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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 3249

March 1, 2010

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The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

A bill for an act

1.1 relating to natural resources; modifying wild rice provisions; amending
1.2 Minnesota Statutes 2008, sections 1.148; 84.027, subdivision 13a; 84.028,
1.3 subdivision 1; 84.0894; 84.091, subdivisions 1, 2; 84.0911; 84.10; 84.111,
1.4 subdivisions 1, 4, by adding a subdivision; 84.15; 84.161; 84D.09, subdivision
1.5 2; 84D.10, subdivision 2; 86B.706, subdivision 2; 86B.825, subdivision 2;
1.6 97A.015, subdivision 12; 103G.421, subdivision 3; 103G.615, subdivisions 1,
1.7 2; 373.33; Minnesota Statutes 2009 Supplement, sections 84.027, subdivision
1.8 13; 84.105; 103B.3355; repealing Minnesota Statutes 2008, sections 84.111,
1.9 subdivision 5; 84.152, subdivisions 1, 2, 3, 4, 6.
1.10

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

1.12 Section 1. Minnesota Statutes 2008, section 1.148, is amended to read:

1.13 **1.148 STATE GRAIN.**

1.14 Subdivision 1. **Wild rice.** Plants of the genus zizania aquatica, commonly known as
1.15 wild rice or manomin, ~~is~~ are the official state grain of the state of Minnesota.

1.16 Subd. 2. **Photograph.** A photograph of plants of the genus zizania aquatica,
1.17 commonly known as wild rice or manomin, may be displayed in the Office of the
1.18 Secretary of State.

1.19 Sec. 2. Minnesota Statutes 2009 Supplement, section 84.027, subdivision 13, is
1.20 amended to read:

1.21 Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may
1.22 adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized
1.23 under:

1.24 (1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons
1.25 and areas, to select hunters for areas, to provide for tagging and registration of game

2.1 and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or
2.2 control wildlife disease, to open or close bodies of water or portions of bodies of water for
2.3 night bow fishing, and to prohibit or allow importation, transportation, or possession of
2.4 a wild animal;

2.5 (2) sections 84.093; and 84.15, ~~and 84.152~~ to set seasons for harvesting wild
2.6 ginseng roots and natural lake and river wild rice and to restrict or prohibit harvesting
2.7 in designated areas; and

2.8 (3) section 84D.12 to designate prohibited invasive species, regulated invasive
2.9 species, unregulated nonnative species, and infested waters.

2.10 (b) If conditions exist that do not allow the commissioner to comply with sections
2.11 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision
2.12 by submitting the rule to the attorney general for review under section 97A.0455,
2.13 publishing a notice in the State Register and filing the rule with the secretary of state and
2.14 the Legislative Coordinating Commission, and complying with section 97A.0459, and
2.15 including a statement of the emergency conditions and a copy of the rule in the notice. The
2.16 emergency conditions for opening a water body or portion of a water body for night bow
2.17 fishing under this section may include the need to temporarily open the area to evaluate
2.18 compatibility of the activity on that body of water prior to permanent rulemaking. The
2.19 notice may be published after it is received from the attorney general or five business days
2.20 after it is submitted to the attorney general, whichever is earlier.

2.21 (c) Rules adopted under paragraph (b) are effective upon publishing in the State
2.22 Register and may be effective up to seven days before publishing and filing under
2.23 paragraph (b), if:

2.24 (1) the commissioner of natural resources determines that an emergency exists;

2.25 (2) the attorney general approves the rule; and

2.26 (3) for a rule that affects more than three counties the commissioner publishes the
2.27 rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a
2.28 rule that affects three or fewer counties the commissioner publishes the rule once in a legal
2.29 newspaper in each of the affected counties.

2.30 (d) Except as provided in paragraph (e), a rule published under paragraph (c), clause
2.31 (3), may not be effective earlier than seven days after publication.

2.32 (e) A rule published under paragraph (c), clause (3), may be effective the day the
2.33 rule is published if the commissioner gives notice and holds a public hearing on the rule
2.34 within 15 days before publication.

3.1 (f) The commissioner shall attempt to notify persons or groups of persons affected
 3.2 by rules adopted under paragraphs (b) and (c) by public announcements, posting, and
 3.3 other appropriate means as determined by the commissioner.

3.4 (g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is
 3.5 effective for the period stated in the notice but not longer than 18 months after the rule is
 3.6 adopted.

3.7 Sec. 3. Minnesota Statutes 2008, section 84.027, subdivision 13a, is amended to read:

3.8 Subd. 13a. **Game and fish expedited permanent rules.** In addition to the authority
 3.9 granted in subdivision 13, the commissioner of natural resources may adopt rules under
 3.10 section 14.389 that are authorized under:

3.11 (1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to
 3.12 designate fish spawning beds or fish preserves, to select hunters or anglers for areas,
 3.13 to provide for registration of game or fish, to prevent or control wildlife disease, or to
 3.14 correct errors or omissions in rules that do not have a substantive effect on the intent or
 3.15 application of the original rule; ~~or~~

3.16 (2) section 84D.12 to designate prohibited invasive species, regulated invasive
 3.17 species, and unregulated nonnative species; or

3.18 (3) sections 84.093 and 84.15 to regulate harvesting wild ginseng roots and natural
 3.19 lake and river wild rice.

3.20 Sec. 4. Minnesota Statutes 2008, section 84.028, subdivision 1, is amended to read:

3.21 Subdivision 1. **Commissioner to control department responsibilities.** The
 3.22 powers, duties and responsibilities of the Department of Natural Resources relating to boat
 3.23 safety, firearm safety, natural lake and river wild rice management and harvest program,
 3.24 ginseng harvest program, and such other programs as are now or hereafter vested by
 3.25 statute in the Department of Natural Resources, shall be under the control and supervision
 3.26 of the commissioner of natural resources.

3.27 Sec. 5. Minnesota Statutes 2008, section 84.0894, is amended to read:

3.28 **84.0894 ENFORCEMENT OF AQUATIC PLANTS AND ENDANGERED**
 3.29 **SPECIES.**

3.30 An enforcement officer shall enforce a violation of sections 84.0895, 84.091, 84.093,
 3.31 ~~84.152~~ 84.15, and 103G.615 in the same manner as a violation of the game and fish laws.

3.32 Sec. 6. Minnesota Statutes 2008, section 84.091, subdivision 1, is amended to read:

4.1 Subdivision 1. **Ownership.** (a) The state is the owner of natural lake and river wild
4.2 rice and other aquatic vegetation growing in public waters. For the purposes of chapters
4.3 84, 84D, 86B, 97A, 103G, and 373, "natural lake and river wild rice" means wild rice
4.4 growing in public waters.

4.5 (b) A person may not acquire a property interest in natural lake and river wild rice or
4.6 other aquatic vegetation or destroy natural lake and river wild rice or aquatic vegetation,
4.7 except as authorized under this chapter or section 103G.615.

4.8 Sec. 7. Minnesota Statutes 2008, section 84.091, subdivision 2, is amended to read:

4.9 Subd. 2. **License required; exception.** (a) Except as provided in paragraph (b), a
4.10 person may not harvest, buy, sell, transport, or possess aquatic plants without a license
4.11 required under this chapter. A license shall be issued in the same manner as provided
4.12 under the game and fish laws.

4.13 (b) A resident person under the age of 18 years may harvest natural lake and river
4.14 wild rice without a license, ~~if accompanied by a person with a wild rice license.~~

4.15 (c) A person who buys wild rice within the state for resale to anyone except
4.16 consumers or sells wild rice imported from outside the state to anyone within the state
4.17 except consumers must have a wild rice dealer's license. An application for a wild rice
4.18 dealer's license must be made under a written oath. The form of a wild rice dealer's license
4.19 application must include:

4.20 (1) the amount of wild rice, whether raw or processed, bought or sold by the
4.21 applicant during the preceding calendar year; and

4.22 (2) other pertinent information required by the commissioner.

4.23 (d) Enrolled Minnesota Chippewa tribal members may harvest natural lake and river
4.24 wild rice without a state-issued natural lake and river wild rice license on the following
4.25 lakes where traditional, riparian Indian trust fund rice camps exist, but must do so in
4.26 accordance with the natural lake and river wild rice provisions of sections 84.105, 84.111,
4.27 and 84.15: Mallard (DOW 010149), Minnewawa (DOW 010033), and Swamp (DOW
4.28 010092) in Aitkin County; Laura (DOW 110104) in Cass County; Lower Dean (DOW
4.29 180181) in Crow Wing County; and Star (DOW 560385) in Otter Tail County.

4.30 (e) Enrolled Minnesota Chippewa tribal members may harvest natural lake and river
4.31 wild rice without a state-issued natural lake and river wild rice license on lakes that border
4.32 established Indian reservations, but must do so in accordance with the natural lake and
4.33 river wild rice provisions of sections 84.105, 84.111, and 84.15.

4.34 (f) A nonresident may not purchase more than one natural lake and river wild rice
4.35 harvest license per year.

5.1 Sec. 8. Minnesota Statutes 2008, section 84.0911, is amended to read:

5.2 **84.0911 NATURAL LAKE AND RIVER WILD RICE MANAGEMENT**
5.3 **ACCOUNT.**

5.4 Subdivision 1. **Account established.** The natural lake and river wild rice
5.5 management account is established as an account in the game and fish fund.

5.6 Subd. 2. **Receipts.** Money received from the sale of natural lake and river wild rice
5.7 licenses issued by the commissioner under section 84.091, subdivision 3, paragraph (a),
5.8 clauses (1); and (3), ~~and (4)~~; and subdivision 3, paragraph (b), shall be credited to the
5.9 natural lake and river wild rice management account.

5.10 Subd. 3. **Use of money in account.** Except for the electronic licensing system
5.11 commission established by the commissioner under section 84.027, subdivision 15, money
5.12 in the natural lake and river wild rice management account is annually appropriated to the
5.13 commissioner and shall be used for management of ~~designated~~ public waters to improve
5.14 natural lake and river wild rice production for its ecological, cultural, and economic value,
5.15 including its value as wildlife habitat.

5.16 Sec. 9. Minnesota Statutes 2008, section 84.10, is amended to read:

5.17 **84.10 NATURAL LAKE AND RIVER WILD RICE HARVESTED IN**
5.18 **CERTAIN LAKES.**

5.19 It shall be unlawful for any person to take natural lake and river wild rice grain from
5.20 any of the waters within the original boundaries of the White Earth, Leech Lake, Nett
5.21 Lake, Vermillion, Grand Portage, Fond du Lac and Mille Lacs Reservations except ~~said~~
5.22 persons ~~be~~ of Indian blood, or residents of the reservation upon which ~~said~~ natural lake
5.23 and river wild rice grain is taken.

5.24 Sec. 10. Minnesota Statutes 2009 Supplement, section 84.105, is amended to read:

5.25 **84.105 NATURAL LAKE AND RIVER WILD RICE SEASON.**

5.26 ~~Ripe wild rice may be harvested from August 15 to September 30. A person may~~
5.27 harvest ripe natural lake and river wild rice only on or after August 15 of each year.

5.28 Sec. 11. Minnesota Statutes 2008, section 84.111, subdivision 1, is amended to read:

5.29 Subdivision 1. **Watercraft restrictions.** It shall be unlawful to use, in harvesting
5.30 natural lake and river wild rice in any public waters in this state, any watercraft other than
5.31 a boat, skiff, or canoe propelled by hand, which boat, skiff, or canoe may have a top width
5.32 of not more than ~~36~~ 38 inches and a length of not more than 18 feet, ~~or any machine or~~

6.1 ~~mechanical device for gathering or harvesting the grain other than with flails not over 30~~
6.2 ~~inches in length nor over one pound in weight, which flails must be held and operated~~
6.3 ~~by hand.~~

6.4 Sec. 12. Minnesota Statutes 2008, section 84.111, subdivision 4, is amended to read:

6.5 Subd. 4. **Harvest hours.** It is unlawful to harvest any natural lake and river wild
6.6 rice in any public waters between ~~3:00~~ 5:00 p.m. and ~~9:00~~ 10:00 a.m. ~~following except as~~
6.7 ~~otherwise expressly permitted in writing by an authorized committee member or other~~
6.8 ~~agent of the commissioner pursuant to rules of the commissioner.~~

6.9 Sec. 13. Minnesota Statutes 2008, section 84.111, is amended by adding a subdivision
6.10 to read:

6.11 Subd. 6. Harvest prohibition. A person may not harvest natural lake and river
6.12 wild rice before it is ripe.

6.13 Sec. 14. Minnesota Statutes 2008, section 84.15, is amended to read:

6.14 **84.15 COMMISSIONER'S AUTHORITY; RICE HARVESTING.**

6.15 Subdivision 1. **Authority to restrict harvest.** The commissioner may, by posting
6.16 or rule, restrict or prohibit the harvesting of natural lake and river wild rice grain on
6.17 public waters of any designated area ~~when, upon investigation of conditions, it shall be~~
6.18 ~~determined necessary or advisable to protect against undue depletion of the crop so as~~
6.19 ~~to retard reseeding or restocking of such area or so as to endanger its effective use as a~~
6.20 natural food for waterfowl based on stage of ripeness or for management purposes.

6.21 Subd. 2. **Harvest for research or planting.** The commissioner may harvest ~~not~~
6.22 ~~to exceed 10,000 pounds of~~ or issue a permit to harvest natural lake and river wild rice
6.23 ~~in any calendar year~~ for the purposes of obtaining wild rice plants or seed for experimental
6.24 and research purposes ~~and or for~~ replanting in public waters of the state, ~~including waters~~
6.25 ~~within the original boundaries of the Minnesota Indian reservations.~~

6.26 Sec. 15. Minnesota Statutes 2008, section 84.161, is amended to read:

6.27 **84.161 LAND ACQUISITION FOR CERTAIN PURPOSES.**

6.28 The commissioner of natural resources is hereby authorized to acquire on behalf
6.29 of the Department of Natural Resources, state of Minnesota, all dam site and flowage
6.30 easements and other interests in land by gift, purchase, condemnation or otherwise which
6.31 may be necessary to accomplish the purposes of this section and to construct all dams,
6.32 structures and control works needed to restore and control the water levels of Goose

7.1 and Mud Lakes, Cass County, Minnesota, which authority to condemn shall include the
 7.2 condemnation of state-owned land whether held in trust or otherwise and whether or not
 7.3 the same be set aside as lake shore property or other special use under other provisions of
 7.4 law and the commissioner may further use any land of the state under the commissioner's
 7.5 jurisdiction for this project; all for the purpose of improving habitat for fish, wild fowl and
 7.6 game, natural lake and river wild rice and for forestry and fire protection.

7.7 Sec. 16. Minnesota Statutes 2008, section 84D.09, subdivision 2, is amended to read:

7.8 Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport
 7.9 aquatic macrophytes:

7.10 (1) that are duckweeds in the family Lemnaceae;

7.11 (2) for disposal as part of a harvest or control activity conducted under an aquatic
 7.12 plant management permit pursuant to section 103G.615, under permit pursuant to section
 7.13 84D.11, or as specified by the commissioner;

7.14 (3) for purposes of constructing shooting or observation blinds in amounts sufficient
 7.15 for that purpose, provided that the aquatic macrophytes are emergent and cut above the
 7.16 waterline;

7.17 (4) when legally purchased or traded by or from commercial or hobbyist sources for
 7.18 aquarium, wetland or lakeshore restoration, or ornamental purposes;

7.19 (5) when harvested for personal or commercial use if in a motor vehicle;

7.20 (6) to the department, or another destination as the commissioner may direct, in a
 7.21 sealed container for purposes of identifying a species or reporting the presence of a species;

7.22 (7) when transporting commercial aquatic plant harvesting equipment to a suitable
 7.23 location for purposes of cleaning any remaining aquatic macrophytes;

7.24 (8) that are natural lake and river wild rice grain or fragments incidentally
 7.25 transported that are harvested under ~~section~~ sections 84.091, 84.105, 84.111, and 84.15; or

7.26 (9) in the form of fragments of emergent aquatic macrophytes incidentally
 7.27 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl
 7.28 season.

7.29 Sec. 17. Minnesota Statutes 2008, section 84D.10, subdivision 2, is amended to read:

7.30 Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may place into
 7.31 the waters of the state a watercraft or trailer with aquatic macrophytes:

7.32 (1) that are duckweeds in the family Lemnaceae;

8.1 (2) for purposes of shooting or observation blinds attached in or on watercraft in
 8.2 amounts sufficient for that purpose, if the aquatic macrophytes are emergent and cut
 8.3 above the waterline;

8.4 (3) that are natural lake and river wild rice grain or fragments incidentally
 8.5 transported that are harvested under ~~section~~ sections 84.091, 84.105, 84.111, and 84.15; or

8.6 (4) in the form of fragments of emergent aquatic macrophytes incidentally
 8.7 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl
 8.8 season.

8.9 Sec. 18. Minnesota Statutes 2008, section 86B.706, subdivision 2, is amended to read:

8.10 Subd. 2. **Money deposited in account.** The following shall be deposited in the state
 8.11 treasury and credited to the water recreation account:

8.12 (1) fees from titling and licensing of watercraft under this chapter;

8.13 (2) fines, installment payments, and forfeited bail according to section 86B.705,
 8.14 subdivision 2;

8.15 (3) mooring fees and receipts from the sale of marine gas at state-operated or
 8.16 state-assisted small craft harbors and mooring facilities according to section 86A.21;

8.17 (4) the unrefunded gasoline tax attributable to watercraft use under section 296A.18;
 8.18 and

8.19 (5) fees for permits issued to control or harvest aquatic plants other than natural lake
 8.20 and river wild rice under section 103G.615, subdivision 2.

8.21 Sec. 19. Minnesota Statutes 2008, section 86B.825, subdivision 2, is amended to read:

8.22 Subd. 2. **Exempt watercraft.** A watercraft is not required to have a certificate of
 8.23 title if the watercraft is:

8.24 (1) owned by a manufacturer or dealer and held for sale;

8.25 (2) used by a manufacturer solely for testing;

8.26 (3) from a jurisdiction other than this state, temporarily using the waters of this state;

8.27 (4) owned by the United States, a state, this state, or a political subdivision;

8.28 (5) a duck boat used only during duck hunting season;

8.29 (6) a ~~rice~~ boat used only ~~during the~~ for natural lake and river wild rice harvesting
 8.30 season harvest;

8.31 (7) owned by a person, firm, or corporation operating a resort as defined in section
 8.32 157.15 or a recreational camping area as defined in section 327.14, subdivision 8, except
 8.33 with respect to a previously titled watercraft; or

8.34 (8) watercraft manufactured prior to August 1, 1979.

9.1 Sec. 20. Minnesota Statutes 2008, section 97A.015, subdivision 12, is amended to read:

9.2 Subd. 12. **Contraband.** "Contraband" means:

9.3 (1) a wild animal taken, bought, sold, transported, or possessed in violation of the
9.4 game and fish laws, and all instrumentalities and devices used in taking wild animals in
9.5 violation of the game and fish laws that are subject to confiscation; and

9.6 (2) natural lake and river wild rice and other aquatic vegetation harvested, bought,
9.7 sold, transported, or possessed in violation of chapter 84.

9.8 Sec. 21. Minnesota Statutes 2009 Supplement, section 103B.3355, is amended to read:

9.9 **103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC**
9.10 **VALUES.**

9.11 (a) The public values of wetlands must be determined based upon the functions of
9.12 wetlands for:

9.13 (1) water quality, including filtering of pollutants to surface and groundwater,
9.14 utilization of nutrients that would otherwise pollute public waters, trapping of sediments,
9.15 shoreline protection, and utilization of the wetland as a recharge area for groundwater;

9.16 (2) floodwater and stormwater retention, including the potential for flooding in
9.17 the watershed, the value of property subject to flooding, and the reduction in potential
9.18 flooding by the wetland;

9.19 (3) public recreation and education, including hunting and fishing areas, wildlife
9.20 viewing areas, and nature areas;

9.21 (4) commercial uses, including wild rice and cranberry growing and harvesting
9.22 and aquaculture;

9.23 (5) fish, wildlife, natural lake and river wild rice, and native plant habitats;

9.24 (6) low-flow augmentation;

9.25 (7) carbon sequestration; and

9.26 (8) other public uses.

9.27 (b) The Board of Water and Soil Resources, in consultation with the commissioners
9.28 of natural resources and agriculture and local government units, shall adopt rules
9.29 establishing:

9.30 (1) scientific methodologies for determining the functions of wetlands; and

9.31 (2) criteria for determining the resulting public values of wetlands.

9.32 (c) The methodologies and criteria established under this section or other
9.33 methodologies and criteria that include the functions in paragraph (a) and are approved
9.34 by the board, in consultation with the commissioners of natural resources and agriculture
9.35 and local government units, must be used to determine the functions and resulting public

10.1 values of wetlands in the state. The functions listed in paragraph (a) are not listed in
10.2 order of priority.

10.3 (d) Public value criteria established or approved by the board under this section do
10.4 not apply in areas subject to local comprehensive wetland protection and management
10.5 plans established under section 103G.2243.

10.6 (e) The Board of Water and Soil Resources, in consultation with the commissioners
10.7 of natural resources and agriculture and local government units, may identify regions of
10.8 the state where preservation, enhancement, restoration, and establishment of wetlands
10.9 would have high public value. The board, in consultation with the commissioners, may
10.10 identify high priority wetland regions using available information relating to the factors
10.11 listed in paragraph (a). The board shall notify local units of government with water
10.12 planning authority of these high priority regions.

10.13 Sec. 22. Minnesota Statutes 2008, section 103G.421, subdivision 3, is amended to read:

10.14 Subd. 3. **Plan for dam operation.** (a) The commissioner must develop a plan for
10.15 the operation of the dams controlling each of the Mississippi headwater reservoirs that:

10.16 (1) establishes the water elevation on each of the Mississippi headwater lakes at the
10.17 most desirable height and stabilizes the stages at that point, as practicable, during the
10.18 recreational use season;

10.19 (2) considers reasonable fluctuations when desirable for the production of natural
10.20 lake and river wild rice in the wild rice producing areas of Mississippi headwater lakes;

10.21 (3) considers the elevations most desirable for the production and maintenance of
10.22 wildlife resources;

10.23 (4) considers the needs of water for recreation, agriculture, forestry, game and fish,
10.24 industry, municipal water supply and sewage disposal, power generation, and other
10.25 purposes in the Mississippi River headwaters and downstream;

10.26 (5) establishes stages at which the water will be maintained, as practicable, but
10.27 recognizing the following minimum stages in reference to present zeros on the respective
10.28 government gauges:

10.29 (i) Leech Lake0.0;

10.30 (ii) Winnibigoshish Lake6.0;

10.31 (iii) Pokegama Lake6.0;

10.32 (iv) Sandy Lake7.0;

10.33 (v) Pine River9.0;

10.34 (vi) Gull Lake5.0;

10.35 (6) prescribes maximum discharges when the elevations fall below the stages; and

11.1 (7) prescribes maximum elevations and amounts of discharge from each lake to
11.2 stabilize and effectuate the desired stages and, as practicable, does not allow the elevation
11.3 to exceed the following maximum lake stages:

11.4 (i) Leech Lake3.5;

11.5 (ii) Winnibigoshish Lake12.0;

11.6 (iii) Pokegama Lake12.0;

11.7 (iv) Sandy Lake11.0;

11.8 (v) Pine River14.0;

11.9 (vi) Gull Lake7.0.

11.10 (b) The plan developed by the commissioner must consider the following conditions:

11.11 (1) the necessity for changing discharges to meet emergencies resulting from
11.12 unexpected or abnormal inflows;

11.13 (2) the possibility of overriding requirements of the federal government for
11.14 substantial discharges to meet reasonable and substantial navigation requirements; and

11.15 (3) the overriding authority and needs as prescribed by the United States Department
11.16 of the Army Corps of Engineers in discharging their functions of requiring additional
11.17 storage capacity for flood control purposes.

11.18 Sec. 23. Minnesota Statutes 2008, section 103G.615, subdivision 1, is amended to read:

11.19 Subdivision 1. **Authorization.** (a) The commissioner may issue permits, with
11.20 or without a fee, to:

11.21 (1) gather or harvest aquatic plants, or plant parts, ~~other than wild rice~~ from public
11.22 waters;

11.23 (2) transplant aquatic plants into public waters;

11.24 (3) destroy harmful or undesirable aquatic vegetation or organisms in public waters
11.25 under prescribed conditions to protect the waters, desirable species of fish, vegetation,
11.26 other forms of aquatic life, and the public.

11.27 (b) Application for a permit must be accompanied by a permit fee, if required.

11.28 Sec. 24. Minnesota Statutes 2008, section 103G.615, subdivision 2, is amended to read:

11.29 Subd. 2. **Fees.** (a) The commissioner shall establish a fee schedule for permits to
11.30 control or harvest aquatic plants ~~other than wild rice~~. The fees must be set by rule, and
11.31 section 16A.1283 does not apply, but the rule must not take effect until 45 legislative
11.32 days after it has been reported to the legislature. The fees shall be based upon the cost
11.33 of receiving, processing, analyzing, and issuing the permit, and additional costs incurred

12.1 after the application to inspect and monitor the activities authorized by the permit, and
12.2 enforce aquatic plant management rules and permit requirements.

12.3 (b) A fee for a permit for the control of rooted aquatic vegetation for each contiguous
12.4 parcel of shoreline owned by an owner may be charged. This fee may not be charged for
12.5 permits issued in connection with purple loosestrife control or lakewide Eurasian water
12.6 milfoil control programs.

12.7 (c) A fee may not be charged to the state or a federal governmental agency applying
12.8 for a permit.

12.9 (d) The money received for the permits under this subdivision shall be deposited in
12.10 the treasury and credited to the water recreation account.

12.11 Sec. 25. Minnesota Statutes 2008, section 373.33, is amended to read:

12.12 **373.33 STATE LICENSES MAY BE ISSUED.**

12.13 A county license bureau may issue, process or assist in preparing an application
12.14 for any license or permit issued by the state or a state official including but not limited
12.15 to game and fish, trapping, natural lake and river wild rice harvest, motor vehicle,
12.16 manufactured home, trailer, snowmobile, watercraft or driver's license or as many of the
12.17 licenses as designated by the county board. The processing of driver's license applications
12.18 by a county license bureau is subject to the provisions of section 171.061. This authority
12.19 does not include the issuance of marriage licenses. The county board may delegate the
12.20 responsibility for the issuance of any county license or permit to the county license bureau.

12.21 Sec. 26. **REPEALER.**

12.22 Minnesota Statutes 2008, sections 84.111, subdivision 5; and 84.152, subdivisions 1,
12.23 2, 3, 4, and 6, are repealed.

84.111 NATURAL WILD RICE HARVESTING.

Subd. 5. **Fee holder provisions.** Notwithstanding the provisions of subdivisions 1 to 3, any person holding fee title to all property surrounding a body of public waters may use mechanical harvesting devices to harvest wild rice in those waters. This subdivision does not apply to:

- (a) Any body of public waters greater than 125 acres in size;
- (b) Any body of public waters to which the public has access directly or through a channel or watercourse;
- (c) Any body of public waters within the original boundaries of any Indian reservation; or
- (d) Harvesting of wild rice for use or sale by any person other than the owner of the surrounding property.

84.152 WILD RICE.

Subdivision 1. **Rules.** The commissioner shall prescribe rules for harvesting and possessing wild rice.

Subd. 2. **License required.** A person who buys wild rice within the state for resale to anyone except consumers, or sells wild rice imported from outside the state to anyone within the state except consumers must have a wild rice dealer's license.

Subd. 3. **Application.** (a) An application for a wild rice dealer's license must be made under a written oath. The form of a wild rice dealer's license application must include:

- (1) the amount of wild rice, whether raw or processed, bought or sold by the applicant during the preceding calendar year;
- (2) the amount of wild rice the applicant estimates will be bought or sold under the license; and
- (3) other pertinent information required by the commissioner.

(b) The license fee must be paid in advance, based on the applicant's estimate. A license may not be issued for a fee based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year.

Subd. 4. **Supplemental license.** A wild rice dealer may not buy or sell wild rice for which a license is required in excess of the amount covered by the license. If a wild rice dealer desires to buy or sell wild rice in excess of the licensed amount, the dealer must apply for a supplemental license. The supplemental license shall be issued for the additional amount of wild rice upon payment of the prescribed fee, less credit for the fees paid for the previous license or licenses issued for the same calendar year. When the supplemental license is issued, the previous licenses held by the dealer shall be surrendered to the commissioner.

Subd. 6. **Penalties.** (a) A person is guilty of a misdemeanor who:

- (1) willfully makes a false statement in an application for a license or in a required report or record; or
 - (2) violates a provision relating to wild rice dealers.
- (b) Each violation is a separate offense. An acquittal prohibits later prosecution based on a similar charge involving other wild rice in the same transaction.

(c) If a wild rice dealer is convicted of two offenses under this subdivision within three years, the dealer's license is null and void and the dealer may not be issued a license for one year after the date of the conviction.