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# HOUSE FILE No. 3702

## *FIRST COMMITTEE ENGROSSMENT*

March 17, 2010

Authored by Wagenius; Murphy, M.; Hansen; Scalze and Davids  
The bill was read for the first time and referred to the Committee on Finance

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*Referred by Chair to Environment and Natural Resources Finance Division.*

March 25, 2010

*Returned to the Committee on Finance as Amended.*

A bill for an act

1.1 relating to environment and natural resources; modifying certain administrative  
1.2 accounts; modifying electronic transaction provisions; providing for certain  
1.3 registration and licensing exemptions; modifying off-highway vehicle and  
1.4 snowmobile provisions; modifying state trails and canoe and boating routes;  
1.5 modifying fees and disposition of certain receipts; delaying local ordinance  
1.6 adoption requirements and establishing a task force; modifying certain  
1.7 competitive bidding exemptions; modifying horse trail pass provisions;  
1.8 modifying master plan requirements; expanding eligibility for free state park  
1.9 permit; modifying cross-country ski trail provisions; providing for general  
1.10 burning permits; modifying authority to establish forestry services fees;  
1.11 modifying authority to issue leases and permits; modifying timber sales  
1.12 provisions; eliminating certain pilot projects and reports; modifying the Water  
1.13 Law; modifying utility license provisions; modifying rulemaking authority;  
1.14 providing for certain permitting and review efficiencies; modifying certain  
1.15 state land sale requirements; modifying nongame wildlife checkoffs; requiring  
1.16 long-range land management budgeting; appropriating money; amending  
1.17 Minnesota Statutes 2008, sections 84.025, subdivision 9; 84.027, subdivision  
1.18 15; 84.0856; 84.0857; 84.415, by adding a subdivision; 84.777, subdivision  
1.19 2; 84.788, subdivision 2; 84.798, subdivision 2; 84.82, subdivisions 3, 6,  
1.20 by adding a subdivision; 84.8205, subdivision 1; 84.92, subdivisions 9, 10;  
1.21 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 84.9256,  
1.22 subdivision 1; 84.928, subdivision 5; 85.015, subdivision 14; 85.052, subdivision  
1.23 4; 85.22, subdivision 5; 85.32, subdivision 1; 85.41, subdivision 3; 85.42; 85.43;  
1.24 85.46, as amended; 86B.301, subdivision 2; 88.17, subdivisions 1, 3; 88.79,  
1.25 subdivision 2; 89.17; 90.041, by adding a subdivision; 90.121; 90.14; 103A.305;  
1.26 103F.325, by adding a subdivision; 103F.335, subdivision 1; 103G.271,  
1.27 subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305,  
1.28 subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 115.55, by  
1.29 adding a subdivision; 116.07, subdivisions 4, 4h; 116D.04, subdivision 2a, by  
1.30 adding a subdivision; 290.431; 290.432; Minnesota Statutes 2009 Supplement,  
1.31 sections 84.793, subdivision 1; 84.922, subdivision 1a; 84.9275, subdivision 1;  
1.32 84.928, subdivision 1; 85.015, subdivision 13; 85.053, subdivision 10; 86A.09,  
1.33 subdivision 1; 103G.201; Laws 2005, chapter 156, article 2, section 45, as  
1.34 amended; proposing coding for new law in Minnesota Statutes, chapter 103G;  
1.35 repealing Minnesota Statutes 2008, sections 90.172; 103G.295; 103G.650;  
1.36 Minnesota Statutes 2009 Supplement, section 88.795.  
1.37

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

2.1 Section 1. Minnesota Statutes 2008, section 84.025, subdivision 9, is amended to read:

2.2 Subd. 9. **Professional services support account.** The commissioner of natural  
2.3 resources may bill other governmental units, including tribal governments, and the  
2.4 various programs carried out by the commissioner for the costs of providing them with  
2.5 professional support services. Except as provided under section 89.421, receipts must be  
2.6 credited to a special account in the state treasury and are appropriated to the commissioner  
2.7 to pay the costs for which the billings were made.

2.8 The commissioner of natural resources shall submit to the commissioner of  
2.9 management and budget before the start of each fiscal year a work plan showing the  
2.10 estimated work to be done during the coming year, the estimated cost of doing the work,  
2.11 and the positions and fees that will be necessary. This account is exempted from statewide  
2.12 and agency indirect cost payments.

2.13 Sec. 2. Minnesota Statutes 2008, section 84.027, subdivision 15, is amended to read:

2.14 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an  
2.15 application for, sell, and issue any license, stamp, permit, pass, sticker, ~~duplicate gift~~  
2.16 card, safety training certification, registration, or transfer under the jurisdiction of the  
2.17 commissioner by electronic means, including by telephone. Notwithstanding section  
2.18 97A.472, electronic and telephone transactions may be made outside of the state. The  
2.19 commissioner may:

2.20 (1) provide for the electronic transfer of funds generated by electronic transactions,  
2.21 including by telephone;

2.22 (2) assign an identification number to an applicant who purchases a hunting or  
2.23 fishing license or recreational vehicle registration by electronic means, to serve as  
2.24 temporary authorization to engage in the activity requiring a license or registration until  
2.25 the license or registration is received or expires;

2.26 (3) charge and permit agents to charge a fee of individuals who make electronic  
2.27 transactions and transactions by telephone or Internet, including issuing fees and an  
2.28 additional transaction fee not to exceed \$3.50;

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

3.1 of the cost of state licenses to persons who use electronic bank cards for payment. The  
3.2 fee is not required by state law.";

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

3.8 (6) adopt rules to administer the provisions of this subdivision.

3.9 (b) The fees established under paragraph (a), clauses (3) and (4), and the commission  
3.10 established under paragraph (a), clause (5), are not subject to the rulemaking procedures  
3.11 of chapter 14 and section 14.386 does not apply.

3.12 (c) Money received from fees and commissions collected under this subdivision,  
3.13 including interest earned, is annually appropriated from the game and fish fund and the  
3.14 natural resources fund to the commissioner for the cost of electronic licensing.

3.15 Sec. 3. Minnesota Statutes 2008, section 84.0856, is amended to read:

3.16 **84.0856 FLEET MANAGEMENT ACCOUNT.**

3.17 The commissioner of natural resources may bill organizational units within  
3.18 the Department of Natural Resources and other governmental units, including tribal  
3.19 governments, for the costs of providing them with equipment. Costs billed may include  
3.20 acquisition, licensing, insurance, maintenance, repair, and other direct costs as determined  
3.21 by the commissioner. Receipts and interest earned on the receipts shall be credited to a  
3.22 special account in the state treasury and are appropriated to the commissioner to pay the  
3.23 costs for which the billings were made.

3.24 Sec. 4. Minnesota Statutes 2008, section 84.0857, is amended to read:

3.25 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

3.26 (a) The commissioner of natural resources may bill organizational units within  
3.27 the Department of Natural Resources and other governmental units, including tribal  
3.28 governments, for the costs of providing them with building and infrastructure facilities.  
3.29 Costs billed may include modifications and adaptations to allow for appropriate building  
3.30 occupancy, building code compliance, insurance, utility services, maintenance, repair, and  
3.31 other direct costs as determined by the commissioner. Receipts shall be credited to a  
3.32 special account in the state treasury and are appropriated to the commissioner to pay the  
3.33 costs for which the billings were made.

4.1 (b) Money deposited in the special account from the proceeds of a sale under section  
4.2 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire  
4.3 facilities or renovate existing buildings for administrative use or to acquire land for,  
4.4 design, and construct administrative buildings for the Department of Natural Resources.

4.5 Sec. 5. Minnesota Statutes 2008, section 84.415, is amended by adding a subdivision  
4.6 to read:

4.7 Subd. 3a. **Joint applications for residential use.** An application for a utility  
4.8 license may cover more than one type of utility if the utility lines are being installed for  
4.9 residential use only. Separate applications submitted by utilities for the same crossing  
4.10 shall be joined together and processed as one application, provided that the applications  
4.11 are submitted within one year of each other and the utility lines are for residential use only.  
4.12 The application fees for a joint application or separate applications subsequently joined  
4.13 together shall be as if only one application was submitted.

4.14 Sec. 6. Minnesota Statutes 2008, section 84.777, subdivision 2, is amended to read:

4.15 Subd. 2. **Off-highway vehicle seasons seasonal restrictions.** (a) ~~The commissioner~~  
4.16 ~~shall prescribe seasons for off-highway vehicle use on state forest lands.~~ Except for  
4.17 designated forest roads, a person must not operate an off-highway vehicle on state forest  
4.18 lands ~~outside of the seasons prescribed under this paragraph.~~ during the firearms deer  
4.19 hunting season in areas of the state where deer may be taken by rifle. This paragraph  
4.20 does not apply to a person in possession of a valid deer hunting license operating an  
4.21 off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

4.22 (b) The commissioner may designate and post winter trails on state forest lands  
4.23 for use by off-highway vehicles.

4.24 (c) For the purposes of this subdivision, "state forest lands" means forest lands under  
4.25 the authority of the commissioner as defined in section 89.001, subdivision 13, and lands  
4.26 managed by the commissioner under section 282.011.

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

4.28 Sec. 7. Minnesota Statutes 2008, section 84.788, subdivision 2, is amended to read:

4.29 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

4.30 (1) owned and used by the United States, an Indian tribal government, the state,  
4.31 another state, or a political subdivision;

4.32 (2) registered in another state or country that have not been within this state for  
4.33 more than 30 consecutive days; or

5.1 (3) registered under chapter 168, when operated on forest roads to gain access to a  
5.2 state forest campground.

5.3 Sec. 8. Minnesota Statutes 2009 Supplement, section 84.793, subdivision 1, is  
5.4 amended to read:

5.5 Subdivision 1. **Prohibitions on youthful operators.** (a) ~~After January 1, 1995,~~ A  
5.6 person less than 16 years of age operating an off-highway motorcycle on public lands  
5.7 or waters must possess a valid off-highway motorcycle safety certificate issued by the  
5.8 commissioner.

5.9 (b) Except for operation on public road rights-of-way that is permitted under section  
5.10 84.795, subdivision 1, a driver's license issued by the state or another state is required to  
5.11 operate an off-highway motorcycle along or on a public road right-of-way.

5.12 (c) A person under 12 years of age may not:

5.13 (1) make a direct crossing of a public road right-of-way;

5.14 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

5.15 (3) operate an off-highway motorcycle on public lands or waters unless accompanied  
5.16 by a person 18 years of age or older or participating in an event for which the  
5.17 commissioner has issued a special use permit.

5.18 (d) Except for public road rights-of-way of interstate highways, a person less than 16  
5.19 years of age may make a direct crossing of a public road right-of-way of a trunk, county  
5.20 state-aid, or county highway only if that person is accompanied by a person 18 years of  
5.21 age or older who holds a valid driver's license.

5.22 (e) A person less than 16 years of age may operate an off-highway motorcycle on  
5.23 public road rights-of-way in accordance with section 84.795, subdivision 1, paragraph  
5.24 (a), only if that person is accompanied by a person 18 years of age or older who holds a  
5.25 valid driver's license.

5.26 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may  
5.27 operate an off-highway motorcycle on public lands or waters if the nonresident youth has  
5.28 in possession evidence of completing an off-road safety course offered by the Motorcycle  
5.29 Safety Foundation or another state as provided in section 84.791, subdivision 4.

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

5.31 Sec. 9. Minnesota Statutes 2008, section 84.798, subdivision 2, is amended to read:

5.32 Subd. 2. **Exemptions.** Registration is not required for an off-road vehicle that is:

5.33 (1) owned and used by the United States, an Indian tribal government, the state,  
5.34 another state, or a political subdivision; or

6.1 (2) registered in another state or country and has not been in this state for more  
6.2 than 30 consecutive days.

6.3 Sec. 10. Minnesota Statutes 2008, section 84.82, subdivision 3, is amended to read:

6.4 Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile,  
6.5 other than those used for an agricultural purpose, as defined in section 84.92, subdivision  
6.6 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as  
6.7 follows: \$45 for three years and \$4 for a duplicate or transfer.

6.8 (b) The total registration fee for all snowmobiles owned by a dealer and operated for  
6.9 demonstration or testing purposes shall be \$50 per year.

6.10 (c) The total registration fee for all snowmobiles owned by a manufacturer and  
6.11 operated for research, testing, experimentation, or demonstration purposes shall be \$150  
6.12 per year. Dealer and manufacturer registrations are not transferable.

6.13 (d) The onetime fee for registration of an exempt snowmobile under subdivision  
6.14 6a is \$6.

6.15 Sec. 11. Minnesota Statutes 2008, section 84.82, subdivision 6, is amended to read:

6.16 Subd. 6. **Exemptions.** Registration is not required under this section for:

6.17 (1) a snowmobile owned and used by the United States, an Indian tribal government,  
6.18 another state, or a political subdivision thereof;

6.19 (2) a snowmobile registered in a country other than the United States temporarily  
6.20 used within this state;

6.21 (3) a snowmobile that is covered by a valid license of another state and has not been  
6.22 within this state for more than 30 consecutive days;

6.23 (4) a snowmobile used exclusively in organized track racing events;

6.24 (5) a snowmobile in transit by a manufacturer, distributor, or dealer;

6.25 (6) a snowmobile at least 15 years old in transit by an individual for use only on  
6.26 land owned or leased by the individual; or

6.27 (7) a snowmobile while being used to groom a state or grant-in-aid trail.

6.28 Sec. 12. Minnesota Statutes 2008, section 84.82, is amended by adding a subdivision  
6.29 to read:

6.30 Subd. 6a. **Exemption; collector unlimited snowmobile use.** Snowmobiles may be  
6.31 issued an exempt registration if the machine is at least 25 years old. Exempt registration is  
6.32 valid from the date of issuance until ownership of the snowmobile is transferred. Exempt  
6.33 registrations are not transferable.

7.1 Sec. 13. Minnesota Statutes 2008, section 84.8205, subdivision 1, is amended to read:

7.2 Subdivision 1. **Sticker required; fee.** (a) Except as provided in paragraph (b), a  
7.3 person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a  
7.4 snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural  
7.5 resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a  
7.6 three-year snowmobile state trail sticker that is purchased at the time of snowmobile  
7.7 registration is \$30. In addition to other penalties prescribed by law, a person in violation  
7.8 of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker  
7.9 is valid from November 1 through June 30. Fees collected under this section, except for  
7.10 the issuing fee for licensing agents, shall be deposited in the state treasury and credited  
7.11 to the snowmobile trails and enforcement account in the natural resources fund and,  
7.12 except for the electronic licensing system commission established by the commissioner  
7.13 under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance,  
7.14 grooming, and easement acquisition.

7.15 (b) A state trail sticker is not required under this section for:

7.16 (1) a snowmobile owned by the state or a political subdivision of the state that is  
7.17 registered under section 84.82, subdivision 5;

7.18 (2) a snowmobile that is owned and used by the United States, an Indian tribal  
7.19 government, another state, or a political subdivision thereof that is exempt from  
7.20 registration under section 84.82, subdivision 6;

7.21 (3) a collector snowmobile that is operated as provided in a special permit issued for  
7.22 the collector snowmobile under section 84.82, subdivision 7a;

7.23 (4) a person operating a snowmobile only on the portion of a trail that is owned by  
7.24 the person or the person's spouse, child, or parent; or

7.25 (5) a snowmobile while being used to groom a state or grant-in-aid trail.

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

7.29 Sec. 14. Minnesota Statutes 2008, section 84.92, subdivision 9, is amended to read:

7.30 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an  
7.31 all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,000 pounds.

7.32 Sec. 15. Minnesota Statutes 2008, section 84.92, subdivision 10, is amended to read:

7.33 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an  
7.34 all-terrain vehicle that has a total dry weight of ~~900~~ 1,000 to ~~1,500~~ 1,800 pounds.

8.1 Sec. 16. Minnesota Statutes 2009 Supplement, section 84.922, subdivision 1a, is  
8.2 amended to read:

8.3 Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

8.4 (1) vehicles owned and used by the United States, an Indian tribal government, the  
8.5 state, another state, or a political subdivision;

8.6 (2) vehicles registered in another state or country that have not been in this state for  
8.7 more than 30 consecutive days;

8.8 (3) vehicles that:

8.9 (i) are owned by a resident of another state or country that does not require  
8.10 registration of all-terrain vehicles;

8.11 (ii) have not been in this state for more than 30 consecutive days; and

8.12 (iii) are operated on state and grant-in-aid trails by a nonresident possessing a  
8.13 nonresident all-terrain vehicle state trail pass;

8.14 (4) vehicles used exclusively in organized track racing events; and

8.15 (5) vehicles that are 25 years old or older and were originally produced as a separate  
8.16 identifiable make by a manufacturer.

8.17 Sec. 17. Minnesota Statutes 2008, section 84.922, is amended by adding a subdivision  
8.18 to read:

8.19 Subd. 2b. **Collector unlimited use; exempt registration.** All-terrain vehicles may  
8.20 be issued an exempt registration if requested and the machine is at least 25 years old.

8.21 Exempt registration is valid from the date of issuance until ownership of the all-terrain  
8.22 vehicle is transferred. Exempt registrations are not transferable.

8.23 Sec. 18. Minnesota Statutes 2008, section 84.922, subdivision 5, is amended to read:

8.24 Subd. 5. **Fees for registration.** (a) The fee for a three-year registration of  
8.25 an all-terrain vehicle under this section, other than those registered by a dealer or  
8.26 manufacturer under paragraph (b) or (c), is:

8.27 (1) for public use, \$45;

8.28 (2) for private use, \$6; and

8.29 (3) for a duplicate or transfer, \$4.

8.30 (b) The total registration fee for all-terrain vehicles owned by a dealer and operated  
8.31 for demonstration or testing purposes is \$50 per year. Dealer registrations are not  
8.32 transferable.



9.1 (c) The total registration fee for all-terrain vehicles owned by a manufacturer and  
9.2 operated for research, testing, experimentation, or demonstration purposes is \$150 per  
9.3 year. Manufacturer registrations are not transferable.

9.4 (d) The onetime fee for registration of an all-terrain vehicle under subdivision 2b  
9.5 is \$6.

9.6 (e) The fees collected under this subdivision must be credited to the all-terrain  
9.7 vehicle account.

9.8 Sec. 19. Minnesota Statutes 2008, section 84.925, subdivision 1, is amended to read:

9.9 Subdivision 1. **Program established.** (a) The commissioner shall establish a  
9.10 comprehensive all-terrain vehicle environmental and safety education and training  
9.11 program, including the preparation and dissemination of vehicle information and safety  
9.12 advice to the public, the training of all-terrain vehicle operators, and the issuance of  
9.13 all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who  
9.14 successfully complete the all-terrain vehicle environmental and safety education and  
9.15 training course.

9.16 (b) For the purpose of administering the program and to defray a portion of the  
9.17 expenses of training and certifying vehicle operators, the commissioner shall collect a fee  
9.18 of \$15 from each person who receives the training. The commissioner shall collect a fee,  
9.19 to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle  
9.20 safety certificate. The commissioner shall establish the fee for a duplicate all-terrain  
9.21 vehicle safety certificate that neither significantly overrecovers nor underrecovers costs,  
9.22 including overhead costs, involved in providing the service. Fee proceeds, except for the  
9.23 issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain  
9.24 vehicle account in the natural resources fund. In addition to the fee established by the  
9.25 commissioner, instructors may charge each person ~~the cost of~~ up to the established fee  
9.26 amount for class material materials and expenses.

9.27 (c) The commissioner shall cooperate with private organizations and associations,  
9.28 private and public corporations, and local governmental units in furtherance of the program  
9.29 established under this section. School districts may cooperate with the commissioner  
9.30 and volunteer instructors to provide space for the classroom portion of the training. The  
9.31 commissioner shall consult with the commissioner of public safety in regard to training  
9.32 program subject matter and performance testing that leads to the certification of vehicle  
9.33 operators. By June 30, 2003, the commissioner shall incorporate a riding component in  
9.34 the safety education and training program.

10.1 Sec. 20. Minnesota Statutes 2008, section 84.9256, subdivision 1, is amended to read:

10.2 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on  
10.3 public road rights-of-way that is permitted under section 84.928, a driver's license issued  
10.4 by the state or another state is required to operate an all-terrain vehicle along or on a  
10.5 public road right-of-way.

10.6 (b) A person under 12 years of age shall not:

10.7 (1) make a direct crossing of a public road right-of-way;

10.8 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

10.9 (3) operate an all-terrain vehicle on public lands or waters, except as provided in  
10.10 paragraph (f).

10.11 (c) Except for public road rights-of-way of interstate highways, a person 12 years  
10.12 of age but less than 16 years may make a direct crossing of a public road right-of-way  
10.13 of a trunk, county state-aid, or county highway or operate on public lands and waters or  
10.14 state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety  
10.15 certificate issued by the commissioner and is accompanied ~~on another all-terrain vehicle~~  
10.16 by a person 18 years of age or older who holds a valid driver's license.

10.17 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years  
10.18 old, but less than 16 years old, must:

10.19 (1) successfully complete the safety education and training program under section  
10.20 84.925, subdivision 1, including a riding component; and

10.21 (2) be able to properly reach and control the handle bars and reach the foot pegs  
10.22 while sitting upright on the seat of the all-terrain vehicle.

10.23 (e) A person at least 11 years of age may take the safety education and training  
10.24 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but  
10.25 the certificate is not valid until the person reaches age 12.

10.26 (f) A person at least ten years of age but under 12 years of age may operate an  
10.27 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if  
10.28 accompanied by a parent or legal guardian.

10.29 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

10.30 (h) A person under the age of 16 may not operate an all-terrain vehicle on public  
10.31 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and  
10.32 control the handle bars and reach the foot pegs while sitting upright on the seat of the  
10.33 all-terrain vehicle.

10.34 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than  
10.35 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county

11.1 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters  
11.2 or state or grant-in-aid trails if:

11.3 (1) the nonresident youth has in possession evidence of completing an all-terrain  
11.4 safety course offered by the ATV Safety Institute or another state as provided in section  
11.5 84.925, subdivision 3; and

11.6 (2) the nonresident youth is accompanied by a person 18 years of age or older who  
11.7 holds a valid driver's license.

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

11.9 Sec. 21. Minnesota Statutes 2009 Supplement, section 84.9275, subdivision 1, is  
11.10 amended to read:

11.11 Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an all-terrain  
11.12 vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid  
11.13 nonresident all-terrain vehicle state trail pass in immediate possession. The pass must  
11.14 be available for inspection by a peace officer, a conservation officer, or an employee  
11.15 designated under section 84.0835.

11.16 (b) The commissioner of natural resources shall issue a pass upon application and  
11.17 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees  
11.18 collected under this section, except for the issuing fee for licensing agents, shall be  
11.19 deposited in the state treasury and credited to the all-terrain vehicle account in the natural  
11.20 resources fund and, except for the electronic licensing system commission established by  
11.21 the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to  
11.22 counties and municipalities for all-terrain vehicle organizations to construct and maintain  
11.23 all-terrain vehicle trails and use areas.

11.24 (c) A nonresident all-terrain vehicle state trail pass is not required for:

11.25 (1) an all-terrain vehicle that is owned and used by the United States, another state,  
11.26 or a political subdivision thereof that is exempt from registration under section 84.922,  
11.27 subdivision 1a; ~~or~~

11.28 (2) a person operating an all-terrain vehicle only on the portion of a trail that is  
11.29 owned by the person or the person's spouse, child, or parent; or

11.30 (3) a nonresident operating an all-terrain vehicle that is registered according to  
11.31 section 84.922.

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

12.1 Sec. 22. Minnesota Statutes 2009 Supplement, section 84.928, subdivision 1, is  
12.2 amended to read:

12.3 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise  
12.4 allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in  
12.5 this state along or on the roadway, shoulder, or inside bank or slope of a public road  
12.6 right-of-way of a trunk, county state-aid, or county highway.

12.7 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside  
12.8 bank or slope of a trunk, county state-aid, or county highway unless prohibited under  
12.9 paragraph (d) or (f).

12.10 (c) A person may operate a class 2 all-terrain vehicle within the public road  
12.11 right-of-way of a county state-aid or county highway on the extreme right-hand side of  
12.12 the road and left turns may be made from any part of the road if it is safe to do so under  
12.13 the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may  
12.14 operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a  
12.15 designated class 2 all-terrain vehicle trail.

12.16 (d) A road authority as defined under section 160.02, subdivision 25, may after a  
12.17 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under  
12.18 its jurisdiction.

12.19 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the  
12.20 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside  
12.21 bank or slope of a trunk, interstate, county state-aid, or county highway:

12.22 (1) that is part of a funded grant-in-aid trail; or

12.23 (2) when the all-terrain vehicle is:

12.24 ~~(1)~~ owned by or operated under contract with a publicly or privately owned utility  
12.25 or pipeline company; and

12.26 ~~(2)~~ used for work on utilities or pipelines.

12.27 (f) The commissioner may limit the use of a right-of-way for a period of time if the  
12.28 commissioner determines that use of the right-of-way causes:

12.29 (1) degradation of vegetation on adjacent public property;

12.30 (2) siltation of waters of the state;

12.31 (3) impairment or enhancement to the act of taking game; or

12.32 (4) a threat to safety of the right-of-way users or to individuals on adjacent public  
12.33 property.

12.34 The commissioner must notify the road authority as soon as it is known that a closure  
12.35 will be ordered. The notice must state the reasons and duration of the closure.

13.1 (g) A person may operate an all-terrain vehicle registered for private use and used  
13.2 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or  
13.3 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand  
13.4 side of the road, and left turns may be made from any part of the road if it is safe to do so  
13.5 under the prevailing conditions.

13.6 (h) A person shall not operate an all-terrain vehicle within the public road  
13.7 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in  
13.8 the agricultural zone unless the vehicle is being used exclusively as transportation to and  
13.9 from work on agricultural lands. This paragraph does not apply to an agent or employee  
13.10 of a road authority, as defined in section 160.02, subdivision 25, or the Department of  
13.11 Natural Resources when performing or exercising official duties or powers.

13.12 (i) A person shall not operate an all-terrain vehicle within the public road  
13.13 right-of-way of a trunk, county state-aid, or county highway between the hours of one-half  
13.14 hour after sunset to one-half hour before sunrise, except on the right-hand side of the  
13.15 right-of-way and in the same direction as the highway traffic on the nearest lane of the  
13.16 adjacent roadway.

13.17 (j) A person shall not operate an all-terrain vehicle at any time within the  
13.18 right-of-way of an interstate highway or freeway within this state.

13.19 Sec. 23. Minnesota Statutes 2008, section 84.928, subdivision 5, is amended to read:

13.20 Subd. 5. **Organized contests, use of highways and public lands and waters.** (a)  
13.21 Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the  
13.22 right-of-way of a state trunk or county state-aid highway or upon public lands or waters  
13.23 under the jurisdiction of the commissioner of natural resources, in an organized contest or  
13.24 event, subject to the consent of the official or board having jurisdiction over the highway  
13.25 or public lands or waters.

13.26 (b) In permitting the contest or event, the official or board having jurisdiction may  
13.27 prescribe restrictions or conditions as they may deem advisable.

13.28 (c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under  
13.29 12 years of age may operate an all-terrain vehicle in an organized contest on public lands  
13.30 or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person  
13.31 complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised  
13.32 by a person 18 years of age or older.

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

14.1 Sec. 24. Minnesota Statutes 2009 Supplement, section 85.015, subdivision 13, is  
 14.2 amended to read:

14.3 Subd. 13. **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton,**  
 14.4 **Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St.  
 14.5 Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to  
 14.6 McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in  
 14.7 Itasca County and there terminate;

14.8 (2) The C. J. Ramstad/Northshore Trail shall originate in Duluth in St. Louis County  
 14.9 and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand  
 14.10 Marais in Cook County, thence northeasterly to the international boundary in the vicinity  
 14.11 of the north shore of Lake Superior, and there terminate;

14.12 (3) The Grand Marais to International Falls Trail shall originate in Grand Marais  
 14.13 in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area,  
 14.14 to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to  
 14.15 Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St.  
 14.16 Louis County to International Falls in Koochiching County, and there terminate;

14.17 (4) The Minnesota-Wisconsin Boundary Trail shall originate in Duluth in St. Louis  
 14.18 County and extend southerly to St. Croix State Forest in Pine County.

14.19 (b) The trails shall be developed primarily for riding and hiking.

14.20 (c) In addition to the authority granted in subdivision 1, lands and interests in lands  
 14.21 for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring  
 14.22 any land or interest in land by eminent domain the commissioner of administration shall  
 14.23 obtain the approval of the governor. The governor shall consult with the Legislative  
 14.24 Advisory Commission before granting approval. Recommendations of the Legislative  
 14.25 Advisory Commission shall be advisory only. Failure or refusal of the commission to  
 14.26 make a recommendation shall be deemed a negative recommendation.

14.27 Sec. 25. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

14.28 Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis,**  
 14.29 **Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One  
 14.30 segment shall be known as the Gateway Trail and shall originate at the State Capitol  
 14.31 and extend northerly and northeasterly to William O'Brien State Park, thence northerly  
 14.32 to Taylors Falls in Chisago County. One segment shall ~~be known as the Boundary Trail~~  
 14.33 ~~and shall~~ originate in Chisago County and extend into ~~Duluth in St. Louis~~ Hinckley and  
 14.34 Pine County. One segment shall be known as the Browns Creek Trail and shall originate  
 14.35 at Duluth Junction and extend into Stillwater in Washington County. One segment shall

15.1 be known as the Munger Trail and shall originate at Hinckley in Pine County and extend  
15.2 through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall  
15.3 be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and  
15.4 extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be  
15.5 established that extends the trail to include the cities of Proctor, Duluth, and Hermantown  
15.6 in St. Louis County.

15.7 (b) The Gateway and Browns Creek Trails shall be developed primarily for hiking  
15.8 and nonmotorized riding and the remaining trails shall be developed primarily for riding  
15.9 and hiking.

15.10 (c) In addition to the authority granted in subdivision 1, lands and interests in lands  
15.11 for the Gateway and Browns Creek Trails may be acquired by eminent domain.

15.12 Sec. 26. Minnesota Statutes 2008, section 85.052, subdivision 4, is amended to read:

15.13 Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and  
15.14 services within a state park, state recreation area, or wayside, and for special state park  
15.15 uses under this section shall be deposited in the natural resources fund and credited to a  
15.16 state parks account.

15.17 (b) Gross receipts derived from sales, rentals, or leases of natural resources within  
15.18 state parks, recreation areas, and waysides, other than those on trust fund lands, must be  
15.19 deposited in the state treasury and credited to the ~~general fund~~ state parks working capital  
15.20 account.

15.21 (c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile  
15.22 materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle  
15.23 Recreation Area shall be deposited in the dedicated accounts in the natural resources fund  
15.24 from which the purchase of the stockpile material was made.

15.25 Sec. 27. Minnesota Statutes 2009 Supplement, section 85.053, subdivision 10, is  
15.26 amended to read:

15.27 Subd. 10. **Free entrance; ~~totally and permanently disabled veterans.~~** The  
15.28 commissioner shall issue an annual park permit for no charge to any veteran with a total  
15.29 and permanent service-connected disability, and a daily park permit to any resident  
15.30 veteran with any level of service-connected disability, as determined by the United States  
15.31 Department of Veterans Affairs, who presents each year a copy of ~~their~~ the veteran's  
15.32 determination letter to a park attendant or commissioner's designee. For the purposes of  
15.33 this section, "veteran" has the meaning given in section 197.447.

15.34 **EFFECTIVE DATE.** This section is effective July 1, 2010.

16.1 Sec. 28. Minnesota Statutes 2008, section 85.22, subdivision 5, is amended to read:

16.2 Subd. 5. **Exemption.** Purchases for resale or rental made from the state parks  
16.3 working capital ~~fund~~ account are exempt from competitive bidding, notwithstanding  
16.4 chapter 16C.

16.5 Sec. 29. Minnesota Statutes 2008, section 85.32, subdivision 1, is amended to read:

16.6 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized  
16.7 in cooperation with local units of government and private individuals and groups when  
16.8 feasible to mark ~~canoe and boating routes~~ state water trails on the Little Fork, Big Fork,  
16.9 Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines,  
16.10 Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre  
16.11 within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in  
16.12 Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North,  
16.13 Sauk, Otter Tail, Redwood, Blue Earth, and Crow Rivers which have historic and scenic  
16.14 values and to mark appropriately points of interest, portages, camp sites, and all dams,  
16.15 rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe,  
16.16 kayak, and watercraft travelers.

16.17 Sec. 30. Minnesota Statutes 2008, section 85.41, subdivision 3, is amended to read:

16.18 Subd. 3. **Exemptions.** (a) Participants in cross-country ski races ~~and official school~~  
16.19 ~~activities~~ and residents of a state or local government operated correctional facility are  
16.20 exempt from the pass requirement in subdivision 1 if a special use permit has been  
16.21 obtained by the organizers of the event or those in an official capacity in advance from the  
16.22 agency with jurisdiction over the cross-country ski trail. Permits shall require that permit  
16.23 holders return the trail and any associated facility to its original condition if any damage  
16.24 is done by the permittee. Limited permits for special events may be issued and shall  
16.25 require the removal of any trail markers, banners, and other material used in connection  
16.26 with the special event.

16.27 (b) Unless otherwise exempted under paragraph (a), students, teachers, and  
16.28 supervising adults engaged in school-sanctioned activities or other youth activities  
16.29 sponsored by a nonprofit organization are exempt from the pass requirements in  
16.30 subdivision 1.

16.31 Sec. 31. Minnesota Statutes 2008, section 85.42, is amended to read:

16.32 **85.42 USER FEE; VALIDITY.**



17.1 (a) The fee for an annual cross-country ski pass is ~~\$14~~ \$19 for an individual age 16  
17.2 and over. The fee for a three-year pass is ~~\$39~~ \$54 for an individual age 16 and over. This  
17.3 fee shall be collected at the time the pass is purchased. Three-year passes are valid for  
17.4 three years beginning the previous July 1. Annual passes are valid for one year beginning  
17.5 the previous July 1.

17.6 (b) The cost for a daily cross-country skier pass is ~~\$4~~ \$5 for an individual age 16 and  
17.7 over. This fee shall be collected at the time the pass is purchased. The daily pass is valid  
17.8 only for the date designated on the pass form.

17.9 (c) A pass must be signed by the skier across the front of the pass to be valid and  
17.10 becomes nontransferable on signing.

17.11 Sec. 32. Minnesota Statutes 2008, section 85.43, is amended to read:

17.12 **85.43 DISPOSITION OF RECEIPTS; PURPOSE.**

17.13 (a) Fees from cross-country ski passes shall be deposited in the state treasury and  
17.14 credited to a cross-country ski account in the natural resources fund and, except for the  
17.15 electronic licensing system commission established by the commissioner under section  
17.16 84.027, subdivision 15, are appropriated to the commissioner of natural resources for  
17.17 the following purposes:

17.18 (1) grants-in-aid for cross-country ski trails ~~sponsored by local units of government~~  
17.19 to:

17.20 (i) counties and municipalities for construction and maintenance of cross-country  
17.21 ski trails; and

17.22 (ii) special park districts as provided in section 85.44 for construction and  
17.23 maintenance of cross-country ski trails; and

17.24 (2) administration of the cross-country ski trail grant-in-aid program.

17.25 (b) Development and maintenance of state cross-country ski trails are eligible for  
17.26 funding from the cross-country ski account if the money is appropriated by law.

17.27 Sec. 33. Minnesota Statutes 2008, section 85.46, as amended by Laws 2009, chapter  
17.28 37, article 1, sections 22 to 24, is amended to read:

17.29 **85.46 HORSE ~~TRAIL~~ PASS.**

17.30 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while  
17.31 riding, leading, or driving a horse ~~on horse trails and associated day use areas on state~~  
17.32 ~~trails, in state parks, in state recreation areas, and in state forests,~~ on lands administered by  
17.33 the commissioner, a person 16 years of age or over shall carry in immediate possession

18.1 a valid horse ~~trail~~ pass. The pass must be available for inspection by a peace officer, a  
18.2 conservation officer, or an employee designated under section 84.0835.

18.3 (b) A valid horse ~~trail~~ pass is not required under this section for a person riding,  
18.4 leading, or driving a horse ~~only on the portion of a horse trail property~~ that is owned by  
18.5 the person or the person's spouse, child, parent, or guardian.

18.6 Subd. 2. **License agents.** (a) The commissioner of natural resources may appoint  
18.7 agents to issue and sell horse ~~trail~~ passes. The commissioner may revoke the appointment  
18.8 of an agent at any time.

18.9 (b) The commissioner may adopt additional rules as provided in section 97A.485,  
18.10 subdivision 11. An agent shall observe all rules adopted by the commissioner for the  
18.11 accounting and handling of passes according to section 97A.485, subdivision 11.

18.12 (c) An agent must promptly deposit and remit all money received from the sale of  
18.13 passes, except issuing fees, to the commissioner.

18.14 Subd. 3. **Issuance.** The commissioner of natural resources and agents shall issue  
18.15 and sell horse ~~trail~~ passes. The pass shall include the applicant's signature and other  
18.16 information deemed necessary by the commissioner. To be valid, a daily or annual pass  
18.17 must be signed by the person riding, leading, or driving the horse, and a commercial  
18.18 annual pass must be signed by the owner of the commercial ~~trail~~ riding facility.

18.19 Subd. 4. **Pass fees.** (a) The fee for an annual horse ~~trail~~ pass is \$20 for an individual  
18.20 16 years of age and over. The fee shall be collected at the time the pass is purchased.  
18.21 Annual passes are valid for one year beginning January 1 and ending December 31.

18.22 (b) The fee for a daily horse ~~trail~~ pass is \$4 for an individual 16 years of age and  
18.23 over. The fee shall be collected at the time the pass is purchased. The daily pass is valid  
18.24 only for the date designated on the pass form.

18.25 (c) The fee for a commercial annual horse ~~trail~~ pass is \$200 and includes issuance  
18.26 of 15 passes. Additional or individual commercial annual horse ~~trail~~ passes may be  
18.27 purchased by the commercial ~~trail~~ riding facility owner at a fee of \$20 each. Commercial  
18.28 annual horse ~~trail~~ passes are valid for one year beginning January 1 and ending December  
18.29 31 and may be affixed to the horse tack, saddle, or person. Commercial annual horse ~~trail~~  
18.30 passes are not transferable to another commercial ~~trail~~ riding facility. For the purposes of  
18.31 this section, a "commercial ~~trail~~ riding facility" is an operation where horses are used for  
18.32 riding instruction or other equestrian activities for hire or use by others.

18.33 Subd. 5. **Issuing fee.** In addition to the fee for a horse ~~trail~~ pass, an issuing fee of  
18.34 \$1 per pass shall be charged. The issuing fee shall be retained by the seller of the pass.  
18.35 Issuing fees for passes sold by the commissioner of natural resources shall be deposited  
18.36 in the state treasury and credited to the horse ~~trail~~ pass account in the natural resources

19.1 fund and are appropriated to the commissioner for the operation of the electronic licensing  
19.2 system. A pass shall indicate the amount of the fee that is retained by the seller.

19.3 Subd. 6. **Disposition of receipts.** Fees collected under this section, except for  
19.4 the issuing fee, shall be deposited in the state treasury and credited to the horse ~~trail~~  
19.5 pass account in the natural resources fund. Except for the electronic licensing system  
19.6 commission established by the commissioner under section 84.027, subdivision 15, the  
19.7 fees are appropriated to the commissioner of natural resources for trail acquisition, trail and  
19.8 facility development, and maintenance, enforcement, and rehabilitation of horse trails or  
19.9 trails authorized for horse use, whether for riding, leading, or driving, on ~~state trails and in~~  
19.10 ~~state parks, state recreation areas, and state forests~~ land administered by the commissioner.

19.11 Subd. 7. **Duplicate horse trail passes.** The commissioner of natural resources and  
19.12 agents shall issue a duplicate pass to a person or commercial ~~trail~~ riding facility owner  
19.13 whose pass is lost or destroyed using the process established under section 97A.405,  
19.14 subdivision 3, and rules adopted thereunder. The fee for a duplicate horse ~~trail~~ pass is \$2,  
19.15 with an issuing fee of 50 cents.

19.16 Sec. 34. Minnesota Statutes 2009 Supplement, section 86A.09, subdivision 1, is  
19.17 amended to read:

19.18 Subdivision 1. **Master plan required.** No construction of new facilities or other  
19.19 development of an authorized unit, other than repairs and maintenance, shall commence  
19.20 until the managing agency has prepared and submitted to the commissioner of natural  
19.21 resources and the commissioner has reviewed, pursuant to this section, a master plan for  
19.22 administration of the unit in conformity with this section. No master plan is required for  
19.23 wildlife management areas that do not have resident managers, for scientific and natural  
19.24 areas, for water access sites, for aquatic management areas, for rest areas, or for boater  
19.25 waysides.

19.26 Sec. 35. Minnesota Statutes 2008, section 86B.301, subdivision 2, is amended to read:

19.27 Subd. 2. **Exemptions.** A watercraft license is not required for:

19.28 (1) a watercraft that is covered by a license or number in full force and effect under  
19.29 federal law or a federally approved licensing or numbering system of another state, and  
19.30 has not been within this state for more than 90 consecutive days, which does not include  
19.31 days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior  
19.32 port or another port in the state;

19.33 (2) a watercraft from a country other than the United States that has not been  
19.34 within this state for more than 90 consecutive days, which does not include days that a

20.1 watercraft is laid up at dock over winter or for repairs at a Lake Superior port or another  
20.2 port in the state;

20.3 (3) a watercraft owned by the United States, an Indian tribal government, a state, or  
20.4 a political subdivision of a state, except watercraft used for recreational purposes;

20.5 (4) a ship's lifeboat;

20.6 (5) a watercraft that has been issued a valid marine document by the United States  
20.7 government;

20.8 (6) a duck boat during duck hunting season;

20.9 (7) a rice boat during the harvest season;

20.10 (8) a seaplane; and

20.11 (9) a nonmotorized watercraft nine feet in length or less.

20.12 **EFFECTIVE DATE.** This section is effective upon the state receiving written  
20.13 approval from the United States Coast Guard, as provided in United States Code, title 46,  
20.14 section 12303, and Code of Federal Regulations, title 33, section 174.7.

20.15 Sec. 36. Minnesota Statutes 2008, section 88.17, subdivision 1, is amended to read:

20.16 Subdivision 1. **Permit Permission required.** (a) ~~A permit~~ Permission to start a fire  
20.17 to burn vegetative materials and other materials allowed by Minnesota Statutes or official  
20.18 state rules and regulations may be given by the commissioner or the commissioner's agent.  
20.19 This permission shall be in the form of:

20.20 (1) a written permit issued by a forest officer, fire warden, or other person authorized  
20.21 by the commissioner; ~~or~~

20.22 (2) an electronic permit issued by the commissioner, an agent authorized by the  
20.23 commissioner, or an Internet site authorized by the commissioner; or

20.24 (3) a general permit adopted by the county board of commissioners according to  
20.25 paragraph (c).

20.26 (b) Written and electronic burning permits shall set the time and conditions by which  
20.27 the fire may be started and burned. The permit shall also specifically list the materials that  
20.28 may be burned. The permittee must have the permit on their person and shall produce  
20.29 the permit for inspection when requested to do so by a forest officer, conservation officer,  
20.30 or other peace officer. The permittee shall remain with the fire at all times and before  
20.31 leaving the site shall completely extinguish the fire. A person shall not start or cause a  
20.32 fire to be started on any land that is not owned or under their legal control without the  
20.33 written permission of the owner, lessee, or an agent of the owner or lessee of the land.  
20.34 Violating or exceeding the permit conditions shall constitute a misdemeanor and shall be  
20.35 cause for the permit to be revoked.

21.1 (c) A general burning permit may be adopted by the county board of commissioners  
21.2 in counties that are determined by the commissioner either to not be wildfire areas as  
21.3 defined in section 88.01, subdivision 6, or to otherwise have low potential for damage  
21.4 to life and property from wildfire. The commissioner shall consider the history of and  
21.5 potential for wildfire; the distribution of trees, brush, grasslands, and other vegetative  
21.6 material; and the distribution of property subject to damage from escaped fires. Upon a  
21.7 determination by the commissioner and adoption by a vote of the county board, permission  
21.8 for open burning is extended to all residents in the county without the need for individual  
21.9 written or electronic permits, provided burning conforms to all other provisions of this  
21.10 chapter, including those related to responsibility to control and extinguish fires, no burning  
21.11 of prohibited materials, and liability for damages caused by violations of this chapter.

21.12 (d) Upon adoption of a general burning permit, a county must establish specific  
21.13 regulations by ordinance, to include at a minimum the time when and conditions under  
21.14 which fires may be started and burned. No ordinance may be less restrictive than state law.

21.15 (e) At any time when the commissioner or the county board determines that a general  
21.16 burning permit is no longer in the public interest, the general permit may be canceled by  
21.17 mutual agreement of the commissioner and the county board.

21.18 Sec. 37. Minnesota Statutes 2008, section 88.17, subdivision 3, is amended to read:

21.19 Subd. 3. **Special permits.** The following special permits are required at all times,  
21.20 including when the ground is snow-covered:

21.21 (a) **Fire training.** A permit to start a fire for the instruction and training of  
21.22 firefighters, including liquid fuels training, may be given by the commissioner or agent of  
21.23 the commissioner. Except for owners or operators conducting fire training in specialized  
21.24 industrial settings pursuant to applicable federal, state, or local standards, owners  
21.25 or operators conducting open burning for the purpose of instruction and training of  
21.26 firefighters with regard to structures must follow the techniques described in a document  
21.27 entitled: Structural Burn Training Procedures for the Minnesota Technical College System.

21.28 (b) **Permanent tree and brush open burning sites.** A permit for the operation of  
21.29 a permanent tree and brush burning site may be given by the commissioner or agent of  
21.30 the commissioner. Applicants for a permanent open burning site permit shall submit a  
21.31 complete application on a form provided by the commissioner. Existing permanent tree  
21.32 and brush open burning sites must submit for a permit within 90 days of the passage of  
21.33 this statute for a burning permit. New site applications must be submitted at least 90  
21.34 days before the date of the proposed operation of the permanent open burning site. The  
21.35 application must be submitted to the commissioner and must contain:

22.1 (1) the name, address, and telephone number of all owners of the site proposed for  
22.2 use as the permanent open burning site;

22.3 (2) if the operator for the proposed permanent open burning site is different from the  
22.4 owner, the name, address, and telephone number of the operator;

22.5 (3) a general description of the materials to be burned, including the source and  
22.6 estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation,  
22.7 and provisions for smoke management; and

22.8 (4) a topographic or similarly detailed map of the site and surrounding area within  
22.9 a one mile circumference showing all structures that might be affected by the operation  
22.10 of the site.

22.11 Only trees, tree trimmings, or brush that cannot be disposed of by an alternative  
22.12 method such as chipping, composting, or other method shall be permitted to be burned  
22.13 at a permanent open burning site. A permanent tree and brush open burning site must  
22.14 be located and operated so as not to create a nuisance or endanger water quality. The  
22.15 commissioner shall revoke the permit or order actions to mitigate threats to public health,  
22.16 safety, and the environment in the event that permit conditions are violated.

22.17 Sec. 38. Minnesota Statutes 2008, section 88.79, subdivision 2, is amended to read:

22.18 Subd. 2. **Charge for service; receipts to special revenue fund.** Notwithstanding  
22.19 section 16A.1283, the commissioner of natural resources may charge the owner, by written  
22.20 order published in the State Register, establish fees the commissioner determines to be  
22.21 fair and reasonable that are charged to owners receiving such services such sums as the  
22.22 commissioner shall determine to be fair and reasonable under subdivision 1. The charges  
22.23 must account for differences in the value of timber and other benefits. The receipts from  
22.24 such services shall be credited to the special revenue fund and are annually appropriated to  
22.25 the commissioner for the purposes specified in subdivision 1.

22.26 Sec. 39. Minnesota Statutes 2008, section 89.17, is amended to read:

22.27 **89.17 LEASES AND PERMITS.**

22.28 Notwithstanding the permit procedures of chapter 90, the commissioner shall have  
22.29 power to grant and execute, in the name of the state, leases and permits for the use of  
22.30 any forest lands under the authority of the commissioner for any purpose which in the  
22.31 commissioner's opinion is not inconsistent with the maintenance and management of the  
22.32 forest lands, on forestry principles for timber production. Every such lease or permit shall  
22.33 be revocable at the discretion of the commissioner at any time subject to such conditions  
22.34 as may be agreed on in the lease. The approval of the commissioner of administration

23.1 shall not be required upon any such lease or permit. No such lease or permit for a period  
23.2 exceeding ~~ten~~ 50 years shall be granted except with the approval of the Executive Council.

23.3 ~~Hunting of wild game is prohibited on any land which has been posted by the lessee~~  
23.4 ~~to prohibit hunting. Such prohibition shall apply to all persons including the lessee~~ Public  
23.5 access to the leased land for outdoor recreation shall be the same as access would be  
23.6 under state management.

23.7 Sec. 40. Minnesota Statutes 2008, section 90.041, is amended by adding a subdivision  
23.8 to read:

23.9 Subd. 9. **Reoffering unsold timber.** To maintain and enhance forest ecosystems on  
23.10 state forest lands, the commissioner may reoffer timber tracts remaining unsold under the  
23.11 provisions of section 90.101 below appraised value at public auction with the required  
23.12 30-day notice under section 90.101, subdivision 2.

23.13 Sec. 41. Minnesota Statutes 2008, section 90.121, is amended to read:

23.14 **90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF 3,000**  
23.15 **CORDS.**

23.16 (a) The commissioner may sell the timber on any tract of state land in lots not  
23.17 exceeding 3,000 cords in volume, in the same manner as timber sold at public auction  
23.18 under section 90.101, and related laws, subject to the following special exceptions and  
23.19 limitations:

23.20 (1) the commissioner shall offer all tracts authorized for sale by this section  
23.21 separately from the sale of tracts of state timber made pursuant to section 90.101;

23.22 (2) no bidder may be awarded more than 25 percent of the total tracts offered at the  
23.23 first round of bidding unless fewer than four tracts are offered, in which case not more  
23.24 than one tract shall be awarded to one bidder. Any tract not sold at public auction may be  
23.25 offered for private sale as authorized by section 90.101, subdivision 1, to persons eligible  
23.26 under this section at the appraised value; and

23.27 (3) no sale may be made to a person having more than ~~20~~ 30 employees. For the  
23.28 purposes of this clause, "employee" means an individual working in the timber or wood  
23.29 products industry for salary or wages on a full-time or part-time basis.

23.30 (b) The auction sale procedure set forth in this section constitutes an additional  
23.31 alternative timber sale procedure available to the commissioner and is not intended to  
23.32 replace other authority possessed by the commissioner to sell timber in lots of 3,000  
23.33 cords or less.

24.1 (c) Another bidder or the commissioner may request that the number of employees a  
24.2 bidder has pursuant to paragraph (a), clause (3), be confirmed if there is evidence that the  
24.3 bidder may be ineligible due to exceeding the employee threshold. The commissioner  
24.4 shall request information from the commissioners of labor and industry and employment  
24.5 and economic development including the premiums paid by the bidder in question  
24.6 for workers' compensation insurance coverage for all employees of the bidder. The  
24.7 commissioner shall review the information submitted by the commissioners of labor and  
24.8 industry and employment and economic development and make a determination based on  
24.9 that information as to whether the bidder is eligible. A bidder is considered eligible and  
24.10 may participate in intermediate auctions until determined ineligible under this paragraph.

24.11 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2006.

24.12 Sec. 42. Minnesota Statutes 2008, section 90.14, is amended to read:

24.13 **90.14 AUCTION SALE PROCEDURE.**

24.14 (a) All state timber shall be offered and sold by the same unit of measurement as it  
24.15 was appraised. No tract shall be sold to any person other than the purchaser in whose name  
24.16 the bid was made. The commissioner may refuse to approve any and all bids received and  
24.17 cancel a sale of state timber for good and sufficient reasons.

24.18 (b) The purchaser at any sale of timber shall, immediately upon the approval of the  
24.19 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under  
24.20 section 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent  
24.21 of the appraised value. In case any purchaser fails to make such payment, the purchaser  
24.22 shall be liable therefor to the state in a civil action, and the commissioner may reoffer the  
24.23 timber for sale as though no bid or sale under section 90.101, subdivision 1, therefor  
24.24 had been made.

24.25 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of  
24.26 state timber may, at the time of payment by the purchaser to the commissioner of 15  
24.27 percent of the appraised value, elect in writing on a form prescribed by the attorney  
24.28 general to purchase a permit based solely on the appraiser's estimate of the volume of  
24.29 timber described in the permit, provided that the commissioner has expressly designated  
24.30 the availability of such option for that tract on the list of tracts available for sale as  
24.31 required under section 90.101. A purchaser who elects in writing on a form prescribed  
24.32 by the attorney general to purchase a permit based solely on the appraiser's estimate of  
24.33 the volume of timber described on the permit does not have recourse to the provisions  
24.34 of section 90.281.



25.1 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall  
 25.2 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15  
 25.3 percent of the appraised value ~~within ten business days of receiving a written award~~  
 25.4 ~~notice~~ that must be received or postmarked within 14 days of the date of the sealed bid  
 25.5 opening. If a purchaser fails to make the down payment, the purchaser is liable for the  
 25.6 down payment to the state and the commissioner may offer the timber for sale to the next  
 25.7 highest bidder as though no higher bid had been made.

25.8 (e) Except as otherwise provided by law, at the time the purchaser signs a permit  
 25.9 issued under section 90.151, the commissioner shall require the purchaser shall to make  
 25.10 a bid guarantee payment to the commissioner in an amount equal to 15 percent of the  
 25.11 total purchase price of the permit less the down payment amount required by paragraph  
 25.12 (b) for any bid increase in excess of \$5,000 of the appraised value. If ~~the~~ a required bid  
 25.13 guarantee payment is not submitted with the signed permit, no harvesting may occur, the  
 25.14 permit cancels, and the down payment for timber forfeits to the state. The bid guarantee  
 25.15 payment forfeits to the state if the purchaser and successors in interest fail to execute  
 25.16 an effective permit.

25.17 Sec. 43. Minnesota Statutes 2008, section 103A.305, is amended to read:

25.18 **103A.305 JURISDICTION.**

25.19 Sections 103A.301 to 103A.341 apply if the decision of an agency in a proceeding  
 25.20 involves a question of water policy in one or more of the areas of water conservation, water  
 25.21 pollution, preservation and management of wildlife, drainage, soil conservation, public  
 25.22 recreation, forest management, and municipal planning under section 97A.135; 103A.411;  
 25.23 103E.011; 103E.015; 103G.245; 103G.261; 103G.271; 103G.275; 103G.281; ~~103G.295;~~  
 25.24 ~~subdivisions 1 and 2;~~ 103G.287; 103G.297 to 103G.311; 103G.315, subdivisions 1, 10,  
 25.25 11, and 12; 103G.401; 103G.405; 103I.681, subdivision 1; 115.04; or 115.05.

25.26 Sec. 44. Minnesota Statutes 2008, section 103F.325, is amended by adding a  
 25.27 subdivision to read:

25.28 Subd. 6. **District boundary adjustments.** (a) Notwithstanding subdivision 1, the  
 25.29 commissioner may, by written order, amend the boundary of the designated area according  
 25.30 to this subdivision. At least 30 days prior to issuing the order, the commissioner must  
 25.31 give notice of the proposed boundary amendment to the local governmental unit and  
 25.32 property owners in the designated area directly affected by the amendment and publish  
 25.33 notice in an official newspaper of general circulation in the county. The commissioner  
 25.34 must consider comments received on the proposed boundary amendment and must make

26.1 findings and issue a written order. The findings must address the consistency of the  
26.2 proposed amendment with the values for which the river was included in the system, and  
26.3 potential impacts to the scenic, recreational, natural, historical, and scientific values of the  
26.4 land and water within the designated area.

26.5 (b) The commissioner's order is effective 30 days after issuing the order. Before  
26.6 the effective date, a local unit of government with jurisdiction in the affected area may  
26.7 contest the order under chapter 14.

26.8 (c) Boundary amendments under this subdivision remain subject to the acreage  
26.9 limitations in this section.

26.10 Sec. 45. Minnesota Statutes 2008, section 103F.335, subdivision 1, is amended to read:

26.11 Subdivision 1. **Compliance of ordinances with system.** (a) Within six months after  
26.12 establishment of a wild, scenic, or recreational river system, or within six months after  
26.13 revision of the management plan, each local governmental unit with jurisdiction over a  
26.14 portion of the system shall adopt or amend its ordinances and land use district maps  
26.15 to the extent necessary to substantially comply with the standards and criteria of the  
26.16 commissioner and the management plan.

26.17 (b) If a local government fails to adopt ~~adequate~~ substantially compliant ordinances,  
26.18 maps, or amendments within six months, the commissioner shall adopt the ordinances,  
26.19 maps, or amendments in the manner and with the effect specified in section 103F.215.

26.20 (c) The commissioner shall assist local governments in the preparation,  
26.21 implementation, and enforcement of the ordinances.

26.22 Sec. 46. Minnesota Statutes 2009 Supplement, section 103G.201, is amended to read:

26.23 **103G.201 PUBLIC WATERS INVENTORY.**

26.24 (a) The commissioner shall maintain a public waters inventory map of each county  
26.25 that shows the waters of this state that are designated as public waters under the public  
26.26 waters inventory and classification procedures prescribed under Laws 1979, chapter  
26.27 199, and shall provide access to a copy of the maps ~~and lists~~. As county public waters  
26.28 inventory maps ~~and lists~~ are revised according to this section, the commissioner shall send  
26.29 a notification or a copy of the maps ~~and lists~~ to the auditor of each affected county.

26.30 (b) The commissioner is authorized to revise the ~~list~~ map of public waters established  
26.31 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously  
26.32 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as  
26.33 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify  
26.34 public waters wetlands as public waters if:

27.1 (1) they are assigned a shoreland management classification by the commissioner  
27.2 under sections 103F.201 to 103F.221;

27.3 (2) they are classified as lacustrine wetlands or deepwater habitats according to  
27.4 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin,  
27.5 et al., 1979 edition); or

27.6 (3) the state or federal government has become titleholder to any of the beds or  
27.7 shores of the public waters wetlands, subsequent to the preparation of the public waters  
27.8 inventory map filed with the auditor of the county, pursuant to paragraph (a), and the  
27.9 responsible state or federal agency declares that the water is necessary for the purposes  
27.10 of the public ownership.

27.11 (c) The commissioner must provide notice of the reclassification to the local  
27.12 government unit, the county board, the watershed district, if one exists for the area, and  
27.13 the soil and water conservation district. Within 60 days of receiving notice from the  
27.14 commissioner, a party required to receive the notice may provide a resolution stating  
27.15 objections to the reclassification. If the commissioner receives an objection from a party  
27.16 required to receive the notice, the reclassification is not effective. If the commissioner does  
27.17 not receive an objection from a party required to receive the notice, the reclassification  
27.18 of a wetland under paragraph (b) is effective 60 days after the notice is received by all  
27.19 of the parties.

27.20 (d) The commissioner shall give priority to the reclassification of public waters  
27.21 wetlands that are or have the potential to be affected by public works projects.

27.22 (e) The commissioner may revise the public waters inventory map ~~and list~~ of each  
27.23 county:

27.24 (1) to reflect the changes authorized in paragraph (b); and

27.25 (2) as needed, to:

27.26 (i) correct errors in the original inventory;

27.27 (ii) add or subtract trout stream tributaries within sections that contain a designated  
27.28 trout stream following written notice to the landowner;

27.29 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds  
27.30 50 acres and the shoreland has been zoned for residential development; and

27.31 (iv) add or subtract public waters that have been created or eliminated as a  
27.32 requirement of a permit authorized by the commissioner under section 103G.245.

27.33 Sec. 47. Minnesota Statutes 2008, section 103G.271, subdivision 3, is amended to read:

27.34 Subd. 3. **Permit restriction during summer months.** The commissioner must not  
27.35 modify or restrict the amount of appropriation from a groundwater source authorized in a

28.1 water use permit issued to irrigate agricultural land ~~under section 103G.295, subdivision~~  
28.2 ~~2~~, between May 1 and October 1, unless the commissioner determines the authorized  
28.3 amount of appropriation endangers a domestic water supply.

28.4 Sec. 48. **[103G.282] MONITORING TO EVALUATE IMPACTS FROM**  
28.5 **APPROPRIATIONS.**

28.6 Subdivision 1. **Monitoring equipment.** The commissioner may require the  
28.7 installation and maintenance of monitoring equipment to evaluate water resource impacts  
28.8 from permitted appropriations and proposed projects that require a permit. Monitoring for  
28.9 water resources that supply more than one appropriator must be designed to minimize  
28.10 costs to individual appropriators.

28.11 Subd. 2. **Measuring devices required.** Monitoring installations required under  
28.12 subdivision 1 must be equipped with automated measuring devices to measure water  
28.13 levels, flows, or conditions. The commissioner may determine the frequency of  
28.14 measurements and other measuring methods based on the quantity of water appropriated  
28.15 or used, the source of water, potential connections to other water resources, the method  
28.16 of appropriating or using water, seasonal and long-term changes in water levels, and any  
28.17 other facts supplied to the commissioner.

28.18 Subd. 3. **Reports and costs.** (a) Records of water measurements under subdivision  
28.19 2 must be kept for each installation. The measurements must be reported annually to the  
28.20 commissioner on or before February 15 of the following year in a format or on forms  
28.21 prescribed by the commissioner.

28.22 (b) The owner or person in charge of an installation for appropriating or using  
28.23 waters of the state or a proposal that requires a permit is responsible for all costs related  
28.24 to establishing and maintaining monitoring installations and to measuring and reporting  
28.25 data. Monitoring costs for water resources that supply more than one appropriator may be  
28.26 distributed among all users within a monitoring area determined by the commissioner and  
28.27 assessed based on volumes of water appropriated and proximity to resources of concern.

28.28 Sec. 49. Minnesota Statutes 2008, section 103G.285, subdivision 5, is amended to read:

28.29 Subd. 5. **Trout streams.** Permits issued after June 3, 1977, to appropriate water  
28.30 from streams designated trout streams by the commissioner's orders under section ~~97C.021~~  
28.31 97C.005 must be limited to temporary appropriations.

28.32 Sec. 50. **[103G.287] GROUNDWATER APPROPRIATIONS.**

29.1 Subdivision 1. **Applications for groundwater appropriations.** (a) Groundwater  
29.2 use permit applications are not complete until the applicant has supplied:

29.3 (1) a water well record as required by section 103I.205, subdivision 9, information  
29.4 on the subsurface geologic formations penetrated by the well and the formation or aquifer  
29.5 that will serve as the water source, and geologic information from test holes drilled to  
29.6 locate the site of the production well;

29.7 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being  
29.8 requested;

29.9 (3) information on groundwater quality in terms of the measures of quality  
29.10 commonly specified for the proposed water use and details on water treatment necessary  
29.11 for the proposed use;

29.12 (4) an inventory of existing wells within 1-1/2 miles of the proposed production well  
29.13 or within the area of influence, as determined by the commissioner. The inventory must  
29.14 include information on well locations, depths, geologic formations, depth of the pump or  
29.15 intake, pumping and nonpumping water levels, and details of well construction; and

29.16 (5) the results of an aquifer test completed according to specifications approved by  
29.17 the commissioner. The test must be conducted at the maximum pumping rate requested  
29.18 in the application and for a length of time adequate to assess or predict impacts to other  
29.19 wells and surface water and groundwater resources. The permit applicant is responsible  
29.20 for all costs related to the aquifer test, including the construction of groundwater and  
29.21 surface water monitoring installations, and water level readings before, during, and after  
29.22 the aquifer test.

29.23 (b) The commissioner may waive an application requirement in this subdivision  
29.24 if the information provided with the application is adequate to determine whether the  
29.25 proposed appropriation and use of water is sustainable and will protect ecosystems, water  
29.26 quality, and the ability of future generations to meet their own needs.

29.27 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations  
29.28 that have potential impacts to surface waters are subject to applicable provisions in  
29.29 section 103G.285.

29.30 Subd. 3. **Protection of groundwater supplies.** The commissioner may establish  
29.31 water appropriation limits to protect groundwater resources. When establishing water  
29.32 appropriation limits to protect groundwater resources, the commissioner must consider  
29.33 the sustainability of the groundwater resource, including the current and projected water  
29.34 levels, water quality, whether the use protects ecosystems, and the ability of future  
29.35 generations to meet their own needs.

30.1            Subd. 4. **Groundwater management areas.** The commissioner may designate  
30.2 groundwater management areas and limit total annual water appropriations and uses within  
30.3 a designated area to ensure sustainable use of groundwater that protects ecosystems, water  
30.4 quality, and the ability of future generations to meet their own needs. Water appropriations  
30.5 and uses within a designated management area must be consistent with a plan approved by  
30.6 the commissioner that addresses water conservation requirements and water allocation  
30.7 priorities established in section 103G.261.

30.8            Subd. 5. **Interference with other wells.** The commissioner may issue water use  
30.9 permits for appropriation from groundwater only if the commissioner determines that the  
30.10 groundwater use is sustainable to supply the needs of future generations and the proposed  
30.11 use will not harm ecosystems, degrade water, or reduce water levels beyond the reach  
30.12 of public water supply and private domestic wells constructed according to Minnesota  
30.13 Rules, chapter 4725.

30.14            Sec. 51. Minnesota Statutes 2008, section 103G.301, subdivision 6, is amended to read:

30.15            Subd. 6. **Filing application.** ~~(a)~~ An application for a permit must be filed with the  
30.16 commissioner and if the proposed activity for which the permit is requested is within a  
30.17 municipality, or is within or affects a watershed district or a soil and water conservation  
30.18 district, a copy of the application with maps, plans, and specifications must be served on  
30.19 the mayor of the municipality, the secretary of the board of managers of the watershed  
30.20 district, and the secretary of the board of supervisors of the soil and water conservation  
30.21 district.

30.22            ~~(b) If the application is required to be served on a local governmental unit under~~  
30.23 ~~this subdivision, proof of service must be included with the application and filed with~~  
30.24 ~~the commissioner.~~

30.25            Sec. 52. Minnesota Statutes 2008, section 103G.305, subdivision 2, is amended to read:

30.26            Subd. 2. **Exception.** The requirements of subdivision 1 do not apply to applications  
30.27 for a water use permit for:

30.28            ~~(1) appropriations from waters of the state for irrigation, under section 103G.295;~~

30.29            ~~(2)~~ appropriations for diversion from the basin of origin of more than 2,000,000  
30.30 gallons per day average in a 30-day period; or

30.31            ~~(3)~~ (2) appropriations with a consumptive use of more than 2,000,000 gallons per  
30.32 day average for a 30-day period.

31.1 Sec. 53. Minnesota Statutes 2008, section 103G.315, subdivision 11, is amended to  
31.2 read:

31.3 Subd. 11. **Limitations on permits.** (a) Except as otherwise expressly provided by  
31.4 law, a permit issued by the commissioner under this chapter is subject to:

31.5 (1) cancellation by the commissioner at any time if necessary to protect the public  
31.6 interests;

31.7 (2) further conditions on the term of the permit or its cancellation as the  
31.8 commissioner may prescribe and amend and reissue the permit; and

31.9 (3) applicable law existing before or after the issuance of the permit.

31.10 (b) Permits issued to irrigate agricultural land ~~under section 103G.295, or considered~~  
31.11 ~~issued~~, are subject to this subdivision and are subject to cancellation by the commissioner  
31.12 upon the recommendation of the supervisors of the soil and water conservation district  
31.13 where the land to be irrigated is located.

31.14 Sec. 54. Minnesota Statutes 2008, section 103G.515, subdivision 5, is amended to read:

31.15 Subd. 5. **Removal of hazardous dams.** Notwithstanding any provision of  
31.16 this section or of section 103G.511 relating to cost sharing or apportionment, the  
31.17 commissioner, within the limits of legislative appropriation, may assume or pay the entire  
31.18 cost of removal of a privately or publicly owned dam upon determining removal provides  
31.19 the lowest cost solution and:

31.20 (1) that continued existence of the structure presents a significant public safety  
31.21 hazard, or prevents restoration of an important fisheries resource; or

31.22 (2) that public or private property is being damaged due to partial failure of the  
31.23 structure, and that an attempt to assess costs of removal against the private or public  
31.24 owner would be of no avail.

31.25 Sec. 55. **[103G.651] REMOVING SUNKEN LOGS FROM PUBLIC WATERS.**

31.26 The commissioner of natural resources must not issue leases to remove sunken logs  
31.27 or issue permits for the removal of sunken logs from public waters.

31.28 Sec. 56. Minnesota Statutes 2008, section 115.55, is amended by adding a subdivision  
31.29 to read:

31.30 Subd. 13. **Subsurface sewage treatment systems implementation and**  
31.31 **enforcement task force.** (a) By September 1, 2010, the agency shall appoint a subsurface  
31.32 sewage treatment systems implementation and enforcement task force in collaboration  
31.33 with the Association of Minnesota Counties, Minnesota Association of Realtors,

32.1 Minnesota Association of County Planning and Zoning Administrators, and the Minnesota  
32.2 Onsite Wastewater Association. The agency shall work in collaboration with the task  
32.3 force to develop effective and timely implementation and enforcement methods in order to  
32.4 rapidly reduce the number of subsurface sewage treatment systems that are an imminent  
32.5 threat to public health or safety and effectively enforce all violations of the subsurface  
32.6 sewage treatment system rules. The agency shall meet at least three times per year with  
32.7 the task force to address implementation and enforcement issues. The meetings shall be  
32.8 scheduled so that they do not interfere with the construction season.

32.9 (b) The agency, in collaboration with the task force and in consultation with the  
32.10 attorney general, county attorneys, and county planning and zoning staff, shall develop,  
32.11 periodically update, and provide to counties enforcement protocols and a checklist that  
32.12 county inspectors, field staff, and others may use when inspecting subsurface sewage  
32.13 treatment systems and enforcing subsurface sewage treatment system rules.

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

32.15 Sec. 57. Minnesota Statutes 2008, section 116.07, subdivision 4, is amended to read:

32.16 Subd. 4. **Rules and standards.** Pursuant and subject to the provisions of chapter 14,  
32.17 and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind  
32.18 rules and standards having the force of law relating to any purpose within the provisions  
32.19 of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution.  
32.20 Any such rule or standard may be of general application throughout the state, or may be  
32.21 limited as to times, places, circumstances, or conditions in order to make due allowance  
32.22 for variations therein. Without limitation, rules or standards may relate to sources or  
32.23 emissions of air contamination or air pollution, to the quality or composition of such  
32.24 emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or  
32.25 to any other matter relevant to the prevention, abatement, or control of air pollution.

32.26 Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the  
32.27 Pollution Control Agency may adopt, amend, and rescind rules and standards having  
32.28 the force of law relating to any purpose within the provisions of Laws 1969, chapter  
32.29 1046, for the collection, transportation, storage, processing, and disposal of solid waste  
32.30 and the prevention, abatement, or control of water, air, and land pollution which may be  
32.31 related thereto, and the deposit in or on land of any other material that may tend to cause  
32.32 pollution. The agency shall adopt such rules and standards for sewage sludge, addressing  
32.33 the intrinsic suitability of land, the volume and rate of application of sewage sludge of  
32.34 various degrees of intrinsic hazard, design of facilities, and operation of facilities and sites.  
32.35 Any such rule or standard may be of general application throughout the state or may be



33.1 limited as to times, places, circumstances, or conditions in order to make due allowance  
33.2 for variations therein. Without limitation, rules or standards may relate to collection,  
33.3 transportation, processing, disposal, equipment, location, procedures, methods, systems  
33.4 or techniques or to any other matter relevant to the prevention, abatement or control of  
33.5 water, air, and land pollution which may be advised through the control of collection,  
33.6 transportation, processing, and disposal of solid waste and sewage sludge, and the deposit  
33.7 in or on land of any other material that may tend to cause pollution. By January 1, 1983,  
33.8 the rules for the management of sewage sludge shall include an analysis of the sewage  
33.9 sludge determined by the commissioner of agriculture to be necessary to meet the soil  
33.10 amendment labeling requirements of section 18C.215. The rules for the disposal of  
33.11 solid waste shall include site-specific criteria to prohibit solid waste disposal based on  
33.12 the area's sensitivity to groundwater contamination, including site-specific testing. The  
33.13 rules shall provide criteria to prohibit locating landfills based on a site's sensitivity to  
33.14 groundwater contamination. Sensitivity to groundwater contamination is based on the  
33.15 predicted minimum time of travel of groundwater contaminants from the solid waste to  
33.16 the compliance boundary. The rules shall prohibit landfills in areas where karst is likely  
33.17 to develop. The rules shall specify testable or otherwise objective thresholds for these  
33.18 criteria. The rules shall also include modifications to financial assurance requirements  
33.19 under subdivision 4h that ensure the state is protected from financial responsibility for  
33.20 future groundwater contamination. The financial assurance and siting modifications to the  
33.21 rules specified in this act do not apply to solid waste facilities initially permitted before  
33.22 January 1, 2011, including future contiguous expansions and noncontiguous expansions  
33.23 within 600 yards of a permitted boundary. The rule modification shall not affect solid  
33.24 waste disposal facilities that accept only construction and demolition debris and incidental  
33.25 nonrecyclable packaging, and facilities that accept only industrial waste that is limited  
33.26 to wood, concrete, porcelain fixtures, shingles, or window glass resulting from the  
33.27 manufacture of construction materials. The rule amendment shall not require new siting or  
33.28 financial assurance requirements for permit by rule solid waste disposal facilities. Until  
33.29 the rules are modified to include site-specific criteria to prohibit areas from solid waste  
33.30 disposal due to groundwater contamination sensitivity, as required under this section, the  
33.31 agency shall not issue a permit for a new solid waste disposal facility, except for:

33.32 (1) the reissuance of a permit for a land disposal facility operating as of March  
33.33 1, 2008;

33.34 (2) a permit to expand a land disposal facility operating as of March 1, 2008, beyond  
33.35 its permitted boundaries, including expansion on land that is not contiguous to, but is  
33.36 located within 600 yards of, the land disposal facility's permitted boundaries;

34.1 (3) a permit to modify the type of waste accepted at a land disposal facility operating  
34.2 as of March 1, 2008;

34.3 (4) a permit to locate a disposal facility that accepts only construction debris as  
34.4 defined in section 115A.03, subdivision 7;

34.5 (5) a permit to locate a disposal facility that:

34.6 (i) accepts boiler ash from an electric energy power plant that has wet scrubbed units  
34.7 or has units that have been converted from wet scrubbed units to dry scrubbed units as  
34.8 those terms are defined in section 216B.68;

34.9 (ii) is on land that was owned on May 1, 2008, by the utility operating the electric  
34.10 energy power plant; and

34.11 (iii) is located within three miles of the existing ash disposal facility for the power  
34.12 plant; or

34.13 (6) a permit to locate a new solid waste disposal facility for ferrous metallic minerals  
34.14 regulated under Minnesota Rules, chapter 6130, or for nonferrous metallic minerals  
34.15 regulated under Minnesota Rules, chapter 6132.

34.16 Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the  
34.17 Pollution Control Agency may adopt, amend and rescind rules and standards having the  
34.18 force of law relating to any purpose within the provisions of Laws 1971, chapter 727, for  
34.19 the prevention, abatement, or control of noise pollution. Any such rule or standard may  
34.20 be of general application throughout the state, or may be limited as to times, places,  
34.21 circumstances or conditions in order to make due allowances for variations therein.

34.22 Without limitation, rules or standards may relate to sources or emissions of noise or noise  
34.23 pollution, to the quality or composition of noises in the natural environment, or to any  
34.24 other matter relevant to the prevention, abatement, or control of noise pollution.

34.25 As to any matters subject to this chapter, local units of government may set emission  
34.26 regulations with respect to stationary sources which are more stringent than those set  
34.27 by the Pollution Control Agency.

34.28 Pursuant to chapter 14, the Pollution Control Agency may adopt, amend, and rescind  
34.29 rules and standards having the force of law relating to any purpose within the provisions of  
34.30 this chapter for generators of hazardous waste, the management, identification, labeling,  
34.31 classification, storage, collection, treatment, transportation, processing, and disposal  
34.32 of hazardous waste and the location of hazardous waste facilities. A rule or standard  
34.33 may be of general application throughout the state or may be limited as to time, places,  
34.34 circumstances, or conditions. In implementing its hazardous waste rules, the Pollution  
34.35 Control Agency shall give high priority to providing planning and technical assistance  
34.36 to hazardous waste generators. The agency shall assist generators in investigating the

35.1 availability and feasibility of both interim and long-term hazardous waste management  
35.2 methods. The methods shall include waste reduction, waste separation, waste processing,  
35.3 resource recovery, and temporary storage.

35.4 The Pollution Control Agency shall give highest priority in the consideration of  
35.5 permits to authorize disposal of diseased shade trees by open burning at designated sites to  
35.6 evidence concerning economic costs of transportation and disposal of diseased shade trees  
35.7 by alternative methods.

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

35.9 Sec. 58. Minnesota Statutes 2008, section 116.07, subdivision 4h, is amended to read:

35.10 Subd. 4h. **Financial responsibility rules.** (a) The agency shall adopt rules requiring  
35.11 the operator or owner of a solid waste disposal facility to submit to the agency proof of the  
35.12 operator's or owner's financial capability to provide reasonable and necessary response  
35.13 during the operating life of the facility and for a minimum of 30 years after closure for a  
35.14 mixed municipal solid waste disposal facility or for a minimum of 20 years after closure,  
35.15 as determined by agency rules, for any other solid waste disposal facility, and to provide  
35.16 for the closure of the facility and postclosure care required under agency rules. Proof of  
35.17 financial responsibility is required of the operator or owner of a facility receiving an  
35.18 original permit or a permit for expansion after adoption of the rules. Within 180 days of  
35.19 the effective date of the rules or by July 1, 1987, whichever is later, proof of financial  
35.20 responsibility is required of an operator or owner of a facility with a remaining capacity of  
35.21 more than five years or 500,000 cubic yards that is in operation at the time the rules are  
35.22 adopted. Compliance with the rules and the requirements of paragraph (b) is a condition  
35.23 of obtaining or retaining a permit to operate the facility.

35.24 (b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary  
35.25 district, that owns or operates a solid waste disposal facility that was in operation on May  
35.26 15, 1989, may meet its financial responsibility for all or a portion of the contingency  
35.27 action portion of the reasonable and necessary response costs at the facility by pledging its  
35.28 full faith and credit to meet its responsibility.

35.29 The pledge must be made in accordance with the requirements in chapter 475 for  
35.30 issuing bonds of the municipality, and the following additional requirements:

35.31 (1) The governing body of the municipality shall enact an ordinance that clearly  
35.32 accepts responsibility for the costs of contingency action at the facility and that reserves,  
35.33 during the operating life of the facility and for the time period required in paragraph (a)  
35.34 after closure, a portion of the debt limit of the municipality, as established under section  
35.35 475.53 or other law, that is equal to the total contingency action costs.

36.1 (2) The municipality shall require that all collectors that haul to the facility  
36.2 implement a plan for reducing solid waste by using volume-based pricing, recycling  
36.3 incentives, or other means.

36.4 (3) When a municipality opts to meet a portion of its financial responsibility by  
36.5 relying on its authority to issue bonds, it shall also begin setting aside in a dedicated  
36.6 long-term care trust fund money that will cover a portion of the potential contingency  
36.7 action costs at the facility, the amount to be determined by the agency for each facility  
36.8 based on at least the amount of waste deposited in the disposal facility each year, and the  
36.9 likelihood and potential timing of conditions arising at the facility that will necessitate  
36.10 response action. The agency may not require a municipality to set aside more than five  
36.11 percent of the total cost in a single year.

36.12 (4) A municipality shall have and consistently maintain an investment grade bond  
36.13 rating as a condition of using bonding authority to meet financial responsibility under  
36.14 this section.

36.15 (5) The municipality shall file with the commissioner of revenue its consent to have  
36.16 the amount of its contingency action costs deducted from state aid payments otherwise  
36.17 due the municipality and paid instead to the remediation fund created in section 116.155,  
36.18 if the municipality fails to conduct the contingency action at the facility when ordered  
36.19 by the agency. If the agency notifies the commissioner that the municipality has failed to  
36.20 conduct contingency action when ordered by the agency, the commissioner shall deduct  
36.21 the amounts indicated by the agency from the state aids in accordance with the consent  
36.22 filed with the commissioner.

36.23 (6) The municipality shall file with the agency written proof that it has complied  
36.24 with the requirements of paragraph (b).

36.25 (c) The method for proving financial responsibility under paragraph (b) may not be  
36.26 applied to a new solid waste disposal facility or to expansion of an existing facility, unless  
36.27 the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities  
36.28 cannot be permitted for a duration of longer than three years.

36.29 (d) The commissioner shall consult with the commissioner of management and  
36.30 budget for guidance on the forms of financial assurance that are acceptable for private  
36.31 owners and public owners, and in carrying out a periodic review of the adequacy of  
36.32 financial assurance for solid waste disposal facilities. Financial assurance rules shall  
36.33 allow financial mechanisms to public owners of solid waste disposal facilities that are  
36.34 appropriate to their status as subdivisions of the state.

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

37.1 Sec. 59. Minnesota Statutes 2008, section 116D.04, subdivision 2a, is amended to read:

37.2 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
37.3 effects resulting from any major governmental action, the action shall be preceded by a  
37.4 detailed environmental impact statement prepared by the responsible governmental unit.

37.5 The environmental impact statement shall be an analytical rather than an encyclopedic  
37.6 document which describes the proposed action in detail, analyzes its significant  
37.7 environmental impacts, discusses appropriate alternatives to the proposed action and  
37.8 their impacts, and explores methods by which adverse environmental impacts of an  
37.9 action could be mitigated. The environmental impact statement shall also analyze those  
37.10 economic, employment and sociological effects that cannot be avoided should the action  
37.11 be implemented. To ensure its use in the decision-making process, the environmental  
37.12 impact statement shall be prepared as early as practical in the formulation of an action.  
37.13 No mandatory environmental impact statement may be required for an ethanol plant,  
37.14 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than  
37.15 125,000,000 gallons of ethanol annually and is located outside of the seven-county  
37.16 metropolitan area.

37.17 (a) The board shall by rule establish categories of actions for which environmental  
37.18 impact statements and for which environmental assessment worksheets shall be prepared  
37.19 as well as categories of actions for which no environmental review is required under  
37.20 this section.

37.21 (b) The responsible governmental unit shall promptly publish notice of the  
37.22 completion of an environmental assessment worksheet in a manner to be determined by  
37.23 the board and shall provide copies of the environmental assessment worksheet to the board  
37.24 and its member agencies. Comments on the need for an environmental impact statement  
37.25 may be submitted to the responsible governmental unit during a 30 day period following  
37.26 publication of the notice that an environmental assessment worksheet has been completed.  
37.27 The responsible governmental unit's decision on the need for an environmental impact  
37.28 statement shall be based on the environmental assessment worksheet and the comments  
37.29 received during the comment period, and shall be made within 15 days after the close of  
37.30 the comment period. The board's chair may extend the 15 day period by not more than 15  
37.31 additional days upon the request of the responsible governmental unit.

37.32 (c) An environmental assessment worksheet shall also be prepared for a proposed  
37.33 action whenever material evidence accompanying a petition by not less than 25  
37.34 individuals, submitted before the proposed project has received final approval by the  
37.35 appropriate governmental units, demonstrates that, because of the nature or location of a  
37.36 proposed action, there may be potential for significant environmental effects. Petitions

38.1 requesting the preparation of an environmental assessment worksheet shall be submitted to  
38.2 the board. The chair of the board shall determine the appropriate responsible governmental  
38.3 unit and forward the petition to it. A decision on the need for an environmental assessment  
38.4 worksheet shall be made by the responsible governmental unit within 15 days after the  
38.5 petition is received by the responsible governmental unit. The board's chair may extend  
38.6 the 15 day period by not more than 15 additional days upon request of the responsible  
38.7 governmental unit.

38.8 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
38.9 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
38.10 review under this chapter and rules of the board, if:

38.11 (1) the proposed action is:

38.12 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

38.13 (ii) an expansion of an existing animal feedlot facility with a total cumulative  
38.14 capacity of less than 1,000 animal units;

38.15 (2) the application for the animal feedlot facility includes a written commitment by  
38.16 the proposer to design, construct, and operate the facility in full compliance with Pollution  
38.17 Control Agency feedlot rules; and

38.18 (3) the county board holds a public meeting for citizen input at least ten business  
38.19 days prior to the Pollution Control Agency or county issuing a feedlot permit for the  
38.20 animal feedlot facility unless another public meeting for citizen input has been held with  
38.21 regard to the feedlot facility to be permitted. The exemption in this paragraph is in  
38.22 addition to other exemptions provided under other law and rules of the board.

38.23 (e) The board may, prior to final approval of a proposed project, require preparation  
38.24 of an environmental assessment worksheet by a responsible governmental unit selected  
38.25 by the board for any action where environmental review under this section has not been  
38.26 specifically provided for by rule or otherwise initiated.

38.27 (f) An early and open process shall be utilized to limit the scope of the environmental  
38.28 impact statement to a discussion of those impacts, which, because of the nature or location  
38.29 of the project, have the potential for significant environmental effects. The same process  
38.30 shall be utilized to determine the form, content and level of detail of the statement as well  
38.31 as the alternatives which are appropriate for consideration in the statement. In addition,  
38.32 the permits which will be required for the proposed action shall be identified during the  
38.33 scoping process. Further, the process shall identify those permits for which information  
38.34 will be developed concurrently with the environmental impact statement. The board  
38.35 shall provide in its rules for the expeditious completion of the scoping process. The

39.1 determinations reached in the process shall be incorporated into the order requiring the  
39.2 preparation of an environmental impact statement.

39.3 (g) The responsible governmental unit shall, to the extent practicable, avoid  
39.4 duplication and ensure coordination between state and federal environmental review  
39.5 and between environmental review and environmental permitting. Whenever practical,  
39.6 information needed by a governmental unit for making final decisions on permits or  
39.7 other actions required for a proposed project shall be developed in conjunction with the  
39.8 preparation of an environmental impact statement.

39.9 (h) An environmental impact statement shall be prepared and its adequacy  
39.10 determined within 280 days after notice of its preparation unless the time is extended by  
39.11 consent of the parties or by the governor for good cause. The responsible governmental  
39.12 unit shall determine the adequacy of an environmental impact statement, unless within 60  
39.13 days after notice is published that an environmental impact statement will be prepared,  
39.14 the board chooses to determine the adequacy of an environmental impact statement. If an  
39.15 environmental impact statement is found to be inadequate, the responsible governmental  
39.16 unit shall have 60 days to prepare an adequate environmental impact statement.

39.17 Sec. 60. Minnesota Statutes 2008, section 116D.04, is amended by adding a  
39.18 subdivision to read:

39.19 Subd. 14. **Customized environmental assessment worksheet forms; electronic**  
39.20 **submission.** (a) The commissioners of natural resources and the Pollution Control  
39.21 Agency and the board shall periodically review mandatory environmental assessment  
39.22 worksheet categories under rules adopted under this section, and other project types that  
39.23 are frequently subject to environmental review, and develop customized environmental  
39.24 assessment worksheet forms for the category or project type. The forms must include  
39.25 specific questions that focus on key environmental issues for the category or project type.  
39.26 In assessing categories and project types and developing forms, the board shall seek  
39.27 the input of governmental units that are frequently responsible for the preparation of a  
39.28 worksheet for the particular category or project type. The commissioners and the board  
39.29 shall also seek input from the general public on the development of customized forms.  
39.30 The commissioners and board shall make the customized forms available online.

39.31 (b) The commissioners of natural resources and the Pollution Control Agency shall  
39.32 allow for the electronic submission of environmental assessment worksheets and permits.

39.33 Sec. 61. Minnesota Statutes 2008, section 290.431, is amended to read:

39.34 **290.431 NONGAME WILDLIFE CHECKOFF.**

40.1 Every individual who files an income tax return or property tax refund claim form  
40.2 may designate on their original return that \$1 or more shall be added to the tax or deducted  
40.3 from the refund that would otherwise be payable by or to that individual and paid into an  
40.4 account to be established for the management of nongame wildlife. The commissioner  
40.5 of revenue shall, on the income tax return and the property tax refund claim form, notify  
40.6 filers of their right to designate that a portion of their tax or refund shall be paid into  
40.7 the nongame wildlife management account. The sum of the amounts so designated to  
40.8 be paid shall be credited to the nongame wildlife management account for use by the  
40.9 nongame program ~~of the section of wildlife~~ in the Department of Natural Resources. All  
40.10 interest earned on money accrued, gifts to the program, contributions to the program, and  
40.11 reimbursements of expenditures in the nongame wildlife management account shall be  
40.12 credited to the account by the commissioner of management and budget, except that  
40.13 gifts or contributions received directly by the commissioner of natural resources and  
40.14 directed by the contributor for use in specific nongame field projects or geographic  
40.15 areas shall be handled according to section 84.085, subdivision 1. The commissioner  
40.16 of natural resources shall submit a work program for each fiscal year and semiannual  
40.17 progress reports to the Legislative-Citizen Commission on Minnesota Resources in the  
40.18 form determined by the commission. ~~None of the money provided in this section may be  
40.19 expended unless the commission has approved the work program.~~

40.20 The state pledges and agrees with all contributors to the nongame wildlife  
40.21 management account to use the funds contributed solely for the management of nongame  
40.22 wildlife projects and further agrees that it will not impose additional conditions or  
40.23 restrictions that will limit or otherwise restrict the ability of the commissioner of natural  
40.24 resources to use the available funds for the most efficient and effective management of  
40.25 nongame wildlife. The commissioner may use funds appropriated for nongame wildlife  
40.26 programs for the purpose of developing, preserving, restoring, and maintaining wintering  
40.27 habitat for neotropical migrant birds in Latin America and the Caribbean under agreement  
40.28 or contract with any nonprofit organization dedicated to the construction, maintenance, and  
40.29 repair of such projects that are acceptable to the governmental agency having jurisdiction  
40.30 over the land and water affected by the projects. Under this authority, the commissioner  
40.31 may execute agreements and contracts if the commissioner determines that the use of the  
40.32 funds will benefit neotropical migrant birds that breed in or migrate through the state.

40.33 Sec. 62. Minnesota Statutes 2008, section 290.432, is amended to read:

40.34 **290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.**



41.1 A corporation that files an income tax return may designate on its original return that  
41.2 \$1 or more shall be added to the tax or deducted from the refund that would otherwise be  
41.3 payable by or to that corporation and paid into the nongame wildlife management account  
41.4 established by section 290.431 for use by ~~the section of wildlife in~~ the Department of  
41.5 Natural Resources for its nongame wildlife program. The commissioner of revenue shall,  
41.6 on the corporate tax return, notify filers of their right to designate that a portion of their  
41.7 tax return be paid into the nongame wildlife management account for the protection of  
41.8 endangered natural resources. All interest earned on money accrued, gifts to the program,  
41.9 contributions to the program, and reimbursements of expenditures in the nongame wildlife  
41.10 management account shall be credited to the account by the commissioner of management  
41.11 and budget, except that gifts or contributions received directly by the commissioner of  
41.12 natural resources and directed by the contributor for use in specific nongame field projects  
41.13 or geographic areas shall be handled according to section 84.085, subdivision 1. The  
41.14 commissioner of natural resources shall submit a work program for each fiscal year to  
41.15 the Legislative-Citizen Commission on Minnesota Resources in the form determined by  
41.16 the commission. ~~None of the money provided in this section may be spent unless the~~  
41.17 ~~commission has approved the work program.~~

41.18 The state pledges and agrees with all corporate contributors to the nongame wildlife  
41.19 account to use the funds contributed solely for the nongame wildlife program and further  
41.20 agrees that it will not impose additional conditions or restrictions that will limit or  
41.21 otherwise restrict the ability of the commissioner of natural resources to use the available  
41.22 funds for the most efficient and effective management of those programs.

41.23 Sec. 63. Laws 2005, chapter 156, article 2, section 45, as amended by Laws 2007,  
41.24 chapter 148, article 2, section 73, and Laws 2009, chapter 37, article 1, section 59, is  
41.25 amended to read:

41.26 **Sec. 45. SALE OF STATE LAND.**

41.27 Subdivision 1. **State land sales.** The commissioner of administration shall  
41.28 coordinate with the head of each department or agency having control of state-owned land  
41.29 to identify and sell at least \$6,440,000 of state-owned land. Sales should be completed  
41.30 according to law and as provided in this section as soon as practicable but no later than  
41.31 June 30, ~~2011~~ 2012. Notwithstanding Minnesota Statutes, sections 16B.281 and 16B.282,  
41.32 94.09 and 94.10, or any other law to the contrary, the commissioner may offer land  
41.33 for public sale by only providing notice of lands or an offer of sale of lands to state  
41.34 departments or agencies, the University of Minnesota, cities, counties, towns, school  
41.35 districts, or other public entities.

42.1 Subd. 2. **Anticipated savings.** Notwithstanding Minnesota Statutes, section  
42.2 94.16, subdivision 3, or other law to the contrary, the amount of the proceeds from the  
42.3 sale of land under this section that exceeds the actual expenses of selling the land must  
42.4 be deposited in the general fund, except as otherwise provided by the commissioner of  
42.5 finance. Notwithstanding Minnesota Statutes, section 94.11 or 16B.283, the commissioner  
42.6 of finance may establish the timing of payments for land purchased under this section. If  
42.7 the total of all money deposited into the general fund from the proceeds of the sale of land  
42.8 under this section is anticipated to be less than \$6,440,000, the governor must allocate the  
42.9 amount of the difference as reductions to general fund operating expenditures for other  
42.10 executive agencies for the biennium ending June 30, ~~2011~~ 2012.

42.11 Subd. 3. **Sale of state lands revolving loan fund.** \$290,000 is appropriated from  
42.12 the general fund in fiscal year 2006 to the commissioner of administration for purposes  
42.13 of paying the actual expenses of selling state-owned lands to achieve the anticipated  
42.14 savings required in this section. From the gross proceeds of land sales under this section,  
42.15 the commissioner of administration must cancel the amount of the appropriation in this  
42.16 subdivision to the general fund by June 30, ~~2011~~ 2012.

42.17 Sec. 64. **DEPARTMENT OF NATURAL RESOURCES LONG-RANGE**  
42.18 **BUDGET ANALYSIS.**

42.19 (a) The commissioner of natural resources, in consultation with the commissioner  
42.20 of management and budget, shall estimate the total amount of funding available from all  
42.21 sources for each of the following land management categories: wildlife management  
42.22 areas; state forests; scientific and natural areas; aquatic management areas; public water  
42.23 access sites; and prairie bank easements. The commissioner of natural resources shall  
42.24 prepare a ten-year budget analysis of the department's ongoing land management needs,  
42.25 including restoration of each parcel needing restoration. The analysis shall include:

42.26 (1) an analysis of the needs of wildlife management areas, including identification of  
42.27 internal systemwide guidelines on the proper frequency for activities such as controlled  
42.28 burns, tree and woody biomass removal, and brushland management;

42.29 (2) an analysis of state forest needs, including identification of internal systemwide  
42.30 guidelines on the proper frequency for forest management activities;

42.31 (3) an analysis of scientific and natural area needs, including identification of  
42.32 internal systemwide guidelines on the proper frequency for management activities;

42.33 (4) an analysis of aquatic management area needs, including identification of internal  
42.34 systemwide guidelines on the proper frequency for management activities; and

43.1 (5) an analysis of the needs of the state's public water access sites, including  
43.2 identification of internal systemwide guidelines on the proper frequency for management  
43.3 activities.

43.4 (b) The commissioner shall compare the estimate of the total amount of funding  
43.5 available to the department's ongoing management needs to determine:

43.6 (1) the amount necessary to manage, restore, and maintain existing wildlife  
43.7 management areas, state forests, scientific and natural areas, aquatic management areas,  
43.8 public water access sites, and prairie bank easements; and

43.9 (2) the amount necessary to expand upon the existing wildlife management areas,  
43.10 state forests, scientific and natural areas, aquatic management areas, public water access  
43.11 sites, and prairie bank easement programs, including the feasibility of the department's  
43.12 existing long-range plans, if applicable, for each program.

43.13 (c) The commissioner of natural resources shall submit the analysis to the chairs of  
43.14 the house of representatives and senate committees with jurisdiction over environment  
43.15 and natural resources finance and cultural and outdoor resources finance by November  
43.16 15, 2010.

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

43.18 Sec. 65. **SOLID WASTE FACILITY FINANCIAL ASSURANCE**

43.19 **MECHANISMS; INPUT.**

43.20 Within six months after the effective date of this section, and before publishing  
43.21 the rules required for groundwater sensitivity and financial assurance in Minnesota  
43.22 Statutes, section 116.07, subdivision 4, the Pollution Control Agency shall consult with  
43.23 experts and interested persons on financial assurance adequacy for solid waste facilities,  
43.24 including, but not limited to, staff from the Department of Natural Resources, Minnesota  
43.25 Management and Budget, local governments, private and public landfill operators, and  
43.26 environmental groups. The commissioner shall seek the input to determine the adequacy  
43.27 of existing financial assurance rules to address environmental risks, the length of time  
43.28 financial assurance is needed based on the threat to human health and the environment,  
43.29 the reliability of financial assurance in covering risks from land disposal of waste in  
43.30 Minnesota and other states, and the role of private insurance.

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

43.32 Sec. 66. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE**

43.33 **ADOPTION DELAY.**

44.1 Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county has ten  
44.2 months from the date final rule amendments to the February 4, 2008, subsurface sewage  
44.3 treatment system rules are adopted by the Pollution Control Agency to adopt an ordinance  
44.4 to comply with the rules. A county must continue to enforce its current ordinance until a  
44.5 new ordinance has been adopted.

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

44.7 **Sec. 67. APPROPRIATIONS.**

44.8 (a) \$60,000 is appropriated in fiscal year 2011 from the water recreation account in  
44.9 the natural resources fund to the commissioner of natural resources to cooperate with local  
44.10 units of government in marking state water trails under Minnesota Statutes, section 85.32;  
44.11 acquiring and developing river accesses and campsites; and removing obstructions that  
44.12 may cause public safety hazards. This is a onetime appropriation and available until spent.

44.13 (b) \$250,000 in fiscal year 2011 is appropriated from the game and fish fund to the  
44.14 commissioner of natural resources to maintain and expand the ecological classification  
44.15 system program on state forest lands.

44.16 **Sec. 68. REVISOR'S INSTRUCTION.**

44.17 (a) The revisor of statutes shall change the term "horse trail pass" to "horse pass"  
44.18 wherever it appears in Minnesota Statutes and Minnesota Rules.

44.19 (b) The revisor of statutes shall change the term "canoe and boating routes" or  
44.20 similar term to "water trail routes" or similar term wherever it appears in Minnesota  
44.21 Statutes and Minnesota Rules.

44.22 (c) The revisor of statutes shall change the term "Minnesota Conservation Corps"  
44.23 to "Conservation Corps Minnesota" wherever it appears in Minnesota Statutes and  
44.24 Minnesota Rules.

44.25 **Sec. 69. REPEALER.**

44.26 (a) Minnesota Statutes 2008, sections 90.172; 103G.295; and 103G.650, are repealed.

44.27 (b) Minnesota Statutes 2009 Supplement, section 88.795, is repealed.