

2013 Natural Resources Legislation

A Summary of the Actions of the 2013 Regular Session of the Eighty-eighth Minnesota Legislature

**Minnesota Department of Natural Resources
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DIVISION OF ECOLOGICAL AND WATER RESOURCES

Chapter 1114, HF976 Omnibus Environment, Natural Resources, and Agriculture Finance Bill

- Article 2; Agriculture policy.
 - Section 5, (Agricultural water quality certification program).
 - In consultation with MDA, PCA, and BWSR, producers who demonstrate successful water quality BMPs can be certified up to 10 years.
- Article 3; Natural resources appropriations.
 - Section 4, Subd. 3 appropriates an additional 1.6 million and 6.0 million in FY14/15 General Fund for increased water management programs; 6.0 million is ongoing base increase.
- Article 4; Statutory changes.
 - Section 12, (Establishes a pollinator habitat program).
Requires the DNR to develop best management practices and habitat restoration guidelines for pollinator habitat enhancement.
 - Section 62, (Scram mining).
Amends 93.46 by adding a definition of “scram mining”. The definition that is currently in rule is expanded to add taconite ore and allow taconite concentrate as a product from scram mining.
 - Section 66, (Driftless area water resources).
 - Provides new permit authority for the Commissioner to require a permit for any new silica sand mine operations proposed within one mile of a designated trout stream in SE Minnesota.
 - The Commissioner may assess the project proposer a fee to recover costs.
 - The new authority is effective the day following final enactment.
 - Section 67, Subd. 2, (Diversions greater than 2,000,000 gallons per day).
 - Adds a sustainability requirement for groundwater diversions
 - Eliminates the need for legislative approval
 - Section 69, (Permits required).
Change gives the Commissioner the ability to require permits for appropriations less than 10,000 gallons per day or 1,000,000 gallons per year in groundwater management areas.
 - Section 71, (Preliminary well construction approval).
Requires preliminary approval by the DNR for any new wells before construction if the well will require an appropriation permit from the DNR.
 - Section 72, (Groundwater management areas).
Relates to Section 69 above, the Commissioner may require general permits for small appropriations inside of designated groundwater management areas.
 - Section 75. Subd. 5, (Sustainability standard).
Changed the title from “Interference with other wells” to “Sustainability standard”.
 - Section 91, (Silica sand mining model standards and criteria).
Enacts new law 116C.99 requiring the EQB, by October 1, 2013, to develop model standards and criteria for mining, processing, and transporting silica sand. The EQB shall assemble a silica sand assistant team to provide local units of government with assistance with ordinance development, zoning, environmental review and permitting, monitoring, or other issues arising

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from silica sand mining and processing operations. Representatives on the team may include the DNR.

- Section 92, (Temporary EAW thresholds).
Two-year temporary 20-acre EAW threshold for new silica sand mines.
- Section 94, Subd. 16, (Groundwater EAW).
Assessments of groundwater resources required in EAW if there is a groundwater appropriation permit.
- Section 98, (Permit issuance).
Requires that the commissioner issue permits necessary to effectuate the Hall's Island habitat restoration project.
- Section 102, (Groundwater sustainability recommendations).
DNR legislative report on tools needed to fully implement groundwater sustainability due by January 15, 2014.

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DIVISION OF ENFORCEMENT

Chapter 1114, HF976 Omnibus Environment, Natural Resources, and Agriculture Finance Bill

- Article 3; Natural resources appropriations.
 - Section 4, Subd. 7, (Enforcement Division appropriations).
Significant increases to general fund, natural resources fund, and game and fish fund base appropriations/funding levels.
 - Provided \$1,718,000 each year AIS enforcement.
 - Provided \$1,450,000 each year heritage account in game and fish fund.
 - Provided \$250,000 each year conservation officer pre-employment education program, funding from water recreation, snowmobile, and ATV accounts, and game and fish fund.
 - Provided \$1,082,000 each year boat and water grants to counties from water recreation account.
 - Provided \$315,000 each year for grants to local law enforcement agencies for snowmobile enforcement from snowmobile trails and enforcement account.
 - Provided \$250,000 each year for ATV trail ambassador program from ATV account.
 - Provided \$510,000 each year for grants to county law enforcement agencies for OHV enforcement and public education, funding from OHM, ATV, and ORV accounts.
 - Provided \$720,000 each year for development and maintenance of Enforcement records management system (RMS) from game and fish fund, and invasive species account.

Chapter 121, SF796 Omnibus Game and Fish Bill

- Section 18, (AIS civil citations).
Clarifies that the officer must select either civil citation or criminal charges but not both for the same incident.
- Section 21, (Rice boat).
Defines, conforms to new statutory style for waterfowl boats; exemptions for licensing, etc. still in place.
- Sections 22-23, 25-27, 58, (Duck boat/waterfowl boat).
Exceptions to the duck boat now generally apply to waterfowl hunting, including license exemption and title certificate exemption; definition of waterfowl boat; quicker rule making authority provided to correct rule language for duck/waterfowl boats.
- Section 29, (Gross overlimits license seizure).
Clarifies big game license seizure now includes all licenses to take big game; small game license seizures include all licenses to take small game.
- Section 42, (Parent/guardian hunting responsibility).
Clarifies that a guardian authorized by the parent or legal guardian is responsible in the same manner as the parent or guardian and may not knowingly direct, allow, or permit the minor to hunt without a required license, permit, training, certification, or otherwise in violation of the game and fish laws.
- Sections 44, 52, (Bowfishing and motors).

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Clarifies that motorized watercraft may be used to transport an uncased bow and the bow may be discharged while bowfishing; maintains the combined noise limits for motors and other equipment such as generators.

- Section 55, (Sandhill crane wildlife restitution value).
Establishes quicker rule making process authorized to set \$200 as the restitution value for sandhill cranes.

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DIVISION OF FISH AND WILDLIFE

Chapter 73, HF740 State Lands Bill

- Section 1, (State responsibilities).
Stipulates that the State will refrain from discussing land purchase prices with landowners before appraisal except for trout stream easements, Native Prairie Bank easements, and Ripley ACUB.
- Section 21, (Private sale of surplus land; Goodhue County).
Provides that commissioner may sell 1.38 acres on the John Murtaugh Memorial Wildlife Management Area. DNR is consulting with neighboring landowner who wishes to purchase land, the Murtaugh Family, Minnesota Land Trust, and Pheasant Forever to reach an agreement on whether to sell a portion of the WMA.

Chapter 75, HF461 Hybrid and Narrow-Leaved Cattail Control; Shaver Lake

- Section 1, (Hybrid and narrow-leaved cattail control; Shaver Lake).
Stipulates that the DNR commissioner DNR is to issue general aquatic plant management permit (no fee) to Shaver Lake (Hennepin County) riparian landowners for mechanical control of hybrid/narrow-leaved cattails. A lake vegetation management plan was completed before the bill was passed into law.

Chapter 1114, HF976 Omnibus Environment, Natural Resources, and Agriculture Finance Bill

- Article 1; Agriculture Appropriations.
 - Section 3, (Protection services).
 - Reduces the appropriation for elk and wolf depredation payments (3.7371) by \$50,000 from \$125,000 annually to \$75,000 annually.
 - Appropriates \$150, 000 each year to develop and use best management practices that protect pollinators by providing habitat, incorporating practices into pesticide applicator and agricultural inspector programs and increase public awareness.
 - Section 67, (Pollinator report required).
Requires a pollinator report by January 115, 2014 in consultation with DNR, PCA, BWSR, and UM including a proposal to establish a pollinator bank, to create and enhance nesting and foraging habitat, process and criteria to review neonicotinoid pesticides.
- Article 3; Environment and Natural Resources Appropriations.
 - Section 4. (Natural Resources).
 - Subdivision 6, (Fish and wildlife management).
Appropriates a base budget and \$3.02 million in new investments in game and fish management and habitat conservation with the exception of shifting \$180,000 to cover the new conservation law enforcement records management system. This initiative will result in additional lake and stream surveys, stocking, management plans, and fish habitat projects; more creel surveys and fisheries research to improve fisheries management, recreation and angler satisfaction; improvement of wildlife management and public hunting areas; strategically focused prairie, grassland and wetland conservation efforts to accelerate implementation of the prairie plan; expanded waterfowl population

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assessments and wildlife health program support; better engagement of stakeholders and affected citizens; improved management of wildlife-human conflicts; increased recruitment and outreach to under-represented groups; improved communications and marketing. The budget bill also includes language for the heritage enhancement appropriation, stating that the 5% of these funds may be used for expanding hunter and angler recruitment and retention activities for underrepresented groups.

- Article 4; Environment and Natural Resources Statutory Changes.
 - Section 2, (Federal law compliance).

Provides authority for the commissioner to establish policies for effective and efficient permitting of the use of power-driven mobility devices on DNR lands and facilities including Wildlife and Aquatic Management Areas in accordance with the American Disabilities Act.
 - Section 12, (Pollinator habitat program).

Creates a new section in Chapter 84 that requires the commissioner to develop best management practices and habitat restoration guidelines for pollinator habitat enhancement. Best management practices and guidelines developed under this section must be used for all habitat enhancement or restoration of lands under the commissioner's control. Prairie restorations conducted on state lands or with state funds must include an appropriate diversity of native species selected to provide habitat for pollinators throughout the growing season.

Chapter 121, SF796 Omnibus Game and Fish Bill

- Section 1, (Game and fish rules).

Clarifies the need for expedited game and fish rules (84.027, subd. 13). Season variables dependent on annually updated biological and harvest data need to be adjusted every year. These changes cannot be accommodated in 14.14 to 14.28 or 97A.0451 to 97A.0459. No changes are proposed for the actual rulemaking procedure.
- Section 2, (Federal law compliance).

Provides authority for the commissioner to establish policies for effective and efficient permitting of the use of power-driven mobility devices on DNR lands and facilities including Wildlife and Aquatic Management Areas in accordance with the American Disabilities Act.
- Section 3, (Hunting licenses to critically ill persons).

Provides hunting licenses to critically ill hunters.
- Sections 4 – 8, (All-terrain vehicles).

Provides for all-terrain vehicle registrations and vehicle safety certificate requirements including: (1) an exemption for vehicles registered by an Indian tribal government and which have not been outside the tribal reservation boundary for more than 30 consecutive days, (2) creation of a no registration weekend designated by the commissioner, (3) requirements for youth operating ATVs, (4) waiving of ATV pass fees for tribal members under specified conditions, and (5) identification of conditions for ATV operations on roads and right-of-ways.
- Sections 9 – 19, 24, (Aquatic invasive species commercial interests).

Clarifies aquatic invasive species regulations for service providers and commercial interests.
- Section 20, (Minnesota zoo board).

Exempts the Minnesota Zoo from Minnesota Statute Chapters 35, 97A, 97B, 97C and provides that the Zoo must request permits from the Board of Animal Health and DNR for any exemptions from provisions in chapters 35 or 97A, 97B, and 97C respectively.

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- Sections 21 – 23, 26 – 27, 58, (Waterfowl references).
Substitutes “waterfowl” for “duck” in statutes that reference boats, flotation devices, etc.
- Section 25, (Waterfowl References and Tribal Watercraft Licensing).
Substitutes “waterfowl” for “duck” and exempts watercraft licenses for tribal members with a valid license issued by a federally recognized tribe.
- Section 28, (Cooperative farming agreements).
Expands use of Cooperative Farming Agreements to include Aquatic Management Areas.
- Section 29, (Game violations – license seizures).
Clarifies that when hunting licenses are seized under a gross over limits big game violation that all big game licenses are subject to the seizure and prohibition. Similarly, if the violation applies to small game, all small game licenses are subject to seizure and prohibition.
- Section 30 – 31, (Taking deer and small game; disabled veterans).
Provides option for a permanent deer license card and a permanent small game license card for military veterans with a 100% disability related to service.
- Section 32, (Angling; take a kid fishing weekends).
Provides authority to the commissioner to designate the dates for Take a Kid Fishing or Ice Fishing days providing flexibility for choosing dates with safe ice conditions. Also waives the requirement for the spearing validation during Take a Kid Ice Fishing weekend so that there are no license requirements during this weekend recruitment activity. The angling license requirement has already been waived for someone fishing with a child under 16 years during Take a Kid Ice Fishing Weekend.
- Sections 33, 37, (Residents and nonresident youth; spearing).
Provides conditions for 16 and 17 year old resident and nonresident youth to take fish by spearing without a spearing license.
- Sections 34 – 36, 38 – 39, 59, (Resident and nonresident youth hunting/angling requirements and license fees).
Simplifies resident and nonresident youth hunting opportunities (deer, small game, turkey) by making requirements and fees consistent for both resident and nonresident youth. Hunting license fees were reduced for resident youth in 2012. Nonresident youth fees would be reduced for license year 2014 to match resident youth fees which go into effect in 2013.
- Section 40, (Super sports licenses).
Reduces the cost of the new Super Sports License type to equal the cost of all of the licenses purchased separately.
- Section 41, (License issuing fees).
Provides consistent fees of \$1 that electronic license agents may charge for issuing angling and hunting licenses and for licenses, seals, tags, or coupons issued without a fee.
- Section 42, (Parent or guardian responsibility).
Provides that the violation for knowingly directing or permitting a minor to violate game and fish laws also applies to guardians authorized by the parent or legal guardian, and not just the parent or legal guardian.
- Section 43, (Apprentice hunter validation requirements).
Expands apprentice hunter provisions to nonresident as well as residents.
- Sections 44, 52, (Bowfishing restrictions).
Provides for transporting an uncased bow in a motorized watercraft while bowfishing for roughfish; removes restrictions for gasoline motors used while bowfishing and simplifies statute language regarding the noise level thresholds.

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- Section 45, (Special hunts).
Expands the availability of special hunts for purposes of recruitment to include not only youth but also adults.
- Sections 46, 54, (Bait prohibitions).
Provides authority to use rules to carry out aquatic invasive species laws for Lake Superior and its tributaries below posted boundaries. Changes are needed so that the use of game fish as bait is consistent with invasive species statutes.
- Sections 47 - 49, 56, (Angling by spearing).
Expands fish spearing season.
- Sections 50 – 51, (Bowfishing season).
Creates an early bowfishing season south of Highway 210 from a boat on a lake or Mississippi, Minnesota and St. Croix Rivers.
- Section 53, (Antler point restrictions).
Provides that commissioner may not impose antler point restriction for deer hunting outside Series 300 permit areas unless the legislature approves.
- Section 55, (Restitution value).
Establishes a \$200 wildlife restitution value for sandhill cranes consistent with that for tundra swans, a species with federal protection (Federal Migratory Bird Treaty Act.)
- Section 57, (Spearing restrictions).
Removes fish spearing restrictions on 12 lakes where restrictions are no longer needed.
- Section 59, (Repealer).
Repeals definition of zebra mussel; repeals unnecessary youth resident and nonresident repeals restriction on returning certain rough fish to waters by commercial anglers; repeals antler point restriction authority for 2011 and 2012 Series 300 permit areas.

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DIVISION OF FORESTRY

Chapter 1114, HF976 Omnibus Environment, Natural Resources, and Agriculture Finance Bill

- Article 3, Section 4, Subd. 4, (Forest management).
 - Division of Forestry Budget: For the 2014-2015 biennium, the division was appropriated \$73,670,000 from the General, Natural Resources, and Game and Fish funds, or \$36,860,000 in Fiscal Year 2014 and \$36,810,000 in Fiscal Year 2015. Of this amount, the general-fund appropriation is \$24,450,000 in Fiscal Year 2014 and \$24,400,000 in Fiscal Year 2015, or \$48,850,000 over the biennium. This is a \$10,100,000 increase in the division's general-fund appropriation from its 2012-2013 appropriation.
 - Appropriations and reports specifically addressed as part of the division's \$73,670,000 budget for the 2014-2015 biennium:
 - Firefighting Activities: There is an appropriation of \$7,145,000 from the General Fund each year of the biennium for prevention, presuppression, and suppression costs of emergency firefighting.
 - Firefighting Report: The department is required to report to the Legislature all firefighting costs and reimbursements by January 15 each year.
 - Forest Management Investment Account: There is an appropriation of \$11,123,000 from the Forest Management Investment Account (FMIA) in the Natural Resources Fund each year of the biennium for forest management activities specified in *Minnesota Statutes*, section 89.039, subdivision 2. This is a decrease of \$4,940,000 from the last biennium when the division received an appropriation of \$13,593,000 for fiscal years 2012 and 2013. The added general-fund dollars the division received will help correct a structural deficit with the FMIA due to: 1) declining timber markets, which have reduced timber revenues deposited into the FMIA by two-thirds since 2007 and 2) appraising and selling damaged timber at reduced value in the Sandstone blowdown area from the July 2011 windstorms.
 - Heritage Enhancement Activities: There is an appropriation of \$1,287,000 from the Heritage Enhancement Account in the Game and Fish Fund each year of the biennium to advance ECS scientific management tools for forest and invasive species management. This is now considered an ongoing appropriation that will continue into future bienniums.
 - Forest Resources Council: There is an appropriation of \$580,000 from the General Fund each year of the biennium for the council's implementation of the Sustainable Forest Resources Act.
 - FORIST System: There is an appropriation of \$250,000 from the General Fund each year of the biennium to maintain the FORIST system.
 - State Forest Nurseries Report: There is a \$50,000 general-fund appropriation in Fiscal Year 2014 to develop a plan and recommendations, in consultation with the University of Minnesota, on utilizing the state forest nurseries to ensure such things as the long-term availability of ecologically appropriate and genetically diverse native forest seed and seedlings to support state conservation projects and initiatives. The report is due to the Legislature by December 31, 2013.
 - Note: The general-fund base budget for forest management in Fiscal Year 2016 and thereafter is \$23,850,000. (This is a \$550,000 decrease from the 2015 general-fund appropriation.)

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- Article 4; Environment and Natural Resources Statutory Changes.
 - Section 5, (Exchange of road easements).

This change: 1) provides the ability for two parties to exchange access easements, reducing both costs and the time involved in completing those transactions and 2) allows for a “substantially equal determination” to be used for value determination in lieu of expensive and time-consuming appraisals.
 - Section 21, (Forest management investment account; cost certification).

This revises language in *Minnesota Statutes*, section 89.0385 to enable timber revenue to be transferred to the FMIA on a quarterly basis throughout the fiscal year instead of waiting until the fiscal year is over. It has no fiscal implication other than maintaining consistent cash flow from current revenue sources.
 - Sections 22-26, 34-35, 48, 50-51, 53, 55-61, (Technical changes).

These are minor revisions as needed to clarify, simplify, and update Chapter 90 (timber statutes) language.
 - Section 27, (Executive council).

This change increases the size of timber sale the Executive Council needs to approve from 6,000 cords to 12,000 cords. The higher limit better fits the broader range of forest management practices today.
 - Sections 28-33, (Commissioner powers and duties).

These changes update trespass reporting requirements, expand utility of forest improvement contracts, consolidate timber permit administrative fee charges into a new centralized fee schedule, and clarify the authority to debar a permit holder.
 - Section 36, (Timber sold at public auction).

This change enables the state to offer unsold sales from a timber auction for purchase at appraised price for a period of no more than one year instead of six months. This will allow the state to maintain more timber in the market between auctions and in areas with declining market demand. Only persons qualified as responsible bidders will be able to bid at timber auctions and on unsold sales.
 - Section 37, (Intermediate auction sales; maximum lots of 3,000 cords).

This change will enable any qualified bidder to purchase an unsold intermediate sale after a 30-day period. Large logging companies and mills employing more than 30 employees were previously excluded from being able to purchase unsold intermediate timber sales.
 - Section 38, (Purchaser qualifications, registration, and requirements).

This change clarifies the requirements of a purchaser operating a state timber permit and the registration system process that establishes the qualifications of a responsible bidder.
 - Sections 39-46, (Permits to cut and remove timber).

These changes provide better business practices for the state’s timber sale customers, including: 1) some streamlining to the issuance of the timber permit and short-term extension needs and 2) removing the inequities in current statute dealing with the financial penalty incurred by the permit holder during the forfeiture of a permit.
 - Section 47, (Surety bonds for auction timber permits; purchaser’s or assignee’s cash in lieu of bond).

This change combines two sections (90.161 and 90.173) into one section and reorders them both under section 90.161 with the new title, Security Deposits Required for Effective Timber Permits; changes the term “to bond” to “security deposit” to better reflect the current timber

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permit financial administration process; clarifies the forfeiture if a permit is not harvested and removes the penalty on the purchaser for changing security.

- Section 49, (Timber Permit Development Option).
Adds language that removes the requirement of a performance deposit when a purchaser wants to build a road into the permit area in advance of full harvest operations.
- Section 52, (Informal Sales of State Timber; Maximum Lots of 500 Cords).
This change: 1) increases the number of informal sales any person is allowed to hold from two to four and 2) removes language describing how partnerships and corporations are defined compared to a person.
- Section 54, (Special use and product permit).
This change consolidates the use of the special permit for various forest products and adds timber from road right-of-way clearings to the list of uses for the special permit.
- Section 101, (Permit cancellation).
Adds language giving the commissioner of Natural Resources the authority to cancel any provision in a timber sale permit sold prior to September 1, 2012, that requires the security payment for or removal of all or part of the balsam fir when the permit contains at least 50 cords of balsam fir. Also provides that: 1) cancellation will occur only upon written request submitted by a permit holder on or before June 1, 2015; 2) the remaining provisions of the permit stay in effect; and 3) the permit holder may still be required to fell or pile the balsam fir to meet management objectives.
- Section 108, (Repealer).
Includes the following:
 - Section 90.163 (Performance deposit option) is repealed; rewritten as Section 90.164.
 - Section 90.173 (Purchaser's or assignee's cash deposit in lieu of bond) is repealed; language is merged with Section 90.161.
 - Section 90.041, subdivision 2 (Commissioner powers and duties: trespass on state lands) is repealed; deleted for lack of need as the incidents are dealt with elsewhere in sections 90.151 and 90.301.
 - Laws 2011, First Special Session chapter 2, article 4, section 30 is repealed; state forest nurseries can continue to sell seedlings to private landowners and soil and water conservation districts for conservation purposes.

Chapter 73, HF740 Omnibus Lands Bill

- Section 2, (School forests).
This change provides for the less than market value transfer of land, which enables schools to establish additional school forests and increases outdoor educational opportunities for school children. DNR is also required to monitor and verify school forest use and report that use to the Department of Revenue.
- Sections 4-5, (Conveyance and reverter for failure to use).
These changes provide that counties may convey tax-forfeit land for school forests at less than market value and reinstate the permanent reverter. This means that tax-forfeit land reverts back to the state if a school has failed to use the land for school forest purposes for three consecutive years.
- Section 9, (Addition to state forest).
Expands the boundary of the Snake River State Forest. This expansion consolidates state forest land and protects more than a mile of critical river habitat.

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Chapter 137, HF1183 Omnibus Legacy Bill

- Article 2, Section 6 (f), (Clean water fund appropriation to the Department of Natural Resources). There is \$1,000,000 appropriated to the department for each year of the biennium for technical assistance to support local implementation of nonpoint source restoration and protection activities, including water quality protection in forested watersheds. Of this amount, the Division of Forestry will be receiving \$300,000 each year of the biennium to continue private land management activities that benefit water quality.
- Article 2, Section 6 (g), (Clean water fund appropriation to the Department of Natural Resources). There is \$675,000 appropriated to the department for each year of the biennium for applied research and tools. Of this amount, the Division of Forestry will be receiving \$250,000 each year of the biennium to assess the effectiveness of forestry best management practices for water quality (site-level guideline monitoring).

Chapter 143, HF677 Omnibus Tax Bill

Note: The following information references changes made to *Minnesota Statutes*, chapter 290C. This is the chapter in statute that deals with the Sustainable Forest Incentive Act (SFIA).

- Article 2, Section 2, Subd. 6, (Forest land).
The definition of what constitutes forest land in *Minnesota Statutes*, section 290C.02 is reduced by excluding two additional types of forest land: 1) land exceeding 60,000 acres that is subject to a single conservation easement funded under section 97A.056 (Outdoor Heritage Fund; Lessard-Sams Outdoor Heritage Council) or a comparable permanent easement conveyed to a governmental or nonprofit entity and 2) any land that becomes subject to a conservation easement funded under section 97A.056 or a comparable permanent easement conveyed to a governmental or nonprofit entity after May 30, 2013. This language is effective for certifications and applications due in 2013 and thereafter.
- Article 2, Section 3, (Eligibility requirements).
Language is added to Section 290C.03, (a), (6) that says claimants enrolling more than 1,920 acres in the Sustainable Forest Incentive Program must now allow motorized access on established and maintained roads and trails, unless the road or trail is temporarily closed for safety, natural resource, or road damage reasons. This is in addition to claimants allowing year-round, nonmotorized access to fish and wildlife resources.
- Article 2, Section 4, (Length of covenant).
Language is added to section 290C.055 as (c), (2), specifying that the land enrollment covenant can be terminated at the request of the claimant after a reduction in payments due to changes in the payment formula under section 290C.07. This language is effective for calculations made in 2013 and thereafter.
- Article 2, Section 5, (Calculation of incentive payment).
Although the flat \$7 per acre payment for each acre enrolled in the Sustainable Forest Incentive Program remains in statute, language determining that the annual payment per landowner cannot exceed \$100,000 has been eliminated.
- Article 2, Section 34, (Ineligibility; sustainable forest incentive program).
Language was added releasing lands no longer qualifying as forest land under *Minnesota Statutes*, 290C.02, subdivision 6, item (iii), from the covenant required under *Minnesota Statutes*, section 290C.04.
- Article 2, Section 35, (Reenrollment; sustainable forest incentive program).
Language was added giving people who terminated their participation in the Sustainable Forest Incentive Program as allowed in Laws 2011, First Special Session, chapter 7, article 6, section 12, the

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chance to reenroll their lands in the program and be eligible for payment in October 2013. People must apply for reenrollment within 60 days after the effective date of this section, which is the day following final enactment (May 24, 2013).

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DIVISION OF LANDS AND MINERALS

Chapter 38, SF1291 Mine Inspectors

- Amends Minnesota Statutes, Chapter 180 relating to duties of county mine inspectors.
- Section 4, (Duties).
Amending Minnesota Statutes, sec. 180.03, specifies requirements to fence mines, including obligation to fence mines where mining has ceased and abandoned mines.

Chapter 73, HF740 Omnibus Lands Bill
Effective August 1, 2013, unless otherwise noted

- Section 1, Subd. 6, (State's responsibilities).
A technical change to the landowner's bill of rights, this amendment provides that when the price is determined by a statutory formula, the DNR staff that is negotiating for the purchase of a property may also value that property and discuss the price with the landowner. This provision will apply to trout stream easements, native prairie bank easements, and Camp Ripley ACUB easements.
- Sections 2, 4, and 5, (School forests).
Exempts public educational institutions from the full-market value transfer of tax forfeited land for the purpose of establishing a school forest; allows counties to convey tax forfeited land for school forest purposes at less than market value; reinstates the permanent reverter whereby tax forfeited property reverts to the state if the land is not used for school forest purposes for three years; and requires the DNR to annually monitor the tax forfeited lands conveyed for school forests and report to the commissioner of revenue (Effective May 21, 2013).
- Section 3, Subd. 1-3, (Land acquisition account).
Amends the use of the net proceeds from the sale of acquired lands that are deposited into the Land Acquisition Account (Minn. Stat., sec. 94.165). Provides that proceeds from the sale of DNR acquired lands may also be used to pay for expenses incurred by the DNR in selling or exchanging state-owned land administered by the DNR.
- Section 6, Subd. 1, (Conveyance of St. Peter State Hospital property to Leo A. Hoffmann Center, Inc.).
Private sale to release reverter to state on land in St. Peter, Minnesota (DHS approved provision).
- Section 7, (Additions to state parks).
Expands the boundaries of three state parks in order to better protect natural resources:
 - Flandrau State Park, Brown County by 0.81 acres,
 - Lake Vermilion State Park, St. Louis County by 11.75 acres, and
 - Sibley State Park, Kandiyohi County by 153 acres.
- Section 8, (Deletions from state parks).
Deletes land from the boundaries of two state parks as the land is not needed for park purposes:
 - Lake Vermilion State Park, St. Louis County by 3 acres, and
 - Whitewater State Park, Winona County by 1.68 acres.
- Section 9, (Addition to state forest).
Expands the boundaries of the Snake River Forest, Kanabec County, by 640 acres (lands already acquired.)
- Section 10, (Conveyance of tax-forfeited lands; Anoka County).

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- Private sale of tax forfeited lands in Anoka County. (See law for effective date)
- Section 11, (Public sale of tax-forfeited land bordering public water; Carlton County).
Public sale of tax forfeited lands in Carlton County.
- Section 12, (Fond du Lac Reservation lands; Carlton County).
Authorizes Carlton County to first offer tax-forfeited lands for sale that are located within the boundaries of the Fond du Lac Indian Reservation to the Fond du Lac band of Chippewa Indians. (Parcels excepted in bill contain cabin leases.) (See law for effective date)
- Section 13, (Sale of tax-forfeited land bordering public waters; Cass County).
Public sale of tax forfeited lands in Cass County. (Effective May 21, 2013)
- Sections 14-15.
Public and private sales of tax forfeited land in Crow Wing County. (Effective May 21, 2013)
- Section 16, (Public or private sale of surplus state land bordering public water; Crow Wing County).
Public or private sale of DNR land bordering Mille Lacs Lake in Crow Wing County. DNR will retain strip of land between state highway and lake.
- Sections 17-18.
Private sale of DNR land in City of Lakeville, Dakota County to local unit of government for use for public park and other public uses.
- Section 19, (Exchange of state land within Richard J. Dorer Memorial Hardwood State Forest; Fillmore County).
Authorizes DNR to exchange land in RJ Dorer Forest in Fillmore County that borders the Root River for land that is non-riparian. Exchange will improve access to adjacent state forest lands.
- Section 20, (Sale of tax-forfeited land bordering public waters; Freeborn County).
Public sale of tax forfeited land in Freeborn County.
- Section 21, (Private sale of surplus land; Goodhue County).
Private sale of DNR land in John Murtaugh WMA in Goodhue County.
- Section 22, (Public sale of tax-forfeited land bordering public waters; Hubbard County).
Public sale of tax forfeited land in Hubbard County. (Effective May 21, 2013)
- Sections 23-25.
Public and private sale of tax forfeited land in Itasca County. (Secs. 23 and 25 effective May 21, 2013)
- Section 26, (Public sale of tax-forfeited land bordering public water; Koochiching County).
Public sale of tax forfeited land in Koochiching County.
- Section 27, (Private sale of surplus state land bordering public water; Lac Qui Parle County).
Private sale of DNR land in Brown WMA in Lac Qui Parle County to local unit of government for use for public park.
- Sections 28-30.
Public and private sales of tax forfeited land in Lake County.
- Sections 31-33.
Public and private sales of tax forfeited land in St. Louis County.
- Section 34, (Exchange of state land; St. Louis County).
Authorizes DNR to exchange land in St. Louis County in Sax-Zim area. Provides exceptions to state law to allow exchange of commercial peatlands and exchange of riparian land for non-riparian land. Exchange involves school trust lands.
- Section 35, (Conveyance of surplus state land bordering public water; Stevens County).

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Private sale of DNR land bordering Perkins Lake in Stevens County. Sale is to local unit of government for public use. (Note: this sale was not proposed by DNR but was proposed by adjoining gun club; language has been modified from original bill so that sale is to local unit of government.)

- Section 36, (Exchange of tax-forfeited land bordering public waters; Winona County).
Exchange of tax forfeited land in Winona County, allowing exchange of riparian land for non-riparian land.

Chapter 1114, HF976 Omnibus Environment, Natural Resources, and Agriculture Finance Bill

- Article 3, Section 4, Subd. 2, (Land and mineral resources management).
Provides the appropriation to the Lands and Minerals Division. The appropriation is similar to past bienniums except for a significant reduction in general fund. The division will be recovering costs for providing real estate expertise from the four land administering divisions starting in FY 2014 in lieu of the general fund appropriation.
 - General fund appropriation is \$1.164 million for FY 2014 and \$1.564 million for FY 2015
 - \$68,000 per year is for minerals cooperative research, of which \$34,000 per year is available only as matched by \$1 of non-state money for each \$1 of state money, with match in cash or in-kind.
 - \$251,000 per year is for iron ore cooperative research. Of this amount, \$200,000 per year is from the minerals management account. \$175,000 per year is available only as matched by \$1 of non-state money for each \$1 of state money, with match in cash or in-kind.
 - Natural resources fund appropriation is \$3.472 million per year
 - \$2.696 million per year is from the minerals management account for use for mineral resource management, projects to enhance future mineral income, and projects to promote new mineral resource opportunities.
 - Game and fish fund appropriation is \$1.451 million per year
 - Permanent school fund appropriation is \$200,000 per year
 - The \$200,000 per year is from the state forest suspense account to accelerate land exchanges, land sales, and commercial leasing of school trust lands and to identify, evaluate, and lease construction aggregate located on school trust lands.
 - \$200,000 in prior appropriations for support of the land records management system is available until spent.
- Article 4, Section 64, (Drill core library access).
Enacts new law, Minnesota Statutes, sec. 93.61, providing that a person shall not be required to pay a fee to access exploration data, exploration drill core data, mineral evaluation data, and mining data stored in the drill core library in Hibbing. The library shall be open during regular business hours.
- Article 4, Section 4, (Conveyance of interests in lands to state and federal governments).
Amends Minnesota Statutes, sec. 84.63, to provide that a county or joint county regional railroad authority is exempt from all fees under that statute for trail easements on state-owned land.
- Article 4, Section 5, (Exchange of road easements).
Enacts new law, Minnesota Statutes, sec. 84.633, authorizing the DNR to convey a road easement across DNR administered land in exchange for a road easement for access to property

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owned by the United States, the State or any of its subdivisions, or a private party. The exchanges are limited to existing access corridors. The acres must be substantially equal (they do not differ by more than 20 percent), with the acreage determination in lieu of an appraisal. Easements crossing school trust lands are limited to a term of 50 years. The commissioner may impose terms and conditions in the easement as appropriate. When a private party or government unit other than the state requests to exchange road easements, the party must pay the application fee under Minnesota Statutes, sec. 84.63. The exchange party must pay at least ½ of the costs of any survey. If title review is needed, the exchange party must submit abstract or other title information.

- Article 4, Section 62, (Scram mining).
Amends Minnesota Statutes, sec. 93.46, by adding a definition of “scram mining.” The definition that is currently found in rule is expanded to add taconite ore and allow taconite concentrate as a product from scram mining.
- Article 4, Section 63, (Term of permit; amendment).
Amends Minnesota Statutes, sec. 93.481, subd. 3 to provide that the “term of a scram mining permit for iron ore or taconite shall be determined in the same manner as a permit to mine for an iron ore or taconite mining operation.” The current rule limits the term of a scram mining permit to five years.
- Article 4, Section 107, (Rulemaking; fugitive emissions).
Requires a PCA rule amendment regarding fugitive emissions; affects scram mining operations.
- Article 4, Section 3, (Existing road right-of-way; fee exemption).
Adds Minnesota Statutes, sec. 84.415, subd. 7, to provide that “a utility license for crossing public lands or waters is exempt from all fees specified in this section and in rules adopted under this section when the utility crossing is on an existing right-of-way of a public road.”

Silica Sand

- Article 3, Section 3, Subd. 5, (Environmental assistance and cross-media).
Provides \$500,000 in FY 2014 and \$500,000 in FY 2015 to the EQB to lead an interagency team to provide technical assistance regarding the mining, processing, and transporting of silica sand and to develop standards and criteria. EQB may transfer a portion of this appropriation to DNR, health, transportation, and BWSR for additional costs of duties related to silica sand mining in this act.
- Article 3, Section 4, Subd. 3, (Ecological and water resources).
Provides a \$600,000 appropriation to DNR for silica sand rulemaking; the funding is available until spent.
- Article 4, Section 66, (Driftless area water resources).
Enacts new law, Minnesota Statutes, sec. 103G.217, to require a silica sand mining trout stream setback permit from the DNR before there is excavation or mining of silica sand within the boundaries of the DNR Paleozoic Plateau Ecological Section. The DNR will: require the project proposer to do a hydrogeological evaluation and collect other information to assess potential impacts to hydrogeological features; identify appropriate setbacks and other restrictions to protect trout stream water quantity, quality and habitat; and assess the project proposer fees to cover reasonable costs. This law applies to new silica sand mining projects and projects for which environmental review documents have been noticed for public comments after April 30, 2013.

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- Article 4, Section 91, (Silica sand mining model standards and criteria).
Enacts new law, Minnesota Statutes, sec. 116C.99, requiring the EQB, by October 1, 2013, to develop model standards and criteria for mining, processing, and transporting silica sand. The EQB shall assemble a silica sand assistant team to provide local units of government with assistance with ordinance development, zoning, environmental review and permitting, monitoring, or other issues arising from silica sand mining and processing operations. Representatives on the team may include the DNR.
- Article 4, Section 92, (Environmental review; silica sand projects).
Enacts new law, Minnesota Statutes, sec. 116C.991, specifying requirements for an environmental worksheet for silica sand projects that meet or exceed the identified thresholds.
- Article 4, Section 93, (Technical assistance, ordinance, and permit library).
Requires the EQB to maintain a library on local government ordinances and local government permits that pertain to regulation of silica sand projects.
- Article 4, Section 105, (Rules; silica sand).
Requires rulemaking by several state agencies as to silica sand. Sec. 105 (b) provides that the DNR shall adopt rules pertaining to the reclamation of silica sand mines.
- Article 4, Section 107, (Rulemaking; fugitive emissions).
Allows local units of government to extend interim ordinance or renew expired ordinance prohibiting new or expanded silica sand projects.

Chapter 143, HF677 Omnibus Tax Bill

Appropriation for environmental and regulatory services for mining operations

- Article 11, Section 2, (Occupation taxes to be apportioned).
Amends Minnesota Statutes, sec. 298.17, to provide an annual appropriation to the mining environmental and regulatory account an amount equal to what would have been generated by a 2.5 cents tax imposed under the production tax law on each taxable ton produced in the preceding year. The money in the account is appropriated to the DNR to fund agency work on environmental issues and to provide regulatory services for ferrous and nonferrous mining operations in the state. The commissioner of natural resources shall execute an interagency agreement with PCA to assist with the provision of environmental regulatory services for ferrous and non-ferrous mining operations. The payment to the account shall be made annually by July 1, with the first payment in FY 2015.

Conservation easements

- Article 4, Section 17, (Conservation property tax valuation)
Amends Minnesota Statutes, sec. 273.117 to provide that county assessor shall not reduce value of real property subject to a conservation restriction or easement if the restriction or easement is for a conservation purpose and the property is being used in accordance with the terms of the conservation restriction or easement. This provision does not apply to (1) conservation restrictions or easements covering riparian buffers along lakes, rivers, and streams that are used for water quantity or quality control, or (2) easements in a county that has adopted by referendum a program to protect farmland and natural areas. This provision is effective for assessment year 2013 and thereafter.

PILT (Payments in lieu of taxes)

- Article 2, Section 22, (Natural resources land payments in lieu; purpose).

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Enacts new law, Minnesota Statutes, sec. 477A.10, identifying purpose of payments in lieu for natural resources land.

- Article 2, Sections 23 and 24, amends Minnesota Statutes, sec. 477A.11, subds. 3 and 4, to modify definition of acquired natural resources land and other natural resources land for payments in lieu.
- Article 2, Sections 25 - 27, amends Minnesota Statutes, sec. 477A.11, to add definitions of “military game refuge,” “transportation wetland,” and “wildlife management land” for payments in lieu.
- Article 2, Section 28, (Type of land; payment).
Amends Minnesota Statutes, sec. 477A.12, to modify rates for payments in lieu made as to various land types. Payments, effective for aids payable in 2013 and thereafter, are:
 - \$5.133 times the total number of acres of acquired natural resources land, or, at the county’s option, three-fourths of one percent of the appraised value of all acquired natural resources land in the county, whichever is greater;
 - \$5.133 times the total number of acres of transportation wetland, or, at the county’s option, three-fourths of one percent of the appraised value of all transportation wetland in the county, whichever is greater;
 - Three-fourths of one percent of the appraised value of all wildlife management land in the county;
 - 50 percent of the dollar amount determined for acquired natural resources land, multiplied by the number of acres of military refuge land in the county;
 - \$1.50 times the number of acres of county-administered other natural resources land in the county;
 - \$5.133 times the total number of acres of land utilization project land in the county;
 - \$1.50 times the number of acres of commissioner-administered other natural resources land in the county; and
 - Without regard to acreage, \$300,000 for local assessments under Minnesota Statutes, sec. 84A.55, subd. 9 (consolidated conservation area land ditch assessments)
- Article 2, Section 29, (Procedure).
Amends Minnesota Statutes, sec. 477A.12, as to procedures for payments in lieu.
- Article 2, Section 30, (Determination of appraised value).
Amends Minnesota Statutes, sec. 477A.12, to change determination of appraised value from every five years to every six years.
- Article 2, Section 31, (General distribution).
Amends Minnesota Statutes, sec. 477A.14, to change distribution of payments in lieu to townships.
- Article 2, Section 32, (Distribution for wildlife management lands and military refuge lands).
Amends Minnesota Statutes, sec. 477A.14, to allocate distribution of payments in lieu made on wildlife management lands and military refuge lands.
- Article 2, Section 36 (b), repeals Minnesota Statutes, sec. 97A.061, as to payments in lieu for public hunting areas and game refuges.

DIVISION OF OPERATIONS SERVICES

Chapter 1114, HF976 Omnibus Environment, Natural Resources, and Agriculture Finance Bill

- Article 3; Environment and Natural Resources Appropriations.
 - Sec. 5, (Operations support).
Allows the commissioner to spend up to \$300,000 per year from Special Revenue Fund to improve data analytics.
- Article 4; Environment and Natural Resources Statutory Changes.
 - Sec. 9, (Federal law compliance).
Allows the commissioner to establish policies for the use and operation of other power-drive mobility devices on lands and in facilities.

Chapter 121, SF796 Omnibus Game and Fish Bill

- Section 2, (Federal law compliance).
Allows the commissioner to establish policies for the use and operation of other power-drive mobility devices on lands and in facilities.

Chapter 134, HF1389 Omnibus State Government Policy Bill

- Section 3, (Approvals for both years of biennium).
Federal funds that have been approved may be spent up to the end of the biennium.
- Section 4, (Request contents).
Establishes what information is requirement when requesting to spend federal funds.
- Section 5, (Payment).
Changes tort law that payments made from the commissioner or director rather than the commissioner of management and budget.
- Sections 12 – 15.
Changes to the state agency value initiative (SAVI). Clarifies the review process.
- Section 16, (State budget system).
Establishes requirement for performance measures for each budget activity and agencies must submit budget information in the budget system.
- Section 18, (Performance measure for change items).
Removed Minnesota Milestones and the requirement that the commissioner must report to the Subcommittee on Government Accountability.

Chapter 142, SF1589 Omnibus State Government Finance Bill

- Article 3, Section 6, (Data security audits).
Provides that as resources permit, the legislative auditor shall audit information and data systems for organizations subject to the legislative auditor's authority. Requires these audits to include an assessment of controls to protect government data from unauthorized access and use, and an assessment

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of compliance with other legal requirements relating to operation of information and data systems, and classification and protection of data in the systems.

- Article 3, Section 14, (Business as vendor).
 - Changes when data submitted by a business to a government entity in response to a request for bids and proposals ceases to be private or nonpublic. Under current law, the data is private or nonpublic until the bids or responses are opened; this section makes the data public at the time and date specified in the solicitation that bids or proposals are due.
 - This section changes what data remains private or nonpublic when all responses for bids or proposals are rejected prior to completion of the selection process. Under current law, all data except that made public at the bid or response opening remain private or nonpublic; as changed by this section, all data, other than the name of the bidder and the dollar amount specified in the bid or response, remain private and nonpublic.
- Article 3, Section 17, (Solicitation process).

Changes when formal responses to a solicitation for goods, service contracts, and utilities are made public. Under current law, all formal responses are opened in public at the hour stated in the solicitation; as changed in this section, the responses will be made publicly available as required by the Data Practices Act.
- Article 3, Section 18, (Procedure for service contracts).

Requires the chief executive, financial, or information officers of organizations subject to the legislative auditor's authority to promptly notify the legislative auditor when the officer obtains information indicating that public money or other public resources may have been used for an unlawful purpose, or when the officer obtains information indicating that data classified as "not public" may have been accessed or used unlawfully. Requires coordination with appropriate law enforcement officials, as necessary.
- Article 3, Section 19, (Expenditures under specified amount).

Changes the threshold for solicitation process from \$2,500 to \$5,000.
- Article 3, Section 23, (State agency technology projects).

Requires state agencies to consult with the Office of Enterprise Technology to determine the IT cost of project.
- Article 4, Section 1, (State and municipal officers and employees not to lose pat while on authorized leave for military leave).

Allows an officer or employee to take 15 days of paid military leave which may be used at one time or divided and taken throughout the calendar year.

Chapter 82, SF745 Omnibus Data Practices Bill

- Section 1, (Personal contact and online account information).

Establishes that certain data on an individual collected, maintained, or received by government entity for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by individual are private data.

 - **Paragraph (a)** classifies data on individuals collected for notification purposes or as part of a subscription list for an electronic periodic publication as private data. It includes the telephone number; e-mail address; and Internet user name and other online access information.
 - **Paragraph (b)** provides that section 13.04, subdivision 2, ("Tennessee warning") does not apply to data classified under this section. This is the requirement that government entities who collect private data from an individual inform them of the purpose and intended use of the data, who

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may have access to it, etc. An exception from the data classification for data submitted by an individual to the Campaign Finance Board to meet legal requirements imposed by campaign finance and public disclosure laws is included.

- **Paragraph (c)** provides that data under paragraph (a) may only be used for the purpose for which the individual provided the data.
- Section 2, (Definition).
Amends the definition of "security information" under the Data Practices Act to expand the information on community crime prevention program volunteers that is considered security information to include mailing addresses, e-mail or other digital addresses, Internet and similar account information, and GPS locations.

Chapter 83, HF542 Whistleblower Protection Provided to State Employees Bill

- Section 1 – 3.
Defines “good faith”, “penalize”, and “report” used in 181.931.
- Section 4, (Prohibited action).
Expands situations for employees to report to included planned violations and expands the law to include common law. Also, expands protection of state employees who communicate to legislator or legislative auditor a constitutional officer.

Chapter 137, HF1183 Omnibus Legacy Bill

- Article 1, Section 2, Subd. 6, (Contract management).
Provides \$175,000 in the first year to the DNR for contract management duties.

Chapter 52, HF1113 Environment and Natural Resources Trust Fund Bill

- Section 2, (Contract agreement reimbursement).
Provides \$135,000 in the first year for expenses incurred for contract agreement reimbursement. Directs the commissioner to provide documentation to the LCCMR on the expenditure for these funds.

Chapter 143, HF677 Omnibus Tax Bill

- Article 4, Sections 1.
Extending the time frame for evaluation of local water management entities progress in accomplishing adopted plans from not less than one every five years to not less than once every ten years.
- Article 4, Section 2.
Expands the ability of local water management entities to levy a tax in an amount required to implement county water plans and water resources protection and management as well as comprehensive watershed management plans.
- Article 4, Section 3.
Authorizes the county conservation account to be used as a local match to state funding or as a supplement to state funding to implement local water management plans or comprehensive watershed management plans.
- Article 4, Section 4.

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Provides that cost sharing funds be used for conservation practices to address high priority problems, for technical assistance to leverage other funds, or to address high priority needs identified in local water management plans or comprehensive watershed management plans.

- Article 4, Section 17, (Conservation property tax valuation).
Amends 273.117 to clarify that the section does not apply to conservation restrictions or easements covering riparian buffers along lakes, rivers and stream or to easement in a county that has adopted a program to protect farmland and natural areas since 1999.

Chapter 85, HF729 Omnibus Jobs and Economic Development Bill

- Article 7, Section 3, (Rate Impact of Standard Compliance; Report).
The commission shall determine a uniform reporting system to ensure that individual utility reports are consistent and comparable.
- Article 9, Section 2, (Definitions).
Defines “aggregated meter”, “contiguous property” and “net metered facility”.
- Article 9, Section 3, (Purchases; small facilities).
Amends 216B.164 to add a paragraph on public utilities. Also changes qualifying facility from 40-kilowatt to 1,000 kilowatt capacity.
- Article 9, Section 4, (Net metered facility).
Amends 216B.164 to define net meter facility.
- Article 9, Section 6, (Aggregation of meters).
Amends 216B.164 by adding language to include net metered facilities.
- Article 9, Section 9, (Rules and uniform contract).
Amends 216B.164 to include changes made on net metered facilities. Removes requirements of ending contracts.
- Article 9, Section 10, (Alternative tariff; compensation for resource value).
Amends 216B.164 by adding language on an alternative tariff and their requirements.
- Article 10, Section 1, (Solar energy incentive program).
Provides \$5,000 to be allocated for each of the five years from the renewable development account for the purpose of the solar production incentive program.
- Article 10, Section 3, (Solar energy standard).
Sets the goal that by 2020, at least 1.5 percent of the utility’s total retail electric sales to retail customer in Minnesota is generated by solar energy. By 2030, the goal is set at ten percent.
- Article 11, Section 2, (Account established; account management).
Establishes a separate account in the special revenue fund for the “Made in Minnesota” solar energy production account.
- Article 11, Section 5, (Incentive payment).
Establishes incentive payment, application process, commissioner approval of incentive application, eligibility window; payment duration, allocation of payments, limitations, and effective date.
- Article 12, Section 1, (Planning strategy for sustainable energy).
Establishes the Legislative Energy Commission to develop a framework for the state to transition to renewable energy.
- Article 12, Section 2, (Energy savings policy goal).

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Amends 216B.2401 by adding language to clarify that energy savings has many benefits including creation of energy-related jobs and reduction of pollution and emissions.

- Article 12, Section 3, (Energy policy goals).

Amends 216C.05 adds annual retail energy sales to the energy policy goals.

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DIVISION OF PARKS AND TRAILS

Chapter 1114, HF976 Omnibus Environment, Natural Resources, and Agriculture Finance Bill
All provisions are effective July 1, 2013, unless otherwise noted

- Article 3; Natural Resources Appropriations
 - Section 4, Subd. 5, (Parks and Trails Management appropriations)
 - Provides \$10,780,000 in General Fund per year
 - Provides \$45,763,000 in Natural Resources Fund per year
 - Provides \$2,259,000 in Game and Fish Fund per year
 - Provides \$1,075,000 each year for enhancing public water access facilities and preventing spread of AIS including inspection and decontamination programs. In addition, \$300,000 of this appropriation is for the construction of restroom facilities at the public water access site on Crane Lake.
 - Provides \$1,005,000 each year for trail grants to local units of government.
 - Provides \$8,424,000 each year for snowmobile GIA.
 - Provides \$1,460,000 each year for OHV GIA: \$1,210,000 ATV, \$150,000 OHM, \$100,000 ORV.
 - Provides \$75,000 each year from ski account for grooming and maintaining trails in parks, state trails, and recreation areas.
 - Provides \$250,000 each year for State Land and Water Conservation fund (LAWCON).
 - The appropriation for grant to White Bear Lake for trail development is extended until spent.
 - Section 7, (Conservation Corps Minnesota).
Provides a total \$945,000 per year. Of the total, \$455,000 is appropriated from General Fund and \$490,000 from Natural Resources Fund.
- Article 4; Statutory changes
 - Section 6, Subd. 2a, (Nontrail use registration).
Corrects a change made to the snowmobile registration last session which required all machines to pay for the trail pass. These provisions allow for a person who does not use the snowmobile trail system to purchase a non-trail registration (effective July 1, 2013).
 - Section 9, (No-registration weekend).
Amends MS 84.922 by adding a subdivision allowing the commissioner to designate, by written order published in the State Register, one weekend each year when an all-terrain vehicle may be operated on state and grant-in-aid all-terrain vehicle trails without an issued registration. Nonresidents may participate during the designated weekend without a state trail pass require under section 84.9275 (effective May 23, 2013).
 - Section 10, (Prohibitions on youthful operators). Changes to age-related ATV requirements in MS 84.9256, subdivision 1.
 - Item d: The requirements for an ATV safety certificate that previously applied to youth from 12 to 15, now apply to youth age 12 to 17, including: completing the DNR's safety education and training program, including a riding component; and being able to reach the handle bars and foot pegs of the ATV.
 - New Item j: A person 12 to 16 may operate an ATV on the bank slope or ditch of a public road ROW as permitted under section 84.928 if the person possesses a valid ATV safety certificate issued by the commissioner and is accompanied by a parent or legal guardian on a separate ATV.
 - Section 11, (Operation on roads and right-of-way).

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Changes class 2 ATV operations in MS 84.928 subdivision 1, adding a provision that a class 2 ATV may be operated on the bank, slope, or ditch of a public road right-of-way of a trunk, county state-aid, or county highway but only to access businesses or make trail connections, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited under paragraph (d) or (f).

[Note: paragraph d referenced above authorizes the road authority to restrict ATV use in the ROW; paragraph f referenced above authorizes the commissioner to limit use of the ROW due to vegetation impacts, siltation, hunting-related effects, or safety issues.]

- Section 12, (Pollinator habitat program).
Amends 84.973 to require the DNR to develop best management practices (BMPs) and habitat restoration guidelines for pollinator habitat enhancement. The BMPs must be used for all habitat enhancement or restoration of lands under the commissioner's control. Prairie restorations conducted on state lands or with state funds must include an appropriate diversity of native species selected to provide habitat for pollinators throughout the growing season.
- Section 14, (Arrowhead region trails, Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties).
Amends 85.015, subd. 13 to extend the Matthew Lourey state trail authorization south to the Chengwatana state forest (current authorization is to the St. Croix state forest).
- Section 15, (State park reservation system).
Amends 85.052, subd. 6 to deposit revenue from the state park reservation fee in the state park account and appropriate it to the commissioner to cover the costs of the reservation system. The provision is retroactive to March 1, 2012.
- Section 16, (Military personnel; exemption).
Amends 85.053, subd. 8 so that military personnel and their dependents who possess a federal annual recreation pass are not required to have a state park motor vehicle permit.
- Section 17, (La Salle Lake State Recreation Area).
Amends 85.054 by adding a provision that a state park permit is not required and a fee may not be charged for motor vehicle entry to La Salle Lake SRA, unless the vehicle occupants enter, use, or park in a developed campground, overnight, or day-use area.
- Section 18, (Fees).
A technical correction to 85.055, subdivision 2, following up on legislation from last year so that persons with disabilities possessing the federal access pass are charged the reduced (\$12) fee for a state park permit.
- Section 19, (Fee deposit and appropriation).
Amends 85.055, subd. 2, to deposit the state park reservation system fee in the natural resources fund, credited to the state parks account (related to the reservation fee language in section 15).
- Section 20, (User fee; validity).
Amends 85.42 to establish the \$2 fee for a duplicate cross-country ski pass. The fee is currently in rule, this simply puts it in statute as well. The license bureau is considering repealing the rule section as part of cleaning up obsolete rules, so we needed the fee in statute.
- Section 104, (Rulemaking; display of paddle board license numbers).
Rulemaking to amend MR parts 6110.0200, 6110.0400, and 6110.0400 is required to exempt paddle boards from license display requirements similar to other non-motorized watercraft. The "good cause exemption" from normal notice and hearing requirements is provided.

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Chapter 73, HF740 Lands Bill

All provisions are effective August 1, 2013, unless otherwise noted

- Section 7, (Additions to state parks).
 - Expands Flandreau State Park, Brown County by 0.81 acres.
 - Expands Lake Vermilion State Park, St. Louis County by 11.75 acres.
 - Expands Sibley State Park, Kandiyohi County by 153 acres.
- Section 8, (Deletions from state parks).
 - Reduces Lake Vermilion State Park, St. Louis County by 3 acres.
 - Reduces Whitewater State Park, Winona County by 1.68 acres.
- Section 35, (Conveyance of surplus land bordering public waters; Stevens County).

Conveyance of approximately 2.09 acres of DNR land bordering Pomme de Terre Lake (Perkins Lake) in Stevens County to the local government unit for public use. DNR does not receive money, but will reserve a road easement for ingress/egress through the property to the public access. The land reverts to the state if it is used for anything other than land that is open to public use at no charge.

CLEAN WATER, LAND, AND LEGACY

Chapter 137, HF1183

Omnibus Legacy Bill

- Article 1; Outdoor Heritage Fund.
 - Section 2, (Outdoor Heritage Fund).

The Legislature appropriated \$90,750,000 (FY2014) for programs to restore, enhance, and protect forests, prairies, wetlands, and habitat for fish, game, and wildlife. Of this, DNR's budget will be supplemented by \$22,120,000 million.

 - Subd. 2 (c) – Provided \$4,940,000 for WMA, SNA, and NPB acquisition V
 - Subd. 2 (g) – Provided \$2,220,000 for accelerated prairie restoration and enhancement on DNR lands, phase V.
 - Subd. 4 (f) – Provided \$1,790,000 for accelerated shallow lakes and wetlands enhancement, phase V.
 - Subd. 4 (g) – Provided \$2,000,000 for Pelican Lake enhancement.
 - Subd. 5 (a) – Provided \$5,250,000 for DNR aquatic habitat, phase V.
 - Subd. 5 (f) – Provided \$1,790,000 for Lower Mississippi River habitat partnership, phase III.
 - Subd. 5 (j) – Provided \$3,860,000 for conservation partners grant program, phase V.
 - Subd. 6 (a) – Provided \$175,000 for contract management.
 - Subd. 6 (c) – Provided \$45,000 for technical evaluation panel.
 - Subd. 6 (d) – Provided \$50,000 for high priority pre-transaction service acceleration for LSOHC.
 - Subd. 9, (Mapping).

Adds requirement that all recipients of OHF provide geographic information to DNR for mapping lands acquired in fee and open to public taking of fish and game.
 - Section 3, (Biennial recommendations study).

LSOHC is directed to consult with appropriate House and Senate committees in examining a transition to a biennial recommendation process beginning FY2016, and submit recommendations to the Legislature by January 1, 2014.
- Article 2; Clean Water Fund.
 - Section 6, (Department of Natural Resources).

The Legislature appropriated \$22,085,000 for the biennium for programs to: monitor, map, and manage groundwater; conduct surface water monitoring and assessment; develop watershed restoration and protection strategies; provide technical and financial assistance for implementation of nonpoint source restoration and protection activities, and develop applied research and tools.

 - Section 6 (a) – Provided \$4,000,000 for stream flow monitoring.
 - Section 6 (b) – Provided \$2,600,000 for lake IBI assessments.
 - Section 6 (c) – Provided \$270,000 for mercury in fish.
 - Section 6 (d) – Provided \$4,000,000 for watershed strategies. Requires the commissioner to submit a report to the legislature providing the outcomes to lakes, rivers, streams, and groundwater achieved with this appropriation and recommendations.
 - Section 6 (e) – Provided \$2,750,000 for water supply planning.

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- Section 6 (f) – Provided \$2,000,000 for technical assistance.
- Section 6 (g) – Provided \$1,350,000 for applied research and tools.
- Section 6 (h) – Provided \$1,230,000 for county geologic atlases.
- Section 6 (i) – Provided \$85,000 for public access design standards.
- Section 6 (j) – Provided \$3,000,000 for groundwater mapping and management. Requires the commissioner to establish a uniform statewide hydrogeologic mapping system that will include designated groundwater management areas and groundwater related information.
- Section 6 (k) – Provided \$1,000,000 for shoreland grants. Specifies grant eligibility, criteria, and reporting requirements.
- Section 6 (l) – Provided \$100,000 for Mississippi river critical area rules.
- Policy changes:
 - Article 2, Section 14, Subd. 3a, (Nonpoint priority funding plan). Requires The Board of Water and Soil Resources to prepare a Nonpoint priority funding plan that must be used by all state agencies allocating money from the clean water fund for nonpoint restoration and protection strategies.
 - Sections 18 – 22 - modifies 116G, subd. 2 (Mississippi River corridor critical area rulemaking):
 - requires the commissioner to consult with local governments prior to rule adoption; adds “redevelopment” and “recreational” to the list of uses
 - deletes two factors for consideration in establishing new districts from Executive Order 79-19 (protection of features in existence at the time of designation and intent of the land use districts)
 - adds protection of commercial, industrial, and residential uses;
 - deletes all language pertaining to the creation of a bluff map and bluff-related definitions
 - removes time constraints in Chapter 14 requires the commissioner to submit a report to the legislature on the status of rulemaking by January 15, 2014
- Article 3; Parks and Trails Fund.
 - Section 2, (Parks and trails).

Total appropriation was \$42,509,000 the first year and \$42,596,000 the second year. The recommended 40/40/20 split was implemented.
 - Section 3, (Department of Natural Resources).

Provides \$33,774,000 (approximately 40%) is to DNR for state parks, recreation areas, and trails (\$16,821,000 first year and \$16,953,000 the second year).
 - Provides \$16,887,000 (approximately 20%) for the biennium for parks and trails of regional or statewide significance outside of the metropolitan area. Of this amount: \$7,611,000 (\$3,533,000 first year, \$4,078,000 second year) is not earmarked for specific projects. The DNR may use up to 4% of this amount (\$304,440 total) for administering the grant program; and
 - Provides \$9,276,000 (\$4,877,000 first year and \$4,399,000 the second year) is earmarked for specific greater Minnesota projects.
 - Section 4, (Metropolitan Council).

The Metropolitan Council received \$33,774,000 (approximately 40%) for the biennium.

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- The DNR administers the greater Minnesota grants appropriated in this bill for FY 2014 and FY 2015. By January 15, 2015, the DNR must submit to the legislature a list of projects ranked in priority order with the DNR recommendations for funding from the parks and trails fund for the 2016 -2017 biennium [presumably for the greater Minnesota projects rather than DNR projects?]
- Section 8, (Greater Minnesota Regional Parks and Trails Commission).
New statutory language [85.536] establishes the Greater Minnesota Regional Parks and Trails Commission to undertake system planning and provide recommendations to the legislature for parks and trails grants to counties and cities outside the seven-county metro area for parks and trails of regional significance (effective May 23, 2013).
- Section 8. Subd. 2, (Commission).
The commission will have 13 members appointed by the governor. There will be 2 from each of 6 districts plus 1 at-large member. The first member must be appointed by June 15, 2013. The first meeting must be convened by July 15, 2013.
- Section 8. Subd. 5, (Districts; plans and hearings).
The DNR, in consultation with the Greater Minnesota Regional Parks and Trails Coalition will establish the 6 regional parks and trails districts.
- The commission must develop a strategic plan and criteria for determining which parks and trails are eligible for funding. The legislation provides criteria for regional significance.
- Counties may jointly prepare master plans for acquisition and development of parks and trails. The counties must hold a public hearing, and the commission must review each master plan.
- Section 8. Subd. 7, (Recommendations).
The commission must recommend grants using a merit-based evaluation that considers the level of local support, consistency with master plans, and the balance of benefits across greater Minnesota. The recommendations are due in a report to the legislature by January 15 each year. [note: since this section is effective the day following enactment, the first report would be due January 15, 2014].
- Note: on line 52.9, the DNR is appropriated \$100,000 the first year and \$103,000 the second year for Greater Minnesota Parks and Trails Commission capacity building.
- The bill does not specifically authorize employees, but provides for a chair and other officers necessary for the performance of duties.
- Section 9, (Mississippi Whitewater Park).
Extends the 2003 appropriation from the water recreation account for the Whitewater park until June 30, 2018.

ENVIRONMENT AND NATURAL RESOURCES TRUST FUND

Chapter 52, HF1113 Environment and Natural Resources Trust Fund

- Section 2, (Appropriations).
 - Includes \$5,967,000 in pass-through appropriations; \$135,000 for contract management; and \$10,790,000 for DNR's FY 2014 projects. The DNR portion of the bill includes funding for long-term projects - Minnesota County Biological Survey, County Geologic Atlas Part B and State Parks and State Trail Land Acquisition - and new funding for critical research to detect and monitor Asian Carp populations within the Mississippi, St. Croix and Minnesota Rivers.
 - Subd. 3 (a) - Provided \$2,650,000 for Minnesota Biological Survey.
 - Subd. 3 (c) - Provided \$1,200,000 for County Geologic Atlas Part B.
 - Subd. 3 (d) - Provided \$1,000,000 for Updating the National Wetland Inventory for Minnesota, Phase 4.
 - Subd. 3 (e) - Provided \$200,000 for Conservation Easement Stewardship Program Phase III for the "final phase to bring conservation easements held by the DNR up to minimum conservation standards through monitoring, baseline data collection, and baseline report preparation."
 - Subd. 4 (a) - Provided \$1,000,000 for State Parks and State Trails Land Acquisition.
 - Subd. 4 (b) - Provided \$1,500,000 for Scientific and Natural Area (SNA) Acquisition, Restoration, Enhancement and Citizen Engagement.
 - Subd. 4 (c) - Provided \$750,000 for Native Prairie Stewardship Prairie Bank Easement Acquisition.
 - Subd. 4 (d) - Provided \$10,000 for Metropolitan Conservation Corridors Phase VII.
 - Subd. 4 (i) - Provided \$600,000 for Conservation Grazing to Improve Wildlife Habitat on Wildlife Management Areas (WMAs).
 - Subd. 4 (k) - Provided \$1,500,000 for Frogtown Farm and Park Acquisition for an agreement with Trust for Public Land.
 - Subd. 5 (a) - Provided \$1,200,000 for Sustaining Lakes in a Changing Environment (SLICE): Phase 2.
 - Subd. 6 (b) - Provided \$540,000 for Detection and Monitoring of Asian Carp Populations.
 - Subd. 6 (e) - Provided \$140,000 for Biological Control of Garlic Mustard.
 - Subd. 8 (b) - Provided \$135,000 for Contract Management.
 - Section 2, Subd. 9, (Availability of appropriations).
 - Allows ENRTF dollars to be used toward project expenses which are directly related to and necessary for the appropriation provided the costs are not based on a broad allocation.
 - Section 2, Subd. 11, (Project requirements).
 - Permits modifications to approved work plans and budgets through LCCMR's established amendment process.
 - Requires recipients of direct appropriations or pass-through appropriations to adhere to 303, Subd. 10 and M.S 116P.

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- Section 2, Subd. 17, (Carryforward).
 - Extends projects appropriated to the DNR in Laws of Minnesota 2010, Chapter 362 until June 30, 2014:
 - Conserving Sensitive and Priority Shorelands in Cass County (pass-through appropriation – Cass County)
 - Updating Minnesota Wetlands Inventory: Phase 2
 - Scientific and Natural Areas and Native Prairie Restoration, Enhancement, and Acquisition
 - Reconnecting Fragmented Prairie Landscapes (pass-through appropriation – Nature Conservancy)
 - Biological Control of European Buckthorn and Garlic Mustard
 - Get Outside – Urban Woodland for Kids (pass-through appropriation – City of St. Paul)
 - Ecosystem Services in Agricultural Watersheds (pass-through appropriation – Chippewa River Watershed Project)
- Section 3, (Membership).

Amends 116P.05 to add new language to clarify citizen member length of service (4-years, beginning of January to the end of December in the final year).
- Section 4, (Duties).

Updates the term “work plan” for the previously used “work program”. Inserts language requirement LCCMR to establish an amendment process for modifying work plans and budgets. States LCCMR is responsible for ensuring that ENRTF work plan outcomes and expenditures are met.
- Section 5, Subd. 2, (Liaison officers).

Amends to 116P.09 to remove LCCMR requirement to request a state agency liaison officer, language changed to “may”.
- Section 6, (Land acquisition restrictions).

Amendments to 116P.15

 - Adds new language requiring ENRTF acquired land to revert to the state if restrictions are placed on the land that conflict with appropriating language.
 - Changes procedures for transferring an interest in or altering real property; expands LCCMR’s role and scope in the approval process.
 - Revises criteria for replacing an ENRTF acquired parcel for another parcel.
- Section 7, (Real property interest report).

Amends 116P.16 inserting language requiring real property interest reports for easement and fee title acquisitions; inserts successor language for LCCMR.
- Section 8, (Acquisition of lands or interest in lands; commissioner approval).

Amendment to 116P.17

 - Requires commissioner of natural resources’ approval for land acquisition or interest in lands (previously this only applied to lands acquired with ENRTF dollars that would be conveyed to the state).
 - Includes exemption language from this requirement for conservation easements acquired by BWSR.
 - Expands commissioner approval criteria to include lands that are identified by the commissioner as a high priority and assessment/tax value of the land to be acquired.

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- Section 9, (Lands in public domain).
Amends 116P.18 to specify criteria for purchasing land with ENRTF dollars that is already partially or fully owned by the state or has been previously acquired with state funding.

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CAPITAL INVESTMENT

Chapter 136, HF1070 Omnibus Bonding Bill

- Section 2. (Natural Resources).
Provided \$20,000,000 for flood hazard mitigation.