

A bill for an act

1.1 relating to natural resources; modifying wild rice season; modifying certain
1.2 definitions; modifying state park permit requirements; modifying authority
1.3 to establish secondary units; eliminating liquor service at John A. Latsch
1.4 State Park; extending the Casey Jones Trail; establishing a new state trail;
1.5 providing for establishment of boater waysides; modifying watercraft operation
1.6 requirements; providing for appeals and enforcement of certain civil penalties;
1.7 providing for taking wild animals to protect public safety; modifying Board
1.8 of Water and Soil Resources membership; modifying local water program;
1.9 modifying Reinvest in Minnesota Resources Law; modifying certain easement
1.10 authority; providing for notice of changes to public waters inventory; modifying
1.11 cost-share program; providing certain exemptions from local ordinances;
1.12 approving the consumptive use of water for certain uses; authorizing expedited
1.13 rulemaking; modifying refund provisions; modifying publication requirements;
1.14 modifying restrictions in migratory feeding and resting areas; providing certain
1.15 exemptions from local law; modifying wild animal and fish taking, possession,
1.16 and licensing requirements; authorizing certain fees; modifying certain fees;
1.17 modifying restrictions and conforming penalties on shining artificial lights;
1.18 modifying Wild and Scenic Rivers Act; eliminating Lessard Outdoor Heritage
1.19 Council; authorizing acquisition of certain easements; modifying management
1.20 authority for and apportionment of proceeds from the sale of tax-forfeited lands;
1.21 adding to and deleting from certain state parks; authorizing public and private
1.22 sales of state land; modifying previous land descriptions; requiring increase
1.23 in appraised estimates for timber sales; requiring forest lease pilot project;
1.24 requiring rulemaking; appropriating money; amending Minnesota Statutes 2008,
1.25 sections 13.7931, by adding a subdivision; 17.4981; 17.4988, subdivision
1.26 3; 84.02; 84.027, subdivision 13; 84.0273; 84.105; 84.66, subdivision 2;
1.27 84.788, subdivision 11; 84.798, subdivision 10; 84.82, subdivision 11; 84.922,
1.28 subdivision 12; 84.928, subdivision 1a; 85.015, subdivision 2, by adding a
1.29 subdivision; 85.053, subdivision 3; 85.054, by adding subdivisions; 85.055,
1.30 subdivision 1; 86A.05, by adding a subdivision; 86A.08, subdivision 1; 86A.09,
1.31 subdivision 1; 86B.311, by adding a subdivision; 86B.415, subdivision 11;
1.32 97A.015, by adding a subdivision; 97A.051, subdivision 2; 97A.075, subdivision
1.33 5; 97A.095, subdivision 2; 97A.137, by adding a subdivision; 97A.321; 97A.331,
1.34 subdivision 2; 97A.445, subdivision 1, by adding a subdivision; 97A.451,
1.35 subdivision 2, by adding a subdivision; 97A.465, subdivisions 1b, 5; 97A.473,
1.36 subdivision 1, by adding subdivisions; 97A.4742, subdivision 1; 97A.475,
1.37 subdivisions 3, 7, 11, 12, 29; 97A.525, subdivision 1; 97B.081; 97B.086;
1.38 97B.111, subdivision 1; 97B.328, subdivision 3; 97B.651; 97B.811, subdivisions
1.39

2.1 2, 3; 97C.081, subdivisions 2, 3, 4, 6, 9; 97C.335; 97C.345, subdivision 2;
2.2 97C.371, by adding a subdivision; 97C.375; 103B.101, subdivisions 1, 2;
2.3 103B.3355; 103B.3369, subdivision 5; 103C.501, subdivisions 2, 4, 5, 6;
2.4 103F.321, by adding a subdivision; 103F.505; 103F.511, subdivisions 5, 8a, by
2.5 adding a subdivision; 103F.515, subdivisions 1, 2, 4, 5, 6; 103F.521, subdivision
2.6 1; 103F.525; 103F.526; 103F.531; 103F.535, subdivision 5; 103G.201; 282.04,
2.7 subdivision 1; Laws 2007, chapter 131, article 2, section 38; Laws 2008, chapter
2.8 368, article 1, sections 21, subdivisions 4, 5; 34; proposing coding for new law in
2.9 Minnesota Statutes, chapters 84; 97B; 97C; repealing Minnesota Statutes 2008,
2.10 sections 84.796; 84.805; 84.929; 85.0505, subdivision 2; 97A.056, subdivision
2.11 2; 97A.525, subdivision 2; 97C.405; 103B.101, subdivision 11; 103F.511,
2.12 subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts 8400.3130;
2.13 8400.3160; 8400.3200; 8400.3230; 8400.3330; 8400.3360; 8400.3390;
2.14 8400.3500; 8400.3530; 8400.3560.

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

2.16 **ARTICLE 1**

2.17 **NATURAL RESOURCE POLICY**

2.18 Section 1. Minnesota Statutes 2008, section 84.02, is amended to read:

2.19 **84.02 DEFINITIONS NATIVE PRAIRIE AND GRASSLAND RESTORATION**
2.20 **RESTRICTIONS; STATE MONEY.**

2.21 ~~Subdivision 1. **Definitions.** For purposes of this chapter, the terms defined in this~~
2.22 ~~section shall have the meanings given them:~~

2.23 ~~Subd. 2. **Best management practice for native prairie restoration.** "Best~~
2.24 ~~management practice for native prairie restoration" means using seeds collected from a~~
2.25 ~~native prairie within the same county or within 25 miles of the county's border, but not~~
2.26 ~~across the boundary of an ecotype region:~~

2.27 ~~Subd. 3. **Created grassland.** "Created grassland" means a restoration using seeds~~
2.28 ~~or plants with origins outside of the state of Minnesota.~~

2.29 ~~Subd. 4. **Ecotype region.** "Ecotype region" means the following ecological~~
2.30 ~~subsections and counties based on the Department of Natural Resources map, "County~~
2.31 ~~Landscape Groupings Based on Ecological Subsections," dated February 15, 2007:~~

2.32 Ecotype Region	Counties or portions thereof:
2.33 Rochester Plateau, Blufflands, and Oak	Houston, Winona, Fillmore, Wabasha,
2.34 Savanna	Goodhue, Mower, Freeborn, Steele,
2.35	Olmsted, Rice, Waseca, Dakota, Dodge
2.36 Anoka Sand Plain, Big Woods, and St.	Anoka, Hennepin, Ramsey, Washington,
2.37 Paul Baldwin Plains and Moraines	Chisago, Scott, Carver, McLeod, Wright,
2.38	Benton, Isanti, Le Sueur, Sherburne
2.39 Inner Coteau and Coteau Moraines	Lincoln, Lyon, Pipestone, Rock, Murray,
2.40	Nobles, Jackson, Cottonwood
2.41 Red River Prairie (South)	Traverse, Wilkin, Clay, Becker

3.1	Red River Prairie (North) and Aspen	Kittson, Roseau, Red Lake, Pennington,
3.2	Parklands	Marshall, Clearwater, Mahnommen, Polk,
3.3		Norman
3.4	Minnesota River Prairie (North)	Big Stone, Pope, Stevens, Grant, Swift,
3.5		Chippewa, Meeker, Kandiyohi, Renville,
3.6		LaC qui Parle, Yellow Medicine
3.7	Minnesota River Prairie (South)	Nicollet, Redwood, Brown, Watonwan,
3.8		Martin, Faribault, Blue Earth, Sibley
3.9	Hardwood Hills	Douglas, Morrison, Otter Tail, Stearns,
3.10		Todd

3.11 ~~Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed~~
3.12 ~~where native prairie vegetation originating from the site currently predominates or, if~~
3.13 ~~disturbed, is predominantly covered with native prairie vegetation that originated from the~~
3.14 ~~site. Unbroken pasture land used for livestock grazing can be considered native prairie if it~~
3.15 ~~has predominantly native vegetation originating from the site and conservation practices~~
3.16 ~~have maintained biological diversity.~~

3.17 ~~Subd. 6. **Native prairie species of a local ecotype.** "Native prairie species of a local~~
3.18 ~~ecotype" means a genetically differentiated population of a species that has at least one~~
3.19 ~~trait (morphological, biochemical, fitness, or phenological) that is evolutionarily adapted~~
3.20 ~~to local environmental conditions, notably plant competitors, pathogens, pollinators, soil~~
3.21 ~~microorganisms, growing season length, climate, hydrology, and soil.~~

3.22 ~~Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration~~
3.23 ~~using at least 25 representative and biologically diverse native prairie plant species of a~~
3.24 ~~local ecotype originating in the same county as the restoration site or within 25 miles of~~
3.25 ~~the county's border, but not across the boundary of an ecotype region.~~

3.26 ~~Subd. 8. **Restored prairie.** "Restored prairie" means a restoration using at least~~
3.27 ~~25 representative and biologically diverse native prairie plant species originating from~~
3.28 ~~the same ecotype region in which the restoration occurs.~~

3.29 ~~Subd. 9. **Restorations with state money.** To the extent possible, a person~~
3.30 ~~conducting native prairie or grassland restoration with state money must plant vegetation~~
3.31 ~~or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype,~~
3.32 ~~using a high diversity of species originating from as close to the restoration site as~~
3.33 ~~possible, and protect existing native prairies from genetic contamination.~~

3.34 Sec. 2. Minnesota Statutes 2008, section 84.027, subdivision 13, is amended to read:

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

4.1 (1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and
4.2 areas, to select hunters for areas, to provide for tagging and registration of game and fish, to
4.3 prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife
4.4 disease, to open or close bodies of water or portions of bodies of water for night bow
4.5 fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

4.6 (2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng
4.7 roots and wild rice and to restrict or prohibit harvesting in designated areas; and

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

4.10 (b) If conditions exist that do not allow the commissioner to comply with sections
4.11 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision
4.12 by submitting the rule to the attorney general for review under section 97A.0455,
4.13 publishing a notice in the State Register and filing the rule with the secretary of state and
4.14 the Legislative Coordinating Commission, and complying with section 97A.0459, and
4.15 including a statement of the emergency conditions and a copy of the rule in the notice. The
4.16 emergency conditions for opening a water body or portion of a water body for night bow
4.17 fishing under this section may include the need to temporarily open the area to evaluate
4.18 compatibility of the activity on that body of water prior to permanent rulemaking. The
4.19 notice may be published after it is received from the attorney general or five business days
4.20 after it is submitted to the attorney general, whichever is earlier.

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

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

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

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

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

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

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

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

5.7 Sec. 3. Minnesota Statutes 2008, section 84.105, is amended to read:

5.8 **84.105 WILD RICE SEASON.**

5.9 Ripe wild rice may be harvested from ~~July~~ August 15 to September 30.

5.10 Sec. 4. Minnesota Statutes 2008, section 84.66, subdivision 2, is amended to read:

5.11 Subd. 2. **Definitions.** For the purpose of this section, the following terms have
5.12 the meanings given:

5.13 (1) "forest land" has the meaning given under section 89.001, subdivision 4;

5.14 (2) "forest resources" has the meaning given under section 89.001, subdivision 8;

5.15 (3) "guidelines" has the meaning given under section 89A.01, subdivision 8;

5.16 (4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~
5.17 8b; and

5.18 (5) "working forest land" means land that provides a broad range of goods and
5.19 services, including forest products, recreation, fish and wildlife habitat, clean air and
5.20 water, and carbon sequestration.

5.21 Sec. 5. **[84.774] OFF-HIGHWAY VEHICLE CRIMINAL PENALTIES.**

5.22 (a) Except as provided in paragraph (b), a person who violates a provision of
5.23 sections 84.773; 84.777; 84.788 to 84.795; 84.798 to 84.804; 84.90; or 84.922 to 84.928 or
5.24 rules of the commissioner relating to off-highway vehicle use is guilty of a misdemeanor.

5.25 (b) A person is guilty of a gross misdemeanor if the person violates section 84.773,
5.26 subdivision 2, clause (2), and the person recklessly upsets the natural and ecological
5.27 balance of a wetland or public waters wetland.

5.28 (c) A person is prohibited from operating an off-highway vehicle for a period of
5.29 one year if the person is:

5.30 (1) convicted of a gross misdemeanor under paragraph (b);

5.31 (2) convicted of or subject to a final order under section 84.775 for a violation of
5.32 the prohibition on the intentional operation on unfrozen public water, in a state park, in

6.1 a scientific and natural area, or in a wildlife management area under section 84.773,
6.2 subdivision 1, clause (3);

6.3 (3) convicted of or is subject to a final order under section 84.775 for a violation of
6.4 the prohibition on the willful, wanton, or reckless disregard for the safety of persons or
6.5 property under section 84.773, subdivision 2, clause (1); or

6.6 (4) convicted of or subject to a final order under section 84.775 for a violation of
6.7 the prohibition on carelessly upsetting the natural and ecological balance of a wetland or
6.8 public waters wetland under section 84.773, subdivision 2, clause (2).

6.9 The commissioner shall notify the person of the time period during which the person
6.10 is prohibited from operating an off-highway vehicle.

6.11 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
6.12 committed on or after that date.

6.13 **Sec. 6. [84.7741] OFF-HIGHWAY VEHICLE FORFEITURE.**

6.14 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have
6.15 the meanings given them.

6.16 (b) "Appropriate agency" means a law enforcement agency that has the authority
6.17 to make an arrest for a violation of a designated offense.

6.18 (c) "Claimant" means an owner of an off-highway vehicle or a person claiming a
6.19 leasehold or security interest in an off-highway vehicle.

6.20 (d) "Designated offense" means a second gross misdemeanor violation under section
6.21 84.774, paragraph (b).

6.22 (e) "Family or household member" means:

6.23 (1) a parent, stepparent, or guardian;

6.24 (2) any of the following persons related by blood, marriage, or adoption: brother,
6.25 sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,
6.26 great-grandparent, great-uncle, or great-aunt; or

6.27 (3) persons residing together or persons who regularly associate and communicate
6.28 with one another outside of a workplace setting.

6.29 (f) "Off-highway vehicle" and "vehicle" do not include an off-highway vehicle that
6.30 is stolen or taken in violation of the law.

6.31 (g) "Owner" means a person legally entitled to possession, use, and control of an
6.32 off-highway vehicle, including a lessee of an off-highway vehicle if the lease agreement
6.33 has a term of 180 days or more. There is a rebuttable presumption that a person registered
6.34 as the owner of an off-highway vehicle according to the records of the Department of
6.35 Public Safety or the Department of Natural Resources is the legal owner. For purposes

7.1 of this section, if an off-highway vehicle is owned jointly by two or more people, each
7.2 owner's interest extends to the whole of the vehicle and is not subject to apportionment.

7.3 (h) "Prosecuting authority" means the attorney in the jurisdiction in which the
7.4 designated offense occurred, or a designee, who is responsible for prosecuting violations of
7.5 a designated offense. If a state agency initiated the forfeiture and the attorney responsible
7.6 for prosecuting the designated offense declines to pursue forfeiture, the attorney general's
7.7 office, or its designee, may initiate forfeiture under this section.

7.8 (i) "Security interest" means a bona fide security interest perfected according to
7.9 section 168A.17, subdivision 2, based on a loan or other financing that, if an off-highway
7.10 vehicle is required to be registered under chapter 168, is listed on the vehicle's title.

7.11 Subd. 2. **Seizure.** (a) An off-highway vehicle subject to forfeiture under this
7.12 section may be seized by the appropriate agency upon process issued by any court having
7.13 jurisdiction over the vehicle.

7.14 (b) Property may be seized without process if:

7.15 (1) the seizure is incident to a lawful arrest or a lawful search;

7.16 (2) the vehicle subject to seizure has been the subject of a prior judgment in favor of
7.17 the state in a criminal injunction or forfeiture proceeding under this section; or

7.18 (3) the appropriate agency has probable cause to believe that the delay occasioned by
7.19 the necessity to obtain process would result in the removal or destruction of the vehicle.

7.20 If property is seized without process under this clause, the prosecuting authority must
7.21 institute a forfeiture action under this section as soon as is reasonably possible by serving
7.22 a notice of seizure and intent to forfeit at the address of the owner as listed in the records
7.23 of the Department of Public Safety or Department of Natural Resources.

7.24 Subd. 3. **Right to possession vests immediately; custody.** All right, title, and
7.25 interest in an off-highway vehicle subject to forfeiture under this section vests in the
7.26 appropriate agency upon commission of the conduct resulting in the designated offense
7.27 giving rise to the forfeiture. Any vehicle seized under this section is not subject to
7.28 replevin, but is deemed to be in the custody of the appropriate agency subject to the orders
7.29 and decrees of the court having jurisdiction over the forfeiture proceedings. When an
7.30 off-highway vehicle is seized under this section, the appropriate agency may:

7.31 (1) place the vehicle under seal;

7.32 (2) remove the vehicle to a place designated by the agency;

7.33 (3) place a disabling device on the vehicle; and

7.34 (4) take other steps reasonable and necessary to secure the vehicle and prevent waste.

7.35 Subd. 4. **Bond by owner for possession.** If the owner of an off-highway vehicle
7.36 that has been seized under this section seeks possession of the vehicle before the forfeiture

8.1 action is determined, the owner may, subject to the approval of the appropriate agency,
8.2 give security or post bond payable to the appropriate agency in an amount equal to the
8.3 retail value of the seized vehicle. On posting the security or bond, the seized vehicle may
8.4 be returned to the owner. The forfeiture action must proceed against the security as if it
8.5 were the seized vehicle.

8.6 Subd. 5. **Evidence.** Certified copies of court records and off-highway vehicle and
8.7 driver's records concerning prior incidents are admissible as substantive evidence where
8.8 necessary to prove the commission of a designated offense.

8.9 Subd. 6. **Vehicle subject to forfeiture.** An off-highway vehicle is subject to
8.10 forfeiture under this section if it was used in the commission of a designated offense.

8.11 Subd. 7. **Presumptions; limitations on vehicle forfeiture.** (a) An off-highway
8.12 vehicle is presumed subject to forfeiture under this section if the driver:

8.13 (1) is convicted of the designated offense upon which the forfeiture is based; or

8.14 (2) fails to appear for a scheduled court appearance with respect to the designated
8.15 offense charged and fails to voluntarily surrender within 48 hours after the time required
8.16 for appearance.

8.17 (b) An off-highway vehicle encumbered by a security interest perfected according
8.18 to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or
8.19 more, is subject to the interest of the secured party or lessor unless the party or lessor had
8.20 knowledge of or consented to the act upon which the forfeiture is based. However, when
8.21 the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan
8.22 balance, the appropriate agency shall remit all proceeds of the sale to the secured party
8.23 after deducting the agency's costs for the seizure, tow, storage, forfeiture, and sale of the
8.24 vehicle. If the sale of the vehicle is conducted in a commercially reasonable manner
8.25 consistent with section 336.9-610, the agency is not liable to the secured party for any
8.26 amount owed on the loan in excess of the sale proceeds. The validity and amount of a
8.27 nonperfected security interest must be established by its holder by clear and convincing
8.28 evidence.

8.29 (c) Notwithstanding paragraph (b), the secured party's or lessor's interest in an
8.30 off-highway vehicle is not subject to forfeiture based solely on the secured party's or
8.31 lessor's knowledge of the act or omission upon which the forfeiture is based if the secured
8.32 party or lessor demonstrates by clear and convincing evidence that the party or lessor took
8.33 reasonable steps to terminate use of the vehicle by the offender.

8.34 (d) An off-highway vehicle is not subject to forfeiture under this section if its owner
8.35 can demonstrate by clear and convincing evidence that the owner did not have actual
8.36 or constructive knowledge that the vehicle would be used or operated in any manner

9.1 contrary to law or that the owner took reasonable steps to prevent use of the vehicle by
9.2 the offender. If the offender is a family or household member of the owner and has three
9.3 or more prior off-highway vehicle convictions, the owner is presumed to know of any
9.4 vehicle use by the offender that is contrary to law.

9.5 Subd. 8. **Administrative forfeiture procedure.** (a) An off-highway vehicle used to
9.6 commit a designated offense is subject to administrative forfeiture under this subdivision.

9.7 (b) When an off-highway vehicle is seized under subdivision 2, or within a
9.8 reasonable time after seizure, the appropriate agency shall serve the driver or operator
9.9 of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally,
9.10 when an off-highway vehicle is seized under subdivision 2, or within a reasonable time
9.11 after that, all persons known to have an ownership, possessory, or security interest in the
9.12 vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those
9.13 vehicles required to be registered under chapter 168, the notification to a person known to
9.14 have a security interest in the vehicle is required only if the vehicle is registered under
9.15 chapter 168 and the interest is listed on the vehicle's title. Notice mailed by certified mail
9.16 to the address shown in Department of Public Safety records is sufficient notice to the
9.17 registered owner of the vehicle. For off-highway vehicles not required to be registered
9.18 under chapter 168, notice mailed by certified mail to the address shown in the applicable
9.19 filing or registration for the vehicle is sufficient notice to a person known to have an
9.20 ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given
9.21 in the manner provided by law for service of a summons in a civil action.

9.22 (c) The notice must be in writing and contain:

9.23 (1) a description of the vehicle seized;

9.24 (2) the date of the seizure; and

9.25 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure
9.26 for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially,
9.27 the following language must appear conspicuously: "IF YOU DO NOT DEMAND
9.28 JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES,
9.29 SECTION 84.7741, SUBDIVISION 8, YOU LOSE THE RIGHT TO A JUDICIAL
9.30 DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU
9.31 MAY HAVE TO THE ABOVE-DESCRIBED PROPERTY. YOU MAY NOT HAVE TO
9.32 PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE
9.33 TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY
9.34 FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY
9.35 THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS
9.36 THAN \$500."

10.1 (d) Within 30 days following service of a notice of seizure and forfeiture under this
10.2 subdivision, a claimant may file a demand for a judicial determination of the forfeiture.
10.3 The demand must be in the form of a civil complaint and must be filed with the court
10.4 administrator in the county in which the seizure occurred, together with proof of service of
10.5 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture
10.6 and the standard filing fee for civil actions unless the petitioner has the right to sue in
10.7 forma pauperis under section 563.01. If the value of the seized property is \$7,500 or less,
10.8 the claimant may file an action in conciliation court for recovery of the seized vehicle. A
10.9 copy of the conciliation court statement of claim must be served personally or by mail on
10.10 the prosecuting authority having jurisdiction over the forfeiture within 30 days following
10.11 service of the notice of seizure and forfeiture under this subdivision. If the value of the
10.12 seized property is less than \$500, the claimant does not have to pay the conciliation court
10.13 filing fee. No responsive pleading is required of the prosecuting authority and no court
10.14 fees may be charged for the prosecuting authority's appearance in the matter. Pleadings,
10.15 filings, and methods of service are governed by the Rules of Civil Procedure.

10.16 (e) The complaint must be captioned in the name of the claimant as plaintiff and
10.17 the seized vehicle as defendant and must state with specificity the grounds on which the
10.18 claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle
10.19 seized, and any affirmative defenses the claimant may have. Notwithstanding any law to
10.20 the contrary, an action for the return of an off-highway vehicle seized under this section
10.21 may not be maintained by or on behalf of any person who has been served with a notice of
10.22 seizure and forfeiture unless the person has complied with this subdivision.

10.23 (f) If the claimant makes a timely demand for a judicial determination under this
10.24 subdivision, the forfeiture proceedings must be conducted according to subdivision 9.

10.25 Subd. 9. **Judicial forfeiture procedure.** (a) This subdivision governs judicial
10.26 determinations of the forfeiture of an off-highway vehicle used to commit a designated
10.27 offense. An action for forfeiture is a civil in rem action and is independent of any criminal
10.28 prosecution. All proceedings are governed by the Rules of Civil Procedure.

10.29 (b) If no demand for judicial determination of the forfeiture is pending, the
10.30 prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a
10.31 separate complaint against the vehicle, describing it, specifying that it was used in the
10.32 commission of a designated offense, and specifying the time and place of its unlawful use.

10.33 (c) The prosecuting authority may file an answer to a properly served demand
10.34 for judicial determination, including an affirmative counterclaim for forfeiture. The
10.35 prosecuting authority is not required to file an answer.

11.1 (d) A judicial determination under this subdivision must not precede adjudication in
11.2 the criminal prosecution of the designated offense without the consent of the prosecuting
11.3 authority. The district court administrator shall schedule the hearing as soon as practicable
11.4 after adjudication in the criminal prosecution. The district court administrator shall
11.5 establish procedures to ensure efficient compliance with this subdivision. The hearing is
11.6 to the court without a jury.

11.7 (e) There is a presumption that an off-highway vehicle seized under this section is
11.8 subject to forfeiture if the prosecuting authority establishes that the vehicle was used in
11.9 the commission of a designated offense. A claimant bears the burden of proving any
11.10 affirmative defense raised.

11.11 (f) If the forfeiture is based on the commission of a designated offense and the person
11.12 charged with the designated offense appears in court as required and is not convicted of
11.13 the offense, the court shall order the property returned to the person legally entitled to it
11.14 upon that person's compliance with the redemption requirements of subdivision 12.

11.15 (g) If the lawful ownership of the vehicle used in the commission of a designated
11.16 offense can be determined and the owner makes the demonstration required under
11.17 subdivision 7, paragraph (d), the vehicle must be returned immediately upon the owner's
11.18 compliance with the redemption requirements of subdivision 12.

11.19 (h) If the court orders the return of a seized vehicle under this subdivision, it must
11.20 order that filing fees be reimbursed to the person who filed the demand for judicial
11.21 determination. In addition, the court may order sanctions under section 549.211. Any
11.22 reimbursement fees or sanctions must be paid from other forfeiture proceeds of the law
11.23 enforcement agency and prosecuting authority involved and in the same proportion as
11.24 distributed under subdivision 10, paragraph (b).

11.25 Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively
11.26 forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is
11.27 subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

11.28 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

11.29 (2) keep the vehicle for official use. If the agency keeps a forfeited off-highway
11.30 vehicle for official use, the agency shall make reasonable efforts to ensure that the
11.31 off-highway vehicle is available for use by the agency's officers who participate in
11.32 off-highway vehicle enforcement or education programs.

11.33 (b) The proceeds from the sale of forfeited vehicles, after payment of seizure,
11.34 towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the
11.35 property, must be distributed as follows:

12.1 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for
12.2 deposit as a supplement to the state or local agency's operating fund or similar fund for use
12.3 in purchasing equipment for off-highway vehicle enforcement, training, and education; and

12.4 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting
12.5 authority that handled the forfeiture for deposit as a supplement to its operating fund or
12.6 similar fund for prosecutorial purposes.

12.7 Subd. 11. **Sale of forfeited vehicle by secured party.** (a) A financial institution
12.8 with a valid security interest in or a valid lease covering a forfeited off-highway vehicle
12.9 may choose to dispose of the vehicle under this subdivision, in lieu of the appropriate
12.10 agency disposing of the vehicle under subdivision 10. A financial institution wishing to
12.11 dispose of an off-highway vehicle under this subdivision shall notify the appropriate
12.12 agency of its intent, in writing, within 30 days after receiving notice of the seizure and
12.13 forfeiture. The appropriate agency shall release the vehicle to the financial institution or
12.14 its agent after the financial institution presents proof of its valid security agreement or of
12.15 its lease agreement and the financial institution agrees not to sell the vehicle to a family or
12.16 household member of the violator, unless the violator is not convicted of the offense on
12.17 which the forfeiture is based. The financial institution shall dispose of the vehicle in a
12.18 commercially reasonable manner as defined in section 336.9-610.

12.19 (b) After disposing of the forfeited vehicle, the financial institution shall reimburse
12.20 the appropriate agency for its seizure, storage, and forfeiture costs. The financial
12.21 institution may then apply the proceeds of the sale to its storage costs, to its sale
12.22 expenses, and to satisfy the lien or the lease on the vehicle. If any proceeds remain, the
12.23 financial institution shall forward the proceeds to the state treasury, which shall credit the
12.24 appropriate fund as specified in subdivision 10.

12.25 Subd. 12. **Redemption requirements.** (a) If an off-highway vehicle is seized by a
12.26 peace officer for a designated offense, the seized vehicle must be released only:

12.27 (1) to the registered owner, a person authorized by the registered owner, a lienholder
12.28 of record, or a person who has purchased the vehicle from the registered owner who
12.29 provides proof of ownership of the vehicle;

12.30 (2) if the vehicle is subject to a rental or lease agreement, to a renter or lessee who
12.31 provides a copy of the rental or lease agreement; or

12.32 (3) to an agent of a towing company authorized by a registered owner if the owner
12.33 provides proof of ownership of the vehicle.

12.34 (b) The proof of ownership or, if applicable, the copy of the rental or lease agreement
12.35 required under paragraph (a) must be provided to the law enforcement agency seizing the

13.1 vehicle or to a person or entity designated by the law enforcement agency to receive
13.2 the information.

13.3 (c) No law enforcement agency, local unit of government, or state agency is
13.4 responsible or financially liable for any storage fees incurred due to a seizure under this
13.5 section.

13.6 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
13.7 committed on or after that date.

13.8 Sec. 7. Minnesota Statutes 2008, section 84.928, subdivision 1a, is amended to read:

13.9 Subd. 1a. **Crossing a public road right-of-way.** (a) An all-terrain vehicle may
13.10 make a direct crossing of a public road right-of-way provided:

13.11 (1) the crossing is made at an angle of approximately 90 degrees to the direction of
13.12 the road and at a place where no obstruction prevents a quick and safe crossing;

13.13 (2) the vehicle is brought to a complete stop before crossing the shoulder or
13.14 main-traveled way of the road;

13.15 (3) the driver yields the right-of-way to all oncoming traffic that constitutes an
13.16 immediate hazard;

13.17 (4) in crossing a divided road, the crossing is made only at an intersection of the
13.18 road with another public road; and

13.19 (5) if the crossing is made between the hours of one-half hour after sunset to
13.20 one-half hour before sunrise or in conditions of reduced visibility, only if both front and
13.21 rear lights are on.

13.22 (b) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is
13.23 part of the main-traveled lanes of an interstate highway, or roadway shoulder or inside
13.24 bank of a public road right-of-way when required for the purpose of avoiding obstructions
13.25 to travel or environmentally sensitive areas when no other method of avoidance is
13.26 possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the
13.27 entrance to the roadway is made within 100 feet of the bridge ~~or~~ obstacle, or sensitive
13.28 area, and the crossing is made without undue delay.

13.29 (c) A person shall not operate an all-terrain vehicle upon a public street or highway
13.30 unless the vehicle is equipped with at least one headlight and one taillight, each of
13.31 minimum candlepower as prescribed by rules of the commissioner, and with brakes
13.32 conforming to standards prescribed by rule of the commissioner, and all of which are
13.33 subject to the approval of the commissioner of public safety.

14.1 (d) An all-terrain vehicle may be operated upon a public road right-of-way other
14.2 than as provided by paragraph (b) in an emergency during the period of time when and at
14.3 locations where the condition of the roadway renders travel by automobile impractical.

14.4 (e) Chapters 169 and 169A apply to the operation of all-terrain vehicles upon streets
14.5 and highways, except for those provisions relating to required equipment and except those
14.6 provisions which by their nature have no application.

14.7 (f) A sled, trailer, or other device being towed by an all-terrain vehicle must be
14.8 equipped with reflective materials as required by rule of the commissioner.

14.9 (g) A driver's license is not required to operate an all-terrain vehicle along or on a
14.10 public road right-of-way if the right-of-way encompasses a trail administered by the
14.11 commissioner and designated for all-terrain vehicle use or multiple use.

14.12 (h) A road authority as defined in section 160.02, subdivision 25, may by permit
14.13 designate corridor access trails on public road rights-of-way for purposes of accessing
14.14 established all-terrain vehicle trails. A driver's license is not required to operate an
14.15 all-terrain vehicle on a designated corridor access trail.

14.16 Sec. 8. Minnesota Statutes 2008, section 85.015, subdivision 2, is amended to read:

14.17 Subd. 2. **Casey Jones Trail, Murray, Redwood, ~~and~~ Pipestone, and Rock**
14.18 **Counties.** (a) The trail shall originate in Lake Shetek State Park in Murray County
14.19 and include the six-mile loop between Currie in Murray County and Lake Shetek State
14.20 Park. From there, the first half of the trail shall trail southwesterly to Slayton in Murray
14.21 County; thence westerly to the point of intersection with the most easterly terminus of
14.22 the state-owned abandoned railroad right-of-way, commonly known as the Casey Jones
14.23 unit; thence westerly along said Casey Jones unit to Pipestone in Pipestone County; thence
14.24 southwesterly to Split Rock Creek State Park in Pipestone County; thence southeasterly
14.25 to Blue Mounds State Park in Rock County; thence southerly to Luverne and Schoneman
14.26 Park in Rock County, and there terminate. The second half of the trail shall commence
14.27 in Lake Shetek State Park in Murray County and trail northeasterly to Walnut Grove in
14.28 Redwood County; thence northeasterly to Redwood Falls in Redwood County to join with
14.29 the Minnesota River State Trail.

14.30 (b) The trail shall be developed as a multiuse, multiseasonal, dual treadway trail.
14.31 Nothing herein shall abrogate the purpose for which the Casey Jones unit was originally
14.32 established, and the use thereof shall be concurrent.

14.33 Sec. 9. Minnesota Statutes 2008, section 85.015, is amended by adding a subdivision
14.34 to read:

15.1 Subd. 26. **Des Moines River Valley Trail, Jackson, Cottonwood, and Murray**
15.2 **Counties.** The trail shall originate in Jackson County at the Minnesota-Iowa border and
15.3 connect with the Dickinson Trail in Mini-Wakan State Park in Iowa. To the greatest extent
15.4 possible, the trail shall follow the Des Moines River Valley, extending northwesterly
15.5 through Jackson County to Kilen Woods State Park, through Cottonwood County, and into
15.6 Murray County. The trail shall terminate at Casey Jones Trail in Murray County.

15.7 Sec. 10. Minnesota Statutes 2008, section 85.053, subdivision 3, is amended to read:

15.8 Subd. 3. ~~Second-vehicle~~ **Multiple-vehicle permits.** The commissioner shall
15.9 prescribe and issue ~~second-vehicle~~ multiple-vehicle state park permits for persons who
15.10 own more than one motor vehicle and who request ~~a second~~ the permit for the second
15.11 ~~vehicle~~ additional vehicles on a form prescribed by the commissioner. ~~The commissioner~~
15.12 ~~may issue an applicant only one second-vehicle permit.~~

15.13 Sec. 11. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
15.14 to read:

15.15 Subd. 15. **John A. Latsch State Park.** A state park permit is not required and a fee
15.16 may not be charged for motor vehicle entry or parking at the parking lot located adjacent
15.17 to John Latsch Road and Trunk Highway 61 at John A. Latsch State Park.

15.18 Sec. 12. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
15.19 to read:

15.20 Subd. 16. **Greenleaf Lake State Recreation Area.** A state park permit is not
15.21 required and a fee may not be charged for motor vehicle entry or parking at Greenleaf
15.22 Lake State Recreation Area.

15.23 Sec. 13. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
15.24 to read:

15.25 Subd. 17. **School-sanctioned activities.** A state park permit is not required and a
15.26 fee may not be charged for vehicles transporting K-12 students engaged in school district
15.27 sanctioned activities at state parks.

15.28 Sec. 14. Minnesota Statutes 2008, section 85.055, subdivision 1, is amended to read:

15.29 Subdivision 1. **Fees.** The fee for state park permits for:

15.30 (1) an annual use of state parks is \$25;

15.31 (2) a second or subsequent vehicle state park permit is \$18;

- 16.1 (3) a state park permit valid for one day is \$5;
16.2 (4) a daily vehicle state park permit for groups is \$3;
16.3 (5) an annual permit for motorcycles is \$20;
16.4 (6) an employee's state park permit is without charge; and
16.5 (7) a state park permit for disabled persons under section 85.053, subdivision 7,
16.6 clauses (1) and (2), is \$12.

16.7 The fees specified in this subdivision include any sales tax required by state law.

16.8 Sec. 15. Minnesota Statutes 2008, section 86A.05, is amended by adding a subdivision
16.9 to read:

16.10 Subd. 15. State boater wayside. (a) Boater waysides may be established to provide
16.11 for public use.

16.12 (b) No unit shall be authorized as a state boater wayside unless its proposed location
16.13 substantially satisfies the following criteria:

16.14 (1) contains resources that are desirable for use by boaters;

16.15 (2) is accessible by persons traveling by boat, canoe, or kayak; and

16.16 (3) may be near, associated with, or located within a unit of the outdoor recreation
16.17 system under this section.

16.18 (c) State boater waysides shall be administered by the commissioner of natural
16.19 resources in a manner that is consistent with the purpose of this subdivision. Facilities
16.20 for sanitation, picnicking, overnight mooring, camping, fishing, and swimming may be
16.21 provided when the commissioner determines that these activities are justifiable and
16.22 compatible with the resources and the natural environment.

16.23 Sec. 16. Minnesota Statutes 2008, section 86A.08, subdivision 1, is amended to read:

16.24 Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor
16.25 recreation system may be authorized wholly or partially within the boundaries of another
16.26 unit only when the authorization is consistent with the purposes and objectives of the
16.27 respective units ~~and only in the instances permitted below:~~

16.28 ~~(a) The following units may be authorized wholly or partially within a state park:~~
16.29 ~~historic site, scientific and natural area, wilderness area, wild, scenic, and recreational~~
16.30 ~~river, trail, rest area, aquatic management area, and water access site.~~

16.31 ~~(b) The following units may be authorized wholly or partially within a state~~
16.32 ~~recreation area: historic site, scientific and natural area, wild, scenic, and recreational river,~~
16.33 ~~trail, rest area, aquatic management area, wildlife management area, and water access site.~~

17.1 ~~(e) The following units may be authorized wholly or partially within a state forest:~~
17.2 ~~state park, state recreation area, historic site, wildlife management area, scientific and~~
17.3 ~~natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic~~
17.4 ~~management area, and water access site.~~

17.5 ~~(d) The following units may be authorized wholly or partially within a state historic~~
17.6 ~~site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and~~
17.7 ~~water access site.~~

17.8 ~~(e) The following units may be authorized wholly or partially within a state wildlife~~
17.9 ~~management area: state water access site and aquatic management area.~~

17.10 ~~(f) The following units may be authorized wholly or partially within a state wild,~~
17.11 ~~scenic, or recreational river: state park, historic site, scientific and natural area, wilderness~~
17.12 ~~area, trail, rest area, aquatic management area, and water access site.~~

17.13 ~~(g) The following units may be authorized wholly or partially within a state rest~~
17.14 ~~area: historic site, trail, wild, scenic, and recreational river, aquatic management area,~~
17.15 ~~and water access site.~~

17.16 ~~(h) The following units may be authorized wholly or partially within an aquatic~~
17.17 ~~management area: historic site, scientific and natural area, wild, scenic, and recreational~~
17.18 ~~river, and water access site.~~

17.19 Sec. 17. Minnesota Statutes 2008, section 86A.09, subdivision 1, is amended to read:

17.20 Subdivision 1. **Master plan required.** No construction of new facilities or other
17.21 development of an authorized unit, other than repairs and maintenance, shall commence
17.22 until the managing agency has prepared and submitted to the commissioner of natural
17.23 resources and the commissioner has reviewed, pursuant to this section, a master plan for
17.24 administration of the unit in conformity with this section. No master plan is required for
17.25 wildlife management areas that do not have resident managers, for water access sites, for
17.26 aquatic management areas, ~~or~~ for rest areas, or for boater waysides.

17.27 Sec. 18. Minnesota Statutes 2008, section 86B.311, is amended by adding a subdivision
17.28 to read:

17.29 Subd. 6. Law enforcement watercraft displaying emergency lights. When
17.30 approaching and passing a law enforcement watercraft with its emergency lights
17.31 activated, the operator of a watercraft must safely move the watercraft away from the law
17.32 enforcement watercraft and maintain a slow-no wake speed while within 150 feet of
17.33 the law enforcement watercraft.

18.1 Sec. 19. Minnesota Statutes 2008, section 97A.321, is amended to read:

18.2 **97A.321 DOGS PURSUING OR KILLING BIG GAME.**

18.3 Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that
18.4 pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each
18.5 violation. The owner of a dog that kills a big game animal is subject to a civil penalty of
18.6 \$500 for each violation.

18.7 Subd. 2. **Appeals.** Civil penalties under this section may be appealed according to
18.8 procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying
18.9 the commissioner in writing within 15 days after receipt of the citation. If a hearing
18.10 is not requested within the 15-day period, the civil penalty becomes a final order not
18.11 subject to further review.

18.12 Subd. 3. **Enforcement.** Civil penalties under this section may be enforced according
18.13 to section 116.072, subdivisions 9 and 10.

18.14 Subd. 4. **Payment of penalty.** Penalty amounts shall be remitted to the
18.15 commissioner within 30 days of issuance of the penalty notice and shall be deposited in
18.16 the game and fish fund.

18.17 Sec. 20. **[97B.657] TAKING WILD ANIMALS TO PROTECT PUBLIC SAFETY.**

18.18 A licensed peace officer may, at any time, take a protected wild animal that is posing
18.19 an immediate threat to public safety. A peace officer who destroys a protected wild animal
18.20 under this section must report the taking to a conservation officer as soon as practicable,
18.21 but no later than 48 hours after the animal is destroyed.

18.22 Sec. 21. Minnesota Statutes 2008, section 103B.101, subdivision 1, is amended to read:

18.23 Subdivision 1. **Membership.** The Board of Water and Soil Resources is composed
18.24 of ~~12~~ 15 appointed members knowledgeable of water and soil problems and conditions
18.25 within the state and five ex officio members.

18.26 Sec. 22. Minnesota Statutes 2008, section 103B.101, subdivision 2, is amended to read:

18.27 Subd. 2. **Voting members.** (a) The members are:

18.28 (1) three county commissioners;

18.29 (2) three soil and water conservation district supervisors;

18.30 (3) three watershed district or watershed management organization representatives;

18.31 (4) three citizens who are not employed by, or the appointed or elected officials of,
18.32 a governmental office, board, or agency;

18.33 (5) one township officer;

19.1 (6) two elected city officials, one of whom must be from a city located in the
19.2 metropolitan area, as defined under section 473.121, subdivision 2;

19.3 ~~(5)~~ (7) the commissioner of agriculture;

19.4 ~~(6)~~ (8) the commissioner of health;

19.5 ~~(7)~~ (9) the commissioner of natural resources;

19.6 ~~(8)~~ (10) the commissioner of the Pollution Control Agency; and

19.7 ~~(9)~~ (11) the director of the University of Minnesota Extension Service.

19.8 (b) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), must be distributed across
19.9 the state with at least ~~three~~ four members but not more than ~~five~~ six members from the
19.10 metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the
19.11 current soil and water conservation administrative regions.

19.12 (c) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), are appointed by the governor.

19.13 In making the appointments, the governor may consider persons recommended by
19.14 the Association of Minnesota Counties, the Minnesota Association of Townships, the
19.15 League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation
19.16 Districts, and the Minnesota Association of Watershed Districts. The list submitted by an
19.17 association must contain at least three nominees for each position to be filled.

19.18 (d) The membership terms, compensation, removal of members and filling of
19.19 vacancies on the board for members in paragraph (a), clauses (1) to ~~(4)~~ (6), are as provided
19.20 in section 15.0575.

19.21 Sec. 23. Minnesota Statutes 2008, section 103B.3355, is amended to read:

19.22 **103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC**
19.23 **VALUES.**

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

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

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

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

19.34 (4) commercial uses, including wild rice and cranberry growing and harvesting
19.35 and aquaculture;

20.1 (5) fish, wildlife, native plant habitats;

20.2 (6) low-flow augmentation; ~~and~~

20.3 (7) carbon sequestration; and

20.4 (8) other public uses.

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

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

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

20.10 (c) The methodologies and criteria established under this section or other
20.11 methodologies and criteria that include the functions in paragraph (a) and are approved
20.12 by the board, in consultation with the commissioners of natural resources and agriculture
20.13 and local government units, must be used to determine the functions and resulting public
20.14 values of wetlands in the state. The functions listed in paragraph (a) are not listed in
20.15 order of priority.

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

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

20.26 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
20.27 rulemaking that begins after that date.

20.28 Sec. 24. Minnesota Statutes 2008, section 103B.3369, subdivision 5, is amended to
20.29 read:

20.30 Subd. 5. **Financial assistance.** A base grant may be awarded to a county that ~~levies~~
20.31 provides a match utilizing a water implementation tax or other local source. A water
20.32 implementation tax that a county intends to use as a match to the base grant must be levied
20.33 at a rate, which shall be determined by the board. The minimum amount of the water
20.34 implementation tax shall be a tax rate times the adjusted net tax capacity of the county for
20.35 the preceding year. The rate shall be the rate, rounded to the nearest .001 of a percent,

21.1 that, when applied to the adjusted net tax capacity for all counties, raises the amount of
21.2 \$1,500,000. The base grant will be in an amount equal to \$37,500 less the amount raised
21.3 by ~~that levy~~ the local match. If the amount necessary to implement the local water plan for
21.4 the county is less than \$37,500, the amount of the base grant shall be the amount that,
21.5 when added to the ~~levy~~ match amount, equals the amount required to implement the plan.
21.6 For counties where the tax rate generates an amount equal to or greater than \$18,750, the
21.7 base grant shall be in an amount equal to \$18,750.

21.8 Sec. 25. Minnesota Statutes 2008, section 103C.501, subdivision 2, is amended to read:

21.9 Subd. 2. **Request by district board.** ~~(a)~~ A district board requesting funds of the
21.10 state board must submit an application in a form prescribed by the board containing:

- 21.11 (1) a comprehensive plan;
21.12 (2) an annual work plan; and
21.13 (3) an application for cost-sharing funds.

21.14 ~~(b) The comprehensive and annual work plans must be completed as provided in~~
21.15 ~~section 103C.331, subdivision 11. After review of the district's comprehensive plan, the~~
21.16 ~~state board must approve the comprehensive plan with necessary amendments or reject~~
21.17 ~~the plan.~~

21.18 Sec. 26. Minnesota Statutes 2008, section 103C.501, subdivision 4, is amended to read:

21.19 Subd. 4. **Cost-sharing funds.** (a) The state board shall allocate at least 70 percent
21.20 of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality
21.21 problems or water quantity problems due to altered hydrology. The areas must be
21.22 selected based on the statewide priorities established by the state board. The allocated
21.23 funds must be used for conservation practices for high priority problems identified in the
21.24 comprehensive and annual work plans of the districts.

21.25 (b) The remaining cost-sharing funds may be allocated to districts as follows:

21.26 (1) for technical and administrative assistance, not more than 20 percent of the
21.27 funds; and

21.28 (2) for conservation practices for lower priority erosion, sedimentation, or water
21.29 quality problems.

21.30 Sec. 27. Minnesota Statutes 2008, section 103C.501, subdivision 5, is amended to read:

21.31 Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share
21.32 basis to furnish financial aid to a land occupier or to a state agency for permanent systems

22.1 for erosion or sedimentation control or water quality ~~improvement~~ or water quantity
22.2 improvements that are consistent with the district's comprehensive and annual work plans.

22.3 (b) The duration of the contract must, at a minimum, be the time required to
22.4 complete the planned systems. A contract must specify that the land occupier is liable for
22.5 monetary damages and penalties in an amount up to 150 percent of the financial assistance
22.6 received from the district, for failure to complete the systems or practices in a timely
22.7 manner or maintain the systems or practices as specified in the contract.

22.8 (c) A contract may provide for cooperation or funding with federal agencies. A land
22.9 occupier or state agency may provide the cost-sharing portion of the contract through
22.10 services in kind.

22.11 (d) The state board or the district board may not furnish any financial aid for
22.12 practices designed only to increase land productivity.

22.13 (e) When a district board determines that long-term maintenance of a system or
22.14 practice is desirable, the board may require that maintenance be made a covenant upon
22.15 the land for the effective life of the practice. A covenant under this subdivision shall be
22.16 construed in the same manner as a conservation restriction under section 84.65.

22.17 Sec. 28. Minnesota Statutes 2008, section 103C.501, subdivision 6, is amended to read:

22.18 Subd. 6. **Policies and rules.** (a) The state board may adopt rules and shall adopt
22.19 ~~rules~~ policies prescribing:

22.20 (1) procedures and criteria for allocating funds for cost-sharing contracts;

22.21 (2) standards and guidelines for cost-sharing contracts;

22.22 (3) the scope and content of district comprehensive plans, plan amendments, and
22.23 annual work plans;

22.24 (4) standards and methods necessary to plan and implement a priority cost-sharing
22.25 program, including guidelines to identify high priority erosion, sedimentation, and water
22.26 quality problems and water quantity problems due to altered hydrology;

22.27 (5) the share of the cost of conservation practices to be paid from cost-sharing
22.28 funds; and

22.29 (6) requirements for districts to document their efforts to identify and contact land
22.30 occupiers with high priority ~~erosion~~ problems.

22.31 (b) The rules may provide that cost-sharing may be used for ~~farmstead~~ windbreaks
22.32 and shelterbelts for the purposes of energy conservation and snow protection.

22.33 (c) The board may establish alternative practices to those defined in section 84.02
22.34 for restoration or establishment of native prairie, grasslands, shorelands, riparian buffers,

23.1 or wetlands based on soil type, seed availability, adjacent land uses, project or practice
23.2 purpose, or other site-specific factors.

23.3 Sec. 29. Minnesota Statutes 2008, section 103F.505, is amended to read:

23.4 **103F.505 PURPOSE AND POLICY.**

23.5 It is the purpose of sections 103F.505 to 103F.531 to ~~keep~~ restore certain marginal
23.6 agricultural land ~~out of crop production~~ and protect environmentally sensitive areas to
23.7 ~~protect~~ enhance soil and water quality, minimize damage to flood-prone areas, sequester
23.8 carbon, and support native plant, fish, and wildlife habitat ~~habitats~~. It is state policy to
23.9 encourage the restoration of wetlands and riparian lands and promote the retirement of
23.10 marginal, highly erodible land, particularly land adjacent to public waters, drainage
23.11 systems, wetlands, and locally designated priority waters, ~~from crop production and to~~
23.12 ~~reestablish a cover of perennial vegetation.~~

23.13 Sec. 30. Minnesota Statutes 2008, section 103F.511, subdivision 5, is amended to read:

23.14 Subd. 5. **Drained wetland.** "Drained wetland" means a former natural wetland that
23.15 has been altered by draining, dredging, filling, leveling, or other manipulation sufficient
23.16 to render the land suitable for agricultural crop production. ~~The alteration must have~~
23.17 ~~occurred before December 23, 1985, and must be a legal alteration as determined by the~~
23.18 ~~commissioner of natural resources.~~

23.19 Sec. 31. Minnesota Statutes 2008, section 103F.511, is amended by adding a
23.20 subdivision to read:

23.21 Subd. 8a. **Reinvest in Minnesota reserve program.** "Reinvest in Minnesota
23.22 reserve program" means the program established under section 103F.515.

23.23 Sec. 32. Minnesota Statutes 2008, section 103F.511, subdivision 8a, is amended to read:

23.24 Subd. ~~8a~~ 8b. **Riparian land.** "Riparian land" means lands adjacent to public
23.25 waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a~~
23.26 ~~comprehensive local water plan, as defined in section 103B.3363, subdivision 3.~~

23.27 Sec. 33. Minnesota Statutes 2008, section 103F.515, subdivision 1, is amended to read:

23.28 Subdivision 1. **Establishment of program.** The board, in consultation with the
23.29 commissioner of agriculture and the commissioner of natural resources, shall establish
23.30 and administer ~~a conservation~~ the reinvest in Minnesota reserve program. The board
23.31 shall implement sections 103F.505 to 103F.531. Selection of land for the ~~conservation~~

24.1 reinvest in Minnesota reserve program must be based on its enhancement potential for
24.2 fish ~~and~~, wildlife ~~production~~, and native plant habitats, reducing erosion, and protecting
24.3 water quality.

24.4 Sec. 34. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

24.5 Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in
24.6 Minnesota reserve program if the land meets the requirements of paragraphs (b) and
24.7 (c), or paragraph (d).

24.8 (b) Land is eligible if the land:

24.9 (1) is marginal agricultural land;

24.10 (2) is adjacent to marginal agricultural land and is either beneficial to resource
24.11 protection or necessary for efficient recording of the land description;

24.12 (3) consists of a drained wetland;

24.13 (4) is land that with a windbreak or water quality improvement practice would be
24.14 beneficial to resource protection;

24.15 (5) is land in a sensitive groundwater area;

24.16 (6) is riparian land;

24.17 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to
24.18 ~~four~~ eight acres of cropland or one acre of noncropland for each acre of wetland restored;

24.19 (8) is a woodlot on agricultural land;

24.20 (9) is abandoned building site on agricultural land, provided that funds are not used
24.21 for compensation of the value of the buildings; or

24.22 (10) is land ~~on a hillside~~ used for pasture.

24.23 (c) Eligible land under paragraph (a) must:

24.24 (1) be owned by the landowner, or a parent or other blood relative of the landowner,
24.25 for at least one year before the date of application;

24.26 (2) be at least five acres in size, except for a drained wetland area, riparian area,
24.27 windbreak, woodlot, or abandoned building site, or be a whole field ~~as defined by the~~
24.28 ~~United States Agricultural Stabilization and Conservation Services~~;

24.29 (3) not be set aside, enrolled or diverted under another federal or state government
24.30 program unless enrollment in the ~~conservation~~ reinvest in Minnesota reserve program
24.31 would provide additional conservation benefits or a longer term of enrollment than under
24.32 the current federal or state program; and

24.33 (4) have been in agricultural crop production for at least two of the last five
24.34 years before the date of application, ~~except~~ drained wetlands, riparian lands, woodlots,

25.1 abandoned building sites, environmentally sensitive areas, or land ~~on a hillside~~ used
25.2 for pasture.

25.3 (d) ~~In selecting drained wetlands for enrollment in the program, the highest priority~~
25.4 ~~must be given to wetlands with a cropping history during the period 1976 to 1985~~ Land is
25.5 eligible if the land is a wellhead protection area as defined in section 103I.005, subdivision
25.6 24, and has a wellhead protection plan approved by the commissioner of health.

25.7 (e) In selecting land for enrollment in the program, highest priority must be given to
25.8 permanent easements that are consistent with the purposes stated in section 103F.505.

25.9 Sec. 35. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

25.10 Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must
25.11 prohibit:

25.12 (1) alteration of wildlife habitat and other natural features, unless specifically
25.13 approved by the board;

25.14 (2) agricultural crop production and livestock grazing, unless specifically approved
25.15 by the board for ~~wildlife conservation~~ management purposes or extreme drought; and

25.16 (3) ~~grazing of livestock except, for agreements entered before the effective date of~~
25.17 ~~Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the~~
25.18 ~~board after consultation with the commissioner of natural resources, in the case of severe~~
25.19 ~~drought, or a local emergency declared under section 12.29; and~~

25.20 ~~(4) spraying with chemicals or mowing, except as necessary to comply with noxious~~
25.21 ~~weed control laws or, for emergency control of pests necessary to protect public health, or~~
25.22 as approved by the board for conservation management purposes.

25.23 (b) A conservation easement is subject to the terms of the agreement provided in
25.24 subdivision 5.

25.25 (c) A conservation easement must allow repairs, improvements, and inspections
25.26 necessary to maintain public drainage systems provided the easement area is restored to
25.27 the condition required by the terms of the conservation easement.

25.28 Sec. 36. Minnesota Statutes 2008, section 103F.515, subdivision 5, is amended to read:

25.29 Subd. 5. **Agreements by landowner.** The board may enroll eligible land in the
25.30 ~~conservation~~ reinvest in Minnesota reserve program by signing an agreement in recordable
25.31 form with a landowner in which the landowner agrees:

25.32 (1) to convey to the state a conservation easement that is not subject to any prior
25.33 title, lien, or encumbrance;

26.1 (2) to seed the land subject to the conservation easement, as specified in the
26.2 agreement, to establish and maintain perennial cover of either a grass-legume mixture or
26.3 native grasses for the term of the easement, at seeding rates determined by the board; or
26.4 to plant trees or carry out other long-term capital improvements approved by the board
26.5 for soil and water conservation or wildlife management;

26.6 (3) to convey to the state a permanent easement for the wetland restoration;

26.7 (4) that other land supporting natural vegetation owned or leased as part of the
26.8 same farm operation at the time of application, if it supports natural vegetation ~~or~~ and
26.9 has not been used in agricultural crop production, will not be converted to agricultural
26.10 crop production or pasture; and

26.11 (5) that the easement duration may be lengthened through mutual agreement with
26.12 the board in consultation with the commissioners of agriculture and natural resources
26.13 if they determine that the changes effectuate the purpose of the program or facilitate
26.14 its administration.

26.15 Sec. 37. Minnesota Statutes 2008, section 103F.515, subdivision 6, is amended to read:

26.16 Subd. 6. **Payments for conservation easements and establishment of cover**
26.17 **conservation practices.** (a) The board ~~must make the following~~ shall establish rates
26.18 for payments to the landowner for the conservation easement and ~~agreement:~~ related
26.19 practices. The board shall consider market factors, including the township average
26.20 equalized estimated market value of property as established by the commissioner of
26.21 revenue at the time of easement application.

26.22 ~~(1) to establish the perennial cover or other improvements required by the agreement:~~

26.23 ~~(i) except as provided in items (ii) and (iii), up to 75 percent of the total eligible cost~~
26.24 ~~not to exceed \$125 per acre for limited duration easements and 100 percent of the total~~
26.25 ~~eligible cost not to exceed \$150 per acre for perpetual easements;~~

26.26 ~~(ii) for native species restoration, 75 percent of the total eligible cost not to exceed~~
26.27 ~~\$200 per acre for limited duration easements and 100 percent of the total eligible cost not~~
26.28 ~~to exceed \$300 per acre for perpetual easements; and~~

26.29 ~~(iii) 100 percent of the total eligible cost of wetland restoration not to exceed \$600~~
26.30 ~~per acre;~~

26.31 ~~(2) for the cost of planting trees required by the agreement, up to 75 percent of the~~
26.32 ~~total eligible cost not to exceed \$250 per acre for limited duration easements, and 100~~
26.33 ~~percent of the total eligible cost not to exceed \$400 per acre for perpetual easements;~~

27.1 ~~(3) for a permanent easement, 70 percent of the township average equalized~~
27.2 ~~estimated market value of agricultural property as established by the commissioner of~~
27.3 ~~revenue at the time of easement application;~~

27.4 ~~(4) for an easement of limited duration, 90 percent of the present value of the~~
27.5 ~~average of the accepted bids for the federal conservation reserve program, as contained in~~
27.6 ~~Public Law 99-198, in the relevant geographic area and on bids accepted at the time of~~
27.7 ~~easement application; or~~

27.8 ~~(5) an alternative payment system for easements based on cash rent or a similar~~
27.9 ~~system as may be determined by the board.~~

27.10 ~~(b) For hillside pasture conservation easements, the payments to the landowner in~~
27.11 ~~paragraph (a) for the conservation easement and agreement must be reduced to reflect the~~
27.12 ~~value of similar property.~~

27.13 (b) The board may establish alternative practices to those defined in section 84.02 for
27.14 restoration of native prairie, grasslands, or wetlands based on soil type, seed availability,
27.15 adjacent land uses, or other site-specific factors.

27.16 (c) The board may establish a payment system for flowage easements acquired
27.17 under this section.

27.18 (d) For wetland restoration projects involving more than one conservation easement,
27.19 state payments for restoration costs may exceed the limits set ~~forth in this section~~ by the
27.20 board for an individual easement provided the total payment for the restoration project
27.21 does not exceed the amount payable for the total number of acres involved.

27.22 (e) The board may use available nonstate funds to exceed the payment limits in
27.23 this section.

27.24 Sec. 38. Minnesota Statutes 2008, section 103F.521, subdivision 1, is amended to read:

27.25 Subdivision 1. **Cooperation.** In implementing sections 103F.505 to 103F.531, the
27.26 board must share information and cooperate with the Department of Agriculture, the
27.27 Department of Natural Resources, the Pollution Control Agency, the United States Fish
27.28 and Wildlife Service, ~~the Agricultural Stabilization and Conservation Service and Soil~~
27.29 ~~Conservation Service~~ of the United States Department of Agriculture, the Minnesota
27.30 Extension Service, the University of Minnesota, county boards, soil and water conservation
27.31 districts, watershed districts, and interested private organizations and individuals.

27.32 Sec. 39. Minnesota Statutes 2008, section 103F.525, is amended to read:

27.33 **103F.525 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE**
27.34 **CONSERVATION PROGRAMS.**

28.1 The board may supplement payments made under federal land retirement programs
28.2 to the extent of available appropriations ~~other than bond proceeds~~. The supplemental
28.3 payments must be used to establish perennial cover on land enrolled or increase payments
28.4 for land enrollment in programs approved by the board, ~~including the federal conservation~~
28.5 ~~reserve program and federal and state water bank program.~~

28.6 Sec. 40. Minnesota Statutes 2008, section 103F.526, is amended to read:

28.7 **103F.526 FOOD PLOTS IN WINDBREAKS.**

28.8 The board, ~~in cooperation with the commissioner of natural resources,~~ may authorize
28.9 wildlife food plots on land ~~with windbreaks~~ enrolled in a conservation easement under
28.10 section 103F.515.

28.11 Sec. 41. Minnesota Statutes 2008, section 103F.531, is amended to read:

28.12 **103F.531 RULEMAKING.**

28.13 The board may adopt rules or policy to implement sections 103F.505 to 103F.531.
28.14 ~~The rules must include standards for tree planting so that planting does not conflict with~~
28.15 ~~existing electrical lines, telephone lines, rights-of-way, or drainage ditches.~~

28.16 Sec. 42. Minnesota Statutes 2008, section 103F.535, subdivision 5, is amended to read:

28.17 Subd. 5. **Release and alteration of conservation easements.** Conservation
28.18 easements ~~existing under this section, as of April 30, 1992,~~ may be altered, released,
28.19 or terminated by the board ~~of Water and Soil Resources~~ after consultation with the
28.20 commissioners of agriculture and natural resources. The board may alter, release, or
28.21 terminate a conservation easement only if the board determines that the public interest and
28.22 general welfare are better served by the alteration, release, or termination.

28.23 Sec. 43. Minnesota Statutes 2008, section 103G.201, is amended to read:

28.24 **103G.201 PUBLIC WATERS INVENTORY.**

28.25 (a) The commissioner shall ~~prepare~~ maintain a public waters inventory map of each
28.26 county that shows the waters of this state that are designated as public waters under the
28.27 public waters inventory and classification procedures prescribed under Laws 1979, chapter
28.28 199, and shall provide access to a copy of the maps and lists. ~~The~~ As county public waters
28.29 inventory map for each county must be filed with maps and lists are revised according to
28.30 this section, the commissioner shall send a notification or a copy of the maps and lists
28.31 to the auditor of ~~the~~ each affected county.

29.1 (b) The commissioner is authorized to revise the list of public waters established
29.2 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously
29.3 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as
29.4 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify
29.5 public waters wetlands as public waters if:

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

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

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

29.16 (c) The commissioner must provide notice of the reclassification to the local
29.17 government unit, the county board, the watershed district, if one exists for the area, and
29.18 the soil and water conservation district. Within 60 days of receiving notice from the
29.19 commissioner, a party required to receive the notice may provide a resolution stating
29.20 objections to the reclassification. If the commissioner receives an objection from a party
29.21 required to receive the notice, the reclassification is not effective. If the commissioner does
29.22 not receive an objection from a party required to receive the notice, the reclassification
29.23 of a wetland under paragraph (b) is effective 60 days after the notice is received by all
29.24 of the parties.

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

29.27 (e) The commissioner may revise the public waters inventory map and list of each
29.28 county:

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

29.30 (2) as needed, to:

29.31 (i) correct errors in the original inventory;

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

29.34 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds
29.35 50 acres and the shoreland has been zoned for residential development; and

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

30.3 Sec. 44. **CONSUMPTIVE USE OF WATER.**

30.4 Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature
30.5 approves of the consumptive use of water under a permit of more than 2,000,000 gallons
30.6 per day average in a 30-day period in St. Louis County, in connection with snowmaking,
30.7 subject to the commissioner of natural resources making a determination that the water
30.8 remaining in the basin of origin will be adequate to meet the basin's need for water and
30.9 approval by the commissioner of natural resources of all applicable permits.

30.10 Sec. 45. **PLANNING AND DEVELOPMENT.**

30.11 The commissioner of natural resources shall work with Friends of the Casey Jones
30.12 Trail in planning and developing the extension of the Casey Jones Trail.

30.13 Sec. 46. **TRAIL PLANNING AND DEVELOPMENT.**

30.14 The commissioner of natural resources shall work with Friends of the Jackson
30.15 County Trails in planning and developing the Des Moines River Valley Trail.

30.16 Sec. 47. **APPROPRIATION.**

30.17 \$20,000 is appropriated from the natural resources fund to the commissioner of
30.18 natural resources for the start-up costs of the off-highway vehicle administrative forfeiture
30.19 processes. Of this amount, \$15,000 is from the all-terrain vehicle account; \$3,000 is from
30.20 the off-highway motorcycle account; and \$2,000 is from the off-road vehicle account.
30.21 This is a onetime appropriation.

30.22 Sec. 48. **REVISOR'S INSTRUCTION.**

30.23 (a) The revisor of statutes shall change the term "conservation reserve program" to
30.24 "reinvest in Minnesota reserve program" where it appears in Minnesota Statutes, sections
30.25 84.95, subdivision 2; 92.70, subdivision 1; and 103H.105.

30.26 (b) In each section of Minnesota Statutes referred to in column A, the revisor of
30.27 statutes shall delete the reference in column B and insert the reference in column C.

30.28	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
30.29	<u>84.777</u>	<u>84.805</u>	<u>84.804</u>
30.30	<u>84.777</u>	<u>84.929</u>	<u>84.928</u>
30.31	<u>84.787, subd. 1</u>	<u>84.796</u>	<u>84.795</u>
30.32	<u>84.788, subd. 9</u>	<u>84.796</u>	<u>84.795</u>

32.1 (a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life
32.2 is not wildlife. Aquatic farms must be licensed and given classifications to prevent or
32.3 minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

32.4 (1) prevent public aquatic life from entering an aquatic farm;

32.5 (2) prevent release of nonindigenous or exotic species into public waters without
32.6 approval of the commissioner;

32.7 (3) protect against release of disease pathogens to public waters;

32.8 (4) protect existing natural aquatic habitats and the wildlife dependent on them; and

32.9 (5) protect private aquatic life from unauthorized taking or harvest.

32.10 (b) Private aquatic life that is legally acquired and possessed is an article of interstate
32.11 commerce and may be restricted only as necessary to protect state fish and water resources.

32.12 (c) The commissioner of natural resources shall establish license and other fees as
32.13 provided in section 16A.1285, subdivision 2, that would make aquaculture licensing
32.14 and enforcement self-sustaining. Notwithstanding section 16A.1283, the commissioner
32.15 may, by written order published in the State Register, establish the fees required by this
32.16 section. The fees are not subject to the rulemaking provisions of chapter 14 and section
32.17 14.386 does not apply. The commissioner shall develop best management practices for
32.18 aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for
32.19 aquaculture, including, but not limited to, fish farming in man-made ponds.

32.20 Sec. 3. Minnesota Statutes 2008, section 17.4988, subdivision 3, is amended to read:

32.21 Subd. 3. **Inspection and additional fees.** Notwithstanding section 16A.1283, the
32.22 commissioner may, by written order published in the State Register, establish fees for the
32.23 services listed in clauses (1) to (3) and the additional fee required under subdivision 2,
32.24 paragraph (a). The fees must be set in an amount that does not recover significantly more
32.25 or less than the cost of providing the service. The fees are not subject to the rulemaking
32.26 provisions of chapter 14 and section 14.386 does not apply. The services covered under
32.27 this provision include:

32.28 (1) initial inspection of each water to be licensed;

32.29 (2) fish health inspection and certification, including initial tissue sample collection,
32.30 basic fish health assessment, viral pathogen testing, and bacteriological testing; and

32.31 (3) initial inspection for containment and quarantine facility inspections.

32.32 Sec. 4. **[84.0874] ELECTRONIC LICENSING SYSTEM DATA.**

32.33 The following data created, collected, stored, or maintained by the department for
32.34 purposes of obtaining a noncommercial game and fish license, cross-country ski pass,

33.1 horse trail pass, or snowmobile trail sticker; registering a recreational motor vehicle; or
33.2 any other electronic licensing transaction are private data on individuals as defined in
33.3 section 13.02, subdivision 12: name, addresses, driver's license number, and date of
33.4 birth. The data may be disclosed for law enforcement purposes. The data, other than the
33.5 driver's license number, may be disclosed to a government entity and for natural resources
33.6 management purposes, including recruitment, retention, and training certification and
33.7 verification.

33.8 **EFFECTIVE DATE.** This section is effective March 1, 2010.

33.9 Sec. 5. Minnesota Statutes 2008, section 84.788, subdivision 11, is amended to read:

33.10 Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not
33.11 including any issuing fees paid under subdivision 3, paragraph (e), or section 84.027,
33.12 subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12~~
33.13 ~~months~~ 60 days of the original registration, the registration is not used or transferred, and:

33.14 (1) the off-highway motorcycle was registered incorrectly ~~by the commissioner~~
33.15 ~~or the deputy registrar~~; or

33.16 (2) the off-highway motorcycle was registered twice, once by the dealer and once by
33.17 the customer.

33.18 Sec. 6. Minnesota Statutes 2008, section 84.798, subdivision 10, is amended to read:

33.19 Subd. 10. **Refunds.** The commissioner may issue a refund on a registration, not
33.20 including any issuing fees paid under subdivision 3, paragraph (b), or section 84.027,
33.21 subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12~~
33.22 ~~months~~ 60 days of the original registration ~~and the vehicle was registered incorrectly by~~
33.23 ~~the commissioner or the deputy registrar~~, the registration is not used or transferred, and:

33.24 (1) the off-road vehicle was registered incorrectly; or

33.25 (2) the off-road vehicle was registered twice, once by the dealer and once by the
33.26 customer.

33.27 Sec. 7. Minnesota Statutes 2008, section 84.82, subdivision 11, is amended to read:

33.28 Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not
33.29 including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027,
33.30 subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12~~
33.31 ~~months~~ 60 days of the original registration, the registration is not used or transferred, and:

33.32 (1) the snowmobile was registered incorrectly ~~by the commissioner or the deputy~~
33.33 ~~registrar~~; or

34.1 (2) the snowmobile was registered twice, once by the dealer and once by the
34.2 customer.

34.3 Sec. 8. Minnesota Statutes 2008, section 84.922, subdivision 12, is amended to read:

34.4 Subd. 12. **Refunds.** The commissioner may issue a refund on a registration, not
34.5 including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027,
34.6 subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12~~
34.7 months 60 days of the original registration, the registration is not used or transferred, and:

34.8 (1) the vehicle was registered incorrectly ~~by the commissioner or the deputy~~
34.9 ~~registrar~~; or

34.10 (2) the vehicle was registered twice, once by the dealer and once by the customer.

34.11 Sec. 9. Minnesota Statutes 2008, section 86B.415, subdivision 11, is amended to read:

34.12 Subd. 11. **Refunds.** The commissioner may issue a refund on a license or title, not
34.13 including any issuing fees paid under subdivision 8 or section 84.027, subdivision 15,
34.14 paragraph (a), clause (3), or 86B.870, subdivision 1, paragraph (b), if the refund request
34.15 is received within ~~12 months~~ 60 days of the original license or title, the license or title
34.16 is not used or transferred, and:

34.17 (1) the watercraft was licensed or titled incorrectly ~~by the commissioner or the~~
34.18 ~~deputy registrar~~;

34.19 (2) the customer was incorrectly charged a title fee; or

34.20 (3) the watercraft was licensed or titled twice, once by the dealer and once by the
34.21 customer.

34.22 Sec. 10. Minnesota Statutes 2008, section 97A.015, is amended by adding a
34.23 subdivision to read:

34.24 Subd. 3b. **Bow fishing.** "Bow fishing" means taking rough fish by archery where
34.25 the arrows are tethered or controlled by an attached line.

34.26 Sec. 11. Minnesota Statutes 2008, section 97A.051, subdivision 2, is amended to read:

34.27 Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a
34.28 summary of the hunting and fishing laws and rules and deliver a sufficient supply to
34.29 ~~county auditors~~ license vendors to furnish one copy to each person obtaining a hunting,
34.30 fishing, or trapping license.

34.31 (b) At the beginning of the summary, under the heading "Trespass," the
34.32 commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945,

35.1 state that conservation officers and peace officers must enforce the trespass laws, and
35.2 state the penalties for trespassing.

35.3 (c) In the summary the commissioner shall, under the heading "Duty to Render Aid,"
35.4 summarize the requirements under section 609.662 and state the penalties for failure to
35.5 render aid to a person injured by gunshot.

35.6 Sec. 12. Minnesota Statutes 2008, section 97A.075, subdivision 5, is amended to read:

35.7 Subd. 5. **Turkey account.** (a) \$4.50 from each turkey license sold, except youth
35.8 licenses under section 97A.475, subdivision 2, clause (4), and subdivision 3, clause (7),
35.9 must be credited to the wild turkey management account. Money in the account may be
35.10 used only for:

35.11 (1) the development, restoration, and maintenance of suitable habitat for wild
35.12 turkeys on public and private land including forest stand improvement and establishment
35.13 of nesting cover, winter roost area, and reliable food sources;

35.14 (2) acquisitions of, or easements on, critical wild turkey habitat;

35.15 (3) reimbursement of expenditures to provide wild turkey habitat on public and
35.16 private land;

35.17 (4) trapping and transplantation of wild turkeys; and

35.18 (5) the promotion of turkey habitat development and maintenance, population
35.19 surveys and monitoring, and research.

35.20 (b) Money in the account may not be used for:

35.21 (1) costs unless they are directly related to a specific parcel of land under paragraph
35.22 (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4),
35.23 or to specific promotional or evaluative activities under paragraph (a), clause (5); or

35.24 (2) any permanent personnel costs.

35.25 Sec. 13. Minnesota Statutes 2008, section 97A.095, subdivision 2, is amended to read:

35.26 Subd. 2. **Waterfowl feeding and resting areas.** The commissioner may, by rule,
35.27 designate any part of a lake as a migratory feeding and resting area. Before designation,
35.28 the commissioner must receive a petition signed by at least ten local resident licensed
35.29 hunters describing the area of a lake that is a substantial feeding or resting area for
35.30 migratory waterfowl, and find that the statements in the petition are correct, and that
35.31 adequate, free public access to the lake exists near the designated area. The commissioner
35.32 shall post the area as a migratory waterfowl feeding and resting area. Except as authorized
35.33 in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl
35.34 feeding and resting area, during a period when hunting of migratory waterfowl is allowed,

36.1 with watercraft or aircraft propelled by a motor, other than an electric motor ~~of less than~~
36.2 ~~30 pounds thrust~~ with battery power of 12 volts or less. The commissioner may, by rule,
36.3 further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

36.4 Sec. 14. Minnesota Statutes 2008, section 97A.137, is amended by adding a
36.5 subdivision to read:

36.6 Subd. 4. Exemption from certain local ordinances. (a) Except as provided in
36.7 paragraphs (c) and (d), wildlife management areas that are established according to section
36.8 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and 160 contiguous
36.9 acres or larger are exempt from local ordinances that limit the taking of game and fish or
36.10 vegetation management in the unit as authorized by state law.

36.11 (b) Except as provided in paragraphs (c) and (d), wildlife management areas that
36.12 are established according to section 86A.05, subdivision 8; designated under section
36.13 97A.133 or 97A.145; and at least 40 contiguous acres and less than 160 contiguous acres
36.14 are exempt from local ordinances that:

36.15 (1) restrict trapping;

36.16 (2) restrict the discharge of archery equipment;

36.17 (3) restrict the discharge of shotguns with shot sizes of F or .22 inch diameter or
36.18 smaller shot;

36.19 (4) restrict noise;

36.20 (5) require dogs on a leash; or

36.21 (6) would in any manner restrict the management of vegetation in the unit as
36.22 authorized by state law.

36.23 (c) This subdivision does not apply to wildlife management area restrictions that,
36.24 prior to May 1, 2009, were adopted under rules of the commissioner or local ordinances.

36.25 (d) When a local unit of government is able to demonstrate a significant public
36.26 safety issue that is not adequately addressed by rules of the commissioner or state posting
36.27 of the wildlife management area, the local government may file an appeal with the
36.28 commissioner. If the commissioner agrees with the appeal, the commissioner shall amend
36.29 the commissioner's rules to the extent needed to resolve the public safety issue. The
36.30 commissioner may use the expedited rulemaking procedure in section 84.027, subdivision
36.31 13, to resolve the public safety issue.

36.32 Sec. 15. Minnesota Statutes 2008, section 97A.331, subdivision 2, is amended to read:

37.1 Subd. 2. **Shining.** A person that violates section 97B.081, subdivision 1, relating to
37.2 the use of an artificial light to locate wild animals ~~while in possession of a firearm, bow, or~~
37.3 ~~other implement capable of killing big game~~ is guilty of a gross misdemeanor.

37.4 Sec. 16. Minnesota Statutes 2008, section 97A.445, subdivision 1, is amended to read:

37.5 Subdivision 1. **Angling; Take a Kid Fishing Weekends.** A resident ~~over age 18~~ age
37.6 16 years or older may take fish by angling without an angling or fish house license during
37.7 one three-day consecutive period of the open water angling season and one three-day
37.8 consecutive period of the ice angling season designated by rule of the commissioner
37.9 if accompanied by a child who is under age 16. The commissioner shall publicize the
37.10 three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and
37.11 "Take a Kid Ice Fishing Weekend" for the ice angling season.

37.12 Sec. 17. Minnesota Statutes 2008, section 97A.445, is amended by adding a
37.13 subdivision to read:

37.14 Subd. 1a. **Angling in a state park.** A resident may take fish by angling without
37.15 an angling license when shore fishing or wading on state-owned land within a state park.
37.16 When angling from a boat or float, this subdivision applies only to those water bodies
37.17 completely encompassed within the statutory boundary of the state park. The exemption
37.18 from an angling license does not apply to waters where a trout stamp is required.

37.19 Sec. 18. Minnesota Statutes 2008, section 97A.451, is amended by adding a
37.20 subdivision to read:

37.21 Subd. 1a. **Angling; residents 90 years of age or older.** A resident who is 90 years
37.22 of age or older may take fish without a license.

37.23 Sec. 19. Minnesota Statutes 2008, section 97A.451, subdivision 2, is amended to read:

37.24 Subd. 2. **Residents under age 16; fishing.** A resident under the age of 16 years
37.25 may take fish without a license. A person authorized to issue licenses must issue a license
37.26 to a resident under the age of 16 without a fee to net ciscoes and whitefish for personal
37.27 consumption under section 97A.475, subdivision 13.

37.28 Sec. 20. Minnesota Statutes 2008, section 97A.465, subdivision 1b, is amended to read:

37.29 Subd. 1b. **Residents discharged from active service.** (a) A resident who has served
37.30 at any time during the preceding 24 months in federal active service, as defined in section
37.31 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as

38.1 a reserve component or active duty member of the United States armed forces and has
38.2 been discharged from active service may take small game and fish without a license if the
38.3 resident possesses official military discharge papers. The resident must obtain the seals,
38.4 tags, and coupons required of a licensee, which must be furnished without charge.

38.5 (b) The commissioner shall issue, without fee, a deer license and an either-sex deer
38.6 permit to a resident who has served at any time during the preceding 24 months in federal
38.7 active service, as defined in section 190.05, subdivision 5c, outside the United States as a
38.8 member of the National Guard, or as a reserve component or active duty member of the
38.9 United States armed forces and has been discharged from active service. Eligibility under
38.10 this paragraph is limited to one license and one permit per resident.

38.11 Sec. 21. Minnesota Statutes 2008, section 97A.465, subdivision 5, is amended to read:

38.12 Subd. 5. **Preference to service members.** (a) For purposes of this subdivision:

38.13 (1) "qualified service member or veteran" means a Minnesota resident who:

38.14 (i) is currently serving, or has served at any time during the past 24 months, in active
38.15 service as a member of the United States armed forces, including the National Guard or
38.16 other military reserves;

38.17 (ii) has received a Purple Heart medal for qualifying military service, as shown by
38.18 official military records; or

38.19 (iii) has a service-connected disability rated at 70 percent or more as defined by the
38.20 United States Veterans Administration; and

38.21 (2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

38.22 (b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or
38.23 administrative rules, the commissioner ~~may~~ shall give first preference to qualified service
38.24 members or veterans in any drawing or lottery involving the selection of applicants for
38.25 hunting or fishing licenses, permits, and special permits. This subdivision does not
38.26 apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the
38.27 commissioner under this subdivision are not rules under the Administrative Procedure Act
38.28 and section 14.386 does not apply.

38.29 Sec. 22. Minnesota Statutes 2008, section 97A.473, subdivision 1, is amended to read:

38.30 Subdivision 1. **Resident lifetime licenses authorized.** (a) The commissioner may
38.31 issue a lifetime angling license, a lifetime spearing license, a lifetime angling and spearing
38.32 license, a lifetime small game hunting license, a lifetime firearm or archery deer hunting
38.33 license, ~~or~~ a lifetime sporting license or a lifetime sporting with spearing option license to
38.34 a person who is a resident of the state for at least one year or who is under age 21 and the

39.1 child of a person who is a resident of the state for at least one year. The license fees paid
39.2 for a lifetime license are nonrefundable.

39.3 (b) The commissioner may require the holder of a lifetime license issued under this
39.4 section to notify the department each year that the license is used, by:

39.5 (1) telephone or Internet notification, as specified by the commissioner;

39.6 (2) the purchase of stamps for the license; or

39.7 (3) registration and tag issuance, in the case of the resident lifetime deer license.

39.8 Sec. 23. Minnesota Statutes 2008, section 97A.473, is amended by adding a
39.9 subdivision to read:

39.10 Subd. 2a. **Lifetime spearing license; fee.** (a) A resident lifetime spearing license
39.11 authorizes a person to take fish by spearing in the state. The license authorizes those
39.12 activities authorized by the annual resident spearing license.

39.13 (b) The fees for a resident lifetime spearing license are:

39.14 (1) age 3 and under, \$258;

39.15 (2) age 4 to age 15, \$320;

39.16 (3) age 16 to age 50, \$372; and

39.17 (4) age 51 and over, \$173.

39.18 Sec. 24. Minnesota Statutes 2008, section 97A.473, is amended by adding a
39.19 subdivision to read:

39.20 Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime
39.21 angling and spearing license authorizes a person to take fish by angling or spearing in the
39.22 state. The license authorizes those activities authorized by the annual resident angling
39.23 and spearing licenses.

39.24 (b) The fees for a resident lifetime angling and spearing license are:

39.25 (1) age 3 and under, \$485;

39.26 (2) age 4 to age 15, \$620;

39.27 (3) age 16 to age 50, \$755; and

39.28 (4) age 51 and over, \$376.

39.29 Sec. 25. Minnesota Statutes 2008, section 97A.473, is amended by adding a
39.30 subdivision to read:

39.31 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident
39.32 lifetime sporting with spearing option license authorizes a person to take fish by angling
39.33 or spearing and hunt and trap small game in the state. The license authorizes those

40.1 activities authorized by the annual resident angling, spearing, resident small game hunting,
40.2 and resident trapping licenses. The license does not include a trout and salmon stamp
40.3 validation, a turkey stamp validation, a walleye stamp validation, or any other hunting
40.4 stamps required by law.

40.5 (b) The fees for a resident lifetime sporting license are:

40.6 (1) age 3 and under, \$615;

40.7 (2) age 4 to age 15, \$800;

40.8 (3) age 16 to age 50, \$985; and

40.9 (4) age 51 and over, \$586.

40.10 Sec. 26. Minnesota Statutes 2008, section 97A.4742, subdivision 1, is amended to read:

40.11 Subdivision 1. **Establishment; purpose.** The lifetime fish and wildlife trust fund
40.12 is established as a fund in the state treasury. All money received from the issuance of
40.13 lifetime angling, spearing, angling and spearing, small game hunting, deer hunting, ~~and~~
40.14 sporting, and sporting with spearing option licenses and earnings on the fund shall be
40.15 credited to the lifetime fish and wildlife trust fund.

40.16 Sec. 27. Minnesota Statutes 2008, section 97A.475, subdivision 3, is amended to read:

40.17 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued
40.18 to nonresidents, are:

40.19 (1) for persons age 18 or over to take small game, \$73;

40.20 (2) for persons age 18 or over to take deer with firearms during the regular firearms
40.21 season, \$135;

40.22 (3) for persons age 18 or over to take deer by archery, \$135;

40.23 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader
40.24 season, \$135;

40.25 (5) to take bear, \$195;

40.26 (6) for persons age 18 and older to take turkey, \$78;

40.27 (7) for persons under age 18 to take turkey, \$12;

40.28 (8) to take raccoon or bobcat, \$155;

40.29 (9) multizone license to take antlered deer in more than one zone, \$270;

40.30 (10) to take Canada geese during a special season, \$4;

40.31 (11) for persons under age 18 to take deer with firearms during the regular firearms
40.32 season in any open season option or time period, \$13;

40.33 (12) for persons under age 18 to take deer by archery, \$13; and

40.34 (13) for persons under age 18 to take deer during the muzzleloader season, \$13.

41.1 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
41.2 paragraph (a), clauses (1) to (9). An additional commission may not be assessed on this
41.3 surcharge.

41.4 Sec. 28. Minnesota Statutes 2008, section 97A.475, subdivision 7, is amended to read:

41.5 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued
41.6 to nonresidents, are:

41.7 (1) to take fish by angling, \$37.50;

41.8 (2) to take fish by angling limited to seven consecutive days selected by the licensee,
41.9 \$26.50;

41.10 (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;

41.11 (4) to take fish by angling for a combined license for a family for one or both parents
41.12 and dependent children under the age of 16, \$50.50;

41.13 (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~

41.14 (6) to take fish by angling for a combined license for a married couple, limited to 14
41.15 consecutive days selected by one of the licensees, \$38.50; and

41.16 (7) to take fish by spearing from a dark house, \$37.50.

41.17 (b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses
41.18 issued under paragraph (a), clause (5). An additional commission may not be assessed
41.19 on this surcharge.

41.20 Sec. 29. Minnesota Statutes 2008, section 97A.475, subdivision 11, is amended to read:

41.21 Subd. 11. **Fish houses ~~and~~, dark houses, and shelters; residents.** Fees for the
41.22 following licenses are:

41.23 (1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;

41.24 (2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;

41.25 (3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and

41.26 (4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

41.27 Sec. 30. Minnesota Statutes 2008, section 97A.475, subdivision 12, is amended to read:

41.28 Subd. 12. **Fish houses ~~and~~ shelters; nonresident.** Fees for fish house and shelter
41.29 licenses for a nonresident are:

41.30 (1) annual, \$33;

41.31 (2) seven consecutive days, \$19; and

41.32 (3) three-year, \$99.

42.1 Sec. 31. Minnesota Statutes 2008, section 97A.475, subdivision 29, is amended to read:

42.2 Subd. 29. **Private fish hatcheries.** The fees for the following licenses to be issued
42.3 to residents and nonresidents are:

42.4 (1) for a private fish hatchery, with annual sales under \$200, \$70;

42.5 (2) for a private fish hatchery, with annual sales of \$200 or more, \$210 for the base
42.6 license. The commissioner must establish an additional fee based on the acreage of the
42.7 operation. Notwithstanding section 16A.1283, the commissioner may, by written order
42.8 published in the State Register, establish the additional fee required by this subdivision.

42.9 The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386
42.10 does not apply; and

42.11 (3) to take sucker eggs from public waters for a private fish hatchery, \$400, plus
42.12 \$6 for each quart in excess of 100 quarts.

42.13 Sec. 32. Minnesota Statutes 2008, section 97A.525, subdivision 1, is amended to read:

42.14 Subdivision 1. **Residents Generally.** A resident person may transport wild animals
42.15 ~~within the state~~ by common carrier without being in the vehicle if the resident person has
42.16 the license required to take the animals and they are shipped to the resident person or to a
42.17 licensed taxidermist, tanner, or fur buyer. ~~The wild animals that may be transported~~
42.18 ~~by common carrier are:~~

42.19 ~~(1) deer, bear, elk, and moose;~~

42.20 ~~(2) undressed game birds; and~~

42.21 ~~(3) fish.~~

42.22 Sec. 33. Minnesota Statutes 2008, section 97B.081, is amended to read:

42.23 **97B.081 USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.**

42.24 Subdivision 1. ~~With firearms and bows~~ implements to take wild animals. (a)
42.25 Except as provided in subdivision 3, a person may not cast the rays of a spotlight,
42.26 headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot,
42.27 locate, or take a wild animal, ~~except while taking raccoons in accordance with section~~
42.28 ~~97B.621, subdivision 3, or tending traps in accordance with section 97B.931,~~ while
42.29 having in possession, either individually or as one of a group of persons, a firearm, bow,
42.30 or other implement that could be used to ~~kill~~ take big game, small game, or unprotected
42.31 wild animals.

42.32 (b) ~~This subdivision does not apply to a firearm that is:~~

42.33 (1) ~~unloaded;~~

43.1 ~~(2) in a gun case expressly made to contain a firearm that fully encloses the firearm~~
43.2 ~~by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of~~
43.3 ~~the firearm exposed; and~~

43.4 ~~(3) in the closed trunk of a motor vehicle.~~

43.5 ~~(c) This subdivision does not apply to a bow that is:~~

43.6 ~~(1) completely encased or unstrung; and~~

43.7 ~~(2) in the closed trunk of a motor vehicle.~~

43.8 ~~(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm~~
43.9 ~~or bow must be placed in the rearmost location of the vehicle.~~

43.10 ~~(e) This subdivision does not apply to persons taking raccoons under section~~
43.11 ~~97B.621, subdivision 3.~~

43.12 ~~(f) This subdivision does not apply to a person hunting fox or coyote from January 1~~
43.13 ~~to March 15 while using a handheld artificial light, provided that the person:~~

43.14 ~~(1) is on foot;~~

43.15 ~~(2) is using a shotgun;~~

43.16 ~~(3) is not within a public road right-of-way;~~

43.17 ~~(4) is using a handheld or electronic calling device; and~~

43.18 ~~(5) is not within 200 feet of a motor vehicle.~~

43.19 **Subd. 2. Without firearms implements to take wild animals.** ~~(a) Between the~~
43.20 ~~hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, Except as provided~~
43.21 ~~in subdivision 3, from two hours after sunset until sunrise, a person may not cast the rays~~
43.22 ~~of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland,~~
43.23 ~~or forest to spot, or locate, or take a wild animal except to take raccoons under section~~
43.24 ~~97B.621, subdivision 3, or to tend traps under section 97B.931.~~

43.25 ~~(b) Between one-half hour after sunset until sunrise, Except as provided in~~
43.26 ~~subdivision 3, a person may not cast the rays of a spotlight, headlight, or other artificial~~
43.27 ~~light to spot, locate, or take a wild animal on fenced, agricultural land containing~~
43.28 ~~livestock, as defined in section 17A.03, subdivision 5, or poultry that is marked with signs~~
43.29 ~~prohibiting the shining of lights. The signs must:~~

43.30 ~~(1) display reflectorized letters that are at least two inches in height and state "no~~
43.31 ~~shining" or similar terms; and~~

43.32 ~~(2) be placed at intervals of 1,000 feet or less along the boundary of the area.~~

43.33 ~~(c) It is not a violation of paragraph (a) or (b) for a person to carry out any~~
43.34 ~~agricultural, occupational, or recreational practice, including snowmobiling that is not~~
43.35 ~~related to spotting, locating, or taking a wild animal.~~

44.1 ~~(d) Between the hours of 6:00 p.m. and 6:00 a.m. (c) Except as provided in~~
44.2 subdivision 3, a person may not project a spotlight or handheld cast an artificial light onto
44.3 residential property or building sites from a moving motor vehicle being operated on
44.4 land, except for the following purposes:

- 44.5 (1) safety;
44.6 (2) emergency response;
44.7 (3) normal vehicle operations; or
44.8 (4) performing an occupational duty.

44.9 (d) Except as provided in subdivision 3, a person may not at any time cast the rays of
44.10 a spotlight, headlight, or other artificial light onto property posted with signs prohibiting
44.11 the shining of lights onto the property. When signs are posted, the signs shall display
44.12 letters that are at least two inches in height and state "no shining" or similar terms and
44.13 shall be placed at intervals of 500 feet or less along the boundary of the property.

44.14 Subd. 3. Exceptions. (a) It is not a violation of this section for a person to:

44.15 (1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons
44.16 according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

44.17 (2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial
44.18 light, provided that the person is:

- 44.19 (i) on foot;
44.20 (ii) using a shotgun;
44.21 (iii) not within a public road right-of-way;
44.22 (iv) using a handheld or electronic calling device; and
44.23 (v) not within 200 feet of a motor vehicle; or

44.24 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game
44.25 animals, provided that the person is:

- 44.26 (i) on foot; and
44.27 (ii) not in possession of a firearm or bow.

44.28 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,
44.29 headlight, or other artificial light to:

44.30 (1) carry out any agricultural, safety, emergency response, normal vehicle operation,
44.31 or occupational-related activities that do not involve taking wild animals; or

44.32 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to
44.33 spotting, locating, or taking a wild animal.

44.34 Sec. 34. Minnesota Statutes 2008, section 97B.086, is amended to read:

44.35 **97B.086 POSSESSION OF NIGHT VISION EQUIPMENT.**

45.1 (a) A person may not possess night vision ~~goggle~~ equipment while taking wild
45.2 animals or while having in possession, either individually or as one of a group of persons,
45.3 a firearm, bow, or other implement that could be used to take wild animals.

45.4 (b) This section does not apply to a firearm that is:

45.5 (1) unloaded;

45.6 (2) in a gun case expressly made to contain a firearm that fully encloses the firearm
45.7 by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of
45.8 the firearm exposed; and

45.9 (3) in the closed trunk of a motor vehicle.

45.10 (c) This section does not apply to a bow that is:

45.11 (1) completely encased or unstrung; and

45.12 (2) in the closed trunk of a motor vehicle.

45.13 (d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm
45.14 or bow must be placed in the rearmost location of the vehicle.

45.15 (e) This section does not apply to night vision ~~goggle~~ equipment possessed by peace
45.16 officers or military personnel while exercising their duties.

45.17 Sec. 35. Minnesota Statutes 2008, section 97B.111, subdivision 1, is amended to read:

45.18 Subdivision 1. **Establishment; requirements.** The commissioner may establish
45.19 criteria, special seasons, and limits for persons who have a physical disability to take big
45.20 game and small game with firearms and by archery in designated areas. A person hunting
45.21 under this section who has a physical disability must have a verified statement of the
45.22 disability by a licensed physician and must be participating in a program for physically
45.23 disabled hunters sponsored by a nonprofit organization that is permitted under subdivision
45.24 2. Notwithstanding section 97B.055, subdivision 3, the commissioner may authorize hunt
45.25 participants to shoot from a stationary motor vehicle. A license is not required for a person
45.26 to assist a physically disabled person hunting during a special season under this section.

45.27 Sec. 36. Minnesota Statutes 2008, section 97B.328, subdivision 3, is amended to read:

45.28 Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains,
45.29 fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer
45.30 and that has been placed by a person. Liquid scents, salt, and minerals, ~~and bird feeders~~
45.31 ~~containing grains or nuts that are at least six feet above the ground~~ are not bait or feed.
45.32 Unharvested food ~~resulting from normal or accepted~~ farming, forest management, wildlife
45.33 food plantings, orchard management, or other similar land management activities is not
45.34 bait or feed.

46.1 Sec. 37. Minnesota Statutes 2008, section 97B.651, is amended to read:

46.2 **97B.651 UNPROTECTED MAMMALS AND BIRDS.**

46.3 Subdivision 1. Taking unprotected mammals and birds. Mammals that are
46.4 unprotected wild animals and unprotected birds may be taken at any time and in any
46.5 manner, except with artificial lights, or by using a motor vehicle in violation of section
46.6 97B.091. Poison may not be used to take unprotected mammals or unprotected birds
46.7 unless the safety of humans and domestic livestock is ensured. Unprotected mammals and
46.8 unprotected birds may be possessed, bought, sold, or transported in any quantity, except
46.9 importation or exportation is restricted as provided in subdivision 2.

46.10 Subd. 2. Importing and exporting live coyotes. A person may not export a live
46.11 coyote out of the state or import a live coyote into the state unless authorized under a
46.12 permit from the commissioner.

46.13 Sec. 38. Minnesota Statutes 2008, section 97B.811, subdivision 2, is amended to read:

46.14 Subd. 2. **Hours for placing decoys.** Except as provided in subdivisions 3 and 4, a
46.15 person may not place decoys in public waters or on public lands more than ~~one hour~~ two
46.16 hours before lawful shooting hours for waterfowl.

46.17 Sec. 39. Minnesota Statutes 2008, section 97B.811, subdivision 3, is amended to read:

46.18 Subd. 3. **Restrictions on leaving decoys unattended.** During the open season for
46.19 waterfowl, a person may not leave decoys in public waters between sunset and ~~one hour~~
46.20 two hours before lawful shooting hours or leave decoys unattended during other times for
46.21 more than ~~four~~ three consecutive hours unless:

46.22 (1) the decoys are in waters adjacent to private land under the control of the hunter;
46.23 and

46.24 (2) there is not natural vegetation growing in water sufficient to partially conceal
46.25 a hunter.

46.26 Sec. 40. Minnesota Statutes 2008, section 97C.081, subdivision 2, is amended to read:

46.27 Subd. 2. **Contests without a permit.** A person may conduct a fishing contest
46.28 without a permit from the commissioner provided:

46.29 (1) the following criteria are met:

46.30 (i) there are ~~30 participants~~ 25 boats or less for open water contests and 150
46.31 participants or less for ice fishing contests;

46.32 (ii) the entry fee is \$25 per person or less;

46.33 (iii) the total prize value is \$25,000 or less; and

- 47.1 (iv) the contest is not limited to trout species only;
- 47.2 (2) the following criteria are met:
- 47.3 (i) the contest is not limited to specifically named waters; and
- 47.4 (ii) the contest is not limited to trout species only; ~~or~~
- 47.5 (3) all the contest participants are age 18 years or under;
- 47.6 (4) the contest is limited to rough fish; or
- 47.7 (5) the total prize value is \$500 or less.

47.8 Sec. 41. Minnesota Statutes 2008, section 97C.081, subdivision 3, is amended to read:

47.9 Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the
47.10 commissioner to conduct a fishing contest that does not meet the criteria in subdivision
47.11 2. The commissioner shall charge a fee for the permit that recovers the costs of issuing
47.12 the permit and of monitoring the activities allowed by the permit. ~~The commissioner~~
47.13 ~~may waive the fee under this subdivision for a charitable organization.~~ Notwithstanding
47.14 section 16A.1283, the commissioner may, by written order published in the State Register,
47.15 establish contest permit fees. The fees are not subject to the rulemaking provisions of
47.16 chapter 14 and section 14.386 does not apply.

47.17 (b) If entry fees are over \$25 per person, or total prizes are valued at more than
47.18 \$25,000, and if the applicant has either:

47.19 (1) not previously conducted a fishing contest requiring a permit under this
47.20 subdivision; or

47.21 (2) ever failed to make required prize awards in a fishing contest conducted by
47.22 the applicant, the commissioner may require the applicant to furnish the commissioner
47.23 evidence of financial responsibility in the form of a surety bond or bank letter of credit in
47.24 the amount of \$25,000.

47.25 (c) The permit fee for any individual contest may not exceed the following amounts:

47.26 (1) ~~\$120~~ \$60 for an open water contest not exceeding ~~100 participants~~ 50 boats and
47.27 without off-site weigh-in;

47.28 (2) ~~\$400~~ \$200 for an open water contest with more than ~~100 participants~~ 50 boats
47.29 and without off-site weigh-in;

47.30 (3) ~~\$500~~ \$250 for an open water contest not exceeding ~~100 participants~~ 50 boats
47.31 with off-site weigh-in;

47.32 (4) ~~\$1,000~~ \$500 for an open water contest with more than ~~100 participants~~ 50 boats
47.33 with off-site weigh-in; or

47.34 (5) \$120 for an ice fishing contest with more than 150 participants.

48.1 Sec. 42. Minnesota Statutes 2008, section 97C.081, subdivision 4, is amended to read:

48.2 Subd. 4. **Restrictions.** (a) The commissioner may by rule establish restrictions on
48.3 fishing contests to protect fish and fish habitat, to restrict activities during high use periods,
48.4 to restrict activities that affect research or management work, to restrict the number of
48.5 boats, and for the safety of contest participants.

48.6 (b) By March 1, 2011, the commissioner shall develop a best practices certification
48.7 program for fishing contest organizers to ensure the proper handling and release of fish.

48.8 Sec. 43. Minnesota Statutes 2008, section 97C.081, subdivision 6, is amended to read:

48.9 Subd. 6. **Permit application process.** (a) Beginning August 1 each year, the
48.10 commissioner shall accept permit applications for fishing contests to be held in the
48.11 following year.

48.12 (b) If the number of permit applications received by the commissioner from August
48.13 1 through the last Friday in September exceeds the limits specified in subdivisions 7 and 8,
48.14 the commissioner shall notify the affected applicants that their requested locations and
48.15 time period are subject to a drawing. After notification, the commissioner shall allow
48.16 the affected applicants a minimum of seven days to change the location or time period
48.17 requested on their applications, provided that the change is not to a location or time period
48.18 for which applications are already at or above the limits specified in subdivisions 7 and 8.

48.19 (c) After the applicants have been given at least seven days to change their
48.20 applications, the commissioner shall conduct a drawing for all locations and time periods
48.21 for which applications exceed limits. First preference in the drawings shall be given
48.22 to applicants for established or traditional fishing contests, and second preference to
48.23 applicants for contests that are not established as traditional fishing contests based on the
48.24 number of times they have been unsuccessful in previous drawings. Except for applicants
48.25 of established or traditional fishing contests, an applicant who is successful in a drawing
48.26 loses all accumulated preference. "Established or traditional fishing contest" means a
48.27 fishing contest that was issued permits in 1999 and 2000 or was issued permits four out of
48.28 five years from 1996 to 2000 for the same lake and time period. Beginning with 2001,
48.29 established or traditional fishing contests must continue to be conducted at least four out
48.30 of five years for the same lake and time period to remain established or traditional.

48.31 (d) The commissioner has until November 7 to approve or deny permit applications
48.32 that are submitted by 4:30 p.m. on the last Friday in September. The commissioner
48.33 may approve a permit application that is received after 4:30 p.m. on the last Friday
48.34 in September if approving the application would not result in exceeding the limits in
48.35 subdivisions 7 and 8.

49.1 (e) The commissioner shall develop an online Web-based fishing contest permit
49.2 application process.

49.3 Sec. 44. Minnesota Statutes 2008, section 97C.081, subdivision 9, is amended to read:

49.4 Subd. 9. **Permit restrictions.** (a) The commissioner may require fishing contest
49.5 permittees to limit pre-fishing to week days only as a condition of a fishing contest permit.
49.6 The commissioner may require proof from permittees that pre-fishing restrictions on the
49.7 permit are communicated to fishing contest participants and enforced.

49.8 (b) The commissioner may require permit restrictions on the hours that a permitted
49.9 fishing contest is conducted, including, but not limited to, starting and ending times.

49.10 (c) The commissioner may require permit restrictions on the number of parking
49.11 spaces that may be used on a state-owned public water access site. The commissioner may
49.12 require proof from permittees that parking restrictions on the permit are communicated to
49.13 fishing contest participants and enforced.

49.14 (d) To prevent undue mortality of released fish, the commissioner may require
49.15 restrictions for off-site weigh-ins and live releases on a fishing contest permit or may deny
49.16 permits requesting an off-site weigh-in or live release. The commissioner may allow for
49.17 live release weigh-ins at public accesses.

49.18 (e) A person may not transfer a fishing contest permit to another person.

49.19 (f) Failure to comply with fishing contest permit restrictions may be considered
49.20 grounds for denial of future permit applications.

49.21 Sec. 45. Minnesota Statutes 2008, section 97C.335, is amended to read:

49.22 **97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.**

49.23 (a) A person may not use artificial lights to lure or attract fish or to see fish in the
49.24 water while spearing, except that while angling or spearing, a person may:

49.25 (1) affix a lighted artificial bait with hooks attached to the end of a fishing line; or

49.26 (2) use a lighted decoy for spearing.

49.27 ~~Any~~ (b) A battery that is used in lighted fishing lures ~~cannot~~ must not contain ~~any~~
49.28 intentionally introduced mercury.

49.29 (c) The restrictions in paragraph (a) do not apply to bow fishing.

49.30 Sec. 46. Minnesota Statutes 2008, section 97C.345, subdivision 2, is amended to read:

49.31 Subd. 2. **Possession.** (a) Except as specifically authorized, a person may not possess
49.32 a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any
49.33 waters. Possession includes personal possession and in a vehicle.

50.1 (b) A person may possess spears, dip nets, ~~bows and arrows~~, and spear guns allowed
50.2 under section 97C.381 on or near waters between sunrise and sunset from May 1 to the
50.3 last Sunday in February, or as otherwise prescribed by the commissioner.

50.4 Sec. 47. Minnesota Statutes 2008, section 97C.371, is amended by adding a
50.5 subdivision to read:

50.6 Subd. 5. **Nonresidents.** Nonresidents may spear from a fish house or dark house.

50.7 Sec. 48. Minnesota Statutes 2008, section 97C.375, is amended to read:

50.8 **97C.375 TAKING ROUGH FISH BY SPEARING ~~OR ARCHERY.~~**

50.9 A resident or nonresident may take rough fish by spearing ~~or archery~~ during the
50.10 times, in waters, and in the manner prescribed by the commissioner.

50.11 Sec. 49. **[97C.376] BOW FISHING.**

50.12 Subdivision 1. **Season.** The bow fishing season for residents and nonresidents is
50.13 from May 1 to the last Sunday in February at any time of the day.

50.14 Subd. 2. **Possession of bows and arrows.** A person may possess bows and arrows
50.15 for the purposes of bow fishing on or within 100 feet of waters at any time from May 1 to
50.16 the last Sunday in February, subject to local ordinances. A person must take reasonable
50.17 measures to retrieve arrows and wounded fish.

50.18 Subd. 3. **Nighttime restrictions on motors.** From sunset to sunrise, a person bow
50.19 fishing with a gasoline-powered motor must use a four-stroke engine. The noise limits
50.20 for total noise while bow fishing from sunset to sunrise shall not exceed a noise level
50.21 of 65 decibels on the A scale measured at a distance of 50 feet from the motorboat or
50.22 equivalent noise levels at other distances as specified by the commissioner in a pass-by
50.23 test or 67 decibels on the A scale measured at idle in a stationary test at least four feet
50.24 above the water and at least four feet behind the transom of the motorboat being tested.
50.25 The noise levels under section 86B.321 apply to persons traveling to and from bow fishing
50.26 sites from sunset to sunrise.

50.27 Subd. 4. **Nighttime structure and campground setback requirements.** A person
50.28 shall not discharge an arrow while bow fishing within 150 feet of an occupied structure
50.29 or within 300 feet of a campsite from sunset to sunrise.

50.30 Subd. 5. **Prohibition on returning rough fish to waters.** Rough fish taken by bow
50.31 fishing shall not be returned to the water and rough fish may not be left on the banks
50.32 of any water of the state.

51.1 Sec. 50. RULEMAKING.

51.2 (a) The commissioner of natural resources shall adopt or amend rules to establish
51.3 minimum size limits for muskellunge on inland waters consistent with the provisions
51.4 of this section. The commissioner must:

51.5 (1) establish a 48-inch statewide minimum size restriction for muskellunge and
51.6 muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause
51.7 (2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota,
51.8 Hennepin, Ramsey, Scott, and Washington Counties; and

51.9 (2) establish a 40-inch minimum size restriction for muskellunge-northern pike
51.10 hybrids in the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and
51.11 Washington Counties:

51.12	<u>LAKE</u>	<u>COUNTY</u>
51.13	<u>Bryant</u>	<u>Hennepin</u>
51.14	<u>Bush</u>	<u>Hennepin</u>
51.15	<u>Calhoun</u>	<u>Hennepin</u>
51.16	<u>Cedar</u>	<u>Hennepin</u>
51.17	<u>Cedar</u>	<u>Scott</u>
51.18	<u>Clear</u>	<u>Washington</u>
51.19	<u>Crystal</u>	<u>Dakota</u>
51.20	<u>Crystal</u>	<u>Hennepin</u>
51.21	<u>Eagle</u>	<u>Carver</u>
51.22	<u>Elmo</u>	<u>Washington</u>
51.23	<u>Gervais</u>	<u>Ramsey</u>
51.24	<u>Island</u>	<u>Ramsey</u>
51.25	<u>Isles</u>	<u>Hennepin</u>
51.26	<u>Johanna</u>	<u>Ramsey</u>
51.27	<u>Nokomis</u>	<u>Hennepin</u>
51.28	<u>Orchard</u>	<u>Dakota</u>
51.29	<u>Phalen</u>	<u>Ramsey</u>
51.30	<u>Pierson</u>	<u>Carver</u>
51.31	<u>Silver</u>	<u>Ramsey</u>
51.32	<u>Wasserman</u>	<u>Carver</u>
51.33	<u>Weaver</u>	<u>Hennepin</u>

51.34 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
51.35 section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section
51.36 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

51.37 Sec. 51. TEMPORARY WARNING REQUIREMENTS; SHINING WITHOUT
51.38 IMPLEMENTS TO TAKE WILD ANIMALS.

52.1 A violation prior to August 1, 2010, of Minnesota Statutes, section 97B.081,
52.2 subdivision 2, shall not result in a penalty, but is punishable only by a warning.

52.3 **Sec. 52. ZONE 3 DEER SEASON AND RESTRICTIONS; 2009.**

52.4 For the 2009 deer season, notwithstanding rules of the commissioner of natural
52.5 resources under Minnesota Statutes, section 97B.311, paragraph (a), the commissioner
52.6 shall allow a nine-day early A season in Zone 3 beginning the Saturday nearest November
52.7 6 and a nine-day late B season in Zone 3 beginning the Saturday nearest November 20.
52.8 During the last two days of the 2009 early A season in Zone 3, a person may not take
52.9 antlered deer unless the deer has at least four points on one side, or the person has taken an
52.10 antlerless deer prior to taking the antlered deer during the early A season in Zone 3. Party
52.11 hunting for antlered deer under Minnesota Statutes, section 97B.301, subdivision 3, is not
52.12 allowed in the last two days of the 2009 early A season in Zone 3. Zone 3 is defined in
52.13 Minnesota Rules, part 6232.1400, subpart 3.

52.14 **Sec. 53. TEMPORARY WINTER IMPORTATION OF GOLDEN SHINER**
52.15 **MINNOWS.**

52.16 (a) Notwithstanding Minnesota Statutes, section 97C.515, from December 1 to
52.17 the last Sunday in February, a Minnesota resident with a valid importation license may
52.18 procure and transport directly to Minnesota farm-raised golden shiners from a certified
52.19 fish farm for the purpose of a resale transaction.

52.20 (b) This section expires on February 28, 2011.

52.21 **Sec. 54. APPROPRIATION.**

52.22 \$15,000 in fiscal year 2010 is appropriated from the game and fish fund to the
52.23 commissioner for the development of an on-line fishing contest permit application process.
52.24 This is a onetime appropriation.

52.25 **Sec. 55. REPEALER.**

52.26 Minnesota Statutes 2008, sections 97A.525, subdivision 2; and 97C.405, are
52.27 repealed.

ARTICLE 3

STATE LAND ADMINISTRATION

53.1

53.2

53.3 Section 1. Minnesota Statutes 2008, section 84.0273, is amended to read:

53.4 **84.0273 ESTABLISHMENT OF BOUNDARY LINES RELATING TO**
53.5 **CERTAIN STATE LANDHOLDINGS.**

53.6 (a) In order to resolve boundary line issues affecting the ownership interests of the
53.7 state and adjacent landowners, the commissioner of natural resources may, in the name
53.8 of the state upon terms the commissioner deems appropriate, convey, by a boundary line
53.9 agreement, quitclaim deed, or management agreement in such form as the attorney general
53.10 approves, such rights, titles, and interests of the state in state lands for such rights, titles
53.11 and interests in adjacent lands as are necessary for the purpose of establishing boundaries.
53.12 A notice of the proposed conveyance and a brief statement of the reason therefor shall be
53.13 published once in the State Register by the commissioner between 15 and 30 days prior
53.14 to conveyance. The provisions of this ~~section~~ paragraph are not intended to replace or
53.15 supersede laws relating to land exchange or disposal of surplus state property.

53.16 (b) In order to resolve trespass issues affecting the ownership interests of the state
53.17 and adjacent landowners, the commissioner of natural resources, in the name of the state,
53.18 may sell surplus lands not needed for natural resource purposes at private sale to adjoining
53.19 property owners and leaseholders. The conveyance must be by quitclaim in a form
53.20 approved by the attorney general for a consideration not less than the value determined
53.21 according to section 94.10, subdivision 1.

53.22 (c) Paragraph (b) applies to all state-owned lands managed by the commissioner of
53.23 natural resources, except school trust land as defined in section 92.025. For acquired lands,
53.24 the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding
53.25 the offering to public entities, public sale, and related notice and publication requirements
53.26 of sections 94.09 to 94.165. For consolidated conservation lands, the commissioner may
53.27 sell the surplus lands as provided in paragraph (b) notwithstanding the classification and
53.28 public sale provisions of chapters 84A and 282.

53.29 Sec. 2. Minnesota Statutes 2008, section 103F.321, is amended by adding a subdivision
53.30 to read:

53.31 Subd. 3. **Home-based business; conditional use.** A local unit of government may
53.32 issue a conditional use permit in a wild and scenic river district designated pursuant to
53.33 sections 103F.301 to 103F.351 to a home-based business that:

53.34 (1) is located on property that includes the primary residence of the business owner;

54.1 (2) is conducted within the primary residence or residential accessory structure
54.2 and the residence and accessory structures were constructed prior to the effective date
54.3 of this section;

54.4 (3) does not necessitate creation of additional impervious surface for vehicular
54.5 parking on the property;

54.6 (4) satisfies all other requirements in a conditional use permit issued by the local
54.7 unit of government; and

54.8 (5) satisfies all other state and local requirements applicable to the type of business.

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

54.10 Sec. 3. Minnesota Statutes 2008, section 282.04, subdivision 1, is amended to read:

54.11 Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor may
54.12 sell timber upon any tract that may be approved by the natural resources commissioner.
54.13 The sale of timber shall be made for cash at not less than the appraised value determined
54.14 by the county board to the highest bidder after not less than one week's published notice
54.15 in an official paper within the county. Any timber offered at the public sale and not sold
54.16 may thereafter be sold at private sale by the county auditor at not less than the appraised
54.17 value thereof, until the time as the county board may withdraw the timber from sale. The
54.18 appraised value of the timber and the forestry practices to be followed in the cutting of
54.19 said timber shall be approved by the commissioner of natural resources.

54.20 (b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be
54.21 made in cash at the time of the timber sale, except in the case of oral or sealed bid auction
54.22 sales, the down payment shall be no less than 15 percent of the appraised value, and the
54.23 balance shall be paid prior to entry. In the case of auction sales that are partitioned and
54.24 sold as a single sale with predetermined cutting blocks, the down payment shall be no less
54.25 than 15 percent of the appraised price of the entire timber sale which may be held until the
54.26 satisfactory completion of the sale or applied in whole or in part to the final cutting block.
54.27 The value of each separate block must be paid in full before any cutting may begin in that
54.28 block. With the permission of the county contract administrator the purchaser may enter
54.29 unpaid blocks and cut necessary timber incidental to developing logging roads as may
54.30 be needed to log other blocks provided that no timber may be removed from an unpaid
54.31 block until separately scaled and paid for. If payment is provided as specified in this
54.32 paragraph as security under paragraph (a) and no cutting has taken place on the contract,
54.33 the county auditor may credit the security provided, less any down payment required for
54.34 an auction sale under this paragraph, to any other contract issued to the contract holder
54.35 by the county under this chapter to which the contract holder requests in writing that it

55.1 be credited, provided the request and transfer is made within the same calendar year as
55.2 the security was received.

55.3 (c) The county board may sell any timber, including biomass, as appraised or scaled.
55.4 Any parcels of land from which timber is to be sold by scale of cut products shall be so
55.5 designated in the published notice of sale under paragraph (a), in which case the notice
55.6 shall contain a description of the parcels, a statement of the estimated quantity of each
55.7 species of timber, and the appraised price of each species of timber for 1,000 feet, per cord
55.8 or per piece, as the case may be. In those cases any bids offered over and above the
55.9 appraised prices shall be by percentage, the percent bid to be added to the appraised price
55.10 of each of the different species of timber advertised on the land. The purchaser of timber
55.11 from the parcels shall pay in cash at the time of sale at the rate bid for all of the timber
55.12 shown in the notice of sale as estimated to be standing on the land, and in addition shall
55.13 pay at the same rate for any additional amounts which the final scale shows to have been
55.14 cut or was available for cutting on the land at the time of sale under the terms of the sale.
55.15 Where the final scale of cut products shows that less timber was cut or was available
55.16 for cutting under terms of the sale than was originally paid for, the excess payment
55.17 shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be
55.18 audited and allowed by the county board as in case of other claims against the county. No
55.19 timber, except hardwood pulpwood, may be removed from the parcels of land or other
55.20 designated landings until scaled by a person or persons designated by the county board
55.21 and approved by the commissioner of natural resources. Landings other than the parcel
55.22 of land from which timber is cut may be designated for scaling by the county board by
55.23 written agreement with the purchaser of the timber. The county board may, by written
55.24 agreement with the purchaser and with a consumer designated by the purchaser when the
55.25 timber is sold by the county auditor, and with the approval of the commissioner of natural
55.26 resources, accept the consumer's scale of cut products delivered at the consumer's landing.
55.27 No timber shall be removed until fully paid for in cash. Small amounts of timber not
55.28 exceeding \$3,000 in appraised valuation may be sold for not less than the full appraised
55.29 value at private sale to individual persons without first publishing notice of sale or calling
55.30 for bids, provided that in case of a sale involving a total appraised value of more than \$200
55.31 the sale shall be made subject to final settlement on the basis of a scale of cut products in
55.32 the manner above provided and not more than two of the sales, directly or indirectly to any
55.33 individual shall be in effect at one time.

55.34 (d) As directed by the county board, the county auditor may lease tax-forfeited land
55.35 to individuals, corporations or organized subdivisions of the state at public or private sale,
55.36 and at the prices and under the terms as the county board may prescribe, for use as cottage

56.1 and camp sites and for agricultural purposes and for the purpose of taking and removing of
56.2 hay, stumps, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden
56.3 sites and other temporary uses provided that no leases shall be for a period to exceed ten
56.4 years; provided, further that any leases involving a consideration of more than \$12,000 per
56.5 year, except to an organized subdivision of the state shall first be offered at public sale in
56.6 the manner provided herein for sale of timber. Upon the sale of any leased land, it shall
56.7 remain subject to the lease for not to exceed one year from the beginning of the term of the
56.8 lease. Any rent paid by the lessee for the portion of the term cut off by the cancellation
56.9 shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be
56.10 audited and allowed by the county board as in case of other claims against the county.

56.11 (e) As directed by the county board, the county auditor may lease tax-forfeited land
56.12 to individuals, corporations, or organized subdivisions of the state at public or private sale,
56.13 at the prices and under the terms as the county board may prescribe, for the purpose
56.14 of taking and removing for use for road construction and other purposes tax-forfeited
56.15 stockpiled iron-bearing material. The county auditor must determine that the material is
56.16 needed and suitable for use in the construction or maintenance of a road, tailings basin,
56.17 settling basin, dike, dam, bank fill, or other works on public or private property, and
56.18 that the use would be in the best interests of the public. No lease shall exceed ten years.
56.19 The use of a stockpile for these purposes must first be approved by the commissioner of
56.20 natural resources. The request shall be deemed approved unless the requesting county
56.21 is notified to the contrary by the commissioner of natural resources within six months
56.22 after receipt of a request for approval for use of a stockpile. Once use of a stockpile has
56.23 been approved, the county may continue to lease it for these purposes until approval is
56.24 withdrawn by the commissioner of natural resources.

56.25 (f) The county auditor, with the approval of the county board is authorized to grant
56.26 permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores,
56.27 tailings, or waste products from mines or ore milling plants, or to use for facilities needed
56.28 to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed
56.29 for a mining operation, upon the conditions and for the consideration and for the period
56.30 of time, not exceeding ~~15~~ 25 years, as the county board may determine. The permits,
56.31 licenses, or leases are subject to approval by the commissioner of natural resources.

56.32 (g) Any person who removes any timber from tax-forfeited land before said
56.33 timber has been scaled and fully paid for as provided in this subdivision is guilty of a
56.34 misdemeanor.

56.35 (h) The county auditor may, with the approval of the county board, and without first
56.36 offering at public sale, grant leases, for a term not exceeding 25 years, for the removal

57.1 of peat and for the production or removal of farm-grown closed-loop biomass as defined
57.2 in section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited
57.3 lands upon the terms and conditions as the county board may prescribe. Any lease for
57.4 the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops
57.5 from tax-forfeited lands must first be reviewed and approved by the commissioner of
57.6 natural resources if the lease covers 320 or more acres. No lease for the removal of
57.7 peat, farm-grown closed-loop biomass, or short-rotation woody crops shall be made by
57.8 the county auditor pursuant to this section without first holding a public hearing on the
57.9 auditor's intention to lease. One printed notice in a legal newspaper in the county at least
57.10 ten days before the hearing, and posted notice in the courthouse at least 20 days before
57.11 the hearing shall be given of the hearing.

57.12 (i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis
57.13 County auditor may, at the discretion of the county board, sell timber to the party who
57.14 bids the highest price for all the several kinds of timber, as provided for sales by the
57.15 commissioner of natural resources under section 90.14. Bids offered over and above the
57.16 appraised price need not be applied proportionately to the appraised price of each of
57.17 the different species of timber.

57.18 (j) In lieu of any payment or deposit required in paragraph (b), as directed by the
57.19 county board and under terms set by the county board, the county auditor may accept an
57.20 irrevocable bank letter of credit in the amount equal to the amount otherwise determined
57.21 in paragraph (b). If an irrevocable bank letter of credit is provided under this paragraph,
57.22 at the written request of the purchaser, the county may periodically allow the bank letter
57.23 of credit to be reduced by an amount proportionate to the value of timber that has been
57.24 harvested and for which the county has received payment. The remaining amount of
57.25 the bank letter of credit after a reduction under this paragraph must not be less than 20
57.26 percent of the value of the timber purchased. If an irrevocable bank letter of credit or
57.27 cash deposit is provided for the down payment required in paragraph (b), and no cutting
57.28 of timber has taken place on the contract for which a letter of credit has been provided,
57.29 the county may allow the transfer of the letter of credit to any other contract issued to the
57.30 contract holder by the county under this chapter to which the contract holder requests in
57.31 writing that it be credited.

57.32 Sec. 4. Laws 2008, chapter 368, article 1, section 21, subdivision 4, is amended to read:

57.33 Subd. 4. **[85.012] [Subd. 38.] Lake Shetek State Park, Murray County.** The
57.34 following areas are deleted from Lake Shetek State Park:

58.1 (1) Blocks 3 and 4 of Forman Acres according to the plat on file and of record in the
58.2 Office of the Recorder for Murray County;

58.3 (2) the Hudson Acres subdivision according to the plat on file and of record in the
58.4 Office of the Recorder for Murray County; and

58.5 (3) that part of Government Lot 6 ~~and~~, that part of Government Lot 7, and that part
58.6 of Government Lot 8 of Section 6, Township 107 North, Range 40 West, and that part of
58.7 Government Lot 1 and that part of Government Lot 2 of Section 7, Township 107 North,
58.8 Range 40 West, Murray County, Minnesota, described as follows:

58.9 Commencing at the East Quarter Corner of said Section 6; thence on a bearing based
58.10 on the 1983 Murray County Coordinate System (1996 Adjustment), of South 00 degrees
58.11 ~~22 minutes 05 seconds East 1405.16~~ 17 minutes 23 seconds East 1247.75 feet along the
58.12 east line of said Section 6; thence ~~North 89 degrees 07 minutes 01 second West 1942.39~~
58.13 South 88 degrees 39 minutes 00 seconds West 1942.74 feet; thence South 03 degrees 33
58.14 minutes 00 seconds West 94.92 feet to the northeast corner of Block 5 of FORMAN
58.15 ACRES, according to the recorded plat thereof on file and of record in the Murray County
58.16 Recorder's Office; thence South 14 degrees 34 minutes 00 seconds West 525.30 feet along
58.17 the easterly line of said Block 5 and along the easterly line of the Private Roadway of
58.18 FORMAN ACRES to the southeasterly corner of said Private Roadway and the POINT
58.19 OF BEGINNING; thence North 82 degrees 15 minutes 00 seconds West 796.30 feet along
58.20 the southerly line of said Private Roadway to an angle point on said line and an existing
58.21 1/2 inch diameter rebar; thence South 64 degrees 28 minutes 26 seconds West 100.06
58.22 feet along the southerly line of said Private Roadway to an angle point on said line and
58.23 an existing 1/2 inch diameter rebar; thence South 33 degrees 01 minute 32 seconds West
58.24 279.60 feet along the southerly line of said Private Roadway to an angle point on said line;
58.25 thence South 76 degrees 04 minutes 52 seconds West 766.53 feet along the southerly line
58.26 of said Private Roadway to a 3/4 inch diameter rebar with a plastic cap stamped "MN DNR
58.27 LS 17003" (DNR MON); thence South 16 degrees 24 minutes 50 seconds West 470.40
58.28 feet to a DNR MON; thence South 24 degrees 09 minutes 57 seconds West 262.69 feet to
58.29 a DNR MON; thence South 08 degrees 07 minutes 09 seconds West 332.26 feet to a DNR
58.30 MON; thence North 51 degrees 40 minutes 02 seconds West 341.79 feet to the east line of
58.31 Lot A of Lot 1 of LOT A OF GOV. LOT 8, OF SEC. 6 AND LOT A OF GOV. LOT 1, OF
58.32 SEC 7 TP. 107 RANGE 40, according to the recorded plat thereof on file and of record
58.33 in the Murray County Recorder's Office and a DNR MON; thence South 14 degrees 28
58.34 minutes 55 seconds West 71.98 feet along the east line of said Lot A to the northerly most
58.35 corner of Lot 36 of HUDSON ACRES, according to the record plat thereof on file and of
58.36 record in the Murray County Recorder's Office and an existing steel fence post; thence

59.1 South 51 degrees 37 minutes 05 seconds East 418.97 feet along the northeasterly line of
59.2 said Lot 36 and along the northeasterly line of Lots 35, 34, 33, 32 of HUDSON ACRES to
59.3 an existing 1 inch inside diameter iron pipe marking the easterly most corner of Lot 32
59.4 and the most northerly corner of Lot 31A of HUDSON ACRES; thence South 48 degrees
59.5 33 minutes 10 seconds East 298.26 feet along the northeasterly line of said Lot 31A to an
59.6 existing 1 1/2 inch inside diameter iron pipe marking the easterly most corner thereof and
59.7 the most northerly corner of Lot 31 of HUDSON ACRES; thence South 33 degrees 53
59.8 minutes 30 seconds East 224.96 feet along the northeasterly line of said Lot 31 and along
59.9 the northeasterly line of Lots 30 and 29 of HUDSON ACRES to an existing 1 1/2 inch
59.10 inside diameter iron pipe marking the easterly most corner of said Lot 29 and the most
59.11 northerly corner of Lot 28 of ~~HUDSONS~~ HUDSON ACRES; thence South 45 degrees 23
59.12 minutes 54 seconds East 375.07 feet along the northeasterly line of said Lot 28 and along
59.13 the northeasterly line of Lots 27, 26, 25, 24 of HUDSON ACRES to an existing 1 1/2 inch
59.14 inside diameter iron pipe marking the easterly most corner of said Lot 24 and the most
59.15 northerly corner of Lot 23 of HUDSON ACRES; thence South 64 degrees 39 minutes
59.16 53 seconds East 226.80 feet along the northeasterly line of said Lot 23 and along the
59.17 northeasterly line of Lots 22 and 21 of HUDSON ACRES to an existing 1 1/2 inch inside
59.18 diameter iron pipe marking the easterly most corner of said Lot 21 and the most northerly
59.19 corner of Lot 20 of HUDSON ACRES; thence South 39 degrees 49 minutes 49 seconds
59.20 East 524.75 feet along the northeasterly line of said Lot 20 and along the northeasterly
59.21 line of Lots 19, 18, 17, 16, 15, 14 of HUDSON ACRES to an existing 1 1/2 inch inside
59.22 diameter iron pipe marking the easterly most corner of said Lot 14 and the most northerly
59.23 corner of Lot 13 of HUDSON ACRES; thence South 55 degrees 31 minutes 43 seconds
59.24 East 225.11 feet along the northeasterly line of said Lot 13 and along the northeasterly
59.25 line of Lots 12 and 11 of HUDSON ACRES to an existing 1 1/2 inch inside diameter iron
59.26 pipe marking the easterly most corner of said Lot 11 and the northwest corner of Lot 10
59.27 of HUDSON ACRES; thence South 88 degrees 03 minutes 49 seconds East 224.90 feet
59.28 along the north line of said Lot 10 and along the north line of Lots 9 and 8 of HUDSON
59.29 ACRES to an existing 1 1/2 inch inside diameter iron pipe marking the northeast corner
59.30 of said Lot 8 and the northwest corner of Lot 7 of HUDSON ACRES; thence North 84
59.31 degrees 07 minutes 37 seconds East 525.01 feet along the north line of said Lot 7 and
59.32 along the north line of Lots 6, 5, 4, 3, 2, 1 of HUDSON ACRES to an existing 1 1/2 inch
59.33 inside diameter iron pipe marking the northeast corner of said Lot 1 of HUDSON ACRES;
59.34 thence southeasterly, easterly and northerly along a non-tangential curve concave to the
59.35 north having a radius of 50.00 feet, central angle 138 degrees ~~41 minutes 58 seconds~~ 42
59.36 minutes 00 seconds, a distance of 121.04 feet, chord bears North 63 degrees 30 minutes 12

60.1 seconds East; thence continuing northwesterly and westerly along the previously described
60.2 curve concave to the south having a radius of 50.00 feet, central angle 138 degrees 42
60.3 minutes 00 seconds, a distance of 121.04 feet, chord bears North 75 degrees 11 minutes 47
60.4 seconds West and a DNR MON; thence South 84 degrees 09 minutes 13 seconds West not
60.5 tangent to said curve 520.52 feet to a DNR MON; thence North 88 degrees 07 minutes 40
60.6 seconds West 201.13 feet to a DNR MON; thence North 55 degrees 32 minutes 12 seconds
60.7 West 196.66 feet to a DNR MON; thence North 39 degrees 49 minutes 59 seconds West
60.8 530.34 feet to a DNR MON; thence North 64 degrees 41 minutes 41 seconds West 230.01
60.9 feet to a DNR MON; thence North 45 degrees 23 minutes 00 seconds West 357.33 feet to
60.10 a DNR MON; thence North 33 degrees 53 minutes ~~32~~ 30 seconds West 226.66 feet to a
60.11 DNR MON; thence North 48 degrees 30 minutes 31 seconds West 341.45 feet to a DNR
60.12 MON; thence North 08 degrees 07 minutes 09 seconds East 359.28 feet to a DNR MON;
60.13 thence North 24 degrees 09 minutes ~~58~~ 57 seconds East 257.86 feet to a DNR MON;
60.14 thence North 16 degrees 24 minutes 50 seconds East 483.36 feet to a DNR MON; thence
60.15 North 76 degrees 04 minutes ~~53~~ 52 seconds East 715.53 feet to a DNR MON; thence
60.16 North 33 degrees 01 minute 32 seconds East 282.54 feet to a DNR MON; thence North
60.17 64 degrees 28 minutes ~~25~~ 26 seconds East 84.97 feet to a DNR MON; thence South 82
60.18 degrees 15 minutes 00 seconds East 788.53 feet to a DNR MON; thence North 07 degrees
60.19 45 minutes 07 seconds East 26.00 feet to the point of beginning; containing 7.55 acres.

60.20 Sec. 5. Laws 2008, chapter 368, article 1, section 21, subdivision 5, is amended to read:

60.21 Subd. 5. **[85.012] [Subd. 44a.] Moose Lake State Park, Carlton County.** The
60.22 following areas are deleted from Moose Lake State Park, all in Township 46 North, Range
60.23 19 West, Carlton County:

60.24 (1) Parcel A: the West 660.00 feet of the Southwest Quarter of the Northeast Quarter
60.25 of Section 28;

60.26 (2) Parcel B: the West 660.00 feet of the Northwest Quarter of the Southeast Quarter
60.27 of Section 28 lying northerly of a line 75.00 feet northerly of and parallel with the
60.28 centerline of State Trunk Highway 73, and subject to a taking for highway purposes of a
60.29 100.00-foot wide strip for access and also subject to highway and road easements;

60.30 (3) Parcel C: the West 660.00 feet of the Southwest Quarter of the Southeast Quarter
60.31 of Section 28 lying northerly of a line 75.00 feet northerly of and parallel with the
60.32 centerline of State Trunk Highway 73, and subject to taking for highway purposes of a
60.33 road access under S.P. 0919 (311-311) 901 from State Trunk Highway 73 to old County
60.34 Road 21, said access being 100.00 feet in width with triangular strips of land adjoining it at
60.35 the northerly line of State Trunk Highway 73, and subject to highway and road easements;

61.1 (4) Parcel G: that part of Government Lot \pm 2 of Section 28, which lies northerly
61.2 of the westerly extension of the northerly line of the Southwest Quarter of the Northeast
61.3 Quarter of said Section 28, and southerly of the westerly extension of the northerly line of
61.4 the South 660.00 feet of the Northwest Quarter of the Northeast Quarter of said Section 28;

61.5 (5) Parcel H: the South 660.00 feet of the Northwest Quarter of the Northeast
61.6 Quarter of Section 28;

61.7 (6) Parcel I: the Southwest Quarter of the Northeast Quarter of Section 28, except
61.8 the West 660.00 feet of said Southwest Quarter; and

61.9 (7) Parcel J: that part of the North One-Half of the Southeast Quarter of Section 28,
61.10 described as follows: Commencing at the northwest corner of said North One-Half of the
61.11 Southeast Quarter; thence South 89 degrees 57 minutes 36 seconds East along the north
61.12 line of said North One-Half of the Southeast Quarter a distance of 660.01 feet to the east
61.13 line of the West 660.00 feet of said North One-Half of the Southeast Quarter and the actual
61.14 point of beginning; thence continue South 89 degrees 57 minutes 36 seconds East along
61.15 the north line of said North One-Half of the Southeast Quarter a distance of 657.40 feet to
61.16 the southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 28;
61.17 thence South 00 degrees 19 minutes 17 seconds West, parallel to the west line of said North
61.18 One-Half of the Southeast Quarter a distance of 715.12 feet to the westerly right-of-way
61.19 of US Interstate Highway 35; thence along said westerly right-of-way of US Interstate
61.20 Highway 35 a distance of 457.86 feet on a nontangential curve, concave to the southeast,
61.21 having a radius of 1,0 54.93 feet, a central angle of 24 degrees 52 minutes 03 seconds, and
61.22 a chord bearing of South 39 degrees 00 minutes 37 seconds West; thence South 46 degrees
61.23 44 minutes 11 seconds West along said westerly right-of-way of US Interstate Highway 35
61.24 a distance of 295.30 feet to the northerly right-of-way of Minnesota Trunk Highway 73;
61.25 thence 163.55 feet along said northerly right-of-way of Minnesota Trunk Highway 73 on
61.26 a nontangential curve, concave to the south, having a radius of 1, 984.88 feet, a central
61.27 angle of 4 degrees 43 minutes 16 seconds, and a chord bearing of South 77 degrees 39
61.28 minutes 40 seconds West to the east line of the West 660.00 feet of said North One-Half of
61.29 the Southeast Quarter; thence North 00 degrees 19 minutes 17 seconds East a distance of
61.30 1, 305.90 feet, more or less, to the point of beginning and there terminating.

61.31 **Sec. 6. ADDITIONS TO STATE PARKS.**

61.32 **Subdivision 1. [85.012] [Subd. 18.] Fort Snelling State Park, Ramsey, Hennepin**
61.33 **and Dakota Counties.** The following area is added to Fort Snelling State Park, Hennepin
61.34 **County: that part of Section 20, Township 29 North, Range 23 West, described as follows:**
61.35 **From monument number 2, located on the westerly extension of the south boundary**

62.1 of the U.S. Department of the Interior, Bureau of Mines; thence South 89 degrees 52
62.2 minutes 00 seconds East along said south boundary of the Bureau of Mines, 478.97 feet to
62.3 reference point 1 on the easterly right-of-line of Trunk Highway No. 55 and the point of
62.4 beginning; thence South 48 degrees 48 minutes 53 seconds East, 458.74 feet along the
62.5 easterly right-of-way line of said Trunk Highway No. 55; thence North 23 degrees 48
62.6 minutes 00 seconds East, 329.00 feet to the south boundary of the Bureau of Mines; thence
62.7 North 89 degrees 52 minutes 00 seconds West, 478.07 feet along said south boundary of
62.8 the Bureau of Mines to the point of beginning.

62.9 **Subd. 2. [85.012] [Subd. 42.] Mille Lacs Kathio State Park, Mille Lacs County.**

62.10 The following areas are added to Mille Lacs Kathio State Park, Mille Lacs County:

62.11 (1) Government Lot 4 of the Northwest Quarter of the Northwest Quarter; all
62.12 in Section 25, Township 42, Range 27, less a tract to highway described as follows:
62.13 Commencing at a point approximately 270.0 feet East of the southwest corner of
62.14 Government Lot 4, Section 25, Township 42 North, Range 27 West, Engineers Station
62.15 71+00; thence North 26 degrees 56 minutes West to the west line of Section 25 at
62.16 Engineers Station 77+07.4 a distance of 607.4 feet and there terminating. The above
62.17 describes the center line of an 82.5-foot right-of-way for the reconstruction of County
62.18 State-Aid Highway No. 26 and contains 0.23 acres in addition to the present 66-foot
62.19 right-of-way, Mille Lacs County, Minnesota;

62.20 (2) Government Lot 5, Section 25, Township 42, Range 27;

62.21 (3) that part of Government Lot 1, Section 26, Township 42 North, Range 27
62.22 West, Mille Lacs County, Minnesota, EXCEPT that part of Government Lot 1, Section
62.23 26, Township 42 North, Range 27 West, Mille Lacs County, Minnesota, described as
62.24 follows: Beginning at the northeast corner of said Government Lot 1; thence North 89
62.25 degrees 09 minutes 54 seconds West, bearing based on Mille Lacs County Coordinate
62.26 System, along the north line of said Government Lot 1 a distance of 665.82 feet to a
62.27 3/4 inch iron rod with survey cap stamped "MN DNR LS 16098" (DNR monument);
62.28 thence South 00 degrees 00 minutes 00 seconds West a distance of 241.73 feet to a DNR
62.29 monument; thence continuing South 00 degrees 00 minutes 00 seconds West a distance of
62.30 42.18 feet to a P.K. nail in the centerline of County Road 26; thence southeasterly along
62.31 the centerline of County Road 26 a distance of 860 feet, more or less, to the east line of
62.32 said Government Lot 1; thence North 00 degrees 22 minutes 38 seconds East along the
62.33 east line of said Government Lot 1 a distance of 763 feet, more or less, to the point of
62.34 beginning, containing 6.6 acres, more or less. AND EXCEPT, that part of Government
62.35 Lot 1, Section 26, Township 42 North, Range 27 West, described as follows: Commencing
62.36 at a point where the west line of the Northwest Quarter of the Northwest Quarter, Section

63.1 25, Township 42, Range 27, intersects the meander line of lake commonly known and
63.2 designated as "Warren Lake"; thence North along the west line of said forty a distance
63.3 of 20 rods; thence West at right angles to the meander line of said Warren Lake; thence
63.4 in a southeasterly direction to the point of beginning; and

63.5 (4) Government Lot 2, Section 26, Township 42 North, Range 27 West, Mille Lacs
63.6 County, Minnesota.

63.7 **Sec. 7. DELETIONS FROM STATE PARKS.**

63.8 **Subdivision 1. [85.012] [Subd. 21.] Lake Bemidji State Park, Beltrami County.**

63.9 The following area is deleted from Lake Bemidji State Park, all in Beltrami County: that
63.10 part of Government Lot 5, Section 24, Township 147 North, Range 33 West, Beltrami
63.11 County, Minnesota described as follows: Commencing at the most easterly corner of Lot
63.12 2, Block 1, Shady Cove, according to the recorded plat thereof; thence northeasterly
63.13 along the northeasterly extension of the line between Lots 1 and 2, Block 1 in said plat,
63.14 a distance of 66.00 feet, to the point of beginning of the land to be described; thence
63.15 continuing along last described course a distance of 150.00 feet; thence deflecting to the
63.16 left 90 degrees 00 minutes 00 seconds, a distance of 607.70 feet; thence westerly along a
63.17 line perpendicular to the westerly boundary of said Government Lot 5 to the west line of
63.18 said Government Lot 5; thence South along the westerly boundary of said Government
63.19 Lot 5 to intersect a line 66.00 feet northeasterly of, as measured at a right angle to and
63.20 parallel with the northeasterly line of Block 1, said Shady Cove; thence southeasterly
63.21 along said parallel line to the point of beginning.

63.22 **Subd. 2. [85.012] [Subd. 24a.] Great River Bluffs State Park, Winona County.**

63.23 The following areas are deleted from Great River Bluffs State Park, Winona County:

63.24 (1) beginning at a point 200 feet West from the southeast corner of Lot 2, Section 26,
63.25 Township 106 North, Range 5 West; thence West on lot line between Lots 2 and 3, 380
63.26 feet; thence North 58 degrees East, 320 feet; thence South 32 degrees East, 205 feet to
63.27 place of beginning, containing 85/100 of an acre, more or less, Winona County, Minnesota;

63.28 (2) commencing at a point 200 feet West from the northeast corner of Lot 3, Section
63.29 26, Township 106 North, Range 5 West; thence South 33 degrees East 300 feet; thence
63.30 South 58 degrees West 290 feet; thence North 32 degrees West, 490 feet to the lot line
63.31 between Lots 2 and 3; thence East 350 feet to the place of beginning, containing 3 acres,
63.32 more or less, Winona County, Minnesota;

63.33 (3) that part of the recorded plat of East Richmond, Winona County, Minnesota,
63.34 lying within Section 27, Township 106 North, Range 5 West, that lies northwesterly of the

64.1 southeasterly line of Jefferson Street, as dedicated in said plat and that lies southwesterly
64.2 of the southwesterly right-of-way line of U.S. Highway No. 61;

64.3 (4) Lots 7 and 8, Block B, of Fern Glen Acres, the same being located upon and
64.4 forming a part of Government Lot 1, Section 35; Lot 9 in Block B of Fern Glen Acres,
64.5 township of Richmond, according to the recorded plat thereof; beginning at the southeast
64.6 corner of Lot 9, Block B, Fern Glen Acres, South 33 degrees East 140 feet; thence South
64.7 70 degrees West 208 feet; thence North 33 degrees West 140 feet to the southwest line of
64.8 Lot 9, Block B, Fern Glen Acres; thence North 57 degrees East on the southwest line of
64.9 Lot 9, Block B, Fern Glen Acres, to place of beginning, all in Government Lot 1, Section
64.10 35, Township 106 North, Range 5 West, containing 3/4 acre more or less;

64.11 (5) that part of Government Lot 1, Section 35, Township 106, Range 5, Winona
64.12 County, Minnesota, which is more particularly bounded and described as follows, to wit:
64.13 Commencing at the southwest corner of Lot 9 of Block "B" of the Plat of Fern Glen Acres;
64.14 thence in a northeasterly direction and along the southerly line of said Lot 9 for a distance
64.15 of 36.0 feet; thence deflect to the right 90 degrees 00 minutes, for a distance of 107.81 feet
64.16 to an iron pipe which marks the point of beginning; thence continue in a southeasterly
64.17 direction along the last described course for a distance of 73.78 feet; thence deflect to
64.18 the left 9 degrees 04 minutes, for a distance of 32.62 feet; thence deflect to the right 90
64.19 degrees 00 minutes, for a distance of 73.23 feet; thence deflect to the right 89 degrees 20
64.20 minutes, for a distance of 104.04 feet; thence deflect to the right 9 degrees 44 minutes, for
64.21 a distance of 35.00 feet; thence deflect to the right 90 degrees 00 minutes, for a distance of
64.22 64.75 feet; thence deflect to the right on a curve (Delta angle 90 degrees 00 minutes, radius
64.23 20.00 minutes) for an arc distance of 31.42 feet, more or less, to the point of beginning;

64.24 (6) that part of Government Lot 1, Section 35, Township 106, Range 5, Winona
64.25 County, Minnesota, which is more particularly bounded and described as follows:
64.26 Commencing at the southwest corner of Lot 9 of Block "B" of Fern Glen Acres; thence in
64.27 a northeasterly direction along the southerly line of said Lot 9, a distance of 56.00 feet;
64.28 thence at a deflection angle to the right of 90 degrees 00 minutes a distance of 180.00 feet
64.29 to an iron pipe monument which marks the point of beginning; thence at a deflection angle
64.30 to the left of 80 degrees 56 minutes 00 seconds a distance of 113.20 feet to the southerly
64.31 right-of-way of U.S. Highway No. 61; thence at a deflection angle to the right of 84
64.32 degrees 18 minutes 00 seconds and southeasterly along the southerly right-of-way line of
64.33 said U.S. Highway No. 61 a distance of 147.73 feet; thence at a deflection angle to the
64.34 right of 87 degrees 12 minutes 30 seconds a distance of 193.87 feet; thence at a deflection
64.35 angle to the right of 88 degrees 45 minutes 30 seconds a distance of 132.18 feet; thence at
64.36 a deflection angle to the right of 90 degrees 40 minutes 00 seconds a distance of 93.23

65.1 feet; thence at a deflection angle to the left of 90 degrees 00 minutes 00 seconds a distance
65.2 of 30.35 feet, more or less, to the point of beginning;

65.3 (7) that part of Government Lot 1, Section 35, Township 106 North, Range 5 West,
65.4 Winona County, Minnesota, which is more particularly bounded and described as follows:
65.5 Commencing at the southwest corner of Lot 9 of Block "B" of the Plat of Fern Glen
65.6 Acres; thence in a northeasterly direction along the southerly line of said Lot 9 a distance
65.7 of 56.00 feet; thence at a deflection angle to the right of 90 degrees 00 minutes a distance
65.8 of 180.00 feet; thence at a deflection angle to the left of 9 degrees 04 minutes 00 seconds a
65.9 distance of 164.29 feet to an iron pipe monument which marks the point of beginning;
65.10 thence at a deflection angle to the left of 89 degrees 25 minutes 30 seconds a distance
65.11 of 102.19 feet to the southerly right-of-way line of U.S. Highway No. 61; thence at a
65.12 deflection angle to the right of 92 degrees 47 minutes 30 seconds and southeasterly along
65.13 the southerly right-of-way line of said U.S. highway a distance of 85.10 feet; thence at a
65.14 deflection angle to the right of 87 degrees 12 minutes 30 seconds a distance of 187.89 feet;
65.15 thence at a deflection angle to the right of 88 degrees 45 minutes 30 seconds a distance of
65.16 85.02 feet; thence at a deflection angle to the right of 91 degrees 14 minutes 30 seconds a
65.17 distance of 91.68 feet, more or less, to the point of beginning;

65.18 (8) that part of Government Lots 1 and 2, Section 35, Township 106, Range 5,
65.19 Winona County, Minnesota, described as follows: Commencing at the southwest corner of
65.20 Lot 8 of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North 57 degrees
65.21 East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66 feet to an iron
65.22 pipe in place; thence South 42 degrees 04 minutes East 296.1 feet to an iron pipe and the
65.23 point of beginning; thence South 48 degrees 30 minutes 30 seconds West 107.35 feet to
65.24 an iron pipe; thence continuing South 48 degrees 30 minutes 30 seconds West 12.11
65.25 feet; thence South 40 degrees 29 minutes 30 seconds East 100.7 feet; thence North 48
65.26 degrees 30 minutes 30 seconds East 17.83 feet to an iron pipe; thence continuing North
65.27 48 degrees 30 minutes 30 seconds East 111.83 feet to an iron pipe; thence continuing
65.28 North 48 degrees 30 minutes 30 seconds East 70.61 feet to an iron pipe at a point on the
65.29 southerly boundary line of Minnesota Trunk Highway No. 61 right-of-way; thence along
65.30 said southerly boundary line a chord distance of 100.7 feet on a bearing North 40 degrees
65.31 29 minutes 30 seconds West to an iron pipe; thence South 48 degrees 30 minutes 30
65.32 seconds West 80.54 feet to the point of beginning;

65.33 (9) that part of Government Lots 1 and 2, Section 35, Township 106 North, Range 5
65.34 West, Winona County, Minnesota, described as follows: Commencing at the southwest
65.35 corner of Lot 8 of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North
65.36 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66

66.1 feet to an iron pipe in place; thence South 42 degrees 04 minutes East 296.1 feet to an iron
66.2 pipe; thence South 46 degrees 06 minutes 30 seconds East 101.05 feet to an iron pipe being
66.3 the point of beginning; thence South 48 degrees 30 minutes 30 seconds West 111.83 feet to
66.4 an iron pipe; thence continuing South 48 degrees 30 minutes 30 seconds West 17.56 feet;
66.5 thence South 41 degrees 53 minutes East 192.4 feet; thence North 48 degrees 30 minutes
66.6 30 seconds East 94.05 feet to an iron pipe; thence continuing North 48 degrees 30 minutes
66.7 30 seconds East 105.95 feet to an iron pipe at a point on the southerly boundary line of
66.8 U.S. Highway No. 61 right-of-way; thence along said southerly boundary line a chord
66.9 distance of 192.4 feet on a bearing of North 41 degrees 53 minutes West to an iron pipe;
66.10 thence South 48 degrees 30 minutes 30 seconds West 70.61 feet to the point of beginning;
66.11 (10) that part of Government Lot 2, Section 35, Township 106 North, Range 5 West,
66.12 Winona County, Minnesota described as follows: Commencing at the southwest corner of
66.13 Lot 8 of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North 57 degrees
66.14 East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66 feet to an
66.15 iron pipe in place; thence South 42 degrees 04 minutes East 296.1 feet; thence South 46
66.16 degrees 06 minutes 30 seconds East 371.05 feet to an iron pipe, the point of beginning;
66.17 thence North 48 degrees 30 minutes 30 seconds East 52.45 feet to an iron pipe at a point
66.18 on the southerly boundary line of Minnesota Trunk Highway No. 61 right-of-way; thence
66.19 along said southerly boundary line a chord distance of 76.80 feet on a bearing of North
66.20 43 degrees 09 minutes 30 seconds West to an iron pipe; thence South 48 degrees 30
66.21 minutes 30 seconds West 105.95 feet to an iron pipe; thence continuing South 48 degrees
66.22 30 minutes 30 seconds West 94.05 feet; thence South 43 degrees 09 minutes 30 seconds
66.23 East 76.80 feet; thence North 48 degrees 30 minutes 30 seconds East 55.93 feet to an iron
66.24 pipe; thence continuing North 48 degrees 30 minutes 30 seconds East 91.62 feet to the
66.25 point of beginning;

66.26 (11) that part of Government Lot 2, Section 35, Township 106 North, Range 5 West,
66.27 Winona County, Minnesota described as follows: Commencing at the southwest corner of
66.28 Lot 8 of the Plat of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North
66.29 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66
66.30 feet to an iron pipe; thence South 42 degrees 04 minutes East 296.1 feet to an iron pipe;
66.31 thence South 46 degrees 06 minutes 30 seconds East 371.05 feet to an iron pipe which is
66.32 the point of beginning; thence South 48 degrees 30 minutes 30 seconds West and along the
66.33 south line of the property heretofore conveyed by Deed in Book 237 of Deeds on Page
66.34 693, for a distance of 147.55 feet; thence South 44 degrees 33 minutes 19 seconds East
66.35 127.91 feet; thence North 43 degrees 53 minutes 30 seconds East and along the northerly
66.36 line of the property heretofore conveyed by Deed to Vincent Zanon in Book 252 of Deeds

67.1 on page 663, for a distance of 200 feet, more or less, to the southerly right-of-way line of
67.2 U.S. Highway No. 61; thence North 44 degrees 38 minutes 48 seconds West and along
67.3 said southerly right-of-way line of U.S. Highway No. 61 for a distance of 111.94 feet to an
67.4 iron pipe in place at the southeast corner of the property heretofore conveyed by Deed in
67.5 Book 237 of Deeds on page 693; thence South 48 degrees 30 minutes 30 seconds West
67.6 52.45 feet, more or less, to the point of beginning;

67.7 (12) that part of Government Lot 2, Section 35, Township 106 North, Range 5
67.8 West, Winona County, Minnesota, described as follows: Commencing at the southwest
67.9 corner of Lot 8 of the Plat of Fern Glen Acres; thence South 33 degrees East 82.5 feet;
67.10 thence North 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds
67.11 East 217.66 feet to an iron pipe; thence South 42 degrees 04 minutes East 296.1 feet to
67.12 an iron pipe; thence South 46 degrees 06 minutes 30 seconds East 371.05 feet to an iron
67.13 pipe; thence South 48 degrees 30 minutes 30 seconds West and along the south line of the
67.14 property heretofore conveyed by Deed in Book 237 of Deeds on page 693, for a distance
67.15 of 147.55 feet; thence South 44 degrees 33 minutes 19 seconds East 127.91 feet to the
67.16 point of beginning; thence continuing South 44 degrees 33 minutes 19 seconds East 112
67.17 feet; thence North 43 degrees 53 minutes 30 seconds East and along the north line of the
67.18 property heretofore conveyed by Deed in Book 240 of Deeds on page 367, for a distance
67.19 of 200 feet to the southerly right-of-way line of U.S. Highway No. 61; thence North 44
67.20 degrees 38 minutes 48 seconds West and along the said southerly right-of-way line of
67.21 U.S. Highway No. 61 for a distance of 112 feet; thence South 43 degrees 53 minutes 30
67.22 seconds West for a distance of 200 feet, more or less, to the point of beginning; and

67.23 (13) that part of Government Lot 2, Section 35, Township 106 North, Range 5 West,
67.24 Winona County, Minnesota, described as follows: Commencing at the southwest corner
67.25 of Lot 8, Block "B" of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence
67.26 North 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East
67.27 217.66 feet to an iron pipe; thence South 42 degrees 04 minutes East 296.1 feet to an iron
67.28 pipe; thence South 46 degrees 06 minutes 30 seconds East 599.10 feet to an iron pipe, the
67.29 point of beginning; thence North 43 degrees 53 minutes 30 seconds East 46.54 feet to a
67.30 point on the southerly boundary line of Trunk Highway No. 61 right-of-way; thence along
67.31 said southerly boundary line a chord distance of 73.05 feet, bearing South 46 degrees 00
67.32 minutes East; thence continuing along said southerly boundary line South 43 degrees 33
67.33 minutes West 10.0 feet; thence continuing along said southerly boundary line a chord
67.34 distance of 28.50 feet bearing South 46 degrees 30 minutes East; thence South 45 degrees
67.35 00 minutes West 41.95 feet to an iron pipe in place; thence South 33 degrees 32 minutes
67.36 West 255.0 feet; thence North 43 degrees 30 minutes 22 seconds West 146.84 feet; thence

68.1 North 43 degrees 53 minutes 30 seconds East 184.1 feet to an iron pipe; thence North 43
68.2 degrees 53 minutes 30 seconds East 65.9 feet to the point of beginning.

68.3 Sec. 8. **REPEALER.**

68.4 Minnesota Statutes 2008, section 97A.056, subdivision 2, is repealed.

68.5 **ARTICLE 4**

68.6 **LAND SALES**

68.7 Section 1. Laws 2007, chapter 131, article 2, section 38, is amended to read:

68.8 Sec. 38. **PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND**
68.9 **BORDERING PUBLIC WATER; WASHINGTON COUNTY.**

68.10 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
68.11 commissioner of natural resources may sell by public or private sale the surplus land
68.12 bordering public water that is described in paragraph (c).

68.13 (b) The conveyance must be in a form approved by the attorney general. The
68.14 attorney general may make necessary changes to the legal description to correct errors
68.15 and ensure accuracy. If sold by private sale, the commissioner may only sell the land to a
68.16 governmental subdivision of the state. If sold by private sale, the conveyance may be for
68.17 less than the value of the land as determined by the commissioner, but the conveyance
68.18 must provide that the land be used for the public and reverts to the state if the governmental
68.19 subdivision fails to provide for public use or abandons the public use of the land.

68.20 (c) The land that may be sold is located in Washington County and is described as
68.21 follows, Parcels A and B containing altogether 31.55 acres, more or less:

68.22 (1) Parcel A: all that part of the North Half of the Southeast Quarter, Section
68.23 30, Township 30 North, Range 20 West, bounded by the following described lines:
68.24 commencing at the east quarter corner of said Section 30; thence on an assumed bearing
68.25 of North 88 degrees 13 minutes 48 seconds West, 399.98 feet on and along the east-west
68.26 quarter line of said Section 30 to the point of beginning; thence North 88 degrees 13
68.27 minutes 48 seconds West, 504.57 feet on and along the said east-west quarter line; thence
68.28 South 17 degrees 54 minutes 26 seconds West, 1377.65 feet to a point on the south 1/16
68.29 line of said Section 30; thence South 88 degrees 10 minutes 45 seconds East, 504.44 feet
68.30 on and along the south 1/16 line of said Section 30; thence North 17 degrees 54 minutes
68.31 26 seconds East, 1378.11 feet to the point of beginning; and

68.32 (2) Parcel B: all that part of the North Half of the Southeast Quarter, Section
68.33 30, Township 30 North, Range 20 West, bounded by the following described lines:
68.34 commencing at the east quarter corner of said Section 30; thence on an assumed bearing

69.1 of North 88 degrees 13 minutes 48 seconds West, 904.55 feet along the east-west quarter
69.2 line of said Section 30 to the point of beginning; thence South 17 degrees 54 minutes 26
69.3 seconds West, 1377.65 feet to a point on the south 1/16 line of said Section 30; thence
69.4 North 88 degrees 10 minutes 45 seconds West, 369.30 feet along said south 1/16 line;
69.5 thence North 42 degrees 24 minutes 47 seconds West, 248.00 feet; thence North 02
69.6 degrees 59 minutes 30 seconds East, 488.11 feet; thence North 47 degrees 41 minutes 19
69.7 seconds East, 944.68 feet to a point on the east-west quarter line of said Section 30;
69.8 thence South 88 degrees 13 minutes 48 seconds East, 236.03 feet along said east-west
69.9 quarter line to the point of beginning.

69.10 (d) The land borders Long Lake and is not contiguous to other state lands. The
69.11 land was donated to the state with the understanding that the land would be used as a
69.12 wildlife sanctuary. The Department of Natural Resources has determined that the land is
69.13 not needed for natural resource purposes.

69.14 Sec. 2. Laws 2008, chapter 368, article 1, section 34, is amended to read:

69.15 Sec. 34. **PRIVATE SALE CONVEYANCE OF SURPLUS STATE LAND;**
69.16 **HENNEPIN COUNTY.**

69.17 (a) Notwithstanding Minnesota Statutes, sections 94.09 ~~and 94.10~~ to 94.16, the
69.18 commissioner of natural resources ~~may sell by private sale~~ shall convey to the city of
69.19 Wayzata for no consideration the surplus land that is described in paragraph (c).

69.20 (b) The conveyance must be in a form approved by the attorney general. The
69.21 attorney general may make necessary changes to the legal description to correct errors and
69.22 ensure accuracy. ~~The commissioner may sell to the city of Wayzata, for less than the value~~
69.23 ~~of the land as determined by the commissioner, but the~~ conveyance must provide that the
69.24 land described in paragraph (c) be used for the public and reverts to the state if the city of
69.25 Wayzata fails to provide for public use or abandons the public use of the land.

69.26 (c) ~~The land that may be sold~~ to be conveyed is located in Hennepin County and is
69.27 described as: Tract F, Registered Land Survey No. 1168.

69.28 (d) The Department of Natural Resources has determined that the state's land
69.29 management interests would best be served if the land was conveyed to the city of
69.30 Wayzata.

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

69.32 Sec. 3. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
69.33 **WATER; AITKIN COUNTY.**

70.1 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
70.2 resources may sell by public sale the surplus land bordering public water that is described
70.3 in paragraph (c).

70.4 (b) The conveyance must be in a form approved by the attorney general. The
70.5 attorney general may make necessary changes to the legal description to correct errors
70.6 and ensure accuracy.

70.7 (c) The land that may be sold is located in Aitkin County and is described as:

70.8 (1) parts of Government Lot 3, Section 33, and the Southeast Quarter of the
70.9 Southwest Quarter, Section 28, all in Township 50 North, Range 23 West, Aitkin County,
70.10 Minnesota, described as follows:

70.11 Commencing at the north quarter corner of said Section 33; thence South 88 degrees
70.12 07 minutes 19 seconds West, assumed bearing, along the northerly line of said
70.13 Government Lot 3, a distance of 1020.00 feet to the point of beginning of the tract to
70.14 herein be described; thence North 1 degree 52 minutes 41 seconds West 660.00 feet;
70.15 thence South 88 degrees 07 minutes 19 seconds West 300 feet; thence South 1 degree
70.16 52 minutes 41 seconds East 660.00 feet to the northerly line of said Government Lot
70.17 3; thence South 88 degrees 07 minutes 19 seconds West 15.08 feet to the northwest
70.18 corner of said Government Lot 3; thence South 1 degree 08 minutes 57 seconds East
70.19 326.00 feet, more or less, to the shoreline of Big Sandy Lake Reservoir; thence
70.20 easterly along the said shoreline to a point which bears South 1 degree 52 minutes
70.21 41 seconds East from the point of beginning; thence North 1 degree 52 minutes 41
70.22 seconds West 330.00 feet, more or less, to the point of beginning of the tract to
70.23 herein be described and there terminating, containing 3.89 acres, more or less; and

70.24 (2) those parts of Government Lot 3, Section 33 and the Southeast Quarter of the
70.25 Southwest Quarter, Section 28, all in Township 50 North, Range 23 West, described
70.26 as follows:

70.27 Commencing at the north quarter corner of said Section 33; thence South 88 degrees
70.28 07 minutes 19 seconds West, assumed bearing, along the northerly line of said
70.29 Government Lot 3, a distance of 920.00 feet to the point of beginning of the tract
70.30 to herein be described; thence North 1 degree 52 minutes 41 seconds West 660.00
70.31 feet; thence South 88 degrees 07 minutes 19 seconds West 100.00 feet; thence South
70.32 1 degree 52 minutes 41 seconds East 990.00 feet, more or less, to the shoreline of
70.33 Big Sandy Lake Reservoir; thence easterly along the said shoreline to a point which
70.34 bears South 1 degree 52 minutes 41 seconds East from the point of beginning; thence
70.35 North 1 degree 52 minutes 41 seconds West 341.60 feet, more or less, to the point of
70.36 beginning of the tract to herein be described and there terminating.

71.1 (d) The land borders Big Sandy Lake. The Department of Natural Resources has
71.2 determined that the land is not needed for natural resource purposes.

71.3 **Sec. 4. PRIVATE SALE OF SURPLUS STATE LAND; ANOKA COUNTY.**

71.4 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner
71.5 of natural resources may sell by private sale to the city of Ham Lake the surplus land
71.6 that is described in paragraph (c).

71.7 (b) The conveyance must be in a form approved by the attorney general. The
71.8 attorney general may make necessary changes to the legal description to correct errors
71.9 and ensure accuracy.

71.10 (c) The land that may be sold is located in Anoka County and is described as:
71.11 That part of Government Lot 1, Section 20, Township 32 North, Range 23 West,
71.12 described as follows: beginning at the quarter corner on the east line of Section
71.13 20, thence northerly along the east line of said Section 20, a distance of 1,250
71.14 feet; thence westerly and parallel to the east and west quarter line of Section 20, a
71.15 distance of 400 feet; thence southerly and parallel to the east line of Section 20, a
71.16 distance of 750 feet; thence westerly and parallel to the east and west quarter line
71.17 of Section 20, a distance of 750 feet; thence southerly and parallel to the east line
71.18 of Section 20, a distance of 500 feet, to the east and west quarter line of Section
71.19 20; thence easterly along the quarter line a distance of 1,150 feet to the point of
71.20 beginning, containing 20 acres, more or less.

71.21 (d) The city of Ham Lake currently leases the state land for a hiking trail in
71.22 connection with Anoka County's management of adjacent public lands used for a
71.23 county park. The Department of Natural Resources has determined that the state's land
71.24 management interests would best be served if the land was conveyed to the city of Ham
71.25 Lake.

71.26 **Sec. 5. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
71.27 **WATER; BELTRAMI COUNTY.**

71.28 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
71.29 resources may sell by public sale the surplus land bordering public water that is described
71.30 in paragraph (c).

71.31 (b) The conveyance must be in a form approved by the attorney general. The
71.32 attorney general may make necessary changes to the legal description to correct errors
71.33 and ensure accuracy.

72.1 (c) The land that may be sold is located in Beltrami County and is described as:
72.2 Government Lot 7, Section 25, Township 149 North, Range 33 West, containing 22 acres,
72.3 more or less.

72.4 (d) The land borders Bass Lake. The Department of Natural Resources has
72.5 determined that the land is not needed for natural resource purposes.

72.6 **Sec. 6. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
72.7 **WATER; BELTRAMI COUNTY.**

72.8 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
72.9 resources may sell by public sale the surplus land bordering public water that is described
72.10 in paragraph (c).

72.11 (b) The conveyance must be in a form approved by the attorney general. The
72.12 attorney general may make necessary changes to the legal description to correct errors
72.13 and ensure accuracy.

72.14 (c) The land that may be sold is located in Beltrami County and is described as: the
72.15 West Half of the Northwest Quarter, Section 29, Township 147 North, Range 34 West,
72.16 containing 80 acres, more or less.

72.17 (d) The land borders Grant Creek. The Department of Natural Resources has
72.18 determined that the land is not needed for natural resource purposes.

72.19 **Sec. 7. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
72.20 **WATER; BLUE EARTH COUNTY.**

72.21 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
72.22 resources may sell by public sale the surplus land bordering public water that is described
72.23 in paragraph (c).

72.24 (b) The conveyance must be in a form approved by the attorney general. The
72.25 attorney general may make necessary changes to the legal description to correct errors
72.26 and ensure accuracy.

72.27 (c) The land that may be sold is located in Blue Earth County and is described as:
72.28 that part of Tracts A, B, C, and D described below:

72.29 (1) Tract A. That part of the Northwest Quarter of the Northeast Quarter, Section
72.30 27, Township 107 North, Range 28 West, Blue Earth County, Minnesota, described
72.31 as follows: Beginning at the northwest corner of Block 1, Garden City; thence run
72.32 due west to the Watonwan River; thence down the river to the southwest corner of
72.33 Block 2 of said Garden City; thence North on the quarter section line to the place
72.34 of beginning;

73.1 (2) Tract B. That part of the South Half of the Southeast Quarter, Section 22,
73.2 Township 107 North, Range 28 West, Blue Earth County, Minnesota, described as
73.3 follows: Beginning at the northeast corner of Block 12, Garden City; thence run west
73.4 to the Watonwan River; thence run North and East up said river to a point due North
73.5 of the northeast corner of said Block 12; thence South to the place of beginning;

73.6 (3) Tract C. Block 1, Block 12, and Lots 1, 2, 6, 7, and 8, Block 11, Garden City,
73.7 according to the plat thereof on file and of record in the Office of the County
73.8 Recorder in and for Blue Earth County, Minnesota; and

73.9 (4) Tract D. That part of Lots 1, 2, 3, 6, 7, and 8, Block 2, Plat of Garden City,
73.10 shown as Parcel 26E on Minnesota Department of Transportation Right-of-Way Plat
73.11 Numbered 07-32 as the same is on file and of record in the Office of the County
73.12 Recorder in and for Blue Earth County, Minnesota; which lies westerly of Line 1
73.13 described below:

73.14 Line 1. Commencing at Right-of-Way Boundary Corner B58 as shown on said Plat
73.15 No. 07-32; thence run northerly on an azimuth of 00 degrees 09 minutes 20 seconds
73.16 along the boundary of said plat for 445.34 feet to Right-of-Way Boundary Corner
73.17 B59 and the point of beginning of Line 1 to be described; thence on an azimuth of 80
73.18 degrees 48 minutes 11 seconds for 170.80 feet; thence on an azimuth of 17 degrees
73.19 41 minutes 10 seconds for 458.72 feet; thence on an azimuth of 14 degrees 14
73.20 minutes 23 seconds for 280 feet to Right-of-Way Boundary Corner B32 as shown on
73.21 Minnesota Department of Transportation Right-of-Way Plat No. 07-40 as the same
73.22 is on file and of record in the office of said county recorder and there terminating;
73.23 containing 11.69 acres, more or less.

73.24 (d) The land borders the Watonwan River and is not contiguous to other state lands.
73.25 The Department of Natural Resources has determined that the land is not needed for
73.26 natural resource purposes.

73.27 **Sec. 8. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
73.28 **WATER; CASS COUNTY.**

73.29 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
73.30 resources may sell by public sale the surplus land bordering public water that is described
73.31 in paragraph (c).

73.32 (b) The conveyance must be in a form approved by the attorney general. The
73.33 attorney general may make necessary changes to the legal description to correct errors
73.34 and ensure accuracy.

74.1 (c) The land that may be sold is located in Cass County and is described as: Lot 21
74.2 of Longwood Point, according to the map or plat thereof on file and of record in the Office
74.3 of the County Recorder in and for Cass County, Minnesota, in Section 5, Township 139
74.4 North, Range 26 West, containing 3.03 acres, more or less.

74.5 (d) The land borders Washburn Lake. The Department of Natural Resources has
74.6 determined that the land is not needed for natural resource purposes.

74.7 **Sec. 9. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
74.8 **WATER; CASS COUNTY.**

74.9 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
74.10 resources may sell by public sale the surplus land bordering public water that is described
74.11 in paragraph (c).

74.12 (b) The conveyance must be in a form approved by the attorney general. The
74.13 attorney general may make necessary changes to the legal description to correct errors
74.14 and ensure accuracy.

74.15 (c) The land that may be sold is located in Cass County and is described as:
74.16 Government Lots 5 and 6, Section 3, Township 141 North, Range 27 West, containing
74.17 81.15 acres, more or less.

74.18 (d) The land borders Mable Lake and is not contiguous to other state lands. The
74.19 Department of Natural Resources has determined that the land is not needed for natural
74.20 resource purposes.

74.21 **Sec. 10. PRIVATE SALE OF SURPLUS LAND; CLEARWATER COUNTY.**

74.22 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner
74.23 of natural resources may sell by private sale the surplus land that is described in paragraph
74.24 (c).

74.25 (b) The conveyance must be in a form approved by the attorney general. The
74.26 attorney general may make necessary changes to the legal description to correct errors and
74.27 ensure accuracy. The commissioner may sell the land to the White Earth Band of Ojibwe
74.28 for less than the value of the land as determined by the commissioner, but the conveyance
74.29 must provide that the land be used for the public and reverts to the state if the band fails
74.30 to provide for public use or abandons the public use of the land. The conveyance may
74.31 reserve an easement for ingress and egress.

74.32 (c) The land that may be sold is located in Clearwater County and is described as:
74.33 the West 400 feet of the South 750 feet of Government Lot 3, Section 31, Township 145
74.34 North, Range 38 West, containing 6.89 acres, more or less.

75.1 (d) The Department of Natural Resources has determined that the land and building
75.2 are no longer needed for natural resource purposes.

75.3 **Sec. 11. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
75.4 **WATER; CROW WING COUNTY.**

75.5 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
75.6 resources may sell by public sale the surplus land bordering public water that is described
75.7 in paragraph (c).

75.8 (b) The conveyance must be in a form approved by the attorney general. The
75.9 attorney general may make necessary changes to the legal description to correct errors
75.10 and ensure accuracy.

75.11 (c) The land that may be sold is located in Crow Wing County and is described as:

75.12 (1) Government Lot 3, Section 9, Township 136 North, Range 28 West, containing
75.13 39.25 acres, more or less; and

75.14 (2) Government Lot 2, Section 9, Township 136 North, Range 28 West, containing
75.15 25.3 acres, more or less.

75.16 (d) The land borders Shaffer Lake and is not contiguous to other state lands. The
75.17 Department of Natural Resources has determined that the land is not needed for natural
75.18 resource purposes.

75.19 **Sec. 12. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
75.20 **WATER; CROW WING COUNTY.**

75.21 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
75.22 resources may sell by public sale the surplus land bordering public water that is described
75.23 in paragraph (c).

75.24 (b) The conveyance must be in a form approved by the attorney general. The
75.25 attorney general may make necessary changes to the legal description to correct errors
75.26 and ensure accuracy.

75.27 (c) The land that may be sold is located in Crow Wing County and is described
75.28 as: the North 1,000 feet of Government Lot 3, Section 25, Township 136 North, Range
75.29 27 West, excepting that portion which lies North and East of F.A.S #11, containing 32
75.30 acres, more or less.

75.31 (d) The land borders the Pine River. The Department of Natural Resources has
75.32 determined that the land is not needed for natural resource purposes.

75.33 **Sec. 13. PRIVATE SALE OF SURPLUS LAND; FILLMORE COUNTY.**

76.1 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner
76.2 of natural resources may sell by private sale the surplus land that is described in paragraph
76.3 (c).

76.4 (b) The conveyance must be in a form approved by the attorney general. The
76.5 attorney general may make necessary changes to the legal description to correct errors
76.6 and ensure accuracy.

76.7 (c) The land that may be sold is located in Fillmore County and is described as:
76.8 That part of the Northwest Quarter of the Northwest Quarter of Section 2, Township
76.9 103 North, Range 10 West, described as follows: commencing at the northeast
76.10 corner of the North Half of the Northwest Quarter of said Section 2; thence on
76.11 an assumed bearing of South 89 degrees 22 minutes 48 seconds West, along the
76.12 north line of said North Half of the Northwest Quarter, 500.09 feet; thence South
76.13 33 degrees 21 minutes 11 seconds West, 1,520.38 feet; thence North 00 degrees
76.14 37 minutes 12 seconds West, 540.85 feet; thence south 89 degrees 22 minutes 48
76.15 seconds West, 630.00 feet to the point of beginning of the land to be described;
76.16 thence North 00 degrees 37 minutes 12 seconds West, 551.74 feet to the center line
76.17 of Goodview Drive; thence North 89 degrees 03 minutes 27 seconds West, along
76.18 said center line 77.26 feet; thence South 89 degrees 52 minutes 18 seconds West,
76.19 along said center line, 162.78 feet; thence South 25 degrees 32 minutes 45 seconds
76.20 West, 82.13 feet; thence South 20 degrees 17 minutes 19 seconds West, 169.57
76.21 feet; thence South 18 degrees 48 minutes 07 seconds West, 143.54 feet; thence
76.22 South 26 degrees 31 minutes 49 seconds West, 211.00 feet; thence North 89 degrees
76.23 22 minutes 48 seconds East, 480.75 feet to the point of beginning. Subject to the
76.24 right-of-way of said Goodview Drive. Containing 4.53 acres, more or less.

76.25 (d) The sale would be to the Eagle Bluff Environmental Learning Center for
76.26 installation of a geothermal heating system for the center's adjacent educational facilities.
76.27 The Department of Natural Resources has determined that the land is not needed for
76.28 natural resource purposes.

76.29 **Sec. 14. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
76.30 **WATER; HENNEPIN COUNTY.**

76.31 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
76.32 commissioner of natural resources may sell by private sale to the city of St. Louis Park the
76.33 surplus land that is described in paragraph (c).

76.34 (b) The conveyance must be in a form approved by the attorney general. The
76.35 attorney general may make necessary changes to the legal description to correct errors and

77.1 ensure accuracy. The commissioner may sell to the city of St. Louis Park for less than the
77.2 value of the land as determined by the commissioner, but the conveyance must provide
77.3 that the land described in paragraph (c) be used for the public and reverts to the state if the
77.4 city of St. Louis Park fails to provide for public use or abandons the public use of the land.

77.5 (c) The land that may be sold is located in Hennepin County and is described as:
77.6 A strip of land 130 feet wide in the Southeast Quarter of the Northwest Quarter of
77.7 Section 20, Township 117 North, Range 21 West, the center line of which strip
77.8 has its beginning at a point on the west boundary of said Southeast Quarter of the
77.9 Northwest Quarter, and 753.8 feet distant from the south boundary line of said
77.10 Southeast Quarter of the Northwest Quarter, and continued thence east on a line
77.11 parallel with the south boundary line of said Southeast Quarter of the Northwest
77.12 Quarter for a distance of 1,012 feet, containing 3.02 acres, more or less.

77.13 (d) The land is adjacent to Minnehaha Creek and adjacent to other lands managed
77.14 by the city of St. Louis Park. The Department of Natural Resources has determined that
77.15 the state's land management interest would best be served if the land were conveyed to
77.16 the city of St. Louis Park.

77.17 **Sec. 15. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
77.18 **WATER; HUBBARD COUNTY.**

77.19 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
77.20 resources may sell by public sale the surplus land bordering public water that is described
77.21 in paragraph (c).

77.22 (b) The conveyance must be in a form approved by the attorney general. The
77.23 attorney general may make necessary changes to the legal description to correct errors
77.24 and ensure accuracy.

77.25 (c) The land that may be sold is located in Hubbard County and is described as: those
77.26 parts of Government Lot 4 and the Southwest Quarter of the Southwest Quarter, Section
77.27 16, Township 143 North, Range 34 West, Hubbard County, Minnesota, lying southerly
77.28 and easterly of Minnesota Department of Transportation Right-of-Way Plat Numbered
77.29 29-18 and Minnesota Department of Transportation Right-of-Way Plat Numbered 29-2
77.30 as the same is on file and of record in the Office of the County Recorder for Hubbard
77.31 County, Minnesota, and lying westerly of the East 600 feet of said Government Lot 4,
77.32 containing 14.6 acres, more or less.

77.33 (d) The land borders Lake Paine. The Department of Natural Resources has
77.34 determined that the land is not needed for natural resource purposes.

78.1 Sec. 16. **APPORTIONMENT OF PROCEEDS; TAX-FORFEITED LANDS;**
78.2 **ITASCA COUNTY.**

78.3 Notwithstanding the provisions of Minnesota Statutes, chapter 282, and any other
78.4 law relating to the apportionment of proceeds from the sale of tax-forfeited land, Itasca
78.5 County may deposit proceeds from the sale of tax-forfeited lands into a tax-forfeited
78.6 land replacement trust fund created in Laws 2006, chapter 236, article 1, section 43, as
78.7 amended by Laws 2008, chapter 368, article 1, section 18. The principal and interest from
78.8 these proceeds may be spent only on the purchase of lands to replace the tax-forfeited
78.9 lands sold to Minnesota Steel Industries or for lands better suited for retention by Itasca
78.10 County. Lands purchased with the land replacement fund must:

78.11 (1) become subject to trust in favor of the governmental subdivision wherein they lie
78.12 and all laws related to tax-forfeited lands; and

78.13 (2) be for forest management purposes and dedicated as memorial forest under
78.14 Minnesota Statutes, section 459.06, subdivision 2.

78.15 Sec. 17. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
78.16 **WATER; ITASCA COUNTY.**

78.17 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
78.18 resources may sell by public sale the surplus land bordering public water that is described
78.19 in paragraph (c).

78.20 (b) The conveyance must be in a form approved by the attorney general. The
78.21 attorney general may make necessary changes to the legal description to correct errors
78.22 and ensure accuracy.

78.23 (c) The land that may be sold is located in Itasca County and is described as: Lot
78.24 23, Eagle Point Plat, Section 11, Township 59 North, Range 25 West, containing 0.31
78.25 acres, more or less.

78.26 (d) The land borders Eagle Lake and is not contiguous to other state lands. The
78.27 Department of Natural Resources has determined that the land is not needed for natural
78.28 resource purposes.

78.29 Sec. 18. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC**
78.30 **WATER; KITTSON COUNTY.**

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

79.1 (b) The conveyance must be in a form approved by the attorney general. The attorney
79.2 general may make changes to the land description to correct errors and ensure accuracy.

79.3 (c) The land to be sold is located in Kittson County and is described as: that certain
79.4 parcel situate in the Southwest Quarter of Section 10; Township 163 North, Range 48
79.5 West, described as follows: beginning at the southeast corner of said Southwest Quarter
79.6 of said Section 10; thence West along the south boundary line of said Southwest Quarter
79.7 a distance of 1,900 feet; thence North and parallel to the east boundary line of said
79.8 Southwest Quarter a distance of 1,050 feet; thence East and parallel to the south boundary
79.9 line of said Southwest Quarter a distance of 750 feet; thence southeasterly in a straight
79.10 line to the point of beginning.

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

79.13 Sec. 19. **PRIVATE SALE OF SURPLUS STATE LAND; MURRAY COUNTY.**

79.14 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner
79.15 of natural resources may sell by private sale to the township of Murray the surplus land
79.16 that is described in paragraph (c).

79.17 (b) The conveyance must be in a form approved by the attorney general and may be
79.18 for consideration less than the appraised value of the land. The attorney general may make
79.19 necessary changes to the legal description to correct errors and ensure accuracy.

79.20 (c) The land to be sold is located in Murray County and is described as: that part of
79.21 Government Lot 6, that part of Government Lot 7, and that part of Government Lot 8 of
79.22 Section 6, Township 107 North, Range 40 West, and that part of Government Lot 1 and
79.23 that part of Government Lot 2 of Section 7, Township 107 North, Range 40 West, Murray
79.24 County, Minnesota, described as follows: Commencing at the east quarter corner of said
79.25 Section 6; thence on a bearing based on the 1983 Murray County Coordinate System (1996
79.26 Adjustment), of South 00 degrees 17 minutes 23 seconds East 1247.75 feet along the east
79.27 line of said Section 6; thence South 88 degrees 39 minutes 00 seconds West 1942.74 feet;
79.28 thence South 03 degrees 33 minutes 00 seconds West 94.92 feet to the northeast corner of
79.29 Block 5 of FORMAN ACRES, according to the recorded plat thereof on file and of record
79.30 in the Murray County Recorder's Office; thence South 14 degrees 34 minutes 00 seconds
79.31 West 525.30 feet along the easterly line of said Block 5 and along the easterly line of the
79.32 private roadway of FORMAN ACRES to the southeasterly corner of said private roadway
79.33 and the POINT OF BEGINNING; thence North 82 degrees 15 minutes 00 seconds West
79.34 796.30 feet along the southerly line of said private roadway to an angle point on said line
79.35 and an existing 1/2 inch diameter rebar; thence South 64 degrees 28 minutes 26 seconds

80.1 West 100.06 feet along the southerly line of said private roadway to an angle point on said
80.2 line and an existing 1/2 inch diameter rebar; thence South 33 degrees 01 minute 32 seconds
80.3 West 279.60 feet along the southerly line of said private roadway to an angle point on said
80.4 line; thence South 76 degrees 04 minutes 52 seconds West 766.53 feet along the southerly
80.5 line of said private roadway to a 3/4 inch diameter rebar with a plastic cap stamped "MN
80.6 DNR LS 17003" (DNR MON); thence South 16 degrees 24 minutes 50 seconds West
80.7 470.40 feet to a DNR MON; thence South 24 degrees 09 minutes 57 seconds West 262.69
80.8 feet to a DNR MON; thence South 08 degrees 07 minutes 09 seconds West 332.26 feet to
80.9 a DNR MON; thence North 51 degrees 40 minutes 02 seconds West 341.79 feet to the east
80.10 line of Lot A of Lot 1 of LOT A OF GOVERNMENT LOT 8, OF SECTION 6 AND LOT
80.11 A OF GOVERNMENT LOT 1, OF SECTION 7, TOWNSHIP 107, RANGE 40, according
80.12 to the recorded plat thereof on file and of record in the Murray County Recorder's Office
80.13 and a DNR MON; thence South 14 degrees 28 minutes 55 seconds West 71.98 feet along
80.14 the east line of said Lot A to the northerly most corner of Lot 36 of HUDSON ACRES,
80.15 according to the record plat thereof on file and of record in the Murray County Recorder's
80.16 Office and an existing steel fence post; thence South 51 degrees 37 minutes 05 seconds
80.17 East 418.97 feet along the northeasterly line of said Lot 36 and along the northeasterly line
80.18 of Lots 35, 34, 33, 32 of HUDSON ACRES to an existing 1-inch inside diameter iron
80.19 pipe marking the easterly most corner of Lot 32 and the most northerly corner of Lot 31A
80.20 of HUDSON ACRES; thence South 48 degrees 33 minutes 10 seconds East 298.26 feet
80.21 along the northeasterly line of said Lot 31A to an existing 1 1/2-inch inside diameter iron
80.22 pipe marking the easterly most corner thereof and the most northerly corner of Lot 31 of
80.23 HUDSON ACRES; thence South 33 degrees 53 minute 30 seconds East 224.96 feet along
80.24 the northeasterly line of said Lot 31 and along the northeasterly line of Lots 30 and 29 of
80.25 HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the easterly
80.26 most corner of said Lot 29 and the most northerly corner of Lot 28 of HUDSON ACRES;
80.27 thence South 45 degrees 23 minutes 54 seconds East 375.07 feet along the northeasterly
80.28 line of said Lot 28 and along the northeasterly line of Lots 27, 26, 25, 24 of HUDSON
80.29 ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the easterly most
80.30 corner of said Lot 24 and the most northerly corner of Lot 23 of HUDSON ACRES;
80.31 thence South 64 degrees 39 minutes 53 seconds East 226.80 feet along the northeasterly
80.32 line of said Lot 23 and along the northeasterly line of Lots 22 and 21 of HUDSON ACRES
80.33 to an existing 1 1/2-inch inside diameter iron pipe marking the easterly most corner of said
80.34 Lot 21 and the most northerly corner of Lot 20 of HUDSON ACRES; thence South 39
80.35 degrees 49 minutes 49 seconds East 524.75 feet along the northeasterly line of said Lot 20
80.36 and along the northeasterly line of Lots 19, 18, 17, 16, 15, 14 of HUDSON ACRES to

81.1 an existing 1 1/2-inch inside diameter iron pipe marking the easterly most corner of said
81.2 Lot 14 and the most northerly corner of Lot 13 of HUDSON ACRES; thence South 55
81.3 degrees 31 minutes 43 seconds East 225.11 feet along the northeasterly line of said Lot 13
81.4 and along the northeasterly line of Lots 12 and 11 of HUDSON ACRES to an existing 1
81.5 1/2-inch inside diameter iron pipe marking the easterly most corner of said Lot 11 and the
81.6 northwest corner of Lot 10 of HUDSON ACRES; thence South 88 degrees 03 minutes
81.7 49 seconds East 224.90 feet along the north line of said Lot 10 and along the north line
81.8 of Lots 9 and 8 of HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe
81.9 marking the northeast corner of said Lot 8 and the northwest corner of Lot 7 of HUDSON
81.10 ACRES; thence North 84 degrees 07 minutes 37 seconds East 525.01 feet along the north
81.11 line of said Lot 7 and along the north line of Lots 6, 5, 4, 3, 2, 1 of HUDSON ACRES to
81.12 an existing 1 1/2-inch inside diameter iron pipe marking the northeast corner of said Lot 1
81.13 of HUDSON ACRES; thence southeasterly, easterly, and northerly along a nontangential
81.14 curve concave to the North having a radius of 50.00 feet, central angle 138 degrees 42
81.15 minutes 00 seconds, a distance of 121.04 feet, chord bears North 63 degrees 30 minutes 12
81.16 seconds East; thence continuing northwesterly and westerly along the previously described
81.17 curve concave to the South having a radius of 50.00 feet, central angle 138 degrees 42
81.18 minutes 00 seconds, a distance of 121.04 feet, chord bears North 75 degrees 11 minutes 47
81.19 seconds West and a DNR MON; thence South 84 degrees 09 minutes 13 seconds West not
81.20 tangent to said curve 520.52 feet to a DNR MON; thence North 88 degrees 07 minutes 40
81.21 seconds West 201.13 feet to a DNR MON; thence North 55 degrees 32 minutes 12 seconds
81.22 West 196.66 feet to a DNR MON; thence North 39 degrees 49 minutes 59 seconds West
81.23 530.34 feet to a DNR MON; thence North 64 degrees 41 minutes 41 seconds West 230.01
81.24 feet to a DNR MON; thence North 45 degrees 23 minutes 00 seconds West 357.33 feet
81.25 to a DNR MON; thence North 33 degrees 53 minutes 30 seconds West 226.66 feet to a
81.26 DNR MON; thence North 48 degrees 30 minutes 31 seconds West 341.45 feet to a DNR
81.27 MON; thence North 08 degrees 07 minutes 09 seconds East 359.28 feet to a DNR MON;
81.28 thence North 24 degrees 09 minutes 57 seconds East 257.86 feet to a DNR MON; thence
81.29 North 16 degrees 24 minutes 50 seconds East 483.36 feet to a DNR MON; thence North
81.30 76 degrees 04 minutes 52 seconds East 715.53 feet to a DNR MON; thence North 33
81.31 degrees 01 minute 32 seconds East 282.54 feet to a DNR MON; thence North 64 degrees
81.32 28 minutes 26 seconds East 84.97 feet to a DNR MON; thence South 82 degrees 15
81.33 minutes 00 seconds East 788.53 feet to a DNR MON; thence North 07 degrees 45 minutes
81.34 07 seconds East 26.00 feet to the point of beginning; containing 7.55 acres.

82.1 (d) The Department of Natural Resources has determined that the state's land
82.2 management interests would best be served if the lands were conveyed to the township
82.3 of Murray.

82.4 Sec. 20. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC**
82.5 **WATER; RED LAKE COUNTY.**

82.6 (a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1,
82.7 and the public sale provisions of Minnesota Statutes, chapter 282, Red Lake County may
82.8 convey to the city of Red Lake Falls for no consideration the tax-forfeited land bordering
82.9 public water that is described in paragraph (c).

82.10 (b) The conveyance must be in a form approved by the attorney general and provide
82.11 that the land reverts to the state if the city of Red Lake Falls fails to provide for the public
82.12 use described in paragraph (d) or abandons the public use of the land. The attorney general
82.13 may make necessary changes to the legal description to correct errors and ensure accuracy.

82.14 (c) The land that may be conveyed is located in Red Lake County and is described as
82.15 follows: all that part of Block 5 which lies North of Block 6 and West of a line which
82.16 is a projection northerly of the west line of Lot 11 of said Block 6, all in Mill Reserve
82.17 Addition, containing approximately 500 feet frontage on the Clearwater River.

82.18 (d) The city will use the land to establish a public park.

82.19 Sec. 21. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
82.20 **WATER; ST. LOUIS COUNTY.**

82.21 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
82.22 resources may sell by public sale the surplus land bordering public water that is described
82.23 in paragraph (c).

82.24 (b) The conveyance must be in a form approved by the attorney general. The
82.25 attorney general may make necessary changes to the legal description to correct errors
82.26 and ensure accuracy.

82.27 (c) The land that may be sold is located in St. Louis County and is described as:
82.28 Government Lot 4, Section 36, Township 58 North, Range 16 West, St. Louis County,
82.29 Minnesota, EXCEPTING therefrom that part platted as SILVER LAKE SHORES
82.30 according to the plat on file and of record in the Office of the Recorder for St. Louis
82.31 County, Minnesota, containing 7.88 acres, more or less.

82.32 (d) The land borders Silver Lake and is not contiguous to other state lands. The
82.33 Department of Natural Resources has determined that the land is not needed for natural
82.34 resource purposes.

83.1 Sec. 22. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
83.2 **WATER; ST. LOUIS COUNTY.**

83.3 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
83.4 resources may sell by public sale the surplus land bordering public water that is described
83.5 in paragraph (c).

83.6 (b) The conveyance must be in a form approved by the attorney general. The
83.7 attorney general may make necessary changes to the legal description to correct errors
83.8 and ensure accuracy. The commissioner may not sell any part of the land described in
83.9 paragraph (c) that is being used for airport purposes by the city of Eveleth or is proposed
83.10 to be used for airport purposes by the city of Eveleth.

83.11 (c) The land that may be sold is located in St. Louis County and is described as:
83.12 the Northeast Quarter of the Northwest Quarter, Section 16, Township 57 North, Range
83.13 17 West, St. Louis County, Minnesota, except that part of the North 10 feet thereof lying
83.14 East of St. Mary's Lake and also except that part lying East of County State-Aid Highway
83.15 132, containing 26.5 acres, more or less.

83.16 (d) The land borders St. Mary's Lake and is not contiguous to other state lands. The
83.17 Department of Natural Resources has determined that the land is not needed for natural
83.18 resource purposes.

83.19 Sec. 23. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC**
83.20 **WATER; ST. LOUIS COUNTY.**

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

83.24 (b) The conveyances must be in a form approved by the attorney general. The
83.25 attorney general may make changes to the land description to correct errors and ensure
83.26 accuracy. The conveyances must include any easements or deed restrictions specified in
83.27 paragraph (c).

83.28 (c) The lands to be sold are located in St. Louis County and are described as:

83.29 (1) the East Half of the East Half of the Southwest Quarter of the Southwest Quarter,
83.30 Section 5, Township 50 North, Range 14 West. Conveyance of this land must provide,
83.31 for no consideration, an easement to the state that is 75 feet in width on each side of the
83.32 centerline of East Branch Chester Creek, to provide riparian protection and angler access;

83.33 (2) the East Half of the East Half of the Southeast Quarter of the Southwest Quarter,
83.34 Section 5, Township 50 North, Range 14 West. Conveyance of this land must provide,

- 84.1 for no consideration, an easement to the state that is 75 feet in width on each side of the
84.2 centerline of East Branch Chester Creek, to provide riparian protection and angler access;
- 84.3 (3) the West Half of the East Half of the Southeast Quarter of the Southwest Quarter,
84.4 Section 5, Township 50 North, Range 14 West. Conveyance of this land must provide,
84.5 for no consideration, an easement to the state that is 75 feet in width on each side of the
84.6 centerline of East Branch Chester Creek, to provide riparian protection and angler access;
- 84.7 (4) the West Half of the East Half of the Northwest Quarter of the Southwest Quarter
84.8 and the West Half of the East Half of the Southwest Quarter of the Southwest Quarter,
84.9 Section 4, Township 51 North, Range 17 West;
- 84.10 (5) all that part or strip lying North of the Savanna River, about 3 to 4 acres of the
84.11 Southeast Quarter of the Northeast Quarter, Section 7, Township 51 North, Range 20 West;
- 84.12 (6) Government Lot 1, Section 18, Township 53 North, Range 18 West;
- 84.13 (7) the Southwest Quarter of the Southeast Quarter, Section 34, Township 53 North,
84.14 Range 19 West;
- 84.15 (8) Lot 2, Jingwak Beach 1st Addition, town of Cotton, Section 20, Township 54
84.16 North, Range 16 West;
- 84.17 (9) Lot 4, Jingwak Beach 1st Addition, town of Cotton, Section 20, Township 54
84.18 North, Range 16 West;
- 84.19 (10) Lots 1, 2, 3, and 4, 1st Addition to Strand Lake, Section 20, Township 54
84.20 North, Range 16 West;
- 84.21 (11) the Southeast Quarter of the Southwest Quarter, Section 1, Township 55 North,
84.22 Range 20 East. Conveyance of this land must provide, for no consideration, an easement
84.23 to the state that is 75 feet in width on each side of the centerline of East Swan River, to
84.24 provide riparian protection and angler access;
- 84.25 (12) that part of the Northeast Quarter of the Northwest Quarter beginning at the
84.26 intersection of the east line of Highway 4 with the north line of the Northeast Quarter of
84.27 the Northwest Quarter; thence South 500 feet; thence East 350 feet; thence North 500 feet;
84.28 thence West 350 feet to the point of beginning, Section 19, Township 57 North, Range
84.29 15 West. Conveyance of this land must provide, for no consideration, an easement to the
84.30 state that is 75 feet in width on each side of the centerline of the unnamed stream, to
84.31 provide riparian protection and angler access. Where there is less than 75 feet from the
84.32 centerline of the stream channel to the north property line, the easement shall be granted to
84.33 the north property line;
- 84.34 (13) the West Half of Lot 1, Section 22, Township 58 North, Range 16 West.
84.35 Conveyance of this land must provide, for no consideration, a 33-foot road easement to the
84.36 state for access to Black Lake. The conveyance must include a deed restriction prohibiting

85.1 buildings, structures, tree cutting, removal of vegetation, and shoreland alterations across
85.2 a 75-foot strip from the ordinary high water mark, except a 15-foot strip is allowed for
85.3 lake access and a dock; and

85.4 (14) the South Half of the Northwest Quarter of the Northwest Quarter, except the
85.5 North Half of the Southwest Quarter, Section 32, Township 62 North, Range 18 West.
85.6 Conveyance of this land must provide, for no consideration, an easement to the state
85.7 that is 105 feet in width on each side of the centerline of Rice River, to provide riparian
85.8 protection and angler access.

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

85.11 Sec. 24. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC**
85.12 **WATER; ST. LOUIS COUNTY.**

85.13 (a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision
85.14 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County
85.15 may sell by private sale the tax-forfeited land bordering public water that is described in
85.16 paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

85.17 (b) The conveyances must be in a form approved by the attorney general. The
85.18 attorney general may make changes to the land description to correct errors and ensure
85.19 accuracy. The conveyances must include any easements or deed restrictions specified in
85.20 paragraph (c).

85.21 (c) The lands to be sold are located in St. Louis County and are described as:

85.22 (1) an undivided 1369/68040 interest, Lot 8, Section 16, Township 50 North, Range
85.23 17 West;

85.24 (2) an undivided 1470/10080 interest, Lot 5, Section 17, Township 50 North, Range
85.25 17 West;

85.26 (3) an undivided 23/288 interest, Northeast Quarter of the Northeast Quarter, Section
85.27 21, Township 50 North, Range 17 West;

85.28 (4) an undivided 23/288 interest, Northwest Quarter of the Northeast Quarter,
85.29 Section 21, Township 50 North, Range 17 West;

85.30 (5) the easterly 200 feet of the Northwest Quarter of the Southeast Quarter lying
85.31 South of the river, Section 21, Township 58 North, Range 15 West. The conveyance
85.32 must include a deed restriction that limits removal of live trees, shrubs, and green plants
85.33 to 25 percent of the parcel; and

85.34 (6) that part of Lot 7 beginning at a point 530 feet East of the southwest corner;
85.35 thence North 30 degrees East 208 feet; thence North 55 degrees East 198 feet; thence 10

86.1 feet more or less on the same line to the waters edge; thence South along the waters
86.2 edge to the south boundary line of Lot 7; thence 10 feet West; thence West on the same
86.3 line 198 feet to the point of beginning, Section 5, Township 62 North, Range 16 West.
86.4 The conveyance must include a deed restriction prohibiting buildings, structures, tree
86.5 cutting, removal of vegetation, and shoreland alterations across a 75-foot strip from the
86.6 ordinary high water mark.

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

86.9 **Sec. 25. PUBLIC OR PRIVATE SALE OF TAX-FORFEITED LAND**
86.10 **BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

86.11 (a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1,
86.12 and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County may
86.13 sell by public or private sale the tax-forfeited land bordering public water that is described
86.14 in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

86.15 (b) The conveyance must be in a form approved by the attorney general. The attorney
86.16 general may make changes to the land description to correct errors and ensure accuracy.

86.17 (c) The land to be sold is located in St. Louis County and is described as: Lot 5,
86.18 Block 1, Williams Lakeview, town of Great Scott, Section 34, Township 60 North, Range
86.19 19 West.

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

86.22 **Sec. 26. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
86.23 **WATER; SHERBURNE COUNTY.**

86.24 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
86.25 resources may sell by public sale the surplus land bordering public water that is described
86.26 in paragraph (c).

86.27 (b) The conveyance must be in a form approved by the attorney general. The
86.28 attorney general may make necessary changes to the legal description to correct errors
86.29 and ensure accuracy.

86.30 (c) The land that may be sold is located in Sherburne County and is described as: the
86.31 Northeast Quarter of the Southwest Quarter, Section 16, Township 33 North, Range 27
86.32 West, containing 40 acres, more or less.

87.1 (d) The land borders Elk River and is not contiguous to other state lands. The
87.2 Department of Natural Resources has determined that the land is not needed for natural
87.3 resource purposes.

87.4 Sec. 27. **PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER;**
87.5 **TODD COUNTY.**

87.6 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
87.7 commissioner of natural resources may sell by private sale the surplus land that is
87.8 described in paragraph (c). Notwithstanding Minnesota Statutes, section 97A.135,
87.9 subdivision 2a, the surplus land described in paragraph (c) is vacated from the Grey
87.10 Eagle Wildlife Management Area upon sale.

87.11 (b) The conveyance must be in a form approved by the attorney general. The
87.12 attorney general may make necessary changes to the legal description to correct errors
87.13 and ensure accuracy.

87.14 (c) The land that may be sold is located in Todd County and is described as: the
87.15 East 50.00 feet of the South 165.00 feet of Government Lot 3, Section 16, Township 127
87.16 North, Range 33 West, Todd County, Minnesota, containing 0.19 acres, more or less.

87.17 (d) The sale would resolve an unintentional trespass by the adjacent owner. While
87.18 Lot 3 of Section 16, Township 127 North, Range 33 West, borders Bunker Lake, the
87.19 portion of Lot 3 to be sold does not border public waters. The Department of Natural
87.20 Resources has determined that the land is not needed for natural resource purposes.

87.21 Sec. 28. **PRIVATE SALE OF SURPLUS STATE LAND; WASHINGTON**
87.22 **COUNTY.**

87.23 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner
87.24 of natural resources may sell by private sale the surplus land that is described in paragraph
87.25 (c).

87.26 (b) The conveyance must be in a form approved by the attorney general and may be
87.27 for consideration less than the appraised value of the land. The attorney general may make
87.28 necessary changes to the legal description to correct errors and ensure accuracy.

87.29 (c) The land to be sold is located in Washington County and is described as:

87.30 (1) that part of the Southwest Quarter of the Southeast Quarter of Section 3,
87.31 Township 27, Range 20, Washington County, Minnesota that lies South of the North 800
87.32 feet thereof and North of the following described line: Commencing at a point 800 feet
87.33 South of the northwest corner of said Southwest Quarter of the Southeast Quarter; thence
87.34 154 feet East; thence 228 feet East; thence South 430 feet; thence East 930.58 feet; thence

88.1 North 430 feet, to the point of beginning of the line to be described; thence West to the
88.2 point of commencement and said line there terminating; and

88.3 (2) that part of the North 208 feet of the South 866 feet of the East 208 feet of
88.4 the Southeast Quarter of the Southeast Quarter of Section 3, Township 27, Range 20,
88.5 Washington County, Minnesota that lies northwesterly of the following described line:
88.6 Commencing at the northwest corner of the Southeast Quarter of the Southeast Quarter of
88.7 said Section 3; thence South along the west line of said Southeast Quarter of the Southeast
88.8 Quarter, a distance of 900 feet; thence easterly, at a right angle, a distance of 660 feet, to
88.9 the point of beginning of the line to be described; thence northeasterly to a point on the
88.10 east line of said Southeast Quarter of the Southeast Quarter distant 275 feet South of the
88.11 northeast corner thereof, and said line there terminating.

88.12 (d) The Department of Natural Resources has determined that the state's land
88.13 management interests would best be served if the land were conveyed to the adjacent
88.14 landowner.

88.15 **Sec. 29. EFFECTIVE DATE.**

88.16 Sections 1 to 28 are effective the day following final enactment.

88.17 **ARTICLE 5**

88.18 **FOREST MANAGEMENT**

88.19 **Section 1. APPRAISED VALUE TIMBER SALES; FISCAL YEARS 2010 AND**
88.20 **2011.**

88.21 (a) During fiscal years 2010 and 2011, the commissioner of natural resources shall
88.22 increase the amount of timber products sold from state lands under permits based solely
88.23 on the appraiser's estimate of the timber volume described in the permit, as provided in
88.24 Minnesota Statutes, section 90.14, paragraph (c).

88.25 (b) The commissioner shall evaluate sales of timber under paragraph (a) and other
88.26 methods used to sell cut forest products from state lands to identify the method, or
88.27 combination of methods, that is most efficient and effective in protecting the fiduciary
88.28 interest of the state, including the permanent school fund.

88.29 (c) By January 15, 2011, the commissioner shall report to the house and senate
88.30 natural resources policy and finance committees and divisions on the findings of the
88.31 evaluation process completed under paragraph (b).

88.32 **Sec. 2. FOREST MANAGEMENT LEASE-PILOT PROJECT.**

89.1 (a) Notwithstanding the permit procedures of Minnesota Statutes, chapter 90, the
89.2 commissioner of natural resources may lease up to 10,000 acres of state-owned forest
89.3 lands for forest management purposes for a term not to exceed 21 years. No person or
89.4 entity may lease more than 2,000 acres. The lease shall provide:

89.5 (1) that the lessee must comply with timber harvesting and forest management
89.6 guidelines developed under Minnesota Statutes, section 89A.05, and landscape-level plans
89.7 under Minnesota Statutes, section 89A.06, that have been adopted by the Minnesota Forest
89.8 Resources Council, and in effect at the time of any management activity; and

89.9 (2) for public access to the leased land that is the same as would be available under
89.10 state management.

89.11 (b) For the purposes of this section, the term "state-owned forest lands" may include
89.12 school trust lands as defined in Minnesota Statutes, section 92.025, or university land
89.13 granted to the state by Acts of Congress.

89.14 (c) By December 15, 2009, the commissioner of natural resources shall provide
89.15 a report to the house and senate natural resources policy and finance committees and
89.16 divisions on the pilot project. The report will detail a plan for the implementation of the
89.17 pilot project with a starting date that is no later than July 1, 2010.

89.18 (d) Upon implementation of the pilot project, the commissioner shall provide an
89.19 annual report to the house and senate natural resources policy and finance committees and
89.20 divisions on the progress of the project, including the acres leased, a breakdown of the
89.21 types of forest land, and amounts harvested by species. The report shall include a net
89.22 revenue analysis comparing the lease revenue with the estimated net revenue that would
89.23 be obtained through state management and silvicultural practices cost savings the state
89.24 realizes through leasing.

89.25 (e) Nothing in this section supersedes the duties of the commissioner of natural
89.26 resources to properly manage forest lands under the authority of the commissioner, as
89.27 defined in Minnesota Statutes, section 89.001, subdivision 13.