

A bill for an act

relating to natural resources; modifying authority to designate infested waters; modifying land acquisition requirements; modifying land owners' bill of rights; modifying requirements for certain recreational vehicles; establishing an off-highway vehicle safety and conservation program; modifying certain state trails, parks, and wildlife management areas; modifying state park permit provisions; modifying definitions; providing for and modifying certain fees; modifying license and stamp provisions; modifying possession and taking restrictions; providing for apprentice hunter validation; modifying commercial fishing provisions; providing for a crossbow deer season; providing for an Appeals Board of Zoning Adjustment; requiring cormorant control; providing for certain walleye stocking prioritization; modifying certain county powers; providing for timber sales; extending expiration of the Minerals Coordinating Committee; modifying recordation requirements for mineral interests; modifying requirements for certain contested case hearings; modifying water supply plan requirements; providing for regulation of shoreland resorts; adopting the Uniform Environmental Covenants Act; modifying individual sewage treatment system provisions; extending exemptions to noise standards; restricting the use of phosphorus in household dishwasher detergent; exempting certain exchanged land from the tax-forfeited land assurance fee; authorizing public and private sales, conveyances, exchanges, and leases of certain state lands; providing for status of certain land in St. Louis County; providing for temporary suspension of apportionment of certain proceeds from tax-forfeited lands; modifying authority for and requiring rulemaking; requiring reports and studies; requiring public meetings; providing for renaming Big Island; providing for Public Facilities Authority funding; providing civil penalties; amending Minnesota Statutes 2006, sections 84.027, by adding a subdivision; 84.0272, subdivision 3; 84.0274, subdivision 5; 84.029, subdivision 2; 84.788, subdivision 1; 84.82, subdivision 6; 84.8205, subdivision 1; 84.925, subdivision 5; 84D.03, subdivision 1; 84D.12, subdivisions 1, 3; 85.015, subdivision 14; 85.053, subdivisions 2, 8; 93.0015, subdivision 3; 93.55, subdivision 1, by adding a subdivision; 97A.015, subdivision 24, by adding a subdivision; 97A.045, by adding a subdivision; 97A.133, by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivisions 2, 4; 97A.441, subdivision 7; 97A.445, by adding a subdivision; 97A.451, subdivisions 3, 3a; 97A.465, by adding a subdivision; 97A.473, subdivisions 3, 5; 97A.475, subdivisions 2, 3, 16; 97A.505, subdivision 4; 97A.511; 97B.015, by adding a subdivision; 97B.020; 97B.031, subdivision 1; 97B.035, by adding a subdivision; 97B.055, subdivision 3; 97B.075; 97B.085, subdivision 3; 97B.301, subdivision 7; 97B.311; 97B.318, subdivision 1;

97B.327; 97B.715, subdivision 1; 97B.801; 97B.928, subdivision 1; 97C.325; 97C.335; 97C.355, subdivision 8; 97C.371, by adding a subdivision; 97C.835, subdivisions 1, 2, 3, 8; 103F.205, subdivision 1; 103G.291, subdivision 3; 103G.311, subdivision 2; 115.072; 115.55, subdivision 6; 115.56, subdivision 2; 115B.17, subdivision 15; 116.07, subdivision 2a; 116.23; 282.04, subdivision 1; 373.01, subdivision 1; 473.1565, subdivision 1; 473.859, subdivision 3; Laws 2006, chapter 236, article 1, section 21; proposing coding for new law in Minnesota Statutes, chapters 84; 97B; 97C; 103F; proposing coding for new law as Minnesota Statutes, chapter 114E; repealing Minnesota Statutes 2006, sections 85.015, subdivision 11; 97A.475, subdivision 38; 97C.365; Laws 2006, chapter 236, article 1, section 2; 2007, S.F. No. 2096, article 1, section 24, if enacted.

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

ARTICLE 1

NATURAL RESOURCES POLICY

Section 1. Minnesota Statutes 2006, section 84.027, is amended by adding a subdivision to read:

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

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

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

Sec. 2. Minnesota Statutes 2006, section 84.0272, subdivision 3, is amended to read:

Subd. 3. **Minimal value acquisition.** (a) Notwithstanding subdivision 1, if the commissioner determines that lands or interests in land have a value less than ~~\$5,000~~ \$50,000, the commissioner may acquire the lands for the value determined by the commissioner without an appraisal. The commissioner shall make the determination based upon ~~available information including, but not limited to:~~

(1) up to the most recent assessed market value of the land or interests in land as determined by the county assessor of the county in which the land or interests in land is located, plus ten percent;

(2) a sale price of the land or interests in land, provided the sale occurred within the past year;

(3) the sale prices of comparable ~~land or~~ Department of Natural Resources land sales
or acquisitions of interests in land located in the vicinity and sold within the past year; or

(4) an appraisal of the land or interests in land conducted within the past year.

(b) In the event the value is ~~minimal~~ less than \$1,000, the commissioner may add a transaction incentive, provided that the sum of the incentive plus the value of the land does not exceed \$1,000.

Sec. 3. Minnesota Statutes 2006, section 84.0274, subdivision 5, is amended to read:

Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser interest in land which will be administered by the commissioner of natural resources, the landowner shall have the following rights:

(a) The right to be informed of the specific intended use of the property and of any change in the intended use of the property which occurs during the acquisition process. The owner shall also be informed that the documents regarding the purchase will be public records if the land is purchased by the state;

(b) The right to be paid a fair price for the property. The price shall include the fair market value of the land plus:

(1) All necessary incidental costs such as abstracting and recording fees related to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not reimbursable; and

(2) Any penalties incurred by the owner where the property is security for a loan or advance of credit that contains a provision requiring or permitting the imposition of a penalty if the loan or advance of credit is prepaid;

(c) The right to payment, at the owner's election, in a lump sum or in up to four annual installments;

(d) The right to have the property fairly appraised by the state. The state's appraiser shall physically inspect the property and shall allow the owner along when the appraisal is made. The state's appraiser shall certify in the appraisal report to having physically inspected the property and having given the landowner an opportunity to go along on inspections. Notwithstanding section 13.44, subdivision 3, before an offer is made, the
~~landowner shall be given a resume of the state's certified appraisal. The resume shall include the appraiser's conclusions as to value, acreage and type of land, value of buildings and other improvements, value of timber, special damages and any special elements of value~~
informed of the value determined pursuant to section 84.0272;

(e) The right to retain a qualified independent appraiser to conduct an appraisal at any time prior to certification of the state's appraisal of the property and to be reimbursed for

appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state and to have that appraisal considered along with the state's in certifying the selling price;

(f) The right to have the state acquire the property by means of condemnation upon the owner's request with the agreement of the commissioner;

(g) The right to receive or waive relocation assistance, services, payments and benefits as provided in sections 117.52 and 117.521;

(h) The right to accept the state's offer for the property and contest the state's offer for relocation and moving expenses;

(i) The right to continue occupancy of the property until full payment is received, provided that when the owner elects to receive payment in annual installments pursuant to clause (c), the owner may retain occupancy until the first payment is made; and

(j) The right to seek the advice of counsel regarding any aspect of the land transaction.

Sec. 4. Minnesota Statutes 2006, section 84.029, subdivision 2, is amended to read:

Subd. 2. **Acquisition of land for trails.** The commissioner may acquire, by gift, purchase, or lease, easements or other interests in land for trails, and recreational uses related to trails, where necessary to complete trails established primarily in state forests, state parks, or other public land under the jurisdiction of the commissioner, when railroad rights-of-way are abandoned, when the use of township roads is compatible with vehicular travel, ~~and~~ or when needed to complete trails established by the legislature.

Sec. 5. Minnesota Statutes 2006, section 84.788, subdivision 1, is amended to read:

Subdivision 1. **General requirements.** Unless exempted in subdivision 2, ~~after January 1, 1994,~~ a person may not operate and an owner may not give permission for another to operate an off-highway motorcycle ~~on public lands or waters~~ unless the vehicle has been registered under this section.

Sec. 6. Minnesota Statutes 2006, section 84.82, subdivision 6, is amended to read:

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

(1) a snowmobile owned and used by the United States, another state, or a political subdivision thereof;

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

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

- (4) a snowmobile used exclusively in organized track racing events;
- (5) a snowmobile in transit by a manufacturer, distributor, or dealer; ~~or~~
- (6) a snowmobile at least 15 years old in transit by an individual for use only on land owned or leased by the individual; or
- (7) a snowmobile while being used to groom a state or grant-in-aid trail.

Sec. 7. Minnesota Statutes 2006, section 84.8205, subdivision 1, is amended to read:

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

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

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

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

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

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

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

Sec. 8. **[84.9011] OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION PROGRAM.**

Subdivision 1. **Creation.** The commissioner of natural resources shall establish a program to promote the safe and responsible operation of off-highway vehicles in a

manner that does not harm the environment. The commissioner shall coordinate the program through the regional offices of the Department of Natural Resources.

Subd. 2. **Purpose.** The purpose of the program is to encourage off-highway vehicle clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on state forest land and other public lands.

Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements with off-highway vehicle clubs for volunteer services to maintain, make improvements to, and monitor trails on state forest land and other public lands. The off-highway vehicle clubs shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The off-highway vehicle clubs may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the safety and conservation program.

Sec. 9. Minnesota Statutes 2006, section 84.925, subdivision 5, is amended to read:

Subd. 5. Training requirements. (a) An individual who was born after July 1, 1987, and who is 16 years of age or older, must successfully complete the independent study course component of all-terrain vehicle safety training before operating an all-terrain vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

(b) An individual who is convicted of violating a law related to the operation of an all-terrain vehicle must successfully complete the independent study course component of all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

(c) An individual who is convicted for a second or subsequent excess speed, trespass, or wetland violation in an all-terrain vehicle season, or any conviction for careless or reckless operation of an all-terrain vehicle, must successfully complete the independent study and the testing and operating course components of all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

(d) An individual who receives three or more citations and convictions for violating a law related to the operation of an all-terrain vehicle in a two-year period must successfully complete the independent study and the testing and operating course components of all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

(e) An individual must present evidence of compliance with this subdivision before an all-terrain vehicle registration is issued or renewed.

Sec. 10. Minnesota Statutes 2006, section 84D.03, subdivision 1, is amended to read:

Subdivision 1. **Infested waters; restricted activities.** (a) The commissioner shall designate a water of the state as an infested water if the commissioner determines that:

(1) the water contains a population of an aquatic invasive species that could spread to other waters if use of the water and related activities are not regulated to prevent this; or

(2) the water is highly likely to be infested by an aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species.

(b) When determining which invasive species comprise infested waters, the commissioner shall consider:

(1) the extent of a species distribution within the state;

(2) the likely means of spread for a species; and

(3) whether regulations specific to infested waters containing a specific species will effectively reduce that species' spread.

(c) The presence of common carp and curly-leaf pondweed shall not be the basis for designating a water as infested.

(d) The designation of infested waters by the commissioner shall be by written order published in the State Register. Designations are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 11. Minnesota Statutes 2006, section 84D.12, subdivision 1, is amended to read:

Subdivision 1. **Required rules.** The commissioner shall adopt rules:

(1) designating ~~infested waters~~, prohibited invasive species, regulated invasive species, and unregulated nonnative species of aquatic plants and wild animals;

(2) governing the application for and issuance of permits under this chapter, which rules may include a fee schedule; and

(3) governing notification under section 84D.08.

Sec. 12. Minnesota Statutes 2006, section 84D.12, subdivision 3, is amended to read:

Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027, subdivision 13, that designate:

(1) prohibited invasive species of aquatic plants and wild animals;

(2) regulated invasive species of aquatic plants and wild animals; and

(3) unregulated nonnative species of aquatic plants and wild animals; ~~and~~

~~(4) infested waters.~~

Sec. 13. Minnesota Statutes 2006, section 85.015, subdivision 14, is amended to read:

Subd. 14. ~~Gateway Trail~~ Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis, Carlton, and Washington Counties. (a) The trail shall consist of six segments. One segment shall be known as the Gateway Trail and shall originate at the State Capitol and shall extend northerly and northeasterly to William O'Brien State Park, thence northerly to Taylors Falls in Chisago County, and there terminate. One segment shall be known as the Boundary Trail and shall originate in Chisago County and extend into Duluth in St. Louis County. One segment shall be known as the Browns Creek Trail and shall originate at Duluth Junction and extend into Stillwater in Washington County. One segment shall be known as the Munger Trail and shall originate at Hinckley in Pine County and extend through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be established that extends the trail to include the cities of Proctor, Duluth, and Hermantown in St. Louis County.

(b) The trail system shall be developed primarily for hiking and ~~nonmotorized~~ riding.

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

~~(d) The commissioner of natural resources, after consulting with all local units of government affected by the trail, and with the commissioner of transportation and the Metropolitan Council, shall prepare a master plan for the trail. After completion of the master plan, any land or interest in land not needed for the trail may be disposed of by the commissioner of natural resources as follows:~~

~~(1) by transfer to the Department of Transportation, the Historical Society, or another state agency;~~

~~(2) by sale at not less than the purchase price to a city, town, school district, park district, or other political subdivision whose boundaries include or are adjacent to the land, for public purposes only, after written notice to each of these political subdivisions; or~~

~~(3) if no offer to purchase is received from any political subdivision within one year after the completion of the master plan, then by public sale, at not less than the purchase price, upon notice published in the manner provided in section 92.14, and otherwise in the same manner as trust fund lands are sold, so far as applicable.~~

~~All proceeds derived from sales of unneeded land and interest in land shall be deposited in the state bond fund. For the purposes of United States Code, title 23, section 138, and title 49, section 1653(f), any land or interest in land not needed for the trail and transferred to another state agency, or sold, does not constitute permanent park, recreation area, or wildlife or waterfowl refuge facility land.~~

Sec. 14. Minnesota Statutes 2006, section 85.053, subdivision 2, is amended to read:

Subd. 2. **Requirement.** Except as provided in section 85.054, a motor vehicle may not enter a state park, state recreation area, or state wayside over 50 acres in area, without a state park permit issued under this section. Except for vehicles permitted under subdivisions 7, paragraph (a), clause (2), and 8, the state park permit must be affixed to the lower right corner windshield of the motor vehicle and must be completely affixed by its own adhesive to the windshield, or the commissioner may, by written order, provide an alternative means to display and validate ~~annual~~ state park permits.

Sec. 15. Minnesota Statutes 2006, section 85.053, subdivision 8, is amended to read:

Subd. 8. **Military personnel on leave; exemption.** ~~(a) The provisions of this section requiring a state park permit and regulating its display do not apply to~~ A one-day permit, under subdivision 4, shall be issued without a fee for a motor vehicle being used by a person who is serving in active military service in any branch or unit of the United States armed forces and who is stationed outside Minnesota, during the period of active service and for 90 days immediately thereafter, if the person ~~notifies~~ presents the person's current military orders to the park attendant on duty or other designee of the commissioner of the person's military status at the time of usage. It is sufficient notice for the eligible person to temporarily affix to the inside of the windshield of the vehicle in a visible manner the person's current military orders and to carry in the person's possession current military identification attesting to the person's active or recent military status.

(b) For purposes of this section, "active service" has the meaning given under section 190.05, subdivision 5c, when performed outside Minnesota.

Sec. 16. Minnesota Statutes 2006, section 93.0015, subdivision 3, is amended to read:

Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the committee expires June 30, ~~2007~~ 2011.

Sec. 17. Minnesota Statutes 2006, section 93.55, subdivision 1, is amended to read:

Subdivision 1. **Forfeiture; failure to record.** If the owner of a mineral interest fails to record the verified statement required by section 93.52, before January 1, 1975, as to any interests owned on or before December 31, 1973, or within one year after acquiring such interests as to interests acquired after December 31, 1973, ~~and not previously recorded under section 93.52,~~ the mineral interest shall forfeit to the state after notice and opportunity for hearing as provided in this section. However, before completing the

10.1 procedures set forth in subdivision 2, the commissioner of natural resources may lease the
10.2 severed mineral interest as provided in subdivisions 1a and 3.

10.3 Sec. 18. Minnesota Statutes 2006, section 93.55, is amended by adding a subdivision
10.4 to read:

10.5 Subd. 1b. **Exemption for forfeiture.** Notwithstanding subdivision 1, a severed
10.6 mineral interest for which a statement was recorded as required under section 93.52, but
10.7 for which no new statement was recorded when the interest was subsequently conveyed
10.8 on or after December 31, 1969, but before July 1, 2007, is not subject to forfeiture if: (1)
10.9 substantial compliance can be shown as provided in subdivision 2, and (2) a new statement
10.10 is recorded within one year of any conveyance of ownership on or after July 1, 2007.

10.11 Sec. 19. Minnesota Statutes 2006, section 97A.015, subdivision 24, is amended to read:

10.12 Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, ring-necked
10.13 pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens,
10.14 gray partridge, bob-white quail, wild turkeys, coots, gallinules, sora and Virginia rails,
10.15 mourning dove, American woodcock, and common snipe.

10.16 Sec. 20. Minnesota Statutes 2006, section 97A.015, is amended by adding a
10.17 subdivision to read:

10.18 Subd. 26c. **Immediately released or immediately returned to the water.**
10.19 "Immediately released" or "immediately returned to the water" means that a fish must not
10.20 be retained longer than is needed at the site of capture to unhook, identify, measure, or
10.21 photograph the fish. Placing a fish on a stringer, in a live well, or in a cooler, bucket, or
10.22 other container is not "immediately released" or "immediately returned to the water."

10.23 Sec. 21. Minnesota Statutes 2006, section 97A.045, is amended by adding a
10.24 subdivision to read:

10.25 Subd. 12. **Establishing fees.** Notwithstanding section 16A.1283, the commissioner
10.26 may, by written order published in the State Register, establish fees providing for the
10.27 use of state wildlife management area or aquatic management area lands for specific
10.28 purposes, including dog trials and special events. The fees must be set in an amount that
10.29 neither significantly overrecovers nor underrecovers costs. The fees are not subject to the
10.30 rulemaking provisions of chapter 14 and section 14.386 does not apply.

11.1 Sec. 22. Minnesota Statutes 2006, section 97A.133, is amended by adding a
11.2 subdivision to read:

11.3 Subd. 66. Vermillion Highlands Wildlife Management Area, Dakota County.

11.4 Sec. 23. Minnesota Statutes 2006, section 97A.401, subdivision 5, is amended to read:

11.5 Subd. 5. **Wild animals damaging property.** Special permits may be issued with or
11.6 without a fee to take protected wild animals ~~that are damaging property~~ or to remove or
11.7 destroy their dens, nests, eggs, houses, or dams for the purpose of preventing or reducing
11.8 damage or injury to people, property, and agricultural crops. The commissioner may
11.9 prescribe rules for taking Canada geese and their nests and eggs, with or without a permit,
11.10 consistent with federal regulations. ~~A special permit issued under this subdivision to take~~
11.11 ~~beaver must state the number to be taken.~~

11.12 Sec. 24. Minnesota Statutes 2006, section 97A.405, subdivision 2, is amended to read:

11.13 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from
11.14 an area where a licensed activity was performed must have in personal possession either:
11.15 (1) the proper license, if the license has been issued to and received by the person; or (2)
11.16 the proper license identification number or stamp validation, if the license has been sold to
11.17 the person by electronic means but the actual license has not been issued and received.

11.18 (b) If possession of a license or a license identification number is required, a person
11.19 must exhibit, as requested by a conservation officer or peace officer, either: (1) the
11.20 proper license if the license has been issued to and received by the person; or (2) the
11.21 proper license identification number or stamp validation and a valid state driver's license,
11.22 state identification card, or other form of identification provided by the commissioner,
11.23 if the license has been sold to the person by electronic means but the actual license has
11.24 not been issued and received. A person charged with violating the license possession
11.25 requirement shall not be convicted if the person produces in court or the office of the
11.26 arresting enforcement officer the actual license previously issued to that person, which
11.27 was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person
11.28 was validly licensed. Upon request of an enforcement officer, a licensee shall write the
11.29 licensee's name in the presence of the officer to determine the identity of the licensee.

11.30 (c) If the actual license has been issued and received, a receipt for license fees, a
11.31 copy of a license, or evidence showing the issuance of a license, including the license
11.32 identification number or stamp validation, does not entitle a licensee to exercise the rights
11.33 or privileges conferred by a license.

12.1 (d) A license ~~or stamp~~ issued electronically and not immediately provided to the
12.2 licensee shall be mailed to the licensee within 30 days of purchase of the license ~~or stamp~~
12.3 ~~validation, except for a pictorial turkey stamp or a pictorial trout and salmon stamp. A~~
12.4 ~~pictorial turkey stamp or a pictorial~~, migratory waterfowl, pheasant, or trout and salmon
12.5 stamp shall be ~~mailed~~ provided to the licensee after purchase of a ~~license or stamp~~
12.6 validation only if the licensee pays an additional \$2 fee.

12.7 Sec. 25. Minnesota Statutes 2006, section 97A.405, subdivision 4, is amended to read:

12.8 Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer
12.9 hunters to change zone, license, or season options. The commissioner may issue a
12.10 replacement license if the applicant submits the original deer license and unused tags that
12.11 are being replaced and the applicant pays any increase in cost between the original and
12.12 the replacement license. A refund of the difference in fees may be issued when a person
12.13 changes from a regular deer license to a youth deer license. When a person submits both
12.14 an archery and a firearms license for replacement, the commissioner may apply the value
12.15 of both licenses towards the replacement license fee.

12.16 (b) A replacement license may be issued only if the applicant has not used any tag
12.17 from the original license or licenses and meets the conditions of paragraph (c). The original
12.18 license or licenses and all unused tags ~~for that license~~ for the licenses being replaced must
12.19 be submitted to the issuing agent at the time the replacement license is issued.

12.20 (c) A replacement license may be issued under the following conditions, or as
12.21 otherwise prescribed by rule of the commissioner:

12.22 (1) when the season for the license being surrendered has not yet opened; ~~or~~

12.23 (2) when the person is upgrading from a regular firearms or archery deer license to
12.24 ~~a multizone or an~~ an all season deer license;

12.25 (3) when the person is upgrading from a regular firearms license to a multizone
12.26 deer license; or

12.27 (4) when the person is changing from a regular firearms deer license to a youth
12.28 deer license.

12.29 (d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid
12.30 immediately upon issuance if the license being surrendered is valid at that time.

12.31 Sec. 26. Minnesota Statutes 2006, section 97A.441, subdivision 7, is amended to read:

12.32 Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may
12.33 issue, without a fee, a license to take an antlerless deer to a person who is an owner or
12.34 tenant ~~and is living and actively farming on~~ of at least 80 acres of agricultural land, as

defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

Sec. 27. Minnesota Statutes 2006, section 97A.445, is amended by adding a subdivision to read:

Subd. 6. **Angling; Boy Scouts and Girl Scouts Ice Fishing Weekend.** A resident over age 18 may take fish by angling without a license during one three-day consecutive period of the winter angling season designated by the commissioner if accompanied by a Boy Scout troop or troops or Girl Scout troop or troops whose active members participating in the ice fishing weekend are each under age 16. The resident must obtain a certificate from the commissioner signifying permission for the group to angle in a named body of water. During the first day of the three-day consecutive period, the commissioner must designate an authorized representative to visit each Boy Scout troop or troops and Girl Scout troop or troops at the named body of water and provide educational information, including ice safety information and angling instruction. A resident in possession of the certificate is also exempt from any fish house and dark house licensing fees levied under section 97A.475, subdivision 11, during the three-day period. The commissioner shall publicize the three-day period as "Boy Scouts and Girl Scouts Ice Fishing Weekend."

Sec. 28. Minnesota Statutes 2006, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

14.1 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent
14.2 or guardian; ~~or~~

14.3 (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied
14.4 by a parent or guardian who possesses a small game license that was not obtained using an
14.5 apprentice hunter validation; or

14.6 ~~(3)~~ (4) age 12 or under and is accompanied by a parent or guardian.

14.7 (b) A resident under age 16 may take small game by trapping without a small game
14.8 license, but a resident 13 years of age or older must have a trapping license. A resident
14.9 under age 13 may trap without a trapping license, but may not register fisher, otter,
14.10 bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat,
14.11 or pine marten taken by a resident under age five must be included in the limit of the
14.12 accompanying parent or guardian.

14.13 (c) A resident under age 12 may apply for a turkey license and may take a turkey
14.14 without a firearms safety certificate if the resident is accompanied by an adult parent or
14.15 guardian who has a firearms safety certificate.

14.16 Sec. 29. Minnesota Statutes 2006, section 97A.451, subdivision 3a, is amended to read:

14.17 Subd. 3a. **Nonresidents under age ~~16~~ 18; small game.** (a) A nonresident under
14.18 age ~~16~~ 18 may obtain a small game license at the resident fee under section 97A.475,
14.19 subdivision 2, clause (2), if the nonresident:

14.20 (1) possesses a firearms safety certificate; or

14.21 (2) if age 13 or under, is accompanied by a parent or guardian when purchasing
14.22 the license.

14.23 (b) A nonresident age 13 or under must be accompanied by a parent or guardian
14.24 to take small game. A nonresident age 12 or under is not required to possess a firearms
14.25 safety certificate under section 97B.020 to take small game.

14.26 Sec. 30. Minnesota Statutes 2006, section 97A.465, is amended by adding a
14.27 subdivision to read:

14.28 Subd. 1a. **Spouses of residents on active military duty.** Notwithstanding section
14.29 97A.405, subdivision 5, the spouse of a resident who is on active military duty may obtain
14.30 resident hunting and fishing licenses.

14.31 Sec. 31. Minnesota Statutes 2006, section 97A.473, subdivision 3, is amended to read:

14.32 Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small
14.33 game hunting license authorizes a person to hunt and trap small game in the state. The

15.1 license authorizes those hunting and trapping activities authorized by the annual resident
15.2 small game hunting ~~license~~ and trapping licenses. The license does not include a turkey
15.3 stamp validation or any other hunting stamps required by law.

15.4 (b) The fees for a resident lifetime small game hunting license are:

15.5 (1) age 3 and under, \$217;

15.6 (2) age 4 to age 15, \$290;

15.7 (3) age 16 to age 50, \$363; and

15.8 (4) age 51 and over, \$213.

15.9 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies
15.10 retroactively to licenses issued after February 28, 2001.

15.11 Sec. 32. Minnesota Statutes 2006, section 97A.473, subdivision 5, is amended to read:

15.12 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license
15.13 authorizes a person to take fish by angling and hunt and trap small game in the state.
15.14 The license authorizes those activities authorized by the annual resident angling ~~and~~,
15.15 resident small game hunting, and resident trapping licenses. The license does not include
15.16 a trout and salmon stamp validation, a turkey stamp validation, or any other hunting
15.17 stamps required by law.

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

15.19 (1) age 3 and under, \$357;

15.20 (2) age 4 to age 15, \$480;

15.21 (3) age 16 to age 50, \$613; and

15.22 (4) age 51 and over, \$413.

15.23 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies
15.24 retroactively to licenses issued after February 28, 2001.

15.25 Sec. 33. Minnesota Statutes 2006, section 97A.475, subdivision 2, is amended to read:

15.26 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents
15.27 only, are:

15.28 (1) for persons age 18 or over and under age 65 to take small game, \$12.50;

15.29 (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

15.30 (3) to take turkey, \$18;

15.31 (4) for persons age 18 or over to take deer with firearms, \$26;

15.32 (5) for persons age 18 or over to take deer by archery, \$26;

15.33 (6) to take moose, for a party of not more than six persons, \$310;

- 16.1 (7) to take bear, \$38;
- 16.2 (8) to take elk, for a party of not more than two persons, \$250;
- 16.3 (9) multizone license to take antlered deer in more than one zone, \$52;
- 16.4 (10) to take Canada geese during a special season, \$4;
- 16.5 (11) all season license to take ~~two~~ three deer throughout the state in any open deer
- 16.6 season, except as restricted under section 97B.305, \$78;
- 16.7 (12) to take prairie chickens, \$20;
- 16.8 (13) for persons at least age 12 and under age 18 to take deer with firearms during
- 16.9 the regular firearms season in any open zone or time period, \$13; and
- 16.10 (14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

16.11 Sec. 34. Minnesota Statutes 2006, section 97A.475, subdivision 3, is amended to read:

16.12 Subd. 3. **Nonresident hunting.** Fees for the following licenses, to be issued

16.13 to nonresidents, are:

- 16.14 (1) for persons age 18 and older to take small game, \$73;
- 16.15 (2) for persons age 18 and older to take deer with firearms, \$135;
- 16.16 (3) for persons age 18 and older to take deer by archery, ~~the greater of:~~
- 16.17 ~~(i) an amount equal to the total amount of license fees and surcharges charged to a~~
- 16.18 ~~Minnesota resident to take deer by archery in the person's state or province of residence; or~~
- 16.19 ~~(ii) \$135;~~
- 16.20 (4) to take bear, \$195;
- 16.21 (5) to take turkey, \$73;
- 16.22 (6) to take raccoon, bobcat, fox, or coyote, \$155;
- 16.23 (7) multizone license to take antlered deer in more than one zone, \$270; ~~and~~
- 16.24 (8) to take Canada geese during a special season, \$4₂;
- 16.25 (9) for persons at least age 12 and under age 18 to take deer with firearms during the
- 16.26 regular firearms season in any open zone or time period, \$13; and
- 16.27 (10) for persons at least age 12 and under age 18 to take deer by archery, \$13.

16.28 Sec. 35. Minnesota Statutes 2006, section 97A.475, subdivision 16, is amended to read:

16.29 Subd. 16. **Resident hunting guides.** The fee for a resident license to guide bear

16.30 hunters is \$82.50 and is available only to a Minnesota resident individual.

16.31 Sec. 36. Minnesota Statutes 2006, section 97A.505, subdivision 4, is amended to read:

16.32 Subd. 4. **Storage of protected wild animals.** A person that stores protected wild

16.33 animals for others must plainly mark the package, in ink, with the name and address of the

owner, the license number of the person taking the animal, and the number and species in the package. ~~A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.~~

Sec. 37. Minnesota Statutes 2006, section 97A.511, is amended to read:

97A.511 FUR-BEARING ANIMALS.

The skins of fur-bearing animals and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing the required seals or tags required by the game and fish laws, may be bought, sold, and transported at any time. ~~The flesh of beaver, raccoon, rabbits, and hare may not be transported out of the state.~~

Sec. 38. Minnesota Statutes 2006, section 97B.015, is amended by adding a subdivision to read:

Subd. 5a. **Exemption for military personnel.** Notwithstanding subdivision 5, a person who has successfully completed basic training in the United States armed forces is exempt from the range and shooting exercise portion of the required course of instruction for the firearms safety certificate. The commissioner may require written proof of the person's military training, as deemed appropriate for implementing this subdivision. The commissioner shall publicly announce this exemption from the range and shooting exercise requirement and the availability of the department's online, remote study option for adults seeking firearms safety certification. Military personnel are not exempt from any other requirement of this section for obtaining a firearms safety certificate.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to applications for certificates made on or after that date.

Sec. 39. Minnesota Statutes 2006, section 97B.020, is amended to read:

97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

(1) a firearms safety certificate or equivalent certificate;

(2) a driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13;

(3) a previous hunting license with a valid firearms safety qualification indicator; ~~or~~

(4) an apprentice hunter validation issued under section 97B.022; or

18.1 ~~(4)~~ (5) other evidence indicating that the person has completed in this state or in
18.2 another state a hunter safety course recognized by the department under a reciprocity
18.3 agreement or certified by the department as substantially similar.

18.4 (b) A person who is on active duty and has successfully completed basic training
18.5 in the United States armed forces, reserve component, or National Guard may obtain a
18.6 hunting license or approval authorizing hunting regardless of whether the person is issued
18.7 a firearms safety certificate.

18.8 (c) A person born after December 31, 1979, may not use a lifetime license to take
18.9 wild animals by firearms, unless the person meets the requirements for obtaining an annual
18.10 license under paragraph (a) or (b).

18.11 Sec. 40. 97B.022 APPRENTICE HUNTER VALIDATION.

18.12 Subdivision 1. Definition. For the purpose of this section, "accompanied" means
18.13 to stay within a distance of another person that permits uninterrupted visual contact and
18.14 unaided verbal communication.

18.15 Subd. 2. Apprentice hunter validation requirements. A resident born after
18.16 December 31, 1979, who is age 12 or older and who does not possess a firearms safety
18.17 certificate may be issued an apprentice hunter validation. An apprentice hunter validation
18.18 is valid for only one license year in a lifetime. An individual in possession of an apprentice
18.19 hunter validation may hunt small game and deer only when accompanied by an adult
18.20 licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter
18.21 validation. An apprentice hunter validation holder must obtain all required licenses and
18.22 stamps.

18.23 Sec. 41. Minnesota Statutes 2006, section 97B.031, subdivision 1, is amended to read:

18.24 Subdivision 1. **Firearms and ammunition that may be used to take big game.** (a)
18.25 A person may take big game with a firearm only if:

- 18.26 (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;
18.27 (2) the firearm is loaded only with single projectile ammunition;
18.28 (3) a projectile used is a caliber of at least .23 inches and has a soft point or is
18.29 an expanding bullet type;
18.30 (4) the ammunition has a case length of at least 1.285 inches;
18.31 (5) the muzzle-loader used is incapable of being loaded at the breech;
18.32 (6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and
18.33 (7) the rifled muzzle-loader used is a caliber of at least .40 inches.

19.1 (b) Notwithstanding paragraph (a), clause (4), a person may take big game with a
19.2 ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum
19.3 cartridge, ~~or~~ a .50 A. E. (Action Express) handgun cartridge, or a 56-46 Spencer, 56-50
19.4 Spencer, or 56-56 Spencer cartridge.

19.5 Sec. 42. Minnesota Statutes 2006, section 97B.035, is amended by adding a
19.6 subdivision to read:

19.7 Subd. 1a. **Minimum draw weight.** A bow used to take big game must have a pull
19.8 that meets or exceeds 30 pounds at or before full draw.

19.9 Sec. 43. Minnesota Statutes 2006, section 97B.055, subdivision 3, is amended to read:

19.10 Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may
19.11 issue a special permit, without a fee, to discharge a firearm or bow and arrow from a
19.12 stationary motor vehicle to a person who obtains the required licenses and who has a
19.13 permanent or chronic physical disability that is more substantial than discomfort from
19.14 walking. The permit recipient must be:

19.15 (1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or
19.16 other mechanical support or prosthetic device; or

19.17 (2) unable to walk any distance because of a permanent or chronic lung, heart,
19.18 or other internal disease ~~that requires the person to use supplemental oxygen to assist~~
19.19 ~~breathing.~~

19.20 (b) The permanent or chronic physical disability must be established by medical
19.21 evidence verified in writing by a licensed physician or chiropractor. The commissioner
19.22 may request additional information from the physician or chiropractor if needed to
19.23 verify the applicant's eligibility for the permit. Notwithstanding section 97A.418,
19.24 the commissioner may, in consultation with appropriate advocacy groups, establish
19.25 reasonable minimum standards for permits to be issued under this section. In addition to
19.26 providing the medical evidence of a permanent disability, the applicant must possess a
19.27 valid disability parking certificate authorized by section 169.345 or license plates issued
19.28 under section 168.021.

19.29 (c) A person issued a special permit under this subdivision and hunting deer may
19.30 take a deer of either sex, except in those antlerless permit areas and seasons where no
19.31 antlerless permits are offered. This subdivision does not authorize another member of a
19.32 party to take an antlerless deer under section 97B.301, subdivision 3.

19.33 (d) A permit issued under this subdivision is valid for five years.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this section for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this section is guilty of a misdemeanor. A physician or chiropractor who fraudulently certifies to the commissioner that a person is permanently or chronically disabled as described in this section is guilty of a misdemeanor.

Sec. 44. Minnesota Statutes 2006, section 97B.075, is amended to read:

97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.

(a) A person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except as provided in this section.

(b) Big game may be taken from one-half hour before sunrise until one-half hour after sunset.

(c) Except as otherwise prescribed by the commissioner on or before the Saturday nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner. On the opening day of the duck season, shooting hours for migratory game birds, except woodcock, begin at 9:00 a.m.

Sec. 45. Minnesota Statutes 2006, section 97B.085, subdivision 3, is amended to read:

Subd. 3. **Communication excepted.** This section does not prohibit the use of:

(1) one-way radio communication between a handler and a dog; or

(2) a remote-controlled animal noise caller used for fox, crows, bobcat, raccoon, and coyote.

Sec. 46. **[97B.086] POSSESSION OF NIGHT VISION EQUIPMENT.**

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

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

(1) unloaded;

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

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

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

21.2 (1) completely encased or unstrung; and

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

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

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

21.8 Sec. 47. Minnesota Statutes 2006, section 97B.301, subdivision 7, is amended to read:

21.9 Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer
21.10 license that authorizes the resident to hunt during the archery, regular firearms, and
21.11 muzzle-loader seasons. The all season license is valid for taking three deer, no more
21.12 than one of which may be a legal buck.

21.13 (b) The all season deer license is valid for taking antlerless deer as follows:

21.14 ~~(1) up to two antlerless deer may be taken during the archery or muzzle-loader~~
21.15 ~~seasons in any open area or during the regular firearms season in managed or intensive~~
21.16 ~~deer areas; and~~

21.17 ~~(2) one antlerless deer may be taken during the regular firearms season in a lottery~~
21.18 ~~deer area, only with an either-sex permit or statutory exemption from an either-sex permit.~~
21.19 prescribed by the commissioner.

21.20 (c) The commissioner shall issue three tags when issuing a license under this
21.21 subdivision.

21.22 Sec. 48. Minnesota Statutes 2006, section 97B.311, is amended to read:

21.23 **97B.311 DEER SEASONS AND RESTRICTIONS.**

21.24 (a) The commissioner may, by rule, prescribe restrictions and designate areas where
21.25 deer may be taken, including hunter selection criteria for special hunts established under
21.26 section 97A.401, subdivision 4. The commissioner may, by rule, prescribe the open
21.27 seasons for deer within the following periods:

21.28 (1) taking with firearms, other than muzzle-loading firearms, between November 1
21.29 and December 15;

21.30 (2) taking with muzzle-loading firearms between September 1 and December 31; and

21.31 (3) taking by archery between September 1 and December 31.

21.32 (b) Notwithstanding paragraph (a), the commissioner may establish special seasons
21.33 within designated areas at any time of year.

~~(c) Smokeless gunpowder may not be used in a muzzle-loader during the muzzle-loader season.~~

Sec. 49. Minnesota Statutes 2006, section 97B.318, subdivision 1, is amended to read:

Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area is that portion of the state lying within the following described boundary: Beginning on the west boundary of the state at U.S. Highway 10; ~~thence along U.S. Highway 10~~ the northern boundary of Clay County; thence along the northern boundary of Clay County to State Trunk Highway (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, and west boundaries of the state to the point of beginning.

Sec. 50. Minnesota Statutes 2006, section 97B.327, is amended to read:

97B.327 REPORT; DEER OTHER THAN WHITE-TAILED OR MULE.

A hunter legally taking a deer that is not a white-tailed or mule deer must report the type of deer taken to the commissioner of natural resources within seven days of taking. Violation of this section ~~shall not result in a penalty and is not subject to section 97A.301~~ will result in a civil penalty of \$100.

Sec. 51. 97B.328 BAITING PROHIBITED.

A person may not hunt deer (1) with the aid or use of bait, (2) in the vicinity of bait if the person knows or has reason to know that bait is present, or (3) in the vicinity of where the person has placed bait or caused bait to be placed within the previous ten days. This restriction does not apply to food resulting from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar

23.1 land management activities, and does not prohibit an adjacent landowner, who has not
23.2 participated in or agreed to feeding wildlife on the adjacent land, from taking a deer
23.3 during the hunting season on the adjacent landowner's land.

23.4 Sec. 52. Minnesota Statutes 2006, section 97B.715, subdivision 1, is amended to read:

23.5 Subdivision 1. **Stamp required.** (a) Except as provided in paragraph (b) or section
23.6 97A.405, subdivision 2, a person required to possess a small game license may not hunt
23.7 pheasants without:

23.8 ~~(1) a pheasant stamp in possession; and~~

23.9 ~~(2) a pheasant stamp validation on the small game license when issued electronically.~~

23.10 (b) The following persons are exempt from this subdivision:

23.11 (1) residents under age 18 or over age 65;

23.12 (2) persons hunting on licensed commercial shooting preserves; and

23.13 (3) resident disabled veterans with a license issued under section 97A.441,

23.14 subdivision 6a.

23.15 Sec. 53. Minnesota Statutes 2006, section 97B.801, is amended to read:

23.16 **97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.**

23.17 (a) Except as provided in this section or section 97A.405, subdivision 2, a person
23.18 required to possess a small game license may not take migratory waterfowl without:

23.19 ~~(1) a Minnesota migratory waterfowl stamp in possession; and~~

23.20 ~~(2) a migratory waterfowl stamp validation on the small game license when issued~~
23.21 ~~electronically.~~

23.22 (b) Residents under age 18 or over age 65; resident disabled veterans with a license
23.23 issued under section 97A.441, subdivision 6a; and persons hunting on their own property
23.24 are not required to possess a stamp ~~or a license~~ validation under this section.

23.25 Sec. 54. Minnesota Statutes 2006, section 97B.928, subdivision 1, is amended to read:

23.26 Subdivision 1. **Information required.** (a) A person may not set or place a trap or
23.27 snare, other than on property owned or occupied by the person, unless the following
23.28 information is affixed to the trap or snare in a manner that ensures that the information
23.29 remains legible while the trap or snare is on the lands or waters:

23.30 (1) the number and state of the person's driver's license;

23.31 (2) the person's Minnesota identification card number; ~~or~~

23.32 (3) the person's name and mailing address; or

23.33 (4) the license identification number issued by the Department of Natural Resources.

24.1 (b) The commissioner may not prescribe additional requirements for identification
24.2 of traps or snares.

24.3 (c) Until March 1, 2013, the driver's license number under paragraph (a), clause (1),
24.4 may be the person's previously issued Minnesota driver's license number.

24.5 Sec. 55. Minnesota Statutes 2006, section 97C.325, is amended to read:

24.6 **97C.325 ~~PROHIBITED METHODS OF~~ RESTRICTIONS ON TAKING FISH.**

24.7 (a) Except as specifically authorized, a person may not take fish with:

24.8 (1) explosives, chemicals, drugs, poisons, lime, medicated bait, fish berries, or
24.9 other similar substances;

24.10 (2) substances or devices that kill, stun, or affect the nervous system of fish;

24.11 (3) nets, traps, trot lines, or snares; or

24.12 (4) spring devices that impale, hook, or capture fish.

24.13 (b) If a person possesses a substance or device listed in paragraph (a) on waters,
24.14 shores, or islands, it is presumptive evidence that the person is in violation of this section.

24.15 (c) The commissioner may, by rule, allow the use of a nonmotorized device with a
24.16 recoil mechanism to take fish through the ice.

24.17 (d) To protect water quality or improve habitat for fish or wildlife, the commissioner
24.18 may prescribe restrictions on fishing seasons, limits, or methods on specific bodies of
24.19 water.

24.20 Sec. 56. Minnesota Statutes 2006, section 97C.335, is amended to read:

24.21 **97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.**

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

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

24.26 (2) use a lighted decoy for spearing.

24.27 Any battery that is used in lighted fishing lures cannot contain any intentionally
24.28 introduced mercury.

24.29 Sec. 57. Minnesota Statutes 2006, section 97C.355, subdivision 8, is amended to read:

24.30 Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the
24.31 ice in violation of this section may be confiscated and disposed of, retained by the division,
24.32 or sold at the highest price obtainable, in a manner prescribed by the commissioner.

25.1 (b) In addition to other penalties provided by law, the owner of a structure left on the
25.2 ice in violation of this section is subject to a civil penalty under section 115A.99.

25.3 Sec. 58. Minnesota Statutes 2006, section 97C.371, is amended by adding a
25.4 subdivision to read:

25.5 Subd. 5. **Sucker season.** Notwithstanding any other law to the contrary, the
25.6 commissioner may allow spearing and dip netting of sucker before May 1 when weather
25.7 conditions warrant it and the earlier season would not interfere with spawning of other
25.8 fish. The commissioner must post notice of the earlier spring opening by both print
25.9 and electronic means. Regional fisheries chiefs in any of the department's regions
25.10 may recommend the earlier spring opening for sucker spearing and dip netting to the
25.11 commissioner.

25.12 Sec. 59. **[97C.417] REPORTING ASIAN CARP.**

25.13 A person who takes any of the following Asian carp species must report the type of
25.14 carp taken to the commissioner within seven days of taking:

- 25.15 (1) grass carp (*Ctenopharyngodon idella*);
25.16 (2) bighead carp (*Hypophthalmichthys nobilis*); or
25.17 (3) silver carp (*Hypophthalmichthys molitrix*).

25.18 Sec. 60. Minnesota Statutes 2006, section 97C.835, subdivision 1, is amended to read:

25.19 Subdivision 1. **Commercial fishing license for Lake Superior.** (a) A license to
25.20 fish commercially in Lake Superior shall be issued to a maximum of ~~50~~ 25 residents. To
25.21 qualify for licensing, a resident must have landed fish in the previous year with a value of
25.22 at least \$1,500, and must have engaged in commercial fishing for at least 30 days of the
25.23 previous year. An applicant may be issued a license, at the discretion of the commissioner,
25.24 if failure to meet the requirements for the dollar value of fish landed or number of days
25.25 fished resulted from illness or other mitigating circumstances, or the applicant has reached
25.26 the age of 65 and has been licensed at least five of the previous ten years.

25.27 (b) A license may be issued to a resident who has not previously fished commercially
25.28 on Lake Superior and has not been convicted of a game and fish law violation in the
25.29 preceding three years, if the applicant:

25.30 (1) shows a bill of sale indicating the purchase of gear and facilities connected
25.31 with an existing license;

25.32 (2) shows proof of inheritance of all the gear and facilities connected with an
25.33 existing license; or

(3) has served at least two years as an apprentice in a Minnesota Lake Superior licensed commercial fishing operation.

Sec. 61. Minnesota Statutes 2006, section 97C.835, subdivision 2, is amended to read:

Subd. 2. **Types of fish permitted.** Lake trout, ciscoes, chubs, alewives, lake whitefish, round whitefish, ~~pygmy whitefish~~, rainbow smelt, and rough fish may be taken by licensed commercial fishing operators from Lake Superior, in accordance with this section.

Sec. 62. Minnesota Statutes 2006, section 97C.835, subdivision 3, is amended to read:

Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take lake whitefish, round whitefish, ~~pygmy whitefish~~, ciscoes, chubs, alewives, rainbow smelt, and rough fish in Lake Superior, including St. Louis Bay east of the U.S. Highway 53 bridge, under the rules prescribed by the commissioner.

Sec. 63. Minnesota Statutes 2006, section 97C.835, subdivision 8, is amended to read:

Subd. 8. **Special permits.** The commissioner may issue special permits to duly licensed commercial fishing operators ~~not exceeding 20 in number~~, for the purpose of taking lake trout, ciscoes, and lake whitefish ~~spawn during the closed season for the propagation of trout~~ in Lake Superior and adjacent waters under rules prescribed by the commissioner.

Sec. 64. **[97C.836] LAKE SUPERIOR LAKE TROUT EXPANDED ASSESSMENT HARVEST.**

The commissioner shall provide for taking of lake trout by licensed commercial operators in Lake Superior management zones MN-3 and MN-2 for expanded assessment and sale. The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake Superior management zone MN-3 beginning in 2007 and zone MN-2 beginning in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone MN-3 and 2,000 lake trout in zone MN-2 and may be reduced when necessary to protect the lake trout population or to manage the effects of invasive species or fish disease. Taking lake trout for expanded assessment and sale shall be allowed from June 1 to September 30, but may end earlier in the respective zones if the quotas are reached. The quotas must be reassessed at the expiration of the current ten-year Fisheries Management Plan for the Minnesota Waters of Lake Superior dated September 2006.

Sec. 65. Minnesota Statutes 2006, section 103G.291, subdivision 3, is amended to read:

Subd. 3. **Emergency Water supply plans; demand reduction.** (a) Every public water supplier serving more than 1,000 people must submit ~~an emergency and conservation~~ a water supply plan to the commissioner for approval by January 1, 1996. In accordance with guidelines developed by the commissioner, the plan must address projected demands, adequacy of the water supply system and planned improvements, existing and future water sources, natural resource impacts or limitations, emergency preparedness, water conservation, supply and demand reduction measures, and allocation priorities and must identify alternative sources of water for use in an emergency that are consistent with section 103G.261. Public water suppliers must update ~~the~~ their plan and, upon notification, submit it to the commissioner for approval every ten years.

(b) The water supply plan in paragraph (a) is required for all communities in the metropolitan area, as defined in section 473.121, with a municipal water supply system and is a required element of the local comprehensive plan required under section 473.859. Water supply plans or updates submitted after December 31, 2008, must be consistent with the metropolitan area master water supply plan required under section 473.1565, subdivision 1, paragraph (a), clause (2).

~~(b)~~ (c) Public water suppliers serving more than 1,000 people must employ water use demand reduction measures before requesting approval from the commissioner of health under section 144.383, paragraph (a), to construct a public water supply well or requesting an increase in the authorized volume of appropriation. Demand reduction measures must include evaluation of conservation rate structures and a public education program that may include a toilet and showerhead retrofit program.

~~(c)~~ (d) Public water suppliers serving more than 1,000 people must submit records that indicate the number of connections and amount of use by customer category and volume of water unaccounted for with the annual report of water use required under section 103G.281, subdivision 3.

~~(d)~~ (e) For the purposes of this subdivision, "public water supplier" means an entity that owns, manages, or operates a public water supply, as defined in section 144.382, subdivision 4.

Sec. 66. Minnesota Statutes 2006, section 103G.311, subdivision 2, is amended to read:

Subd. 2. **Hearing notice.** (a) The hearing notice on an application must ~~state~~ include:

(1) the date, place, and time fixed by the commissioner for the hearing; ~~and~~

(2) the waters affected, the water levels sought to be established, or control structures proposed; and

(3) the matters prescribed by sections 14.57 to 14.59 and rules adopted thereunder.

(b) A summary of the hearing notice must be published by the commissioner at the expense of the applicant or, if the proceeding is initiated by the commissioner in the absence of an applicant, at the expense of the commissioner.

(c) The summary of the hearing notice must be:

(1) published once a week for two successive weeks before the day of hearing in a legal newspaper published in the county where any part of the affected waters is located; and

(2) mailed by the commissioner to the county auditor, the mayor of a municipality, the watershed district, and the soil and water conservation district affected by the application; ~~and~~

~~(3) made under requirements prescribed by sections 14.57 to 14.59 and rules of the chief administrative law judge.~~

Sec. 67. Minnesota Statutes 2006, section 282.04, subdivision 1, is amended to read:

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

(b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be no less than 15 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be no less than 15 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county contract administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may

be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for. If payment is provided as specified in this paragraph as security under paragraph (a) and no cutting has taken place on the contract, the county auditor may credit the security provided, less any down payment required for an auction sale under this paragraph, to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited, provided the request and transfer is made within the same calendar year as the security was received.

(c) The county board may ~~require final settlement on the basis of a scale of cut products~~ sell any timber, including biomass, as appraised or scaled. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale under paragraph (a), in which case the notice shall contain a description of the parcels, a statement of the estimated quantity of each species of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per piece, as the case may be. In those cases any bids offered over and above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from the parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of the sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of the sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from the parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by the purchaser when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided

that in case of a sale involving a total appraised value of more than \$200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two of the sales, directly or indirectly to any individual shall be in effect at one time.

(d) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private sale, and at the prices and under the terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$12,000 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

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

(f) The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon the conditions and for the consideration and for the period of time, not exceeding 15 years, as the county

board may determine. The permits, licenses, or leases are subject to approval by the commissioner of natural resources.

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

(h) The county auditor may, with the approval of the county board, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat and for the production or removal of farm-grown closed-loop biomass as defined in section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands upon the terms and conditions as the county board may prescribe. Any lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

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

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

32.1 contract holder by the county under this chapter to which the contract holder requests in
32.2 writing that it be credited.

32.3 Sec. 68. Minnesota Statutes 2006, section 373.01, subdivision 1, is amended to read:

32.4 Subdivision 1. **Public corporation; listed powers.** (a) Each county is a body politic
32.5 and corporate and may:

32.6 (1) Sue and be sued.

32.7 (2) Acquire and hold real and personal property for the use of the county, and lands
32.8 sold for taxes as provided by law.

32.9 (3) Purchase and hold for the benefit of the county real estate sold by virtue of
32.10 judicial proceedings, to which the county is a party.

32.11 (4) Sell, lease, and convey real or personal estate owned by the county, and give
32.12 contracts or options to sell, lease, or convey it, and make orders respecting it as deemed
32.13 conducive to the interests of the county's inhabitants.

32.14 (5) Make all contracts and do all other acts in relation to the property and concerns
32.15 of the county necessary to the exercise of its corporate powers.

32.16 (b) No sale, lease, or conveyance of real estate owned by the county, except the lease
32.17 of a residence acquired for the furtherance of an approved capital improvement project, nor
32.18 any contract or option for it, shall be valid, without first advertising for bids or proposals in
32.19 the official newspaper of the county for three consecutive weeks and once in a newspaper
32.20 of general circulation in the area where the property is located. The notice shall state the
32.21 time and place of considering the proposals, contain a legal description of any real estate,
32.22 and a brief description of any personal property. Leases that do not exceed \$15,000 for any
32.23 one year may be negotiated and are not subject to the competitive bid procedures of this
32.24 section. All proposals estimated to exceed \$15,000 in any one year shall be considered at
32.25 the time set for the bid opening, and the one most favorable to the county accepted, but the
32.26 county board may, in the interest of the county, reject any or all proposals.

32.27 (c) Sales of personal property the value of which is estimated to be \$15,000 or
32.28 more shall be made only after advertising for bids or proposals in the county's official
32.29 newspaper, on the county's Web site, or in a recognized industry trade journal. At the same
32.30 time it posts on its Web site or publishes in a trade journal, the county must publish in the
32.31 official newspaper, either as part of the minutes of a regular meeting of the county board
32.32 or in a separate notice, a summary of all requests for bids or proposals that the county
32.33 advertises on its Web site or in a trade journal. After publication in the official newspaper,
32.34 on the Web site, or in a trade journal, bids or proposals may be solicited and accepted by
32.35 the electronic selling process authorized in section 471.345, subdivision 17. Sales of

personal property the value of which is estimated to be less than \$15,000 may be made either on competitive bids or in the open market, in the discretion of the county board. "Web site" means a specific, addressable location provided on a server connected to the Internet and hosting World Wide Web pages and other files that are generally accessible on the Internet all or most of a day.

(d) Notwithstanding anything to the contrary herein, the county may, when acquiring real property for county highway right-of-way, exchange parcels of real property of substantially similar or equal value without advertising for bids. The estimated values for these parcels shall be determined by the county assessor.

(e) If real estate or personal property remains unsold after advertising for and consideration of bids or proposals the county may employ a broker to sell the property. The broker may sell the property for not less than 90 percent of its appraised market value as determined by the county. The broker's fee shall be set by agreement with the county but may not exceed ten percent of the sale price and must be paid from the proceeds of the sale.

(f) A county or its agent may rent a county-owned residence acquired for the furtherance of an approved capital improvement project subject to the conditions set by the county board and not subject to the conditions for lease otherwise provided by paragraph (a), clause (4), and paragraphs (b), (c), (d), (e), and (g).

(g) In no case shall lands be disposed of without there being reserved to the county all iron ore and other valuable minerals in and upon the lands, with right to explore for, mine and remove the iron ore and other valuable minerals, nor shall the minerals and mineral rights be disposed of, either before or after disposition of the surface rights, otherwise than by mining lease, in similar general form to that provided by section 93.20 for mining leases affecting state lands. The lease shall be for a term not exceeding 50 years, and be issued on a royalty basis, the royalty to be not less than 25 cents per ton of 2,240 pounds, and fix a minimum amount of royalty payable during each year, whether mineral is removed or not. Prospecting options for mining leases may be granted for periods not exceeding one year. The options shall require, among other things, periodical showings to the county board of the results of exploration work done.

(h) Notwithstanding anything in this subdivision to the contrary, the county may, when selling real property owned in fee simple that cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage, or access, proceed to sell the nonconforming parcel without advertising for bid. At the county's discretion, the real property may be restricted to sale to adjoining landowners or may be sold to any other interested party. The property shall be sold to the highest bidder, but in no case shall the property be sold for less than 90 percent of its fair market value as

34.1 determined by the county assessor. All owners of land adjoining the land to be sold shall
34.2 be given a written notice at least 30 days before the sale. This paragraph shall be liberally
34.3 construed to encourage the sale of nonconforming real property and promote its return to
34.4 the tax roles.

34.5 Sec. 69. Minnesota Statutes 2006, section 473.1565, subdivision 1, is amended to read:

34.6 Subdivision 1. **Planning activities.** (a) The Metropolitan Council must carry out
34.7 planning activities addressing the water supply needs of the metropolitan area as defined
34.8 in section 473.121, subdivision 2. The planning activities must include, at a minimum:

34.9 (1) development and maintenance of a base of technical information needed for
34.10 sound water supply decisions including surface and groundwater availability analyses,
34.11 water demand projections, water withdrawal and use impact analyses, modeling, and
34.12 similar studies;

34.13 (2) development and periodic update of a metropolitan area master water supply
34.14 plan, prepared in cooperation with and subject to the approval of the commissioner
34.15 of natural resources, that:

34.16 (i) provides guidance for local water supply systems and future regional investments;

34.17 (ii) emphasizes conservation, interjurisdictional cooperation, and long-term
34.18 sustainability; and

34.19 (iii) addresses the reliability, security, and cost-effectiveness of the metropolitan area
34.20 water supply system and its local and subregional components;

34.21 (3) recommendations for clarifying the appropriate roles and responsibilities of
34.22 local, regional, and state government in metropolitan area water supply;

34.23 (4) recommendations for streamlining and consolidating metropolitan area water
34.24 supply decision-making and approval processes; and

34.25 (5) recommendations for the ongoing and long-term funding of metropolitan area
34.26 water supply planning activities and capital investments.

34.27 (b) The council must carry out the planning activities in this subdivision in
34.28 consultation with the Metropolitan Area Water Supply Advisory Committee established in
34.29 subdivision 2.

34.30 Sec. 70. Minnesota Statutes 2006, section 473.859, subdivision 3, is amended to read:

34.31 Subd. 3. **Public facilities plan.** A public facilities plan shall describe the character,
34.32 location, timing, sequence, function, use and capacity of existing and future public
34.33 facilities of the local governmental unit. A public facilities plan must be in at least such
34.34 detail as may be necessary to establish existing or potential effects on or departures from

metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(1) a transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(2) a sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;

(3) a parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction; and

(4) a water supply plan ~~including:~~ as described in section 103G.291, subdivision 3.

~~(i) a description of the existing water supply system, including the source of water, well and treatment plant locations, and major supply lines; an inventory of commercial and industrial users; an indication of the community's intent to make future changes or additions to the system, including projections for population and industrial and commercial use and the methods by which this growth will be served;~~

~~(ii) a statement of the community's objectives, policies, and standards for operating the water supply system;~~

~~(iii) a conservation program that contains the goals of the program, demand and supply conservation techniques to be used, an evaluation of pricing methods that could be used to reduce demand, the conditions under which conservation actions would occur, a process for reducing nonessential uses according to the priority system under section 103G.261, and the education program that will be used to inform the public of the need to conserve and the methods available to achieve conservation;~~

~~(iv) an emergency preparedness or contingency plan, as described in section 103G.291, subdivision 3;~~

~~(v) an indication of the possibility for joint efforts with neighboring communities or other public entities for sharing water sources and treatment, interconnection for routine or emergency supply, pursuit of alternative supplies, and water source protection;~~

~~(vi) a statement of the water supply problems that the community experiences or expects to experience and any proposed solutions, especially those that would impact other communities or the region; and~~

~~(vii) a wellhead protection plan prepared in accordance with rules adopted by the commissioner of health under section 103I.101, subdivision 5, clause (9).~~

Sec. 71. Laws 2006, chapter 236, article 1, section 21, is amended to read:

**Sec. 21. EXCHANGE OF TAX-FORFEITED LAND; PRIVATE SALE;
ITASCA COUNTY.**

(a) For the purpose of a land exchange for use in connection with a proposed steel mill in Itasca County referenced in Laws 1999, chapter 240, article 1, section 8, subdivision 3, title examination and approval of the land described in paragraph (b) shall be undertaken as a condition of exchange of the land for class B land, and shall be governed by Minnesota Statutes, section 94.344, subdivisions 9 and 10, and the provisions of this section. Notwithstanding the evidence of title requirements in Minnesota Statutes, section 94.344, subdivisions 9 and 10, the county attorney shall examine one or more title reports or title insurance commitments prepared or underwritten by a title insurer licensed to conduct title insurance business in this state, regardless of whether abstracts were created or updated in the preparation of the title reports or commitments. The opinion of the county attorney, and approval by the attorney general, shall be based on those title reports or commitments.

(b) The land subject to this section is located in Itasca County and is described as:

(1) Sections 3, 4, 7, 10, 14, 15, 16, 17, 18, 20, 21, 22, 23, 26, 28, and 29, Township 56 North, Range 22 West;

(2) Sections 3, 4, 9, 10, 13, and 14, Township 56 North, Range 23 West;

(3) Section 30, Township 57 North, Range 22 West; and

(4) Sections 25, 26, 34, 35, and 36, Township 57 North, Range 23 West.

(c) Riparian land given in exchange by Itasca County for the purpose of the steel mill referenced in paragraph (a), is exempt from the restrictions imposed by Minnesota Statutes, section 94.342, subdivision 3.

(d) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Itasca County may sell, by private sale, any land received in exchange for the purpose of the steel mill referenced in paragraph (a), under the remaining provisions of Minnesota Statutes, chapter 282. The sale must be in a form approved by the attorney general.

(e) Notwithstanding Minnesota Statutes, section 284.28, subdivision 8, or any other law to the contrary, land acquired through an exchange under this section is exempt from payment of three percent of the sales price required to be collected by the county auditor at the time of sale for deposit in the state treasury.

Sec. 72. ADDITIONS TO STATE PARKS.

Subdivision 1. **[85.012] [Subd. 16.] Flandrau State Park, Brown County.** The following area is added to Flandrau State Park, Brown County: that part of Lot 2, Block One, Conklin Addition in the city of New Ulm, Brown County, Minnesota, according to the plat of record in the Office of the County Recorder, Brown County, Minnesota, described as follows: beginning at the southerly most corner of Lot 2, Block One, Conklin Addition in the city of New Ulm, Brown County, Minnesota; thence North 55 degrees 29 minutes 26 seconds East (assumed bearing) along the southeasterly line of said Lot 2 a distance of 107.92 feet; thence South 60 degrees 45 minutes 57 seconds West a distance of 102.48 feet to the westerly line of Lot 2; thence South 02 degrees 33 minutes 23 seconds East along said westerly line of Lot 2 a distance of 11.10 feet to the point of beginning; containing 508 square feet, more or less, and subject to easements of record in said County and State.

Subd. 2. **[85.012] [Subd. 59.] Whitewater State Park, Winona County.** The following area is added to Whitewater State Park, Winona County: that part of the Southeast Quarter of Section 18, Township 107 North, Range 10 West, Winona County, Minnesota, described as follows: commencing at the southwest corner of the Northwest Quarter of Section 17, Township 107 North, Range 10 West; thence on an assumed bearing of South 89 degrees 26 minutes 39 seconds East along the south line of said Northwest Quarter, 303.04 feet; thence continue South 89 degrees 26 minutes 39 seconds East along said south line 1327.79 feet; thence South 00 degrees 33 minutes 21 seconds West, 300.00 feet; thence North 89 degrees 26 minutes 39 seconds West parallel with said south line, 1027.83 feet; thence South 00 degrees 33 minutes 21 seconds West, 300.00 feet; thence North 89 degrees 26 minutes 39 seconds West parallel with said south line, 597 feet, more or less, to the intersection with the east line of the Southeast Quarter of said Section 18 being also the POINT OF BEGINNING; thence North 89 degrees 26 minutes 39 seconds West parallel with said south line, 330 feet, more or less, to the centerline of a township road; thence North 16 degrees 01 minutes 55 seconds West along said centerline, 170.44 feet; thence northwesterly along said centerline on a tangential curve concave southwesterly, having a central angle of 10 degrees 57 minutes 52 seconds, radius of 2426.00 feet, for an arc length of 464.25 feet to the north line of said Southeast Quarter of Section 18; thence North 89 degrees 48 minutes 48 seconds East along the north line of said Southeast Quarter, 547.06 feet to the southwest corner of said Northwest Quarter; thence South 00 degrees East, a distance of 600 feet, more or less, along the said east line to the POINT OF BEGINNING. Containing 5.78 acres, more or less.

Sec. 73. **DELETIONS FROM STATE PARKS.**

[85.012] [Subd. 16.] Flandrau State Park, Brown County. The following area is deleted from Flandrau State Park, Brown County: that part of Outlot 293 in the city of New Ulm, according to the Plat of the City of New Ulm, of record in the Office of the County Recorder, Brown County, Minnesota, described as follows: commencing at the southerly most corner of Lot 2, Block One, Conklin Addition in the city of New Ulm, Brown County, Minnesota; thence North 55 degrees 29 minutes 26 seconds East (assumed bearing), along the southeasterly line of said Lot 2, a distance of 107.92 feet to the point of beginning; thence continuing North 55 degrees 29 minutes 26 seconds East, along said southerly line of Lot 2, a distance of 80.95 feet, to the easterly most corner of said Lot 2; thence South 19 degrees 33 minutes 58 seconds East, along the southeasterly prolongation of the easterly line of said Lot 2, a distance of 10.0 feet; thence South 62 degrees 31 minutes 07 seconds West, 78.97 feet to the point of beginning, containing 391 square feet, more or less, and subject to easement of record in said county and state.

Sec. 74. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; AITKIN COUNTY.**

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

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

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

(1) Government Lot 3, Section 24, Township 50 North, Range 25 West, containing 5.8 acres, more or less; and

(2) Government Lot 4, Section 24, Township 50 North, Range 25 West, containing 0.9 acres, more or less.

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

Sec. 75. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; AITKIN COUNTY.**

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

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

(c) The land that may be sold is located in Aitkin County and is described as follows: Government Lot 2, Section 8, Township 48 North, Range 25 West, containing 34.6 acres, more or less.

(d) The land borders Gun Lake. The Department of Natural Resources has determined that school trust management interests would best be served if the land was sold.

Sec. 76. **PUBLIC SALE OF CONSOLIDATED CONSERVATION LAND
BORDERING PUBLIC WATER; AITKIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, and the classification provisions of Minnesota Statutes, chapters 84A and 282, Aitkin County may sell by public sale the consolidated conservation land bordering public water that is described in paragraph (c).

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

(c) The land that may be sold is located in Aitkin County and is described as follows: Government Lot 1, Section 7, Township 47 North, Range 26 West, containing 1.25 acres, more or less.

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

Sec. 77. **PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND;
AITKIN COUNTY.**

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, the commissioner of natural resources may sell by private sale the consolidated conservation land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The consideration for the conveyance must be for no less than the appraised value of the land and timber and survey costs. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land that may be sold is located in Aitkin County and is described as follows: the North 370 feet of the East 590 feet of the Southeast Quarter of the Northeast Quarter, Section 24, Township 48 North, Range 24 West, containing 5.0 acres, more or less.

(d) The land will be sold "as is" to the current leaseholder who will assume responsibility for any site cleanup needed due to the use of the land for a concrete plant by the previous leaseholder. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 78. PUBLIC SALE OF CONSOLIDATED CONSERVATION LAND; AITKIN COUNTY.

(a) Notwithstanding the classification provisions of Minnesota Statutes, chapters 84A and 282, Aitkin County may sell by public sale the consolidated conservation land that is described in paragraph (c).

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

(c) The land that may be sold is located in Aitkin County and is described as follows: the Northeast Quarter of the Northeast Quarter, Section 21, Township 47 North, Range 26 West, containing 40 acres, more or less.

(d) The land is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 79. CONVEYANCE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; BELTRAMI COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may convey to a governmental subdivision of the state for no payment the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the governmental subdivision fails to provide for public use or abandons the public use of the land.

(c) The land that may be conveyed is located in Beltrami County and is described as follows: that part of Government Lot 3, Section 4, Township 146 North, Range 34 West, described as follows: starting from meander corner number 4, which is located on the north section line of Section 4, Township 146 North, Range 34 West, 1518.0 feet in an

easterly direction from the northwest corner of said section; thence South 16 degrees 17 minutes East a distance of 131.6 feet; thence South 46 degrees 35 minutes East a distance of 206.8 feet; thence South 6 degrees 37 minutes East a distance of 89.4 feet; thence South 14 degrees 32 minutes East a distance of 139.0 feet; thence South 10 degrees 34 minutes West a distance of 221.5 feet; thence South 83 degrees 46 minutes West a distance of 178.5 feet to the starting point; thence South 47 degrees 15 minutes West a distance of 275.0 feet; thence South 38 degrees 53 minutes East a distance of 285.7 feet; thence North 61 degrees 27 minutes East a distance of 122.0 feet; thence North 73 degrees 47 minutes East a distance of 300.0 feet; thence North 12 degrees 40 minutes West a distance of 37.6 feet; thence North 20 degrees 30 minutes West a distance of 113.5 feet; thence North 51 degrees 15 minutes West a distance of 320.7 feet; thence South 38 degrees 15 minutes West a distance of 116.8 feet to the starting point, containing 3.5 acres, more or less.

(d) The land borders Grant Lake and is not contiguous to other state lands. The land was donated to the state for use as a public campground and is used by local residents as a day-use park. The Department of Natural Resources has determined that the state's land management interests would best be served if the land were conveyed to a local unit of government.

Sec. 80. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell the land to the Leech Lake Band of Ojibwe for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land be used for the public and reverts to the state if the band fails to provide for public use or abandons the public use of the land. The commissioner may include conservation restrictions in the conveyance deed to ensure the property is maintained as open space.

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

(1) Government Lot 3, Section 14, Township 142 North, Range 29 West, containing 35.54 acres, more or less; and

(2) Government Lot 6, Section 14, Township 142 North, Range 29 West, containing 2.06 acres, more or less.

42.1 (d) The land is located on Bear Island in Leech Lake and is not contiguous to other
42.2 state lands. The Department of Natural Resources has determined that the land is not
42.3 needed for natural resource purposes.

42.4 Sec. 81. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
42.5 **WATER; CASS COUNTY.**

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

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

42.12 (c) The land that may be sold is located in Cass County and is described as follows:
42.13 that part of Government Lot 7, Section 28, Township 142 North, Range 26 West, described
42.14 as follows: commencing at the south quarter corner of said Section 28, from which the
42.15 southwest corner of said Section 28 bears, based on the Cass County Coordinate System of
42.16 NAD 1983, South 89 degrees 44 minutes 53 seconds West, 2775.06 feet; thence North 52
42.17 degrees 48 minutes 53 seconds West, 1326.13 feet to the southeast corner of that particular
42.18 tract of land conveyed to the state of Minnesota and filed for record on November 9, 1961,
42.19 in Book 121 of Deeds, Page 598, and to a railroad spike on the centerline of County
42.20 State-Aid Highway 4; thence North 52 degrees 12 minutes 27 seconds West, 221.06
42.21 feet along the southwesterly line of said particular tract of land conveyed to the state of
42.22 Minnesota and the centerline of County State-Aid Highway 4 to a spike; thence North
42.23 51 degrees 01 minutes 41 seconds West, 111.72 feet along the southwesterly line of said
42.24 particular tract of land conveyed to the state of Minnesota and the centerline of County
42.25 State-Aid Highway 4 to a mag nail and the point of beginning of the land to be described;
42.26 thence continuing North 51 degrees 01 minutes 41 seconds West, 41.42 feet along the
42.27 southwesterly line of said particular tract of land conveyed to the state of Minnesota and
42.28 the centerline of County State-Aid Highway 4 to a mag nail; thence North 13 degrees 19
42.29 minutes 36 seconds East, 144.63 feet to a 3/4" x 24" rebar with plastic cap stamped "MN
42.30 DNR LS 17005" (DNR MON); thence continuing North 13 degrees 19 minutes 36 seconds
42.31 East, 5 feet, more or less, to the water's edge of Little Sand Lake; thence southeasterly, a
42.32 distance of 50 feet, more or less, along said water's edge to a line which bears North 13
42.33 degrees 19 minutes 36 seconds East from the point of beginning; thence South 13 degrees
42.34 19 minutes 36 seconds West, 5 feet, more or less, to a DNR MON, thence continuing

43.1 South 13 degrees 19 minutes 36 seconds West, 129.22 feet to the point of beginning and
43.2 there terminating. Containing 0.12 acres, more or less, subject to existing road easements.

43.3 (d) The land is located on Little Sand Lake. The sale will be to the adjoining
43.4 landowner in conjunction with an acquisition to resolve an unintentional trespass by the
43.5 state which occurred when the Department of Natural Resources constructed a water
43.6 access site.

43.7 **Sec. 82. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
43.8 **WATER; COOK COUNTY.**

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

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

43.15 (c) The land that may be sold is located in Cook County and is described as follows:
43.16 the Northwest Quarter of the Northeast Quarter, Section 33, Township 63 North, Range
43.17 3 East, containing 40 acres, more or less.

43.18 (d) The land borders Mons Creek and was acquired in a land exchange in 2003. The
43.19 Department of Natural Resources has determined that school trust management interests
43.20 would best be served if the land was sold.

43.21 **Sec. 83. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
43.22 **WATER; COOK COUNTY.**

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

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

43.29 (c) The land that may be sold is located in Cook County and is described as follows:

43.30 (1) Outlot A & Caribou Backlot, Cook County. Outlot A of White Sky, according to
43.31 the plat on file and of record in the Office of the Recorder for Cook County, Minnesota,
43.32 containing 0.74 acres, more or less; and

43.33 (2) that part of Government Lot 4, Section 2, Township 60 North, Range 3 West,
43.34 lying northerly of Cook County Road 4, southerly of the plat of White Sky, and westerly

of Lot 1, Block 1 of White Sky First Addition, according to the plats on file and of record in the Office of the Recorder for Cook County, containing 1.02 acres, more or less.

(d) The land borders Caribou Lake. The Department of Natural Resources has determined that school trust management interests would best be served if the lands were sold.

Sec. 84. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; COOK COUNTY.

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

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

(c) The land that may be sold is located in Cook County and is described as follows: that part of Government Lot 10, Section 35, Township 65 North, Range 1 West, more fully described as follows: being the easterly 863.9 feet of Government Lot 10, EXCEPT the southerly 40.3 feet thereof. The west and south boundary lines being perpendicular to and parallel with the south boundary of Government Lot 10, respectively. Containing 3.3 acres, more or less.

(d) The land borders West Bearskin Lake, was acquired in a land exchange in 2000, and is not contiguous to other state lands. The Department of Natural Resources has determined that school trust management interests would best be served if the land was sold.

Sec. 85. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CROW WING COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Crow Wing County may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. Prior to the sale, the commissioner of revenue shall grant a permanent conservation easement according to Minnesota Statutes, section 282.37, to protect aquatic

habitat. The easement must be approved by the Crow Wing County Board and the commissioner of natural resources.

(c) The land to be sold is located in Crow Wing County and is described as: Government Lot 1, Section 26, Township 138 North, Range 27 West, city of Fifty Lakes.

(d) The county has determined that the county's land management interests would best be served if the land was returned to private ownership.

Sec. 86. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CROW WING COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Crow Wing County may sell to the city of Crosby the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

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

Of a tract of land lying south of the herein described line and being out of and part of the Southeast Quarter of the Northwest Quarter, Section 11, Township 46 North, Range 29 West, except part to the city of Crosby, Crow Wing County, Minnesota, said line described as follows: Commencing at the center of Section 11, thence South 88 degrees 59 minutes 19 seconds West, coincident with the south line of said Southeast Quarter of the Northwest Quarter, 1291.01 feet to the southwest corner of said Southeast Quarter of the Northwest Quarter; thence North 02 degrees 09 minutes 21 seconds East, coincident with the west line of said Southeast Quarter of the Northwest Quarter, 531.93 feet to the point of beginning of the line herein described; thence through and across said Southeast Quarter of the Northwest Quarter of the following 21 courses and distances:

(1) South 71 degrees 26 minutes 55 seconds East, 27.36 feet;

(2) South 33 degrees 07 minutes 48 seconds East, 34.76 feet;

(3) South 87 degrees 03 minutes 06 seconds East, 64.17 feet;

(4) South 61 degrees 33 minutes 20 seconds East, 45.74 feet;

(5) South 72 degrees 07 minutes 59 seconds East, 112.59 feet;

(6) South 77 degrees 44 minutes 53 seconds East, 56.34 feet;

(7) North 70 degrees 49 minutes 46 seconds East, 83.42 feet;

(8) South 76 degrees 32 minutes 31 seconds East, 94.57 feet;

(9) North 80 degrees 41 minutes 54 seconds East, 33.03 feet;

(10) North 83 degrees 09 minutes 05 seconds East, 41.90 feet;

- 46.1 (11) North 68 degrees 51 minutes 01 seconds East, 175.87 feet;
46.2 (12) South 58 degrees 17 minutes 34 seconds East, 54.35 feet;
46.3 (13) South 80 degrees 01 minutes 47 seconds East, 43.42 feet;
46.4 (14) North 36 degrees 43 minutes 03 seconds East, 84.81 feet;
46.5 (15) North 60 degrees 06 minutes 12 seconds East, 57.47 feet;
46.6 (16) South 83 degrees 31 minutes 42 seconds East, 90.21 feet;
46.7 (17) North 73 degrees 59 minutes 37 seconds East, 57.44 feet;
46.8 (18) South 65 degrees 21 minutes 29 seconds East, 81.38 feet;
46.9 (19) North 86 degrees 47 minutes 22 seconds East, 75.46 feet;
46.10 (20) North 47 degrees 10 minutes 02 seconds East, 52.07 feet; and
46.11 (21) North 63 degrees 13 minutes 46 seconds East, 48.20 feet

46.12 to the point of termination from which the point of commencing bears South 01 degrees
46.13 27 minutes 31 seconds West, 572.34 feet.

46.14 (d) The county has determined that the county's land management interests would
46.15 best be served if the land was sold to the city of Crosby.

46.16 Sec. 87. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC**
46.17 **WATER; DAKOTA COUNTY.**

46.18 (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018,
46.19 subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282,
46.20 Dakota County may sell or convey to the township of Ravenna for no consideration the
46.21 tax-forfeited land bordering public water that is described in paragraph (c).

46.22 (b) The conveyance must be in a form approved by the attorney general and provide
46.23 that the land reverts to the state if the township of Ravenna stops using the land for the
46.24 public purpose described in paragraph (d). The conveyance is subject to restrictions
46.25 imposed by the commissioner of natural resources. The attorney general may make
46.26 changes to the land description to correct errors and ensure accuracy.

46.27 (c) The land to be conveyed is located in Dakota County and is described as:
46.28 Unplatted, Section 21, Township 114, Range 16, Southeast Quarter of the Southwest
46.29 Quarter, less various tracts, except West 870 feet of South 729.29 feet, except part of
46.30 North 594 feet lying west of Ravenna Trail, except South 480 feet lying east of West 870
46.31 feet, except beginning at the northwest corner of the Southeast Quarter of the Southwest
46.32 Quarter East 22R South 20R southwest to point on west line 22R South of beginning North
46.33 22R to beginning, except parcels 33-02100-030-53, 33-02100-040-53, 33-02100-050-53,
46.34 33-02100-060-53, and 33-02100-080-53. (Dakota County tax identification number
46.35 33-02100-018-54).

47.1 (d) The county has determined that the land is needed by the township of Ravenna
47.2 for drainage and access to culverts.

47.3 Sec. 88. **PRIVATE SALE OF SURPLUS STATE LAND; HENNEPIN COUNTY.**

47.4 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner
47.5 of natural resources may sell by private sale to a governmental subdivision the surplus
47.6 land that is described in paragraph (c).

47.7 (b) The conveyance must be in a form approved by the attorney general. The
47.8 attorney general may make necessary changes to the legal description to correct errors and
47.9 ensure accuracy. The commissioner may sell the land to a governmental subdivision of
47.10 the state for less than the value of the land as determined by the commissioner, but the
47.11 conveyance must provide that the land described in paragraph (c) be used for the public
47.12 and reverts to the state if the governmental subdivision fails to provide for public use
47.13 or abandons the public use of the land. The commissioner may include conservation
47.14 restrictions in the conveyance deed to ensure the property is maintained as open space.

47.15 (c) The land that may be sold is located in Hennepin County and is described
47.16 as follows:

47.17 (1) the Northwest Quarter of Southwest Quarter, Section 36, Township 120 North,
47.18 Range 22 West, less road right-of-way, containing 39 acres, more or less;

47.19 (2) the east six and two-thirds acres of the West Half of the Southeast Quarter
47.20 of the Southwest Quarter, Section 36, Township 120 North, Range 22 West, less road
47.21 right-of-way, containing 6.67 acres, more or less; and

47.22 (3) the West Quarter of the East Half of the Southeast Quarter of the Southwest
47.23 Quarter, Section 36, Township 120 North, Range 22 West, less road right-of-way,
47.24 containing 4.87 acres, more or less.

47.25 (d) The land was conveyed to the state for wild game reservation purposes. Due
47.26 to adjacent residential use and local zoning restrictions, the land is no longer available
47.27 for hunting purposes. The Department of Natural Resources has determined that the
47.28 state's land management interests would best be served if the lands were conveyed to a
47.29 local unit of government.

47.30 Sec. 89. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
47.31 **WATER; HENNEPIN COUNTY.**

47.32 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
47.33 commissioner of natural resources may sell by private sale to a governmental subdivision
47.34 the surplus land bordering public water that is described in paragraph (c).

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

(c) The land that may be sold is located in Hennepin County and is described as follows: all that part of the Northwest Quarter of the Southwest Quarter and Government Lot 2, Section 25, Township 120 North, Range 22 West, lying north and westerly of the following described line: beginning at a point on the west line of said section 830.19 feet South of the west 1/4 corner thereof; thence North 36 degrees 55 minutes East, 109.88 feet; thence North 00 degrees 00 minutes, 1217.3 feet more or less to the water's edge of Haydens Lake. Subject to existing road easements. Containing 1.9 acres, more or less.

(d) The land was purchased by the state for a water access site but has never been used as a water access site. The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to a local unit of government.

Sec. 90. TAX-FORFEITED LANDS LEASE; ITASCA COUNTY.

Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary, the Itasca County auditor may lease tax-forfeited land to Minnesota Steel for a period of 20 years, for use as a tailings basin and buffer area. A lease entered under this section is renewable.

Sec. 91. PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; KITTSON COUNTY.

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

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

49.1 (c) The land that may be sold is located in Kittson County and is described as follows:

49.2 (1) Parcel 1: Lot 7, Block 4, Park Addition to Bronson, lying in the Southwest
49.3 Quarter of the Southwest Quarter, Section 30, Township 161 North, Range 46 West,
49.4 containing 0.92 acres, more or less;

49.5 (2) Parcel 2: that part of Lots 5 and 6, Block 4, Park Addition to Bronson, lying in
49.6 the Southwest Quarter of the Southwest Quarter, Section 30, Township 161 North, Range
49.7 46 West, more particularly described as follows: commencing at the midpoint of the west
49.8 line of said Lot 5, which point is 33 feet East of the west line of said Southwest Quarter of
49.9 the Southwest Quarter of Section 30; thence East and parallel to the south line of said Lot
49.10 5, a distance of 157 feet; thence South on a straight line at right angles to the immediately
49.11 preceding line of this description to the center of the south branch of Two Rivers; thence
49.12 northwesterly along the center line of said south branch of Two Rivers to its intersection
49.13 with a north and south line parallel to the west line of said Southwest Quarter of the
49.14 Southwest Quarter of Section 30, and distant 33 feet East therefrom, which line is also
49.15 the west line of said Block 4; thence North along said west line of said Block 4, to the
49.16 point of beginning, containing 0.39 acres, more or less;

49.17 (3) Parcel 12: that part of Block 4, of the Park Addition to the village of Bronson,
49.18 Kittson County, Minnesota, which may be more particularly described as follows: Lot 6,
49.19 Block 4, with the exception of a tract consisting of the westerly 157 feet of said Lot 6,
49.20 deeded to the Olof Locken Post, No. 315, of the American Legion, containing 0.68 acres,
49.21 more or less; ALSO the following described portion of Lot 8 of said Block 4: commencing
49.22 at a point on the west line of said Lot 8, 140 feet North of the southwest corner of said Lot
49.23 8; thence North along said west line of Lot 8, a distance of 68 feet; thence East at right
49.24 angles to the said west line of Lot 8 to the east line of said Lot 8; thence South along the
49.25 east line of said Lot 8, a distance of 68 feet; thence West at right angles to said east line
49.26 of Lot 8 to the point of beginning, containing 0.05 acres, more or less; EXCEPTING
49.27 therefrom the following described tract of land: commencing at the northeast corner of
49.28 Block 4 in Park Addition to the village of Lake Bronson; thence South at right angles a
49.29 distance of 265 feet to the point of beginning; thence West at right angles a distance of 143
49.30 feet; thence South at right angles a distance of 111 feet to the center of the Two Rivers;
49.31 thence East at right angles a distance of 143 feet to the east line of Lot 8; thence North at
49.32 right angles a distance of 111 feet to the point of beginning, being a part of Lot 6 and Lot 8
49.33 of Block 4, containing altogether 0.75 acres, more or less; and

49.34 (4) Parcel 13: that part of Lot 8, Block 4 of the Park Addition to the village of
49.35 Bronson, Kittson County, Minnesota, which may be more particularly described as
49.36 follows: the South 140 feet of said Lot 8, Block 4, containing 0.10 acres, more or less;

50.1 ALSO the following portion of said Lot 8: commencing at a point on the west line of said
50.2 Lot 8, 208 feet North of the southwest corner of said Lot 8; thence North along said west
50.3 line of Lot 8, a distance of 5.6 feet; thence East at right angles to said west line of Lot 8 to
50.4 the east line of said Lot 8, thence South along said east line of Lot 8, a distance of 5.8 feet;
50.5 thence West at right angles to said east line of Lot 8, to the point of beginning, containing
50.6 0.004 acres, more or less; containing altogether 0.104 acres, more or less.

50.7 (d) The land borders South Branch Two Rivers and is not contiguous to other state
50.8 lands. The land was acquired for park purposes but was not included in a state park. The
50.9 Department of Natural Resources has determined that the land is not needed for natural
50.10 resource purposes.

50.11 **Sec. 92. PRIVATE SALE OF SURPLUS STATE LAND; KITTSON COUNTY.**

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

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

50.18 (c) The land that may be sold is located in Kittson County and is described as
50.19 follows: a parcel of land in the Southwest Quarter of the Southeast Quarter of Section 30,
50.20 Township 161 North, Range 46 West, more particularly described as follows: beginning at
50.21 a point which is 33 feet North of the south line and 422 feet East of the west line of said
50.22 Southwest Quarter of the Southeast Quarter; thence East parallel to said south line, 726
50.23 feet; thence North parallel to said west line, 300 feet; thence West parallel to said south
50.24 line, 726 feet; thence South parallel to said west line, 300 feet to the point of beginning.
50.25 Containing 5.00 acres, more or less.

50.26 (d) The sale may be to multiple parties, including the county for the county
50.27 highway right-of-way, the township for the township road, and adjoining landowners to
50.28 resolve unintentional agricultural trespasses. The Department of Natural Resources has
50.29 determined that the land is not needed for natural resource purposes.

50.30 **Sec. 93. PRIVATE SALE OF SURPLUS STATE LAND; LAKE COUNTY.**

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

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

51.4 (c) The land that may be sold is located in Lake County and is described as follows:
51.5 that part of the Northeast Quarter of the Southwest Quarter, Section 16, Township 57
51.6 North, Range 6 West, described as follows: commencing at the southeast corner of said
51.7 Northeast Quarter of the Southwest Quarter marked by a DNR survey marker (3/4 inch x
51.8 18 inch rebar with an orange cap marked MN DNR LS 16098); thence North 89 degrees
51.9 11 minutes 24 seconds West based on the Lake County Coordinate System North Shore
51.10 Zone, NAD83, 1986 adjustment, along the south line of said Northeast Quarter of the
51.11 Southwest Quarter, 439.78 feet to a DNR survey marker on the westerly right-of-way of
51.12 Trunk Highway 61 and the point of beginning; thence continuing North 89 degrees 11
51.13 minutes 24 seconds West along said south line 426.27 feet to a DNR survey marker;
51.14 thence North 00 degrees 48 minutes 36 seconds East 100.00 feet to a DNR survey marker;
51.15 thence South 89 degrees 11 minutes 24 seconds East 494.20 feet to a DNR survey marker
51.16 on said westerly right-of-way; thence South 34 degrees 59 minutes 57 seconds West along
51.17 said westerly right-of-way 120.89 feet, more or less, to the point of beginning. Containing
51.18 1.06 acres, more or less.

51.19 (d) The sale would be to the adjoining landowner and resolve an unintentional
51.20 trespass that occurred when a garage was constructed on state-owned land. The
51.21 Department of Natural Resources has determined that the land is not needed for natural
51.22 resource purposes.

51.23 **Sec. 94. PRIVATE SALE OF SURPLUS STATE LAND; LAKE COUNTY.**

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

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

51.30 (c) The land that may be sold is located in Lake County and is described as follows:
51.31 that part of the Northwest Quarter of the Southeast Quarter, Section 16, Township 57
51.32 North, Range 6 West, described as follows: commencing at the northwest corner of said
51.33 Northwest Quarter of the Southeast Quarter marked by a DNR survey marker (3/4 inch x
51.34 18 inch rebar with an orange cap marked MN DNR LS 16098); thence South 89 degrees
51.35 14 minutes 10 seconds East based on the Lake County Coordinate System North Shore

52.1 Zone, NAD83, 1986 adjustment, along the north line of said Northwest Quarter of the
52.2 Southeast Quarter, 191.15 feet to a DNR survey marker and the point of beginning; thence
52.3 continuing South 89 degrees 14 minutes 10 seconds East along said north line 264.92 feet
52.4 to a DNR survey marker on the westerly right-of-way of Trunk Highway 61; thence
52.5 South 34 degrees 59 minutes 57 seconds West along said westerly right-of-way 200.00
52.6 feet; thence North 41 degrees 54 minutes 07 seconds West 224.87 feet, more or less, to the
52.7 point of beginning. Containing 0.50 acres, more or less.

52.8 (d) The sale would be to the adjoining landowner and resolve an unintentional
52.9 trespass that occurred when a garage and house were constructed on state-owned land.
52.10 The Department of Natural Resources has determined that the land is not needed for
52.11 natural resource purposes.

52.12 **Sec. 95. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC**
52.13 **WATER; LAKE COUNTY.**

52.14 (a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1,
52.15 and the public sale provisions of Minnesota Statutes, chapter 282, Lake County may sell
52.16 by private sale the tax-forfeited land bordering public water that is described in paragraph
52.17 (c), under the remaining provisions of Minnesota Statutes, chapter 282.

52.18 (b) The conveyance must be in a form approved by the attorney general for a
52.19 consideration of \$1 and relinquishment of a four-acre parcel of land that Lake County has
52.20 used for road relocation.

52.21 (c) The land to be sold is located in Lake County and is described as: that part of
52.22 the Southeast Quarter of the Northwest Quarter, north of County State-Aid Highway 14,
52.23 Section 20, Township 55 North, Range 11 West.

52.24 (d) The county has determined that the county's land management interests would
52.25 best be served if the land was returned to private ownership.

52.26 **Sec. 96. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
52.27 **WATER; NICOLLET COUNTY.**

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

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

53.1 (c) The land that may be sold is located in Nicollet County and is described as
53.2 follows:

53.3 (1) that part of the Southwest Quarter and that part of the Southeast Quarter, Section
53.4 8, Township 109 North, Range 29 West, being described as a strip of land 300.0 feet in
53.5 width lying adjacent to and northerly of the following described centerline of proposed
53.6 channel change: commencing at the center of Section 8, Township 109 North, Range
53.7 20 West, from which the north quarter corner of said Section 8 bears North 0 degrees
53.8 00 minutes East, thence South 0 degrees 00 minutes East for 1280 feet on said quarter
53.9 line; thence South 90 degrees 00 minutes East for 54.9 feet to road station 40+40 on the
53.10 centerline of County State-Aid Highway 24 which is the true point of beginning for the
53.11 centerline of channel change; thence South 75 degrees 58 minutes East for a distance of
53.12 553.5 feet on centerline of channel change; thence South 75 degrees 58 minutes East for
53.13 a distance of 1540.0 feet and there terminating; and from the true point of beginning
53.14 North 77 degrees 58 minutes West for a distance of 770 feet and there terminating; SAID
53.15 LANDS ALSO DESCRIBED AS: a strip of land lying and being 300.0 feet each side of
53.16 the following described centerline of proposed channel change: beginning at a point
53.17 1280.0 feet South and 54.9 feet East of the center of Section 8, Township 109 North,
53.18 Range 29 West; thence easterly on a bearing of South 77 degrees 00 minutes East for a
53.19 distance of 553.5 feet; thence easterly on a bearing of South 75 degrees 00 minutes East
53.20 for a distance of 1540.0 feet and there terminating. This includes 3.005 acres in part of the
53.21 North Half of the Southeast Quarter of Section 8, Township 109 North, Range 29 West,
53.22 and 10.932 acres in part of Government Lot 2 of Section 8, Township 109 North, Range
53.23 29 West. Also from the point of beginning, westerly on a bearing of North 77 degrees
53.24 00 minutes West for a distance of 770.0 feet and there terminating. This includes 4.098
53.25 acres in part of the Southwest Quarter of Section 8, Township 109 North, Range 29 West.
53.26 Containing 3.01 acres, more or less; and

53.27 (2) that part of the Southwest Quarter and that part of the Southeast Quarter, Section
53.28 8, Township 109 North, Range 29 West, Nicollet County, Minnesota, being described
53.29 as a strip of land 300.0 feet in width lying adjacent to and southerly of the following
53.30 described centerline of proposed channel change: commencing at the center of Section
53.31 8, Township 109 North, Range 20 West, from which the north quarter corner of said
53.32 Section 8 bears North 0 degrees 00 minutes East; thence South 0 degrees 00 minutes East
53.33 for 1280 feet on said quarter line; thence South 90 degrees 00 minutes East for 54.9
53.34 feet to road station 40+40 on the centerline of County State-Aid Highway 24 which is
53.35 the true point of beginning for the centerline of channel change; thence South 75 degrees
53.36 58 minutes East for a distance of 553.5 feet on centerline of channel change; thence

South 75 degrees 58 minutes East for a distance of 1540.0 feet and there terminating; and from the true point of beginning North 77 degrees 58 minutes West for a distance of 770 feet and there terminating; SAID LANDS ALSO DESCRIBED AS: a strip of land lying and being 300.0 feet each side of the following described centerline of proposed channel change: beginning at a point 1280.0 feet South and 54.9 feet East of the center of Section 8, Township 109 North, Range 29 West; thence easterly on a bearing of South 77 degrees 00 minutes East for a distance of 553.5 feet; thence easterly on a bearing of South 75 degrees 00 minutes East for a distance of 1540.0 feet and there terminating. This includes 3.005 acres in part of the North Half of the Southeast Quarter of Section 8, Township 109 North, Range 29 West, and 10.932 acres in part of Government Lot 2 of Section 8, Township 109 North, Range 29 West. Also, from the point of beginning, westerly on a bearing of North 77 degrees 00 minutes West for a distance of 770.0 feet and there terminating. This includes 4.098 acres in part of the Southwest Quarter of Section 8, Township 109 North, Range 29 West. Containing 4.10 acres, more or less.

(d) The land borders the Minnesota River. It was acquired when a new bridge was installed across the river resulting in a realignment of the river channel. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 97. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; RED LAKE COUNTY.

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

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

(c) The land that may be sold is located in Red Lake County and is described as follows:

(1) Government Lot 10, Section 31, Township 152 North, Range 40 West, containing 20.17 acres, more or less; and

(2) Government Lot 3, Section 34, Township 152 North, Range 40 West, containing 21.7 acres, more or less.

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

Sec. 98. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

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

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

(c) The land that may be sold is located in St. Louis County and is described as follows: Government Lot 2, except the Northwest Quarter of Lot 2, Section 19, Township 58 North, Range 18 West, containing 30.84 acres, more or less.

(d) The land borders an unnamed tributary to the West Two Rivers Reservoir. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 99. **PRIVATE SALE OF SURPLUS STATE LAND; ST. LOUIS COUNTY.**

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

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

(c) The land that may be sold is located in St. Louis County and is described as follows: Government Lot 3, Section 18, Township 68 North, Range 19 West, containing 23.22 acres, more or less.

(d) The sale will be to the University of Minnesota for the off axis NOvA detector project. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 100. **LAND EXCHANGE; ST. LOUIS COUNTY.**

(a) The commissioner of natural resources shall, with the approval of the Land Exchange Board as required under the Minnesota Constitution, article XI, section 10, and according to Minnesota Statutes, sections 94.343 to 94.347, exchange the land described in paragraph (b). The commissioner shall offer to exchange the land with the holder of Department of Natural Resources lease number 144-011-0587 by December 31, 2007.

(b) The land to be exchanged is located in St. Louis County and is described as follows: that part of Government Lot 1, Section 6, Township 58 North, Range 17 West, containing 1.98 acres more or less, that is subject to Department of Natural Resources lease number 144-011-0587.

Sec. 101. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyance must reserve to the state a 100-foot easement along the shoreline to protect vegetation and allow angling by the public and a 15-foot easement from the public road right-of-way to allow angler walk-in access.

(c) The land to be sold is located in St. Louis County and is described as: Lots 7, 8, and 9, Block 2, Wonderland 1st Addition.

(d) The county has determined that the county's land management interests would best be served if the land was sold to an adjoining landowner.

Sec. 102. **PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis County may sell the tax-forfeited land bordering public water that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyance must reserve to the state a 150-foot easement of 75 feet on each side of the centerline of the East Branch of Chester Creek and a 100-foot easement of 50 feet on each side of the centerline of tributaries of Chester Creek.

(c) The land to be sold is located in St. Louis County and is described as:

(1) part of the Northeast Quarter of the Southeast Quarter, Section 9, Township 50 North, Range 14 West; and

(2) Lots 7, 8, 9, 34, 35, 36, 37, 58, 59, 60, and 61 and part of Lot 10, Englewood Farms.

57.1 (d) The county has determined that the county's land management interests would
57.2 best be served if the lands were returned to private ownership.

57.3 Sec. 103. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

57.4 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282,
57.5 St. Louis County may sell by private sale the tax-forfeited land that is described in
57.6 paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

57.7 (b) The conveyance must be in a form approved by the attorney general. The attorney
57.8 general may make changes to the land description to correct errors and ensure accuracy.

57.9 (c) The land to be sold is located in St. Louis County and is described as:

57.10 (1) part of the Southwest Quarter of the Northwest Quarter, Section 1, Township
57.11 63 North, Range 18 West;

57.12 (2) part of the Southwest Quarter of the Northeast Quarter, Section 28, Township 53
57.13 North, Range 13 West; and

57.14 (3) part of the Northeast Quarter of the Northeast Quarter, Section 9, Township
57.15 58 North, Range 16 West.

57.16 (d) The county has determined that the county's land management interests would
57.17 best be served if the lands were returned to private ownership.

57.18 Sec. 104. **SPARTA BEACH IN CITY OF GILBERT; ST. LOUIS COUNTY.**

57.19 (a) This section applies to the land described in paragraph (b), which is owned by
57.20 the city of Gilbert. The legislature finds that any fill placed along the shoreline below the
57.21 historical high watermark prior to the effective date of this section does not extend beyond
57.22 the ordinary low watermark and does not interfere with the public right of navigation or
57.23 any other public right. Consistent with the common law of the state, the state shall not
57.24 dispute the right of the owner of the land, or the owner's successors, to enjoy exclusive use
57.25 of filled land in shallow waters abutting the land, subject only to the limitation that the
57.26 owner or owner's successors shall not interfere with the public right of navigation.

57.27 (b) The land referred to in this section is described as follows:

57.28 That part of the North Half of Government Lot 1, Section 35, Township 58 North,
57.29 Range 17 West of the Fourth Principal Meridian, St. Louis County, Minnesota,
57.30 described as follows: Starting at a pipe that is on the east side of Differding Road on
57.31 the north line of the plat of Birch View and assuming that the north line is East and
57.32 West, thence running North 49 degrees 56 minutes West a distance of 291.00 feet to
57.33 the place of beginning; thence running South 55 degrees 19 minutes West a distance
57.34 of 135 feet to the shore of Ely Lake; Starting from the place of beginning, thence

58.1 running North 29 degrees 01 minutes West a distance of 436.50 feet; thence running
58.2 North 87 degrees 24 minutes West a distance of 302 feet to the shore of Ely Lake;
58.3 thence running along the shore to the intersection with the first described.

58.4 Sec. 105. **LAND EXCHANGE; BELTRAMI COUNTY.**

58.5 (a) The commissioner of natural resources shall, with the approval of the Land
58.6 Exchange Board as required under the Minnesota Constitution, article XI, section 10, and
58.7 according to Minnesota Statutes, sections 94.343 to 94.347, exchange the land described
58.8 in paragraph (b) for land of comparable value that borders public water.

58.9 (b) The land to be conveyed is located in Beltrami County and is described as:

58.10 (1) that part of the Southeast Quarter of the Southeast Quarter west of County
58.11 State-Aid Highway 14, Section 32, Township 147 North, Range 34 West;

58.12 (2) the Southeast Quarter of the Southwest Quarter of the Southeast Quarter, Section
58.13 32, Township 147 North, Range 34 West; and

58.14 (3) that part of the Northeast Quarter of the Northeast Quarter west of County
58.15 State-Aid Highway 14 and north of the haul road, Section 5, Township 146 North, Range
58.16 34 West.

58.17 Sec. 106. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
58.18 **WATER; WASHINGTON COUNTY.**

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

58.22 (b) The conveyance must be in a form approved by the attorney general. The
58.23 attorney general may make necessary changes to the legal description to correct errors and
58.24 ensure accuracy. The commissioner may only sell the land to a governmental subdivision
58.25 of the state. The conveyance may be for less than the value of the land as determined by
58.26 the commissioner, but the conveyance must provide that the land be used for the public
58.27 and reverts to the state if the governmental subdivision fails to provide for public use or
58.28 abandons the public use of the land.

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

58.31 (1) Parcel A: all that part of the North Half of the Southeast Quarter, Section
58.32 30, Township 30 North, Range 20 West, bounded by the following described lines:
58.33 commencing at the east quarter corner of said Section 30; thence on an assumed bearing
58.34 of North 88 degrees 13 minutes 48 seconds West, 399.98 feet on and along the east-west

59.1 quarter line of said Section 30 to the point of beginning; thence North 88 degrees 13
59.2 minutes 48 seconds West, 504.57 feet on and along the said east-west quarter line; thence
59.3 South 17 degrees 54 minutes 26 seconds West, 1377.65 feet to a point on the south 1/16
59.4 line of said Section 30; thence South 88 degrees 10 minutes 45 seconds East, 504.44 feet
59.5 on and along the south 1/16 line of said Section 30; thence North 17 degrees 54 minutes
59.6 26 seconds East, 1378.11 feet to the point of beginning; and

59.7 (2) Parcel B: all that part of the North Half of the Southeast Quarter, Section
59.8 30, Township 30 North, Range 20 West, bounded by the following described lines:
59.9 commencing at the east quarter corner of said Section 30; thence on an assumed bearing
59.10 of North 88 degrees 13 minutes 48 seconds West, 904.55 feet along the east-west quarter
59.11 line of said Section 30 to the point of beginning; thence South 17 degrees 54 minutes 26
59.12 seconds West, 1377.65 feet to a point on the south 1/16 line of said Section 30; thence
59.13 North 88 degrees 10 minutes 45 seconds West, 369.30 feet along said south 1/16 line;
59.14 thence North 42 degrees 24 minutes 47 seconds West, 248.00 feet; thence North 02
59.15 degrees 59 minutes 30 seconds East, 488.11 feet; thence North 47 degrees 41 minutes
59.16 19 seconds East, 944.68 feet to a point on the east-west quarter line of said Section 30;
59.17 thence South 88 degrees 13 minutes 48 seconds East, 236.03 feet along said east-west
59.18 quarter line to the point of beginning.

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

59.23 **Sec. 107. VERMILLION HIGHLANDS WILDLIFE MANAGEMENT AREA.**

59.24 (a) The following area is established and designated as the Vermillion Highlands
59.25 Wildlife Management Area, subject to the special permitted uses authorized in this section:

59.26 The approximately 2,840 acres owned by the University of Minnesota lying within
59.27 the area legally described as approximately the southerly 3/4 of the Southwest 1/4 of
59.28 Section 1, the Southeast 1/4 of Section 2, the East 1/2 of Section 10, Section 11, the
59.29 West 1/2 of Section 12, Section 13, and Section 14, all in Township 114 North, Range
59.30 19 West, Dakota County.

59.31 (b) Notwithstanding Minnesota Statutes, section 86A.05, subdivision 8, paragraph

59.32 (c), permitted uses in the Vermillion Highlands Wildlife Management Area include:

59.33 (1) education, outreach, and agriculture with the intent to eventually phase out
59.34 agriculture leases and plant and restore native prairie;

59.35 (2) research by the University of Minnesota or other permitted researchers;

(3) hiking, hunting, fishing, trapping, and other compatible wildlife-related recreation of a natural outdoors experience, without constructing new hard surface trails or roads, and supporting management and improvements;

(4) designated trails for hiking, horseback riding, biking, and cross-country skiing and necessary trailhead support with minimal impact on the permitted uses in clause (3);

(5) shooting sports facilities for sporting clays, skeet, trapshooting, and rifle and pistol shooting, including sanctioned events and training for responsible handling and use of firearms;

(6) grant-in-aid snowmobile trails; and

(7) leases for small-scale farms to market vegetable farming.

(c) With the concurrence of representatives of the University of Minnesota and Dakota County, the commissioner of natural resources may, by posting or rule, restrict the permitted uses as follows:

(1) temporarily close areas or trails, by posting at the access points, to facilitate hunting. When temporarily closing trails under this clause, the commissioner shall avoid closing all trail loops simultaneously whenever practical; or

(2) limit other permitted uses to accommodate hunting and trapping after providing advance public notice. Research conducted by the university may not be limited unless mutually agreed by the commissioner and the University of Minnesota.

(d) Road maintenance within the wildlife management area shall be minimized, with the intent to abandon interior roads when no longer needed for traditional agriculture purposes.

(e) Money collected on leases from lands within the wildlife management area must be kept in a separate account and spent within the wildlife management area under direction of the representatives listed in paragraph (c). \$200,000 of this money may be transferred to the commissioner of natural resources for a master planning process and resource inventory of the land identified in Minnesota Statutes, section 137.50, subdivision 6, in order to provide needed prairie and wetland restoration. The commissioner must work with affected officials from the University of Minnesota and Dakota County to complete these requirements and inform landowners and lessees about the planning process.

(f) Notwithstanding Minnesota Statutes, sections 97A.061 and 477A.11, the state of Minnesota shall not provide payments in lieu of taxes for the lands described in paragraph (a).

Sec. 108. **CLAIR A. NELSON MEMORIAL FOREST, LAKE COUNTY;
TEMPORARY SUSPENSION OF APPORTIONMENT OF PROCEEDS FROM
TAX-FORFEITED LANDS.**

(a) Upon approval of an affected political subdivision within Lake County, the Lake County Board may suspend the apportionment of the balance of net proceeds from tax-forfeited lands within the affected political subdivision under Minnesota Statutes, section 282.08, clause (4), item (iii), and retain the net proceeds. The authority under this paragraph is available until Lake County suspends the apportionment of net proceeds subject to item (iii) in the amount of \$2,200,000 plus any interest costs incurred by the county to purchase land described in this section. The money received by Lake County is to reimburse the county for the purchase in 2006 of 6,085 acres of forest land named the Clair A. Nelson Memorial Forest.

(b) Any revenue derived from acquired land that was reimbursed under paragraph (a) is subject to apportionment as provided in Minnesota Statutes, section 282.08.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2006.

Sec. 109. **RULE AMENDMENTS.**

The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform to sections 60 to 64. Minnesota Statutes, section 14.386, does not apply to the rulemaking under this section except to the extent provided under Minnesota Statutes, section 14.388.

Sec. 110. **LAKE TROUT REPORT.**

By February 1, 2008, the commissioner of natural resources must review and report to the legislative policy committees with jurisdiction over natural resources on the pros and cons of changing the winter lake trout season so that it would be open from the Saturday nearest January 1 to March 31.

Sec. 111. **ACCESS TO MINNESOTA OUTDOORS PLAN.**

Subdivision 1. **Walk-in access plan.** (a) The commissioner of natural resources shall prepare a plan for a walk-in public access program under which the commissioner may encourage owners and operators of privately held land to voluntarily make that land available for walk-in access by the public for hunting and fishing under programs administered by the commissioner.

62.1 (b) As part of the plan, the commissioner shall explore entering into contracts with
62.2 the owners or lessees of land to establish voluntary walk-in public access for hunting,
62.3 fishing, or other wildlife-dependent recreational activities.

62.4 (c) In the plan, the commissioner must describe:

62.5 (1) the costs and benefits that private land access will provide the public, such as
62.6 hunting, fishing, bird watching, and related outdoor activities; and

62.7 (2) the types of game, fish, and wildlife habitat improvements made to the land that
62.8 will enhance public uses.

62.9 (d) The commissioner shall explore the effectiveness and public and private cost of
62.10 walk-in public access programs in other states and recommend walk-in program options
62.11 for public access to private lands for hunting, fishing, and related recreational activities.

62.12 Subd. 2. **Other law.** Nothing in the plan may preempt trespass and liability laws.
62.13 Recommendations submitted by the commissioner of natural resources under subdivision
62.14 3 shall include any changes to Minnesota Statutes, sections 604A.20 to 604A.27,
62.15 necessary to ensure that landowners are not exposed to additional liability as a result
62.16 of the walk-in access program.

62.17 Subd. 3. **Report.** The commissioner must present the walk-in public access plan
62.18 to the house and senate committees with jurisdiction over natural resources policy and
62.19 finance, with recommendations on program implementation, by January 15, 2008.

62.20 Sec. 112. **COCK PHEASANT BAG LIMIT; RULEMAKING.**

62.21 The commissioner of natural resources shall amend Minnesota Rules, part
62.22 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day and
62.23 have 12 in possession after December 1 during the pheasant season. The commissioner
62.24 may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision
62.25 1, clause (3), to adopt the rule and Minnesota Statutes, section 14.386, does not apply,
62.26 except as provided under Minnesota Statutes, section 14.388.

62.27 Sec. 113. **CROSSBOW DEER SEASON.**

62.28 Notwithstanding Minnesota Statutes, section 97B.035, or other law to the contrary,
62.29 the commissioner of natural resources shall establish an open season for taking deer
62.30 by crossbow during the regular firearm season each year. Crossbows must meet the
62.31 requirements of Minnesota Statutes, section 97B.106, subdivision 2. A person taking deer
62.32 by crossbow must have a crossbow deer hunting license. The fee for a resident crossbow
62.33 deer hunting license is \$26 and the fee for a nonresident crossbow deer hunting license is
62.34 \$135. The commissioner may adopt exempt rules regulating the crossbow deer season

63.1 according to Minnesota Statutes, section 14.386. Notwithstanding Minnesota Statutes,
63.2 section 14.386, a rule adopted under this section is effective until January 1, 2009.

63.3 **EFFECTIVE DATE.** This section is effective the day following final enactment
63.4 and expires January 1, 2009.

63.5 Sec. 114. **CROSSBOW SEASON REPORT.**

63.6 By February 1, 2009, the commissioner of natural resources shall submit a report to
63.7 the chairs of the house and senate committees having jurisdiction over natural resources
63.8 that includes the number of crossbow deer season licenses issued under section 113 and
63.9 addresses whether there was an increase in hunting problems during the time a crossbow
63.10 deer season was permitted.

63.11 Sec. 115. **RULE AMENDMENTS.**

63.12 The commissioner of natural resources shall amend Minnesota Rules, parts
63.13 6262.0100, subpart 5, item D, and 6266.0700, subpart 3, to allow an angler in an icehouse
63.14 to possess fillets of a fish with size restrictions if the angler is preparing and using the
63.15 fish for a meal. The commissioner may use the good cause exemption under Minnesota
63.16 Statutes, section 14.388, subdivision 1, clause (3), to adopt rules according to this
63.17 section and Minnesota Statutes, section 14.386, does not apply except as provided under
63.18 Minnesota Statutes, section 14.388.

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

63.20 Sec. 116. **PUBLIC MEETINGS REQUIRED; CONSTRUCTION OF MOORING**
63.21 **FACILITIES.**

63.22 The commissioner of natural resources shall hold at least two public meetings in
63.23 the north central lakes area of the state to inform the public of and gather public input
63.24 regarding the conditions and criteria under Minnesota Rules, part 6115.0211, subpart 4a,
63.25 item C, for permitted mooring facilities and docks.

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

63.27 Sec. 117. **LEECH LAKE STOCKING.**

63.28 The commissioner of natural resources shall rank Leech Lake no lower than third
63.29 in any prioritization of state lakes for walleye stocking in 2007, 2008, and 2009, or until
63.30 Leech Lake shows sufficient natural production of walleye, whichever is later.

Sec. 118. **CORMORANT CONTROL.**

The commissioner of natural resources shall control cormorant in the state as allowed under federal law.

Sec. 119. **RUSTY CRAYFISH STUDY.**

The commissioner of natural resources shall continue to study the effects of rusty crayfish on walleye reproduction in Leech Lake.

Sec. 120. **BIG ISLAND.**

Notwithstanding Minnesota Statutes, section 83A.02, the commissioner of natural resources shall initiate a process to rename Big Island on Pelican Lake in St. Louis County.

Sec. 121. **APPEALS BOARD OF ADJUSTMENT.**

(a) A county, with a city of the first class, encompassing over 5,000 square miles must establish as a pilot program an Appeals Board of Zoning Adjustment to review determinations made by the Board of Zoning Adjustment. The Appeals Board of Zoning Adjustment shall be an intermediary appeal process that may be accessed prior to appealing a decision to the district court. The Appeals Board of Zoning Adjustment shall be comprised of the county board, two sitting members of the Board of Zoning Adjustment, and two member citizens who have had appeals within the past five years before the Board of Zoning Adjustment. Members shall serve a three-year term.

(b) Paragraph (a) expires two years after the effective date of this section.

Sec. 122. **REPEALER.**

(a) Minnesota Statutes 2006, sections 85.015, subdivision 11; 97A.475, subdivision 38; and 97C.365; and Laws 2006, chapter 236, article 1, section 2, are repealed.

(b) 2007, S.F. No. 2096, article 1, the amendments to Minnesota Statutes 2006, section 84.777 in section 24, if enacted, are repealed effective July 1, 2007.

Sec. 123. **EFFECTIVE DATE.**

Sections 2, 3, 17, 18, and 71 to 106 are effective the day following final enactment.

ARTICLE 2
ENVIRONMENT POLICY

Section 1. Minnesota Statutes 2006, section 103F.205, subdivision 1, is amended to read:

65.1 Subdivision 1. **Applicability.** The definitions in this section apply to sections
65.2 103F.201 to ~~103F.221~~ 103F.227.

65.3 Sec. 2. **[103F.227] SHORELAND DEVELOPMENT; EXISTING RESORTS.**

65.4 Subdivision 1. **Applicability.** This section applies statewide and preempts local
65.5 ordinances that are inconsistent with its terms.

65.6 Subd. 2. **Resort defined.** For purposes of this section, "resort" means a shoreland
65.7 commercial establishment, existing on or before August 1, 2007, that includes buildings,
65.8 lodges, structures, dwelling units, camping or recreational vehicle sites, or enclosures,
65.9 or any part thereof kept, used, maintained, or advertised as or held out to the public to
65.10 be a place where sleeping accommodations are furnished to the public, primarily to
65.11 those seeking recreation, for periods of one day or longer, and having for rent three or
65.12 more cabins, rooms, campsites, or enclosures. These establishments must be primarily
65.13 service oriented for transient lodging of guests. All cabins, rooms, dwelling units,
65.14 camping or recreational vehicle sites, or enclosures must be included in the resort rental
65.15 business. Resorts allow no residential use of a dwelling unit or site, except dwellings
65.16 used as residences for the service providers or dwelling units or sites for renters. To
65.17 qualify as a resort under this section, a resort must be fully licensed and permitted under
65.18 appropriate state and local regulations. The entire parcel of land must be controlled and
65.19 managed by the licensee.

65.20 Subd. 3. **Maintenance and replacement.** (a) So long as the establishment continues
65.21 to operate as a resort, a county or municipality must allow a resort owner to:

65.22 (1) maintain structures, which includes replacing aging or outdated components or
65.23 systems of the structure that do not increase the structure footprint; and

65.24 (2) replace structures damaged or lost to fire or natural disaster.

65.25 (b) Paragraph (a), clause (2), applies only when an application for a building permit
65.26 is made within 180 days of the damage or loss.

65.27 Subd. 4. **Expansion.** A county or municipality must allow a resort owner to increase
65.28 a structure footprint to minimally meet federal, state, or local dwelling standards or codes.
65.29 To "minimally meet" such standards or codes means that the replacement structure does
65.30 not add new architectural elements, such as more bedrooms, that the original structure did
65.31 not have. Structural expansion under this subdivision must not result in the structure being
65.32 any larger than required to meet standards or codes or the structure or any portion thereof
65.33 being any closer to the shoreline than prior to the expansion.

66.1 Subd. 5. **Change in ownership.** A change in ownership of a resort shall not be
66.2 construed as a conversion to a different use so long as the new owner continues to use
66.3 the property as a resort.

66.4 Sec. 3. **[114E.01] SHORT TITLE.**

66.5 This chapter may be cited as the Uniform Environmental Covenants Act.

66.6 Sec. 4. **[114E.05] DEFINITIONS.**

66.7 Subdivision 1. **Scope.** For the purposes of this chapter, the definitions in this
66.8 subdivision have the meanings given.

66.9 Subd. 2. **Activity and use limitations.** "Activity and use limitations" means
66.10 restrictions or obligations with respect to real property that are associated with an
66.11 environmental response project.

66.12 Subd. 3. **Common interest community.** "Common interest community" means a
66.13 common interest community as defined in chapter 515B.

66.14 Subd. 4. **Environmental agency.** "Environmental agency" means the Pollution
66.15 Control Agency, Agriculture Department, or another state or federal agency that
66.16 determines or approves the environmental response project pursuant to which the
66.17 environmental covenant is created.

66.18 Subd. 5. **Environmental covenant.** "Environmental covenant" means a servitude
66.19 created under this chapter that imposes activity and use limitations.

66.20 Subd. 6. **Environmental response project.** "Environmental response project"
66.21 means a plan or work performed to clean up, eliminate, investigate, minimize, mitigate, or
66.22 prevent the release or threatened release of contaminants affecting real property in order to
66.23 protect public health or welfare or the environment, including:

66.24 (1) response or corrective actions under federal or state law, including chapters 115B,
66.25 115C, 115E, and 116, and the Comprehensive Environmental Response, Compensation
66.26 and Liability Act, United States Code, title 44, section 9601, et seq.;

66.27 (2) corrective actions or response to agricultural chemical incidents under chapters
66.28 18B, 18C, 18D, and 18E; and

66.29 (3) closure, contingency, or corrective actions required under rules or regulations
66.30 applicable to waste treatment, storage, or disposal facilities or to above or below ground
66.31 tanks.

66.32 Subd. 7. **Holder.** "Holder" means any person identified as a holder of an
66.33 environmental covenant as specified in section 114E.10, paragraph (a).

Subd. 8. **Person.** "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, political subdivision or special purpose unit of government, agency, or instrumentality of the state or federal government, or any other legal or commercial entity.

Subd. 9. **Record.** "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 10. **Recorded.** "Recorded" means recorded with the county recorder or registrar of title, as applicable, in each county where the real property is located.

Subd. 11. **State.** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 5. **[114E.10] NATURE OF RIGHTS; ROLE OF ENVIRONMENTAL AGENCY; SUBORDINATION OF INTERESTS.**

(a) Any person, including a person that owns an interest in the real property subject to the environmental covenant, the environmental agency, or any other political subdivision or unit of local government, may be a holder. An environmental covenant may identify more than one holder. The interest of a holder is an interest in real property. The holder is the grantee of the real property interest conveyed under an environmental covenant.

(b) Unless an environmental agency is a holder, any right that the agency may have with respect to an environmental covenant does not constitute an interest in real property. Approval of an environmental covenant does not make the environmental agency a holder unless it has authority under law other than this chapter to acquire an interest in real property for purposes related to an environmental response project and it is expressly identified as a holder in the environmental covenant.

(c) An environmental agency is bound by any obligation it assumes in an environmental covenant, but an environmental agency does not assume obligations merely by signing an environmental covenant. As provided in section 114E.15, an environmental covenant is not valid unless signed by the environmental agency and the environmental agency may set reasonable conditions for its approval of an environmental covenant. When the environmental agency is a federal agency, the covenant must also be approved and signed by the state environmental agency that has authority under state law to address the release or threatened release involved in the environmental response project. Any other person that signs an environmental covenant is bound by the obligations the person expressly assumes in the covenant, but signing the covenant does not change obligations,

rights, or protections granted or imposed under law other than this chapter except as provided in the covenant.

(d) The following rules apply to interests in real property in existence at the time an environmental covenant is created or amended:

(1) an interest that has priority under other law is not affected by an environmental covenant unless the person that owns the interest subordinates that interest to the covenant;

(2) this chapter does not require a person that owns a prior interest to subordinate that interest to an environmental covenant or to agree to be bound by the covenant;

(3) a subordination agreement may be contained in an environmental covenant or in a separate record that is recorded. If the environmental covenant covers commonly owned property in a common interest community, the environmental covenant or the subordination agreement may be signed by any person authorized by the governing board of the owners' association; and

(4) an agreement by a person to subordinate a prior interest to an environmental covenant affects the priority of that person's interest but does not by itself impose any affirmative obligation on the person with respect to the environmental covenant.

Sec. 6. ~~[114E.15]~~ CONTENTS OF ENVIRONMENTAL COVENANT.

(a) An environmental covenant must:

(1) state on its first page that the instrument is an environmental covenant executed pursuant to this chapter;

(2) contain a legally sufficient description of the real property subject to the covenant;

(3) describe the activity and use limitations on the real property;

(4) identify every holder;

(5) be signed and acknowledged by the environmental agency, every holder, and every owner of the fee simple title to the real property subject to the covenant; and

(6) identify the name and location of any administrative record for the environmental response project reflected in the environmental covenant.

(b) In addition to the information required by paragraph (a), an environmental covenant may contain other information, restrictions, and requirements agreed to by the persons who signed it, including any:

(1) requirements for notice of any transfer of a specified interest in, or concerning proposed changes in use of, applications for building permits for, or proposals for any site work affecting the contamination or the environmental response project on, the real property subject to the covenant;

(2) requirements for periodic reporting describing compliance with the covenant;

(3) rights of access to the real property granted in connection with implementation or enforcement of the covenant;

(4) a brief narrative description of the contamination and environmental response project, including the contaminants of concern, the pathways of exposure, limits on exposure, and the location and extent of the contamination;

(5) limitation on amendment or termination of the covenant in addition to those contained in sections 114E.40 and 114E.45;

(6) rights of the holder in addition to its right to enforce the covenant pursuant to section 114E.50; and

(7) waiver of a party's right to consent to the amendment or termination of a covenant under section 114E.45, paragraph (a), clause (3).

(c) The environmental agency may set reasonable conditions for its approval of an environmental covenant, including:

(1) requiring that persons specified by the agency that have interests in the real property also sign the covenant;

(2) requiring that a person who holds a prior interest in the real property subject to the covenant agree to subordinate that interest where applicable; and

(3) requiring the inclusion within the text of the covenant information, restrictions, or requirements as described in paragraph (b).

Sec. 7. [114E.20] VALIDITY; EFFECT ON OTHER INSTRUMENTS.

(a) An environmental covenant created under this chapter runs with the land.

(b) An environmental covenant that is otherwise effective is valid and enforceable even if:

(1) it is not appurtenant to an interest in real property;

(2) it can be or has been assigned to a person other than the original holder;

(3) it is not of a character that has been recognized traditionally at common law;

(4) it imposes a negative burden;

(5) it imposes an affirmative obligation on a person having an interest in the real property or on the holder;

(6) the benefit or burden does not touch or concern real property;

(7) there is no privity of estate or contract;

(8) the holder dies, ceases to exist, resigns, or is replaced; or

(9) the owner of an interest in the real property subject to the environmental covenant and the holder are the same person.

(c) Any instrument that imposes activity and use limitations, including any conservation easement, declaration, restrictive covenant, or similar instrument created before the effective date of this chapter remains valid and enforceable as provided in the law under which it was created. This chapter does not apply in any other respect to such an instrument.

(d) This chapter does not invalidate or render unenforceable any interest, whether designated as an environmental covenant or other interest, that is otherwise enforceable under the law of this state.

Sec. 8. **[114E.25] RELATIONSHIP TO OTHER LAND USE LAW.**

(a) This chapter does not authorize a use of real property that is otherwise prohibited by zoning, by law other than this chapter regulating use of real property, or by a recorded instrument that has priority over the environmental covenant.

(b) An environmental covenant may prohibit or restrict uses of real property which are authorized by zoning or by law other than this chapter.

(c) An environmental agency that exercises authority under law other than this chapter to require as part of an environmental response project the performance of a response or corrective action that would not otherwise be an authorized use of real property under zoning or other real property law or prior recorded instruments may include such requirement as an affirmative obligation in an environmental covenant.

Sec. 9. **[114E.30] NOTICE.**

(a) A copy of an environmental covenant, and any amendments or notices of termination thereof, must be provided by the persons and in the manner required by the environmental agency to:

(1) each person that signed the covenant or their successor or assign;

(2) each person holding a recorded interest in the real property subject to the covenant;

(3) each person in possession of the real property subject to the covenant;

(4) each political subdivision in which real property subject to the covenant is located; and

(5) any other person the environmental agency requires.

(b) The validity of a covenant is not affected by failure to provide a copy of the covenant as required under this section.

Sec. 10. **[114E.35] RECORDING.**

71.1 (a) An environmental covenant and any amendment or termination of the covenant
71.2 must be recorded with the county recorder or registrar of titles, as applicable, in every
71.3 county in which any portion of the real property subject to the covenant is located. For
71.4 purposes of indexing, a holder shall be treated as a grantee.

71.5 (b) Except as otherwise provided in section 114E.40, paragraph (f), an environmental
71.6 covenant is subject to the laws of this state governing recording and priority of interests in
71.7 real property.

71.8 Sec. 11. [114E.40] DURATION; MODIFICATION OR TERMINATION BY
71.9 ADMINISTRATIVE OR COURT ACTION.

71.10 (a) An environmental covenant is perpetual unless it is:

71.11 (1) by its terms limited to a specific duration or terminated by the occurrence of a
71.12 specific event;

71.13 (2) terminated by consent pursuant to section 114E.45;

71.14 (3) terminated pursuant to paragraph (b) or (e);

71.15 (4) terminated by foreclosure of an interest that has priority over the environmental
71.16 covenant; or

71.17 (5) terminated or modified in an eminent domain proceeding, but only if:

71.18 (i) the environmental agency that signed the covenant is a party to the proceeding;

71.19 (ii) all persons identified in paragraph (c) are given notice of the pendency of the
71.20 proceeding; and

71.21 (iii) the court determines, after hearing, that the activity and use limitations subject
71.22 to termination or modification are no longer required to protect public health or welfare
71.23 or the environment.

71.24 (b) The environmental agency that approved an environmental covenant may
71.25 determine whether to terminate or reduce the burden on the real property of the covenant
71.26 if the agency determines that some or all of the activity and use limitations under the
71.27 covenant are no longer required to protect public health or welfare or the environment or
71.28 modify the covenant if the agency determines that modification is required to adequately
71.29 protect public health or welfare or the environment.

71.30 (c) The environmental agency shall provide notice of any proposed action under
71.31 paragraph (b) to each person with a current recorded interest in the real property subject
71.32 to the environmental covenant, each holder, all other persons who originally signed the
71.33 environmental covenant, or their successors or assigns, and any other person with rights
71.34 or obligations under the covenant. The environmental agency shall provide 30 days for
71.35 comment on the proposed action by parties entitled to notice. Any person entitled to notice

under this paragraph may request a contested case under chapter 14 by making the request in writing within the 30-day comment period. A determination by an environmental agency under this paragraph is a final agency decision subject to judicial review in the same manner as provided in sections 14.63 to 14.68 or under applicable federal law.

(d) Any person entitled to notice under paragraph (c) may apply in writing to the environmental agency for a determination under paragraph (b) that an existing covenant be terminated, that the burden of a covenant be reduced, or that covenant be modified. The application must specify the determination sought by the applicant, the reasons why the environmental agency should make the determination, and the information which would support it. If the environmental agency fails to commence a proceeding under paragraph (b) within 60 days of receipt of the application, the applicant may bring a de novo action in the district court for termination, reduction of burden, or modification of the environmental covenant pursuant to paragraph (e).

(e) The district court for the county in which the real property subject to an environmental covenant is located may, under the doctrine of changed circumstances, terminate the covenant, reduce its burden on the real property, or modify its terms in a de novo action if an environmental agency fails to commence a proceeding within 60 days as provided under paragraph (d). The applicant under paragraph (d), any party to the environmental covenant, or any other person identified in paragraph (c) may commence an action under this paragraph. The person commencing the action shall serve notice of the action on the environmental agency and any person entitled to notice under paragraph (c). The court shall terminate, reduce the burden of, or modify the environmental covenant if the court determines that the person bringing the action shows that some or all of the activity and use limitations under the covenant do not, or are no longer required to, protect public health or welfare or the environment.

(f) An environmental covenant may not be extinguished, limited, or impaired through issuance of a tax deed, foreclosure of a tax lien, or application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or a similar doctrine.

(g) An environmental covenant may not be extinguished, limited, or impaired by application of section 500.20 or 541.023.

Sec. 12. [114E.45] AMENDMENT OR TERMINATION BY CONSENT.

(a) An environmental covenant may be amended or terminated by consent only if the amendment or termination is signed by:

(1) the environmental agency;

(2) the current owner of the fee simple title to the real property subject to the covenant;

(3) every other original signatory to the covenant, or their successor or assign, unless:

(i) the person waived the right to consent to termination or modification in the environmental covenant or another signed and acknowledged record that is recorded;

(ii) the person fails to object to the amendment or termination within 60 days after a notice requesting the person's consent to amendment or termination was mailed by certified mail, return receipt requested, to the person's last known address, as obtained from the United States Postal Service; or

(iii) a court finds that the person no longer exists or cannot be located or identified with the exercise of reasonable diligence; and

(4) each holder, except as otherwise provided in paragraph (d).

Any person may establish that the notice described in clause (3), item (ii), was properly mailed by recording an affidavit to that effect from a person having knowledge of the facts, and a certified copy of the recorded affidavit shall be prima facie evidence of the facts stated therein.

(b) If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the covenant unless the current owner of the interest consents to the amendment or has waived in the environmental covenant or other signed record the right to consent to amendments.

(c) Except for an assignment undertaken pursuant to a governmental reorganization, or as otherwise provided in the environmental covenant, assignment of an environmental covenant to a new holder is an amendment.

(d) Except as otherwise provided in paragraph (c) or in an environmental covenant:

(1) a holder may not assign its interest without consent of the other parties specified in paragraph (a);

(2) a holder may be removed and replaced by agreement of the other parties specified in paragraph (a); and

(3) a court of competent jurisdiction may fill a vacancy in the position of holder.

Sec. 13. [114E.50] ENFORCEMENT OF ENVIRONMENTAL COVENANT.

(a) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by:

(1) a party to the covenant, including all holders;

(2) the environmental agency that signed the covenant;

(3) any person to whom the covenant expressly grants power to enforce;

(4) a person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the covenant; or

(5) a political subdivision in which the real property subject to the covenant is located.

(b) The state environmental agency that signed the covenant may use any remedy or enforcement measure provided in section 115.071, subdivisions 3 to 5, or 116.072 to remedy violations of a covenant. This paragraph does not limit the state environmental agency from taking action to enforce the terms of a covenant against a person required to comply with the covenant in connection with that person's obligation to perform response actions or as a condition of receiving a liability assurance with respect to a release or threatened release of contaminants.

(c) This chapter does not limit the regulatory authority of the environmental agency under law other than this chapter with respect to an environmental response project.

(d) A person is not responsible for or subject to liability arising from a release or threatened release of contamination into the environment, or for remediation costs attendant thereto, solely because it has signed, holds rights to, or otherwise has the right to enforce an environmental covenant.

Sec. 14. **[114E.60] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 15. **[114E.65] RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.**

This chapter modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, United States Code, title 15, section 7001 et seq., but does not modify, limit, or supersede section 101 of that act, United States Code, title 15, section 7001(a), or authorize electronic delivery of any of the notices described in section 103 of that act, United States Code, title 15, section 7003(b).

Sec. 16. Minnesota Statutes 2006, section 115.072, is amended to read:

115.072 RECOVERY OF LITIGATION COSTS AND EXPENSES.

In any action brought by the attorney general, in the name of the state, pursuant to the provisions of this chapter and chapters 114C, 114E, and 116, for civil penalties, injunctive relief, or in an action to compel compliance, if the state shall finally prevail, and if the proven violation was willful, the state, in addition to other penalties provided

in this chapter, may be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses incurred by the state. In determining the amount of such litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Amounts recovered under the provisions of this section and section 115.071, subdivisions 3 to 5, shall be paid into the environmental fund in the state treasury to the extent provided in section 115.073.

Sec. 17. Minnesota Statutes 2006, section 115.55, subdivision 6, is amended to read:

Subd. 6. Disclosure of individual sewage treatment system to buyer. (a) Before signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing to the buyer or transferee information on how sewage generated at the property is managed. The disclosure must be made by delivering a statement to the buyer or transferee that either:

(1) the sewage goes to a facility permitted by the agency; or

(2) the sewage does not go to a permitted facility, is therefore subject to applicable requirements, and ~~describes the system in use, including the legal description of the property, the county in which the property is located, and a map drawn from available information showing the location of the system on the property to the extent practicable~~ the system has a valid certificate of compliance or notice of noncompliance as provided under subdivision 5. If the seller or transferor has knowledge that an abandoned individual sewage treatment system exists on the property, the disclosure must include a map showing its location. ~~In the disclosure statement the seller or transferor must indicate whether the individual sewage treatment system is in use and, to the seller's or transferor's knowledge, in compliance with applicable sewage treatment laws and rules.~~ A copy of the certificate of compliance or notice of noncompliance shall be provided to the county recorder or registrar of titles in the county where the individual sewage treatment system is located. A copy of the filing shall go to the county office responsible for the individual sewage treatment system program.

~~(b) Unless the buyer or transferee and seller or transferor agree to the contrary in writing before the closing of the sale, A seller or transferor who fails to disclose the existence or known status of an individual sewage treatment system provide to the buyer or transferor a valid certificate of compliance or notice of noncompliance at the time of sale, and who knew or had reason to know of the existence or known status of the system, and whose system was noncompliant at the time of the sale is liable to the buyer or transferee for costs relating to bringing the system into compliance with the individual~~

76.1 sewage treatment system rules and for reasonable attorney fees for collection of costs from
76.2 the seller or transferor. An action under this subdivision must be commenced within two
76.3 years after the date on which the buyer or transferee closed the purchase or transfer of the
76.4 real property where the system is located.

76.5 Sec. 18. Minnesota Statutes 2006, section 115.56, subdivision 2, is amended to read:

76.6 Subd. 2. **License required.** (a) Except as provided in paragraph (b), after March 31,
76.7 1996, a person may not design, install, maintain, pump, or inspect an individual sewage
76.8 treatment system without a license issued by the commissioner.

76.9 (b) A license is not required for a person who complies with the applicable
76.10 requirements if the person is:

76.11 (1) a qualified employee of state or local government who has passed the
76.12 examination described in paragraph (d) or a similar examination;

76.13 (2) an individual who constructs an individual sewage treatment system on land that
76.14 is owned or leased by the individual and functions solely as the individual's dwelling or
76.15 seasonal dwelling;

76.16 (3) a farmer who pumps and disposes of sewage waste from individual sewage
76.17 treatment systems, holding tanks, and privies on land that is owned or leased by the
76.18 farmer; or

76.19 (4) an individual who performs labor or services for a person licensed under this
76.20 section in connection with the design, installation, maintenance, pumping, or inspection of
76.21 an individual sewage treatment system at the direction and under the personal supervision
76.22 of a person licensed under this section.

76.23 A person constructing an individual sewage treatment system under clause (2) must
76.24 consult with a site evaluator or designer before beginning construction. In addition, the
76.25 system must be inspected before being covered and a compliance report must be provided
76.26 to the local unit of government after the inspection.

76.27 (c) The commissioner, in conjunction with the University of Minnesota Extension
76.28 Service or another higher education institution, shall ensure adequate training exists for
76.29 individual sewage treatment system professionals.

76.30 (d) The commissioner shall conduct examinations to test the knowledge of applicants
76.31 for licensing and shall issue documentation of licensing.

76.32 (e) Licenses may be issued only upon successful completion of the required
76.33 examination and submission of proof of sufficient experience, proof of general liability
76.34 insurance, and a corporate surety bond in the amount of at least \$10,000.

(f) Notwithstanding paragraph (e), the examination and proof of experience are not required for an individual sewage treatment system professional who, on the effective date of the rules adopted under subdivision 1, holds a certification attained by examination and experience under a voluntary certification program administered by the agency.

(g) Local units of government may not require additional local licenses for individual sewage treatment system professionals.

(h) A pumper whose annual gross revenue from pumping systems is \$9,000 or less and whose gross revenue from pumping systems during the year ending May 11, 1994, was at least \$1,000 is not subject to training requirements in rules adopted under subdivision 1, except for any training required for initial licensure.

(i) No other professional license is required to design, install, maintain, or inspect an individual sewage treatment system with a flow of 10,000 gallons of water per day or less if the system designer, installer, maintainer, or inspector is licensed under this subdivision and the local unit of government has not adopted additional requirements. No other professional license is required to operate an individual sewage treatment system with a flow of 10,000 gallons of water per day or less if the system operator is licensed as a system designer, installer, maintainer, or inspector under this subdivision and the local unit of government has not adopted additional requirements.

EFFECTIVE DATE. This section is effective the day following final enactment and expires December 31, 2010.

Sec. 19. Minnesota Statutes 2006, section 115B.17, subdivision 15, is amended to read:

Subd. 15. **Acquisition of property.** The agency may acquire, by purchase or donation, ~~an interest~~ interests in real property, including easements, ~~restrictive environmental~~ covenants under chapter 114E, and leases, that the agency determines ~~is are~~ are necessary for response action. ~~The validity and duration of a restrictive covenant or nonpossessory easement acquired under this subdivision shall be determined in the same manner as the validity and duration of a conservation easement under chapter 84C, unless the duration is otherwise provided in the agreement.~~ The agency may acquire an easement by condemnation only if the agency is unable, after reasonable efforts, to acquire an interest in real property by purchase or donation. The provisions of chapter 117 govern condemnation proceedings by the agency under this subdivision. A donation of an interest in real property to the agency is not effective until the agency executes a certificate of acceptance. The state is not liable under this chapter solely as a result of acquiring an interest in real property under this subdivision. Agency approval of an environmental

78.1 covenant under chapter 114E is sufficient evidence of acceptance of an interest in real
78.2 property where the agency is expressly identified as a holder in the covenant.

78.3 Sec. 20. Minnesota Statutes 2006, section 116.07, subdivision 2a, is amended to read:

78.4 Subd. 2a. **Exemptions from standards.** No standards adopted by any state agency
78.5 for limiting levels of noise in terms of sound pressure which may occur in the outdoor
78.6 atmosphere shall apply to (1) segments of trunk highways constructed with federal
78.7 interstate substitution money, provided that all reasonably available noise mitigation
78.8 measures are employed to abate noise, (2) an existing or newly constructed segment of a
78.9 highway, provided that all reasonably available noise mitigation measures, as approved by
78.10 the commissioners of the Department of Transportation and Pollution Control Agency, are
78.11 employed to abate noise, (3) except for the cities of Minneapolis and St. Paul, an existing
78.12 or newly constructed segment of a road, street, or highway under the jurisdiction of a road
78.13 authority of a town, statutory or home rule charter city, or county, except for roadways for
78.14 which full control of access has been acquired, (4) skeet, trap or shooting sports clubs, or
78.15 (5) motor vehicle race events conducted at a facility specifically designed for that purpose
78.16 that was in operation on or before July 1, ~~1983~~ 1996. Nothing herein shall prohibit a
78.17 local unit of government or a public corporation with the power to make rules for the
78.18 government of its real property from regulating the location and operation of skeet, trap
78.19 or shooting sports clubs, or motor vehicle race events conducted at a facility specifically
78.20 designed for that purpose that was in operation on or before July 1, ~~1983~~ 1996.

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

78.22 Sec. 21. Minnesota Statutes 2006, section 116.23, is amended to read:

78.23 **116.23 PROHIBITION AND RESTRICTIONS.**

78.24 **Subdivision 1. Nutrient concentrations.** No person shall manufacture for use or
78.25 sale in Minnesota or import into Minnesota for resale any cleaning agent or chemical
78.26 water conditioner which contains a prescribed nutrient in a concentration that is greater
78.27 than the prescribed maximum permissible concentration of that nutrient in that cleaning
78.28 agent or chemical water conditioner.

78.29 **Subd. 2. Residential dishwasher detergent.** No person shall sell, distribute, offer,
78.30 or expose for sale at retail any household dishwasher detergent that contains more than 0.5
78.31 percent phosphorus by weight. This subdivision does not apply to the sale or distribution
78.32 of detergents for commercial or institutional dishwashing purposes.

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

79.1 Sec. 22. **PUBLIC FACILITIES AUTHORITY FUNDING.**

79.2 To the greatest practical extent, projects on the Public Facilities Authority's 2007
79.3 intended use plan, the listings for which were based on the Pollution Control Agency's
79.4 2006 project priority list, shall be carried over to the 2008 intended use plan. Projects that
79.5 qualified for funding from the Public Facilities Authority under Laws 2006, chapter 258,
79.6 section 21, that could not be certified by the Pollution Control Agency by the applicable
79.7 deadline shall have until May 1, 2008, or six months after the Minnesota Supreme Court
79.8 issues an opinion in the cities of Maple Lake and Annandale matter, whichever is later, to
79.9 obtain the required certification from the Pollution Control Agency.

79.10 Sec. 23. **REPORT.**

79.11 The commissioner of the Pollution Control Agency must report to the legislative
79.12 committees with jurisdiction on environmental policy by February 15, 2008, after
79.13 consulting with officials from the Minnesota Onsite Wastewater Association; the
79.14 Minnesota Society of Professional Engineers; the American Council of Engineering
79.15 Companies; the Minnesota Association of Professional Soil Scientists; the Minnesota
79.16 Board of Architecture, Engineering, Land Surveying, Landscape Architecture,
79.17 Geoscience, and Interior Design; the University of Minnesota Water Resources Center;
79.18 the Association of Minnesota Counties; the Minnesota Association of Small Cities; and
79.19 the Minnesota Association of Townships, on further issues relating to the licensing of
79.20 individual sewage treatment systems.

79.21 **EFFECTIVE DATE.** This section is effective the day following final enactment
79.22 and expires December 31, 2010.

APPENDIX
Article locations in ues1131-1

ARTICLE 1	NATURAL RESOURCES POLICY	Page.Ln 2.13
ARTICLE 2	ENVIRONMENT POLICY	Page.Ln 64.27