and cost conservation practices are published by written order in the State Register.

#### **Article 4, Section 43**

##### **Leases and Permits**

Minnesota Statutes 2008, section 89.17 is amended, providing public access to the leased land for outdoor recreation shall be the same as access would be under state management.

#### **Article 4, Section 44**

##### **Reoffering Unsold Timber**

Minnesota Statutes 2008, section 90.041, is amended, adding a new subdivision that allows the commissioner to reoffer unsold tracts of timber at public auction at below appraised value.

#### **Article 4, Section 45**

##### **Intermediate Auction Sales; Maximum Lots of 3,000 Cords**

Minnesota Statutes 2008, section 90.121 is amended, by adding paragraph c that provides a standard process to confirm whether or not a bidder meets the eligibility requirements to bid on intermediate auction sales. Changes to paragraph a, clause 3 have also been made to require that no sale of timber may be made to a person having more than 30 employees (up from the original number of 20).

#### **Article 4, Section 46**

##### **Auction Sale Procedure**

Minnesota Statutes 2008, section 90.14 is amended, clarifying that down payments made on state timber sold at public auction conducted by a sealed bid process must be received or postmarked within 14 days of the date of the sealed bid opening.

Minnesota Statutes 2008, section 90.14 is further amended, requiring a bid guarantee, in addition to a down payment, for any bid increase made on a timber sale permit that is in excess of \$5,000 of the appraised value of the timber.

#### **Article 4, Section 47**

##### **Beaver Damage**

Minnesota Statutes 2008, section 97B.665 is amended to allow the district court to order private property owners to alter or destroy beaver dams on their property or remove the beaver. Previously the court only had the ability to order the commissioner to carry out these activities.

#### **Article 4, Section 48**

##### **Watershed Management**

Establishes a new watershed management policy of managing groundwater and surface water resources from the perspective of aquifers, watersheds, and river basins to achieve protection, preservation, enhancement, and restoration of the state's valuable groundwater and surface water resources.

#### **Article 4, Section 49**

##### **Jurisdiction**

Minnesota Statutes 2008, section 103A.305 is amended, striking statutory authority sections 103G.295, subdivisions 1 and 2 and adding statutory authority with the addition of section 103G.287, which deals with groundwater appropriations.

#### **Article 4, Section 50**

##### **Decisions; Review and Approval**

This provision relates to BWSR and decisions made by the Star Lakes Board.

**Article 4, Section 51**

**Public Waters Inventory**

Minnesota Statutes 2009 Supplement, section 103G.201 is amended, requiring only maps of public waters rather than maps and lists.

**Article 4, Section 52**

**Permit Restriction During Summer Months**

Minnesota Statutes 2008, section 103G.271 is amended by eliminating the reference to 103G.295 which is repealed.

**Article 4, Section 53**

**Monitoring to Evaluate Impacts from Appropriations**

A new section is added to statute providing clarification regarding the authority of the commissioner to require water resource monitoring and reporting as conditions of water appropriation permits. This section also allows for the apportionment of costs among appropriators from the same monitoring area in order to reduce permittees costs.

**Article 4, Section 54**

**Trout Streams**

Minnesota Statutes 2008, section 103G.288 is amended providing a technical correction to statutory authority for the commissioner to designate trout streams.

**Article 4, Section 55 [103G.287]**

**Groundwater Appropriations**

A new section is added to statute [103G.287] dealing with groundwater appropriations.

**Article 4, Section 56**

**Filing Application**

Minnesota Statutes 2008, section 103G.301 is amended, eliminating the proof of service requirement.

**Article 4, Section 57**

**Exception**

Minnesota Statutes 2008, section 103G.315 is amended, eliminating the reference to 103G.295 which is repealed.

**Article 4, Section 58 Limitations on Permits**

Minnesota Statutes 2008, section 103G.315 is amended, eliminating the reference to 103G.295 which is repealed.

#### **Article 4, Section 59**

##### **Removal of Hazardous Dams**

Minnesota Statutes 2008, section 103G.515 is amended, clarifying that when removal is the lowest cost solution, the commissioner may pay the entire cost of dam removal.

#### **Article 4, Section 60**

##### **Fees**

Minnesota Statutes 2008, section 103G.615 is amended, establishing a fee for the control of rooted aquatic vegetation in a public water basin that is 20 acres or less in size shall be one-half of the fee established under paragraph (a) of the statute. This section becomes effective August 1, 2010.

#### **Article 4, Section 61**

##### **[103G.651] Sunken Logs**

A new section is added [103G.651] clarifying that the removal of sunken logs from public waters is prohibited because 2003 session law enacted a permanent moratorium. No leases or permits will be issued by the commissioner.

#### **Article 4, Section 62**

##### **Subsurface Sewage Treatment Systems Implementation and Enforcement Task Force**

Establishes a subsurface sewage implementation and enforcement task force to work in collaboration with the Pollution Control Agency (PCA) on subsurface sewage treatment system (SSTS) implementation and enforcement methods; and requires the development of protocols and a checklist

#### **Article 4, Sections 63 Rules and Standards**

Establishes additional guidelines for rules and standards.

#### **Article 4, Section 64**

##### **Financial Responsibility Rules**

Establishes additional guidelines for financial responsibility rules.

#### **Article 4, Section 65 and 66**

##### **Environmental Review Streamlining**

Minnesota Statutes 2008, section 116D.04(g) is amended, specifying that the responsible governmental unit shall avoid duplication and ensure coordination between state and federal environmental review and between environmental review and environmental permitting when practicable.

Minnesota Statutes 2008, section 116D.04 is amended, directing the DNR, PCA and EQB to review mandatory environment assessment worksheet categories and other project types frequently subject to environmental review to develop customized environmental assessment worksheet forms or the category or project type. Directions for the form design and general input from the public are outlined in the subdivision. The DNR and PCA shall allow for electronic submission of environmental assessment worksheets and permits.

**Article 4, Section 67**

**Nongame Wildlife Checkoff**

Minnesota Statutes 2008, section 290.431 is amended, removing the requirement that LCCMR approve a work program for the nongame wildlife account before expenditures can be made and removing obsolete language that states that the nongame wildlife program is in the section of wildlife. Statute is further amended allowing the commissioner use of funds appropriated from the Nongame Wildlife Account for developing, preserving, restoring, and maintain wintering habitat to benefit neotropical migrant birds in Latin American and the Caribbean.

**Article 4, Section 68**

**Corporate Nongame Wildlife Checkoff**

Minnesota Statutes 2008, section 290.432 is amended, removing the requirement to have LCCMR approve a work program for the nongame wildlife account before expenditures can be made and removing obsolete language that states that the nongame wildlife program is in the section of wildlife.

**Article 4, Section 70**

**School Trust Lands Study**

The DNR shall provide information necessary to evaluate effectiveness of the commissioner in managing school trust lands to meet goals contained in Minnesota Statutes, section 127A.31 by July 15, 2010. The information to be included, but not limited to, is defined in this section.

**Article 4, Section 71**

**Coon Rapids Dam Commission**

The Coon Rapids Dam Commission is established to perform specified duties. The composition of the commission is defined in this section. Duties and deadlines for work of the commission are defined in this section.

**Article 4, Section 72**

**Solid Waste Facility Financial Assurance Mechanisms; Input**

This section establishes an effective date and guidelines prior to publication of rules for groundwater sensitivity and financial assurance. Consultation guidelines for the PCA are established, including, but not limited to staff from the Department of Natural Resources.

**Article 4, Section 73**

**Subsurface Sewage Treatment Systems Ordinance Adoption Delay**

Pollution Control Agency, BWSR and Association of MN Counties.

**Article 4, Section 74**

**Department of Natural Resources Long-Range Budget Analysis**

This section directs the Department of Natural Resources to provide long-range budget analysis for certain components of the state outdoor recreation system.

**Article 4, Section 75**

**Wind Energy Systems on State-Owned Lands; Report**

New language requiring the DNR to report on the use of state-owned lands for wind energy systems; effects of wind energy systems on state-owned lands; recommendations for a regulatory system and restrictions; identification of state-owned lands suitable for wind energy systems and state-owned lands that would be unsuitable.

**Article 4, Section 76**

**Appropriation: Department of Natural Resources Peace Officer Training**

\$145,000 in FY 2011 is appropriated from the game and fish fund to the commissioner of natural resources for peace officer training for employees of the Department of Natural Resources who are licensed under Minnesota Statutes, sections 626.84 to 626.863, to enforce game and fish laws (Conservation Officers). This appropriation is from the money credited to the game and fish fund under Minnesota Statutes, section 357.021, subdivision 7, paragraph (a), clause (1), from surcharges assessed to criminal and traffic offenders. By January 15, 2012, the commissioner shall submit a report to respective chairs with jurisdiction over natural resources and public safety on the expenditure of these funds, including the effectiveness of the activities funded in improving the enforcement of game and fish laws and the resulting outcomes for the state's natural resources.

**Article 4, Section 77**

**Appropriation: State Water Trails**

\$60,000 appropriated in FY 2011 from the Water Recreation Account in the Natural Resources Fund to the DNR to cooperate with local unites of government in marking state water trails and acquiring and developing river accesses and campsites and removing obstructions that may cause public safety hazards. This is a onetime appropriation and available until spent.

**Article 4, Section 78**

**Appropriation: Moose Trail**

\$100,000 in FY 2011 appropriated to the DNR from the ATV account in the Natural Resources Fund for a grant to the city of Hoyt Lakes to convert the Moose Trail snowmobile trail to a dual usage trail.

**Article 4, Section 79**

**Appropriation: Ecological Classification Program**

\$250,000 in FY 2011 appropriated in FY 2011 from the game and fish fund to the commissioner of natural resources to maintain and expand the ecological classification system program on state forest lands.

**Article 4, Section 80**

**Parks and Trails Appropriation; Lottery-in-Lieu**

\$300,000 in FY 2011 from the Natural Resources Fund to the DNR for state park, state recreation area, and state trail operations.

**Article 4, Section 81**

**Refuse Management Pilot Project; Cannon River**

Establishes a two-year pilot project on the Cannon River that allows canoe and inner tube rental establishments to take responsibility for management of their patrons' refuse on the river, including allowing canoe and inner tube establishments to provide disposable refuse containers to each group.

**Article 4, Section 82**

**Revisor's Instruction**

Changes shall be made to specific terms throughout Minnesota Statutes and Rules.



**Article 4, Section 83**

**Repealer**

Minnesota Statutes 2008, section 90.172, Minnesota Statutes 103G.295, Minnesota Statutes 103G.650 and Minnesota Statutes 2009 Supplement, section 88.795 are repealed. [Reference repealer section of report].

**ARTICLE 5**

**Energy**

<b>Article 5, Section 1</b>	Assessment; Appropriation
<b>Article 5, Section 2</b>	Renewable Development Account
<b>Article 5, Section 3</b>	Rebates for Solar Photovoltaic Modules
<b>Article 5, Section 4</b>	Definitions
<b>Article 5, Section 5</b>	Low-Income Electric Rate Discount
<b>Article 5, Section 6</b>	Low-Income Affordability Programs
<b>Article 5, Section 7</b>	[216B.1695] Environmental Projects; Advance Determination of Prudence
<b>Article 5, Section 8</b>	Energy Conservation Policy Goal
<b>Article 5, Section 9</b>	Supplemental Staffing Assessment
<b>Article 5, Section 10</b>	Separate Metering for Electric Service
<b>Article 5, Section 11</b>	[383B.1588] Energy Forward Pricing Mechanisms
<b>Article 5, Section 12</b>	[383B.82] Wind and Solar Business Entity Participation
<b>Article 5, Section 13</b>	Minneapolis and St. Paul; Residential, Commercial, and Industrial Energy Conservation Program; Purpose
<b>Article 5, Section 14</b>	Energy Conservation Program
<b>Article 5, Section 15</b>	Limitations
<b>Article 5, Section 16</b>	Bonding and Financial Authority
<b>Article 5, Section 17</b>	Appropriations; Cancellations
<b>Article 5, Section 18</b>	Small City Energy Efficiency Grant
<b>Article 5, Section 19</b>	Urban Transmission Line; Certificate of Need Required
<b>Article 5, Section 20</b>	Neighborhood Energy Reduction Report
<b>Article 5, Section 21</b>	Appropriation and Transfer

## 2010 LCCMR Bill

Chapter 362

HF 2624

SF 2462

For bill text (control + click) to follow link:

[Chapter 362](#)

For complete text of line-item veto message (control + click) to follow link:

[Line-Item Veto Message](#)

### Section 1 Minnesota Resources Appropriation

### Section 2 Minnesota Resources

#### Subdivision 1. Total Appropriation

Provides a total appropriation of \$418,000 in FY2010 and \$25,622,000 in FY2011 from the ENTF.

#### Subdivision 2. Trust Fund Definition

#### Subdivision 3. Natural Resource Data and Information

Provides a total appropriation for natural resource data and information projects of \$4,920,000, including funding for:

- County Geologic Atlases and Related Hydrogeologic Research (\$1,130,000) to continue the production of county geologic atlases throughout the state.
- Updating Minnesota Wetlands Inventory: Phase 2 (\$1,100,000) to continue the update of wetland inventory maps for Minnesota.
- Minnesota Breeding Bird Atlas (\$372,000) to continue development of a statewide survey of Minnesota breeding bird distribution and create related publications.
- Integrated, Operational Bird Conservation Plan for Minnesota (\$151,000) to develop an integrated bird conservation plan.
- Mitigating Pollinator Decline in Minnesota (\$297,000) to assess the role of insecticides in pollinator health.
- Science and Innovation from Soudan Underground Mine State Park (\$545,000) to characterize unique microbes discovered at the park and investigate the potential application in bioenergy and bioremediation.
- Quantifying Carbon Burial in Wetlands (\$144,000) to determine the potential for carbon sequestration in Minnesota's shallow lakes and wetlands.

- Strategic Planning for Minnesota’s Natural and Artificial Watersheds (\$327,000) to identify the interrelationship between drain tiles and ditches and natural watersheds.
- Ecosystem Services in Agricultural Watersheds (\$247,000) to develop local food and perennial biofuels markets coupled with conservation incentives in the Chippewa River Watershed.
- Farmland Conservation in Minnesota (\$100,000) to assess the implementation of applicable laws for preserving agricultural land and develop an approach and policy tools to preserve such lands.
- Identifying Critical Habitats for Moose in Northeastern Minnesota (\$507,000) to identify critical habitats for moose, develop best management practices to protect habitat, and conduct educational outreach.

**Subdivision 4. Land, Habitat, and Recreation**

Provides a total appropriation for land and habitat acquisition and restoration projects of \$418,000 in FY2010 and \$9,773,000 in FY2011, including funding for:

- Ecological Restoration Training Cooperative for Habitat Restoration (\$550,000) to improve ecological restoration success by developing and offering training programs for habitat restoration professionals.
- Scientific and Natural Areas (SNAs) and Native Prairie Restoration, Enhancement, and Acquisition (\$1,750,000) to acquire lands to be established as SNAs, restore SNAs, and provide assistance and incentives for native prairie landowners.
- State Park Improvements (\$814,000) for state park capital improvements and natural resource restoration.
- Provides that \$250,000 of this appropriation is for solar energy installations in state parks and the remaining amount is to be used for park and campground restoration and improvements.
- Provides that the unobligated balance from two previous ENTF appropriations be transferred and added to this appropriation:
  - \$200,000 of the appropriation for clean energy resource teams and community wind energy rebates (Laws 2005, First Special Session Ch. 1, Art. 2, Sec. 11, Subd. 10(a); amended by Laws 2006, Ch. 243, Sec. 15; extended by Laws 2009, Ch. 143, Sec. 2, Subd. 16)

- \$47,000 of the appropriation for native plant biodiversity, invasive plant species, and invertebrates (Laws 2009, Ch. 143, Sec. 2, Subd. 6(f))
- o State Park Land Acquisition (\$1,750,000) to acquire and preserve critical parcels within the statutory boundaries of state parks.
- o Protection of Rare Granite Rock Outcrop Ecosystem (\$1,800,000) to continue to acquire perpetual easements of unique granite rock outcrops in the Upper Minnesota River Valley.
- o Minnesota's Habitat Conservation Partnership (HCP) Supplemental (\$1,344,000) to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants through the HCP:
  - \$308,000 for the Department of Natural Resources (DNR)
  - \$425,000 for an agreement with Ducks Unlimited, Inc.
  - \$50,000 for an agreement with National Wild Turkey Federation
  - \$164,000 for an agreement with the Nature Conservancy
  - \$102,000 for an agreement with Minnesota Land Trust
  - \$200,000 for an agreement with Trust for Public Land
  - \$45,000 for an agreement with Friends of Detroit Lakes Wetland Management District
  - \$50,000 to the Leech Lake Band of Ojibwe
- o Metropolitan Conservation Corridors (MeCC) Supplemental (\$1,750,000) to plan, restore, and protect important natural areas in the metropolitan area and surrounding counties through the MeCC:
  - \$890,000 for an agreement with Trust for Public Land
  - \$485,000 for an agreement with Minnesota Land Trust
  - \$325,000 for an agreement with Minnesota Valley National Wildlife Refuge Trust, Inc.
  - \$50,000 for an agreement with Friends of the Minnesota Valley
- o Conserving Sensitive and Priority Shorelands in Cass County (\$300,000) to provide assistance for the donation of perpetual

conservation easements to protect sensitive shoreland parcels in north central Minnesota.

- Reconnecting Fragmented Prairie Landscapes (\$380,000) to develop prairie landscape design plans and monitoring protocol involving local landowners and businesses to guide conservation, restoration, and related economic development.

#### **Subdivision 5. Water Resources**

Provides a total appropriation for water resources projects of \$3,455,000, including funding for:

- Understanding Sources of Aquatic Contaminants of Emerging Concern (\$640,000) to identify chemical markers to characterize sources of endocrine disruptors and pharmaceuticals entering surface waters in the Zumbro River Watershed.
- Managing Mineland Sulfate Release in St. Louis River Basin (\$270,000) to map current sulfate sources and assess treatment options to minimize potential impacts of mercury on fish and wildlife in the St. Louis River Basin.
- Ecological Impacts of Effluent in Surface Waters and Fish (\$340,000) to determine the chemical and biological fate of phytoestrogens in surface waters and the impacts on fish.
- Agricultural and Urban Runoff Water Quality Treatment Analysis (\$485,000) to reduce soil erosion, peak water flows, and nutrient loading through a demonstration model evaluating storage and treatment options.
- Assessing Septic System Discharge to Lakes (\$594,000) – to measure septic system discharge of estrogenic and pharmaceutical compounds and assess different influences on levels of contamination and biological responses in lakes.
- Evaluation of Dioxins in Minnesota Lakes (\$264,000) – to examine the concentration of dioxins in lake sediment and options to improve water quality.
- Assessment of Shallow Lake Management (\$262,000) – to evaluate the major causes of deterioration of shallow lakes and results of current management efforts.
- Assessing Cumulative Impacts of Shoreline Development (\$300,000) to evaluate near-shore, in-water habitat impacts from shoreline development activities to improve management practices.

- Trout Stream Assessments (\$300,000) to assess cold water aquatic insect abundance related to warming water temperatures and options to minimize stream temperature changes.

### **Subdivision 6. Aquatic and Terrestrial Invasive Species**

Provides a total appropriation for invasive species projects of \$1,470,000, including funding for:

- Biological Control of European Buckthorn and Garlic Mustard (\$300,000) to continue development and implementation of biological control for European buckthorn and garlic mustard.
- Ecological and Hydrological Impacts of Emerald Ash Borer (\$636,000) to assess the potential impacts of emerald ash borer on black ash forests and on native forest vegetation, invasive species spread, and hydrology.
- Healthy Forests to Resist Invasion (\$359,000) to assess the role of forest health management in resisting infestation of invasive species.
- Bioacoustic Traps for Management of Round Goby (\$175,000) to evaluate bioacoustic technology specific to invasive round goby in Lake Superior as a method for early detection and control.

### **Subdivision 7. Renewable Energy**

Provides a total appropriation of \$3,364,000 for renewable energy projects, including funding for:

- Algae for Fuels Pilot Project (\$900,000) to demonstrate a microalgae production system utilizing and treating sanitary wastewater to produce biofuels from algae.
- Sustainable Biofuels (\$221,000) to determine how fertilization and irrigation impact yields of grass monoculture and high diversity prairie biofuel crops, storage of soil carbon, and susceptibility to invasive species.
- Linking Habitat Restoration to Bioenergy and Local Economies (\$600,000) to restore high quality native habitats and expand market opportunities for utilizing postharvest restoration as a bioenergy source.
- Demonstrating Sustainable Energy Practices at Residential Environmental Learning Centers (RELCs) (\$1,500,000) to implement renewable energy, energy efficiency, and energy conservation practices at the facilities.

- Analysis of Options for Minnesota Energy Independence (\$143,000) for a life cycle analysis of low carbon energy technologies available to implement in Minnesota.

### **Subdivision 8. Environmental Education**

Provides a total appropriation of \$2,640,000 for environmental education projects, including funding for:

- Minnesota Conservation Apprenticeship Academy (\$368,000) to train and mentor future conservation professionals by providing apprenticeship service opportunities to soil and water conservation districts.
- Engaging Students in Environmental Stewardship through Adventure Learning (\$250,000) to provide curriculum, teacher training, online learning, and grants to schools on investigating the connection between Minnesota's changing climate and impacts on natural resources.
- Connecting Youth with Nature (\$160,000) to hold teacher training workshops on the use of digital photography as a tool for learning about nature.
- Urban Wilderness Youth Outdoor Education (\$557,000) to provide an outdoor education and recreation program on the Mississippi River.
- Get Outside – Urban Woodland for Kids (\$218,000) to restore and develop an outdoor classroom for ecological education and historical interpretation at Como Regional Park.
- Expanding Outdoor Classrooms at Minnesota Schools (\$300,000) to establish additional and enhance existing outdoor school forest and prairie classroom networks throughout Minnesota.
- Integrating Environmental and Outdoor Education in Grades 7-12 (\$300,000) to train and support grade 7-12 teachers to integrate environmental and outdoor education into the instruction of academic standards.
- Project Get Outdoors (\$15,000) to develop out of school programs connecting children to local nature experiences.
- Fishing: Cross Cultural Gateway to Environmental Education (\$155,000) to provide environmental information and teaching skills to and increase participation of Southeast Asian communities through the gateway of fishing skills.

- Minnesota WolfLink (\$193,000) to develop interactive onsite and distance learning about wolves and their habitat.
- Online Field Trip of Minnesota River (\$124,000) to develop online educational materials on the Minnesota River for schools and outreach centers.

### **Subdivision 9. Availability of Appropriations**

Provides that money may only be spent on activities directly related to specific appropriations and specified in approved work programs, and may not be spent on indirect costs or other institutional overhead charges.

### **Subdivision 10. Data Availability Requirements**

Provides that data collected by projects funded under Sec. 2 must conform to guidelines and standards adopted by the Office of Enterprise Technology and Minnesota Geospatial Information Office and make non-private data accessible and free to the public.

### **Subdivision 11. Project Requirements**

- Provides that all projects comply with Subd. 11 project requirements and M.S. 116P.
- Provides requirements for restoration, including planting vegetation only of ecotypes native to Minnesota and preferably of local ecotype using a high diversity of species and, when restoring prairies, protecting existing prairies from genetic contamination.
- Provides that all conservation easements are: 1) perpetual; 2) specify parties to the easement; 3) specify all provisions of an agreement that are perpetual; 4) sent to LCCMR in electronic format; 5) include a long-term stewardship plan and funding for monitoring and enforcing the easement agreement; and 6) include requirements in the easement to address specific water quality protection activities.
- Provides that an ecological restoration and management plan be prepared for all restorations, and that the plan, to the degree practicable, is: 1) consistent with the highest quality conservation and ecological goals for the restoration site; 2) includes proposed timetable for implementing restoration; 3) identifies long-term maintenance and management needs and



how the maintenance, management, and enhancement will be financed.

- Provides that for new lands acquired, a restoration and management plan be prepared, including sufficient funding for implementation.
- Provides that for any acquisition, priority be given to high quality natural resources or conservation lands that provide natural buffers to water resources.
- Provides for the documentation of the selection process used to identify parcels acquired and transaction costs related to acquisition to ensure public accountability.
- Provides that consideration be given to contracting with the Minnesota Conservation Corps or its successor for contract restoration and enhancement services.

**Subdivisions 12 to 16. Project Requirements.**

Project requirements set forth as part of the LCCMR recommendations, providing: all agreements, grants, or contracts are administered on a reimbursement basis; purchase and use of recycled and recyclable materials and paper stock; compliance with applicable energy conservation and sustainable building guidelines and standards for capital improvement projects; facilities meet ADA accessibility guidelines; and carry forwards for previous appropriations.

**Section 3 [116P.17] Acquisition of Lands to be Conveyed to the State; Commissioner Approval**

Provides that any recipient of an appropriation from the trust fund who acquires an interest in real property must receive written approval from the DNR Commissioner if the interest: 1) is acquired in whole or in part with appropriation; 2) will be conveyed to the state. Also provides that the DNR Commissioner shall approve acquisitions only when the interest in real property: 1) is identified as a high priority; 2) meets the objectives and criteria identified in the applicable acquisition plan.

**2010 Omnibus Agriculture and Veteran's Policy Bill**

**Chapter 333**

**SF 2737**

**HF 2678**

**For bill text (control + click) to follow link:**

[Chapter 333](#)

**ARTICLE 1  
AGRICULTURE**

**Article 1, Section 1, Subdivisions 1 and 2**

**Compensation for Livestock Destroyed by Gray Wolves**

Minnesota Statutes 2009 Supplement, section 3.737, subdivision 1 is amended, modifying the investigation process for livestock compensation destroyed by gray wolves.

**Article 1, Section 10, Subdivisions 1 – 3**

**Tree Care and Tree Trimming Company Registration**

Minnesota Statutes 2008, section 18G.07 is amended creating a tree care registry, defining requirements and specifying the violation.

**Article 1, Section 12, Subdivision 1**

**Designation of Zones**

Minnesota Statutes 2008, section 35.244, subdivision 1 is amended providing authority to the board to establish zones for the control and eradication of tuberculosis and restricting the movement of cattle, bison, goats, and farmed cervidae within and between tuberculosis zones in the state.

**Article 1, Section 13, Subdivision 2**

**Requirements within a Tuberculosis Control Zone**

Minnesota Statutes 2008, section 35.244, subdivision 2 is amended outlining requirements for the board in a tuberculosis control zone.

**Article 1, Sections 15, 16**

**Sale from Bulk; Information Required with Package**

Minnesota Statutes 2008, section 239.092 is amended allowing the enforcement of bulk firewood sales by the DNR through the Invasive Species Act and the MDA through their plant protection laws. Authority for enforcement granted in this chapter or section 18J.05 or 84D.13.

**Article 1, Section 39**

**Forest Pest Workgroup; Report**

The commissioners of agriculture and natural resources shall form a workgroup and develop recommendations on how the state should address mitigation of invasive or exotic forest pests, primarily gypsy moth and emerald ash borer. The commissioners shall consult with representatives of the Forest and Animal and Plant Health Inspection Services of the USDA, local units of government, the nursery industry, and the timber industry. The commissioners shall report to the legislature under Minnesota Statutes, section 3.195, no later than September 2, 2010. *Refer to Chapter 333, Section 39 for complete report specifications.*

**Mt. Simon-Hinckley Aquifer**

**Chapter 341**

**HF 2634**

**SF 2185**

**For bill text (control + click) to follow link:**

[Chapter 341](#)

**For complete text of veto message (control + click) to follow link:**

[Veto Message](#)

**The Mt. Simon-Hinckley Aquifer bill extended current groundwater usage restrictions. [\*\*Chapter 341 was vetoed on May 13, 2010.\*\*](#)**

## Lower St. Croix River Area Land Use Modifications

Chapter 338

SF 2752

HF 3152

For bill text (control + click) to follow link:

[Chapter 338](#)

### Section 1, Subdivision 4

#### Rules

(a) The commissioner of natural resources shall adopt rules that establish guidelines and specify standards for local zoning ordinances applicable to the area within the boundaries covered by the comprehensive master plan.

(b) The guidelines and standards must be consistent with this section, the federal Wild and Scenic Rivers Act, and the federal Lower St. Croix River Act of 1972. The standards specified in the guidelines must include: (1) the prohibition of new residential, commercial, or industrial uses other than those that are consistent with the above mentioned acts; and (2) the protection of riverway lands by means of acreage, frontage, and setback requirements on development.

(c) Cities, counties, and towns lying within the areas affected by the guidelines shall adopt zoning ordinances complying with the guidelines and standards within the time schedule prescribed by the commissioner.

(d) In rural districts, as defined in rules adopted pursuant to this section, commercial, nature-oriented, and educational uses may be allowed as conditional uses on properties that were in similar use on May 1, 1974, and on January 1, 2010, if the conditional use: (1) complies with all dimensional standards in the rules, including variance requirements for any changes to the properties made after January 1, 2010; and (2) is similar in scope to the use that existed on May 1, 1974.

**Omnibus Tax Bill**

**Chapter 389**

**HF 3729**

**SF 3327**

**For bill text (control + click) to follow link:**

[Chapter 389](#)

**For complete text of line-item veto message (control + click) to follow link:**

[Line-Item Veto Message](#)

**Article 1, Section 25**

**477A.17 LAKE VERMILION STATE PARK AND SOUDAN UNDERGROUND MINE STATE PARK; ANNUAL PAYMENTS**

(a) Beginning in fiscal year ~~2010~~ 2012, in lieu of the payment amount provided under section 477A.12, subdivision 1, clause (1), the county shall receive an annual payment for land acquired for Lake Vermilion State Park, established in section 85.012, subdivision 38a, and land within the boundary of Soudan Underground Mine State Park, established in section 85.012, subdivision 53a, equal to 1.5 percent of the appraised value of the land.

(b) For the purposes of this section, the appraised value of the land acquired for Lake Vermilion State Park for the first five years after acquisition shall be the purchase price of the land, plus the value of any portion of the land that is acquired by donation. The appraised value must be redetermined by the county assessor every five years after the land is acquired.

(c) The annual payments under this section shall be distributed to the taxing jurisdictions containing the property as follows: one-third to the school districts; one-third to the town; and one-third to the county. The payment to school districts is not a county apportionment under section 127A.34 and is not subject to aid recapture. Each of those taxing jurisdictions may use the payments for their general purposes.

(d) Except as provided in this section, the payments shall be made as provided in sections 477A.11 to 477A.13.

**Article 9, Section 1**

**Classification as Conservation or Nonconservation**

Minnesota Statutes 2008, section 282.01, subdivision 1 is amended. Refer to bill for complete text.

**Article 9, Section 2**

**Conveyance; generally to Public Entities**

Minnesota Statutes 2008, section 282.01, subdivision 1a, is amended. Refer to bill for text.

**Article 9, Section 3**

**Conveyance; Targeted ~~neighborhood~~ Community Lands**

Minnesota Statutes 2008, section 282.01, subdivision 1b, is amended. Refer to bill for text.

**Article 9, Section 4**

**Deed of Conveyance; Form; Approvals**

Minnesota Statutes 2008, section 282.01, subdivision 1c, is amended. Refer to bill for text.

**Article 9, Section 5**

**Reverter for Failure to Use; Conveyance to State**

Minnesota Statutes 2008, section 282.01, subdivision 1d, is amended. Refer to bill for text.

**Article 9, Section 6**

**Conditional Use Deed Fees**

Minnesota Statutes 2008, section 282.01, is amended. Refer to bill for text.

**Article 9, Section 7**

**Conveyance; Form**

Minnesota Statutes 2008, section 282.01, is amended. Refer to bill for text.

**Article 9, Section 8**

**Conservation Lands; County Board Supervision**

Minnesota Statutes 2008, section 282.01, subdivision 2, is amended. Refer to bill for text.

**Article 9, Section 9**

**Nonconservation Lands Appraisal and Sale**

Minnesota Statutes 2008, section 282.01, subdivision 3, is amended. Refer to bill for text.

**Article 9, Section 10**

**Sale: Method, Requirements, Effects**

Minnesota Statutes 2008, section 282.01, subdivision 4, is amended. Refer to bill for text.

**Article 9, Section 11**

**County Sales; Notice, Purchase Price, Disposition**

Minnesota Statutes 2008, section 282.01, subdivision 7, is amended. Refer to bill for text.

**Article 9, Section 12**

**City Sales; Alternate Procedures**

Minnesota Statutes 2008, section 282.01, subdivision 7a, is amended. Refer to bill for text.

**Article 9, Section 13**

**Notice; Public Hearing for Use Change**

Minnesota Statutes 2008, section 282.01, is amended. Refer to bill for text.

**Article 9, Section 14**

**Repealer**

Minnesota Statutes 2008, section 282.01, subdivisions 9, 10, and 11 and 383A.76, are repealed. [Reference repealer section of report].



**2010 Drainage Law**

**Chapter 298**

**SF 364**

**HF 162**

**For bill text (control + click) to follow link:**

**[Chapter 298](#)**

Chapter 298 contains provisions developed through consensus of the Drainage Work Group members over the past two years. Refer to the link above for a complete text of the bill. For further information on the Drainage Work Group, visit:

<http://www.bwsr.state.mn.us/drainage/index.html>

## **Forfeiture of Seized Property (Procedure Modification)**

**Chapter 391**

**SF 2634**

**HF 2610**

**For bill text (control + click) to follow link:**

[Chapter 391](#)

### **Section 1, Subdivision 13**

#### **Reporting**

Minnesota Statutes, section 84.7741 is amended by adding a subdivision 13 that requires the appropriate agency and prosecuting authority to report off-highway vehicle forfeitures resulting from a second gross misdemeanor operation in a wetland under section 84.774(b).

### **Section 2, Subdivision 5**

#### **Reporting**

Minnesota Statutes, section 97A.221 is amended by adding a subdivision 5 that requires the appropriate agency and prosecuting authority to report forfeitures of firearms, bows, and motor vehicles that were used with the owner's knowledge to unlawfully take or transport wild animals.

### **Section 3, Subdivision 6**

#### **Reporting**

Minnesota Statutes, section 97A.223 is amended by adding a subdivision 6 that requires the appropriate agency and prosecuting authority to report forfeitures of firearms, bows, and motor vehicles when possessed in violation of state or federal law or court order, or when used to unlawfully take or transport wild animals and no owner can be determined.

### **Section 4, Subdivision 10**

#### **Reporting**

Minnesota Statutes, section 97A.225 is amended by adding a subdivision 10 that requires the appropriate agency and prosecuting authority to report forfeitures of firearms with a value of \$1000 or more and motor vehicles used to unlawfully take or transport wild animals under the game and fish laws as specified in sections 97A.225, subdivision 1 and 97A.221, subdivision 1(b).

### **Section 5, Subdivision 12**

#### **Reporting**

Minnesota Statutes, section 169A.63 is amended by adding a subdivision 12 that requires the appropriate agency and prosecuting authority to report forfeitures of vehicles under the DWI laws.

### **Section 6, Subdivision 3**

#### **Jurisdiction; General**

Minnesota Statutes, section 491A.01, subdivision 3 is amended.

### **Section 7, Subdivision 4**

#### **Seizure**

Minnesota Statutes, section 609.531, subdivision 4 is amended requiring officers to provide a receipt to persons who possess property that is seized under the criminal code forfeiture provisions such as controlled substances, fleeing an officer, unlawful possession of a firearm, and prostitution. If no person is present, the officer must leave a receipt in the place where the property was found if reasonably possible.

### **Section 8, Subdivision 5**

#### **Right to Possession Vests Immediately; Custody of Seized Property**

Technical amendments to Minnesota Statutes, section 609.531, subdivision 5 regarding securing property that is seized under the criminal code forfeiture provisions.

### **Section 9, Subdivision 5a**

#### **Bond by owner for possession**

Minnesota Statutes, section 609.531, subdivision 5a is amended removing the requirement of agency approval to release property to the owner after posting bond, and exempts contraband and property being held for investigatory purposes.

### **Section 10, Subdivision 7**

**Petition for Remission or Mitigation.** Minnesota Statutes, section 609.531 is amended by adding a subdivision 7 allowing a person with interest in seized property to petition the county attorney to remit or mitigate a forfeiture. The county attorney may remit or mitigate the forfeiture as provided in the section.

### **Section 11, Subdivision 8**

#### **Forfeiture Policies; Statewide Model Policy Required**

Minnesota Statutes 609.531 is amended by adding a subdivision 8 requiring the Peace Officer Standards and Training Board to develop a model forfeiture policy by December 1, 2010. By March 1, 2011 all law enforcement and prosecutorial agencies shall adopt and implement a policy on forfeiture.

### **Section 12, Subdivision 3**

#### **Limitations on Forfeiture of Certain Property Associated with Controlled Substances.**

Minnesota Statutes, section 609.5311, subdivision 3 is amended to increase the retail

value of controlled substances to \$75 for forfeiture of a conveyance device forfeiture and \$2000 for forfeiture of real property.

**Section 13 Forfeiture by Judicial Action; Procedure**

Minnesota Statutes, section 609.5313 is amended by requiring county attorneys to notify persons within 60 days of seizure regarding what action will be taken of known or readily ascertainable, with an additional 90 day extension period available. Agency is to return property to the person if no notice is sent or the extension period expires, but agency can commence forfeiture at a later time and agency is not required to return contraband.

**Section 14, Subdivision 2**

**Administrative Forfeiture Procedure**

Minnesota Statutes, section 609.5314, subdivision 2 is amended changing the notice requirements for administrative forfeiture involving controlled substances.

**Section 15, Subdivision 3**

**Judicial Determination**

Minnesota Statutes, section 609.5314, subdivision 3 is amended relating to hearings to be held at earliest practicable date, and after adjudication of any associated criminal case.

**Section 16, Subdivision 1**

**Disposition**

Minnesota Statutes, section 609.5315, subdivision 1 is amended providing that forfeited property cannot be sold to an officer, employee, or a person related to the officer or employee of the agency that seized the property.

**Section 17, Subdivision 2**

**Disposition of Administratively Forfeited Property**

Minnesota Statutes, section 609.5315, subdivision 2 is amended requiring the appropriate agency to provide the county attorney with a copy of the forfeiture documentation and an estimated value of the property for the county attorney's review and certification prior to disposition by the agency.

**Section 18, Subdivision 6**

**Reporting Requirement**

Minnesota Statutes, section 609.5315, subdivision 6 is amended requiring both the agency and the prosecutor to report forfeitures to the state auditor as detailed in this section.

**Section 19, Subdivision 6**

**Reporting**

Minnesota Statutes, section 609.762 is amended by adding subdivision 6 requiring reporting gambling violation forfeitures.

**Section 20, Subdivision 6**

**Reporting**

Minnesota Statutes, section 609.905 is amended by adding subdivision 3 requiring reporting racketeering violation forfeitures.

**Section 21**

**Development of Administrative Forfeiture Notice Language**

By January 15, 2011, the commissioner of public safety is to recommend modifications to the notice language for off-highway vehicle, DWI, and criminal code forfeitures to the legislature.

2010 Omnibus Game & Fish, Natural Resources Policy and Finance, State Lands Bill  
Chapter 390                      SF 2900                      HF 3124

For bill text (control + click) to follow link:

[Chapter 390](#)

For complete text of veto message (control + click) to following link:

[Veto Message](#)

The Omnibus Game and Fish bill incorporated provisions relating to state game, fish and aquaculture laws, miscellaneous natural resources policy provisions and appropriations, and the state lands bills. **Chapter 390 was vetoed on May 25, 2010.**

## **2010 BWSR Update**

### **Metro Water Planning Process**

Refer to Chapter 218 for specific information.

Link: [Chapter 218](#)

### **Property Tax Program Changes (Rural Preserves)**

Refer to Chapter 215 (Article 13) for specific information.

Link: [Chapter 215](#)

### **Conservation Assessment Plan (Rural Preserves)**

Refer to Chapter 389 for specific information.

Link: [Chapter 389](#)

### **Drainage Bill:**

Refer to Chapter 298 for specific information.

Link: [Chapter 298](#)

### **Omnibus Natural Resources, Environment and Energy Bill:**

Refer to Chapter 361 for specific information.

Link: [Chapter 361](#)

### **LCCMR Appropriations Bill:**

Refer to Chapter 362 for specific information.

Link: [Chapter 362](#)





## 2010 REPEALERS

### **1 Chapter 215**

Minnesota Statutes 2009, 103G.705, Subdivision 2 regarding the stream protection and improvement loan program is repealed.

### **2 Chapter 361**

Minnesota Statutes 2009 Supplement, section 3.3006 regarding the definitions of "enhance," "protect," and "restore" in section [84.02](#) and the application is repealed.

### **3 Chapter 361**

Minnesota Statutes, section 84.02, subdivisions 4a, 6a and 6b regarding the definitions of "enhance," "protect," and "restore" is repealed.

### **4 Chapter 361**

Laws 2009, chapter 172, article 5, section 9 regarding the development of a 25-year strategic plan is repealed.

### **5 Chapter 361**

Minnesota Statutes 2008, section 90.172 regarding annual reports due to the Legislature and Executive Council is repealed.

### **6 Chapter 361**

Minnesota Statutes 103G.295 regarding groundwater appropriations for irrigation of agricultural land is repealed.

### **7 Chapter 361**

Minnesota Statutes 103G.650 regarding authorizing leases and permits for sunken log removal from inland waters is repealed.

### **8 Chapter 361**

Minnesota Statutes 2009 Supplement, section 88.795 regarding the Lease Pilot Study is repealed.

### **9 Chapter 389**

Minnesota Statutes 2008, sections 282.01, subdivisions 9, 10, and 11 regarding tax-forfeited lands; classification, sale is repealed.

### **10 Chapter 389**

Minnesota Statutes 2009, section 383A.76 regarding tax-forfeited lands, sale; valuation; use of land; reverter of land; report by subdivision is repealed.

2010  
VETO AND LINE-ITEM VETO INFORMATION

1

2010 Capital Investment Bill

Chapter 189                      HF 2700                      SF 2360

[Line-Item Veto Message: Chapter 189](#)

2

2010 Omnibus Environment, Energy and Natural Resources Policy and Finance and  
Outdoor Heritage Appropriations Bill

Chapter 361                      SF 3275 (3702)                      HF 3702

[Line-Item Veto Message: Chapter 361](#)

3

2010 LCCMR Bill

Chapter 362                      HF 2624                      SF 2462

[Line-Item Veto Message: Chapter 362](#)

4

2010 Mt. Simon-Hinckley Aquifer

Chapter 341                      HF 2634                      SF 2185

[Veto Message: Chapter 341](#)

5

2010 Omnibus Tax Bill

Chapter 389                      HF 3729                      SF 3327

[Line-Item Veto Message: Chapter 389](#)

6

2010 Omnibus Game and Fish, Natural Resource Policy, and State Lands

Chapter 390                      SF 2900                      HF 3124

[Veto Message: Chapter 390](#)

## QUICK LINKS

**BWCAW Resolution**

[Resolution 1](#)

**Omnibus Capital Investment**

[Chapter 289](#)

**Supplemental Budget**

[Chapter 215](#)

**Environment, Natural Resources, Dedicated Funding & Energy Appropriations**

[Chapter 361](#)

**LCCMR**

[Chapter 362](#)

**Omnibus Agriculture & Veterans Affairs**

[Chapter 333](#)

**Mt. Simon-Hinckley Aquifer**

[Chapter 341 - Vetoed](#)

**Lower St. Croix Land Use**

[Chapter 338](#)

**Omnibus Tax Policy**

[Chapter 389](#)

**Drainage Law**

[Chapter 298](#)

**Forfeiture of Seized Property**

[Chapter 391](#)

**Omnibus Game & Fish, Natural Resources Policy and State Lands**

[Chapter 390 - Vetoed](#)

**HF 1 Budget Balancing (First Special Session 2010)**

[HF 1 - 2010 First Special Session](#)

**Veto Messages**

<http://www.governor.state.mn.us/priorities/legislation/index.htm>

**Legislative Website**

<http://www.leg.state.mn.us/>