

CHAPTER 561—H.F.No. 3032

An act relating to game and fish; regulating certain uses of fish manure; clarifying the purposes for which various game and fish revenues may be spent; requiring establishment of citizen oversight committees to review expenditures of game and fish revenues; regulating various wildlife management accounts and authorizing annual appropriations to commissioner of natural resources for various purposes; regulating use of revenues from various game stamps; authorizing certain permits to be designated as available for persons with disabilities or over age 70; increasing fishing license fees; modifying regulations on cooperative farming agreements; modifying source of payments made to certain Indian tribes; abolishing the angling license refund for senior citizens; requiring the commissioner of natural resources to negotiate with bargaining units prior to involuntary layoffs; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1992, sections 97A.055, by adding a subdivision; 97A.061, subdivision 1; 97A.071, subdivision 3, and by adding subdivisions; 97A.075, subdivisions 2, 3, and 4; 97A.135, subdivision 3; 97A.165; 97A.475, subdivisions 6, 7, 8, and 13; 97A.485, subdivision 7; and 97B.055, subdivision 3; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.061, subdivision 3; 97A.071, subdivision 2; 97A.091, subdivision 2; 97A.475, subdivision 12; and 97A.485, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; 97A.071, subdivision 4; 97A.475, subdivision 9; and 103E.615, subdivision 6.

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

Section 1. [17.4999] STORAGE, HANDLING, AND DISPOSAL OF FISH MANURE.

Fish manure from aquatic farm operations:

(1) is subject to the same requirements under state law and rules as other animal manures; and

(2) if managed in a pond system, may be applied as a manipulated manure under chapter 18C if certified by the commissioner.

Sec. 2. Minnesota Statutes 1993 Supplement, section 97A.055, subdivision 4, is amended to read:

Subd. 4. **ANNUAL REPORT REPORTS.** (a) By November 15 each year, the commissioner shall ~~report~~ submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

- (i) the fishing license surcharge under section 97A.475, subdivision 9;
- (ii) the small game license surcharge under section 97A.475, subdivision 4;

New language is indicated by underline, deletions by ~~strikeout~~.

~~(iii)~~ (ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);

~~(iv)~~ (iii) the trout and salmon stamp under section 97A.475, subdivision 10; and

~~(v)~~ (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2); and

(2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent; and

(3) money credited to the game and fish fund under section 97A.055 and purposes for which expenditures were made from the fund.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and ~~surecharges~~ surcharges referred in paragraph (a).

Sec. 3. Minnesota Statutes 1992, section 97A.055, is amended by adding a subdivision to read:

Subd. 4a. CITIZEN OVERSIGHT COMMITTEES. (a) The commissioner shall appoint committees of affected persons to review the reports prepared under subdivision 4 and other relevant information and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following committees:

(1) a committee to review the annual game and fish fund report and address general game and fish fund issues;

(2) a committee to address funding issues related to fishing;

(3) a committee to review the report on the small game license surcharge and the report required in section 97A.055, subdivision 4, paragraph (a), clause (2), and address funding issues related to hunting;

(4) a committee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(5) a committee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl; and

(6) a committee to review the report on the pheasant stamp and address funding issues related to pheasants.

Sec. 4. Minnesota Statutes 1992, section 97A.061, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **APPLICABILITY; AMOUNT.** (a) The commissioner shall annually make a payment ~~from the game and fish fund~~ to each county having public hunting areas and game refuges. Money to make the payments is annually appropriated for that purpose from the general fund. This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or

(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.

(b) The payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese.

(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition.

Sec. 5. Minnesota Statutes 1993 Supplement, section 97A.061, subdivision 3, is amended to read:

Subd. 3. **GOOSE MANAGEMENT CROPLANDS.** (a) The commissioner shall make a payment on July 1 of each year ~~from the game and fish fund~~, to each county where the state owns more than 1,000 acres of crop land, for wild goose management purposes. The payment shall be equal to the taxes assessed on comparable, privately owned, adjacent land. Money to make the payments is annually appropriated for that purpose from the general fund. The county treasurer shall allocate and distribute the payment as provided in subdivision 2.

(b) The land used for goose management under this subdivision is exempt from taxation as provided in sections 272.01 and 273.19.

Sec. 6. Minnesota Statutes 1993 Supplement, section 97A.071, subdivision 2, is amended to read:

Subd. 2. **REVENUE FROM THE SMALL GAME LICENSE SURCHARGE.** Revenue from the small game surcharge shall be credited to the wild-life acquisition account and the money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

Sec. 7. Minnesota Statutes 1992, section 97A.071, is amended by adding a subdivision to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2a. USE OF WILDLIFE ACQUISITION ACCOUNT MONEY. Of the money annually appropriated and available from the wildlife acquisition account:

(1) at least 50 percent must be used for land costs; and

(2) the remainder may only be used for other land acquisition costs, development, and maintenance of wildlife lands, and activities under subdivision 3.

Sec. 8. Minnesota Statutes 1992, section 97A.071, subdivision 3, is amended to read:

Subd. 3. ~~USE OF WILDLIFE ACQUISITION ACCOUNT MONEY~~ WATERFOWL BREEDING GROUNDS IN CANADA. The wildlife acquisition account may be used for developing, preserving, restoring, and maintaining waterfowl breeding grounds in Canada under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. The commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit the migration of waterfowl into the state.

Sec. 9. Minnesota Statutes 1992, section 97A.071, is amended by adding a subdivision to read:

Subd. 5. DEFINITIONS. (a) The definitions in this subdivision apply to this section.

(b) "Development" means fencing, signing, and onsite improvement of the land that is related to the purposes for which the land was acquired. Development includes material or equipment that is purchased or rented and labor that is necessary to provide for the onsite improvement of the land.

(c) "Land costs" means the purchase price of land acquired by the commissioner under section 97A.145.

(d) "Maintenance" means noxious weed control and other onsite functions performed on a regular basis to sustain the environmental conditions that result from the original improvement of the land.

(e) "Other acquisition costs" means acquisition coordination costs, costs of engineering services, appraisal fees, attorney fees, taxes, assessments required at the time of purchase, and recording fees for land acquired by the commissioner under section 97A.145.

Sec. 10. Minnesota Statutes 1992, section 97A.075, subdivision 2, is amended to read:

Subd. 2. MINNESOTA MIGRATORY WATERFOWL STAMP. ~~The commissioner may use~~ (a) Ninety percent of the revenue from the Minnesota

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migratory waterfowl stamps must be credited to the waterfowl habitat improvement account. Money in the account may be used only for:

(1) development of wetlands and lakes in the state and designated waterfowl management lakes for maximum migratory waterfowl production including habitat evaluation, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the creation of migratory waterfowl management lakes designation of waters under section 97A.101;

(2) management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat; and

(4) acquisition of and access to structure sites; and

(5) necessary related administrative costs not to exceed ten percent of the annual revenue.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), or (4), or to specific management activities under paragraph (a), clause (2).

Sec. 11. Minnesota Statutes 1992, section 97A.075, subdivision 3, is amended to read:

Subd. 3. **TROUT AND SALMON STAMP.**

The ~~commissioner~~ may use (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. Money in the account may be used only for:

(1) the development, restoration, maintenance, and preservation of trout streams and lakes; and

(2) rearing and stocking of trout and salmon in trout streams and lakes and Lake Superior; and

(3) necessary related administrative costs not to exceed ten percent of the annual revenue.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a) or to specific fish rearing activities under paragraph (a), clause (2).

Sec. 12. Minnesota Statutes 1992, section 97A.075, subdivision 4, is amended to read:

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Subd. 4. PHEASANT STAMP. The commissioner may use (a) Ninety per cent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. Money in the account may be used only for:

(1) the development, restoration, and maintenance, and preservation of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land; and

(4) the promotion of pheasant habitat development, and maintenance, and preservation; and

(5) necessary related administrative and personnel costs not to exceed ten percent of the annual revenue including promotion and evaluation of government farm program benefits for pheasant habitat.

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

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs.

Sec. 13. Minnesota Statutes 1993 Supplement, section 97A.091, subdivision 2, is amended to read:

Subd. 2. WHEN HUNTING ALLOWED. (a) The commissioner may allow hunting of a protected wild animal species within any portion of a state game refuge, including a state park. Hunting may be allowed under this paragraph only if the commissioner finds:

(1) the population of the species exceeds the refuge's carrying capacity;

(2) the species is causing substantial damage to agricultural or forest crops in the vicinity;

(3) the species or other protected wild animals are threatened by the species population; or

(4) a harvestable surplus of the species exists.

(b) The commissioner may allow hunting of unprotected wild animals in a game refuge.

(c) The commissioner may prescribe rules for any hunting allowed within a refuge.

(d) In any selection process for permits to take deer within a game refuge, the commissioner may designate a certain number of permits that are available only to applicants who are age 70 or over or are qualified for a special permit under section 97B.055, subdivision 3, or 97B.106.

Sec. 14. Minnesota Statutes 1992, section 97A.135, subdivision 3, is amended to read:

Subd. 3. **COOPERATIVE FARMING AGREEMENTS.** On any public hunting, game refuge, or wildlife management area, or scientific and natural area lands, the commissioner may enter into written cooperative farming agreements with nearby farmers on a sharecrop basis, without competitive bidding, for the purpose of establishing or maintaining wildlife food or cover for habitat purposes and plant management. Cooperative farming agreements may also be used to allow pasturing of livestock. The agreements may provide for the bartering of a share of any crop, not exceeding \$1,500 in value and produced from these lands, for services such as weed control, planting, cultivation, or other wildlife habitat practices or products that will enhance or benefit the management of state lands for plant and animal species. Cooperative farming agreements pursuant to this section shall not be considered leases for tax purposes under section 272.01, subdivision 2, or 273.19.

Sec. 15. Minnesota Statutes 1992, section 97A.165, is amended to read:

97A.165 SOURCE OF PAYMENTS FOR INDIAN AGREEMENT.

Money to make payments to the Leech Lake Band, the 1854 treaty area agreement, and White Earth Band special license account under sections ~~94.16~~, 97A.151, subdivision 4, and 97A.155, subdivision 2, and 97A.157, subdivision 4, is annually appropriated for that purpose ~~in a ratio of 20 percent from the game and fish fund and 80 percent from the general fund.~~

Sec. 16. Minnesota Statutes 1992, section 97A.475, subdivision 6, is amended to read:

Subd. 6. **RESIDENT FISHING.** Fees for the following licenses, to be issued to residents only, are:

- (1) to take fish by angling, for persons under age 65, ~~\$10.50~~ \$13;
- (2) to take fish by angling, for persons age 65 and over, \$4.50;
- (3) to take fish by angling, for a combined license for a married couple, ~~\$15~~ \$17.50;
- (4) to take fish by spearing from a dark house, \$13; and
- (5) to take fish by angling for a period of 24 hours from the time of issuance, ~~\$5~~ \$7.50.

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Sec. 17. Minnesota Statutes 1992, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **NONRESIDENT FISHING.** Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, ~~\$25~~ \$27.50;
- (2) to take fish by angling limited to seven consecutive days, ~~\$16.50~~ \$19;
- (3) to take fish by angling for three consecutive days, ~~\$13.50~~ \$16;
- (4) to take fish by angling for a combined license for a family, ~~\$35~~ \$37.50;
- (5) to take fish by angling for a period of 24 hours from the time of issuance, ~~\$5~~ \$7.50; and
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days, ~~\$25~~ \$27.50.

Sec. 18. Minnesota Statutes 1992, section 97A.475, subdivision 8, is amended to read:

Subd. 8. **MINNESOTA SPORTING.** The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

- (1) for an individual, ~~\$15~~ \$17.50; and
- (2) for a combined license for a married couple to take fish and for one spouse to take small game, ~~\$21.50~~ \$24.

Sec. 19. Minnesota Statutes 1993 Supplement, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **FISH HOUSES; NONRESIDENT.** Fees for fish house licenses for a nonresident are:

- (1) annual, ~~\$25~~ \$27.50; and
- (2) seven consecutive days, ~~\$14~~ \$16.50.

Sec. 20. Minnesota Statutes 1992, section 97A.475, subdivision 13, is amended to read:

Subd. 13. **NETTING WHITEFISH AND CISCOES FOR PERSONAL CONSUMPTION.** The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, ~~\$5.50~~ \$8.

Sec. 21. Minnesota Statutes 1993 Supplement, section 97A.485, subdivision 6, is amended to read:

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Subd. 6. **LICENSES TO BE SOLD AND ISSUING FEES.** (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; and

(3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and

(5) for stamps other than a trout and salmon stamp, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

~~(f) The fee for an angling license paid by a resident 65 years of age or over must be refunded to the licensee upon request to the commissioner, if the request is made within 30 days of the sale. The commissioner shall design a system on the license for this purpose. An auditor or subagent may not provide postage stamps or pre-addressed envelopes for obtaining the refund. An auditor or subagent must provide information on the purposes for which license receipts are spent and the effects of applying for a refund.~~

~~(g)~~ For duplicate licenses, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

Sec. 22. Minnesota Statutes 1992, section 97A.485, subdivision 7, is amended to read:

Subd. 7. **COUNTY AUDITOR'S COMMISSION.** The county auditor

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shall retain for the county treasury a commission of four percent of all license fees collected by the auditor and the auditor's subagents, excluding:

(1) the small game surcharge ~~and issuing fees;~~

(2) the fishing surcharge ~~and all~~ issuing fees;

(3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6, clauses (1), (3), and (5), 7, 8, 12, and 13; and

(4) the license to take fish by angling for persons age 65 and over. In addition, the auditor shall collect the issuing fees on licenses sold by the auditor to a licensee.

Sec. 23. Minnesota Statutes 1992, section 97B.055, subdivision 3, is amended to read:

Subd. 3. **HUNTING FROM VEHICLE BY DISABLED HUNTERS.** The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a licensed hunter that is temporarily or permanently physically unable to walk without crutches, braces, or other mechanical support, or who has a physical disability which substantially limits the person's ability to walk. The physical disability and the substantial inability to walk must be established by medical evidence verified in writing by a licensed physician. A person with a temporary disability may be issued an annual permit and a person with a permanent disability may be issued a permanent permit. A person issued a special permit under this subdivision and hunting deer may take a deer of either sex.

Sec. 24. **FISHING LICENSE REVENUES.**

For the 1996-1997 biennium, the additional \$2.50 added to the licenses in sections 16 to 22 of this act may only be used in the division of enforcement for enforcement of laws related to fish and in the section of fisheries. Expenditures must be focused on individual lake management, habitat preservation and improvement, and education. Personnel costs must be limited to on-site work.

Sec. 25. **LAYOFFS.**

The commissioner of natural resources shall negotiate with bargaining units of affected employees when restructuring or reorganization of department operations is expected to result in involuntary layoffs. Any involuntary layoff of department employees under this provision must be negotiated with representatives of affected state employees pursuant to Minnesota Statutes, section 43A.045, before layoffs can occur. This provision applies to circumstances that arise from agency restructuring and reorganization and not from normal changes in employment caused by contractual layoff, termination for cause, unrequested leave of absence, or retrenchment.

Sec. 26. **APPROPRIATIONS; REDUCTIONS.**

New language is indicated by underline, deletions by ~~strikeout~~.

(a) The following appropriations for fiscal year 1995 made in Laws 1993, chapter 172, section 5, subdivision 7, are from the general fund rather than the game and fish fund:

(1) \$120,000 for ditch assessments; and

(2) \$322,000 for development work performed by participants in youth programs.

(b) The following appropriations for fiscal year 1995 made in Laws 1993, chapter 172, section 5, subdivision 7, are reduced by the amounts indicated:

(1) the appropriation from the waterfowl habitat improvement account is reduced by \$49,000;

(2) the appropriation from the trout stream management account is reduced by \$53,000; and

(3) the appropriation from the pheasant habitat improvement account is reduced by \$60,000.

(c) The appropriations made in Laws 1993, chapter 172, section 5, subdivision 7, from the game and fish fund for payments to counties in lieu of taxes on acquired wildlife lands are reduced by \$874,000 in fiscal year 1994 and \$874,000 in fiscal year 1995.

(d) \$200,000 is appropriated from the wildlife acquisition account to the commissioner of natural resources for only the purposes specified in Minnesota Statutes, section 97A.071. This appropriation is available until June 30, 1995.

Sec. 27. **TRANSFER.**

On June 30, 1995, the commissioner of finance shall transfer and credit to the game and fish fund any remaining balance in the fish management intensification account.

Sec. 28. **REPEALER.**

(a) Minnesota Statutes 1992, sections 97A.071, subdivision 4; and 103E.615, subdivision 6, are repealed.

(b) Minnesota Statutes 1992, section 97A.475, subdivision 9, is repealed.

(c) Minnesota Statutes 1992, section 97A.065, subdivision 3, is repealed.

Sec. 29. **EFFECTIVE DATES.**

Section 1 is effective the day following final enactment and applies to licensed aquatic farms in operation on or after that date.

Sections 4, 5, and 26, paragraph (c), are effective the day following final enactment.

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Sections 16 to 22 and 28, paragraph (b), are effective March 1, 1995.

Section 28, paragraph (c), is effective July 1, 1995.

Presented to the governor May 2, 1994

Signed by the governor May 4, 1994, 3:29 p.m.

CHAPTER 562—S.F.No. 2277

An act relating to metropolitan waste control commission; authorizing the commission to enter into agreements to implement total watershed management; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Section 1. [473.505] TOTAL WATERSHED MANAGEMENT.

The commission with the approval of the metropolitan council may enter into agreements with other governmental bodies and agencies and spend funds to implement total watershed management. "Total watershed management" means identifying and quantifying at a watershed level the (1) sources of pollution, both point and nonpoint, (2) causes of conditions that may or may not be a result of pollution, and (3) means of reducing pollution or alleviating adverse conditions. The purpose of total watershed management is to achieve the best water quality for waters of the state receiving the effluent of the metropolitan disposal system for the lowest total costs, without regard to who will incur those costs.

Sec. 2. APPLICATION.

Section 1 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Presented to the governor May 2, 1994

Signed by the governor May 4, 1994, 3:15 p.m.

CHAPTER 563—S.F.No. 2072

An act relating to commerce; agriculture; adding labeling requirements for salvaged food; adding licensing and permit requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; providing for labeling of Canadian wild rice; appropriating money; amending Minnesota Stat-

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