

A bill for an act

relating to natural resources; providing for disposition of proceeds from sale of administrative sites; modifying environmental learning center provisions; modifying recreational vehicle and watercraft provisions; modifying state park provisions; modifying campfire provisions; providing for alternative recording for state forest roads; modifying citizen oversight subcommittees; modifying acquisition authority; eliminating certain positions and reports; managing school trust fund lands; improving the returns for school trust fund lands; redefining the mission of the Permanent School Fund Advisory Committee; providing funding for the Pine Grove Zoo; modifying solid waste provisions; modifying air permit provisions; providing for certain easements on tax-forfeited land; requiring rulemaking; requiring a report; appropriating money; amending Minnesota Statutes 2006, sections 16A.06, by adding a subdivision; 84.027, by adding a subdivision; 84.0857; 84.0875; 84.788, subdivision 3; 84.82, subdivision 2, by adding a subdivision; 84.922, subdivision 2; 84.9256, subdivision 1; 85.011; 85.012, subdivisions 28, 49a; 85.013, subdivision 1; 85.054, by adding a subdivision; 86B.401, subdivision 2; 88.15, subdivision 2; 89.715; 94.16, subdivision 3; 97A.055, subdivision 4b; 97A.141, subdivision 1; 115A.03, subdivisions 21, 32a; 116.07, subdivision 4a; 127A.30; 297A.94; Minnesota Statutes 2007 Supplement, section 84.8205, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b; 85.054, subdivision 3; 97A.141, subdivision 2; Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended.

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

Section 1. Minnesota Statutes 2006, section 16A.06, is amended by adding a subdivision to read:

Subd. 11. **Permanent school fund reporting.** The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature on the management of the permanent school trust fund that shows how the commissioner maximized the long-term economic return of the permanent school trust fund.

Sec. 2. Minnesota Statutes 2006, section 84.027, is amended by adding a subdivision to read:

Subd. 18. **Permanent school fund authority; reporting.** The commissioner of natural resources has the authority and responsibility for the administration of school trust lands under sections 92.121 and 127A.31. The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature on the management of the school trust lands that shows how the commissioner has and will continue to achieve the following goals:

(1) manage the school trust lands efficiently;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; and

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles.

Sec. 3. Minnesota Statutes 2006, section 84.0857, is amended to read:

84.0857 FACILITIES MANAGEMENT ACCOUNT.

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

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

Sec. 4. Minnesota Statutes 2006, section 84.0875, is amended to read:

84.0875 ENVIRONMENTAL LEARNING CENTERS.

(a) The commissioner may acquire and better, or make grants to counties, home rule charter or statutory cities, or school districts to acquire and better, residential

environmental learning centers where students may learn how to use, preserve, and renew the natural resources of this state. A facility and reasonable access to it must be owned by the state or a political subdivision but may be leased to or managed by a nonprofit organization to carry out an environmental learning program established by the commissioner. The lease or management agreement must comply with the requirements of section 16A.695 and must provide for the procurement of liability insurance by the nonprofit organization. A nonprofit organization that is operating an environmental learning center under this section is a municipality for purposes of the liability limitations of section 466.04 while acting within the scope of these activities.

(b) During the time the center is used for educational programs offered in conjunction with a college or university, the rules and standards related to space requirements are governed by section 144.74.

Sec. 5. Minnesota Statutes 2006, section 84.788, subdivision 3, is amended to read:

Subd. 3. **Application; issuance; reports.** (a) Application for registration or continued registration must be made to the commissioner or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the off-highway motorcycle.

(b) A person who purchases from a retail dealer an off-highway motorcycle shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration applications and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. Once issued, the registration number must be affixed to the motorcycle according to paragraph (f). A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the ~~ten-day~~ 21-day temporary permit period.

(d) The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations

and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(e) In addition to other fees prescribed by law, a filing fee of \$4.50 is charged for each off-highway motorcycle registration renewal, duplicate or replacement registration card, and replacement decal and a filing fee of \$7 is charged for each off-highway motorcycle registration and registration transfer issued by:

(1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official; or

(2) the commissioner and must be deposited in the state treasury and credited to the off-highway motorcycle account.

(f) Unless exempted in paragraph (g), the owner of an off-highway motorcycle must display a registration decal issued by the commissioner. If the motorcycle is licensed as a motor vehicle, a registration decal must be affixed on the upper left corner of the rear license plate. If the motorcycle is not licensed as a motor vehicle, the decal must be attached on the side of the motorcycle and may be attached to the fork tube. The decal must be attached in a manner so that it is visible while a rider is on the motorcycle. The issued decals must be of a size to work within the constraints of the electronic licensing system, not to exceed three inches high and three inches wide.

(g) Display of a registration decal is not required for an off-highway motorcycle:

(1) while being operated on private property; or

(2) while competing in a closed-course competition event.

Sec. 6. Minnesota Statutes 2006, section 84.82, subdivision 2, is amended to read:

Subd. 2. **Application, issuance, reports, additional fee.** (a) Application for registration or reregistration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a format prescribed by the commissioner and shall state the legal name and address of every owner of the snowmobile.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration. The temporary permit must contain the dealer's identification number and phone number. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee as hereinafter provided, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer,

an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. Once issued, the registration number must be affixed to the snowmobile in a clearly visible and permanent manner for enforcement purposes as the commissioner of natural resources shall prescribe. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the temporary ~~ten-day~~ 21-day permit period. The registration is not valid unless signed by at least one owner. The temporary permit must indicate whether a snowmobile state trail sticker under section 84.8205 was purchased.

(d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(e) A fee of \$2 in addition to that otherwise prescribed by law shall be charged for:

(1) each snowmobile registered by the registrar or a deputy registrar and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) each snowmobile registered by the commissioner and the additional fee shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 7. Minnesota Statutes 2006, section 84.82, is amended by adding a subdivision to read:

Subd. 3a. **Expiration.** All snowmobile registrations, excluding temporary registration permits, required under this section expire June 30 of the year of expiration.

Sec. 8. Minnesota Statutes 2007 Supplement, 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~~ June 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;

(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.

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

Sec. 9. Minnesota Statutes 2006, section 84.922, subdivision 2, is amended to read:

Subd. 2. **Application, issuance, reports.** (a) Application for registration or continued registration shall be made to the commissioner or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the vehicle.

(b) A person who purchases an all-terrain vehicle from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary ~~ten-day~~ 21-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration application and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, an assigned registration number or a commissioner or deputy registrar temporary ~~ten-day~~ 21-day permit. Once issued, the registration number must be affixed to the vehicle in a manner

prescribed by the commissioner. A dealer subject to paragraph (b) shall provide the registration materials or temporary permit to the purchaser within the ~~ten-day~~ 21-day temporary permit period. The commissioner shall use the snowmobile registration system to register vehicles under this section.

(d) Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of all-terrain vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(e) In addition to other fees prescribed by law, a filing fee of \$4.50 is charged for each all-terrain vehicle registration renewal, duplicate or replacement registration card, and replacement decal and a filing fee of \$7 is charged for each all-terrain vehicle registration and registration transfer issued by:

(1) a deputy registrar and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official; or

(2) the commissioner and shall be deposited to the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

Sec. 10. Minnesota Statutes 2006, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 11. Minnesota Statutes 2006, section 85.011, is amended to read:

**85.011 CONFIRMATION OF CREATION AND ESTABLISHMENT OF
STATE PARKS, ~~MONUMENTS~~, STATE RECREATION RESERVES AREAS,
AND WAYSIDES.**

The legislature of this state has provided for the creation and establishment of state parks, designated ~~monuments~~, state recreation reserves areas, and waysides for the purpose of conserving the scenery, natural and historic objects and wildlife and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The establishment of such state parks, designated ~~monuments~~, state recreation reserves areas, and waysides is hereby confirmed as provided in this section and sections 85.012 and 85.013 and they shall remain perpetually dedicated for the use of the people of the state for park purposes.

The enumerated state parks, ~~state monuments~~, state recreation areas, and state waysides shall consist of the lands and other property authorized therefor before January 1, 1969, together with such other lands and properties as may be authorized therefor on or after January 1, 1969.

9.1 Sec. 12. Minnesota Statutes 2006, section 85.012, subdivision 28, is amended to read:

9.2 Subd. 28. Interstate State Park, Chisago County, which is hereby renamed from
9.3 Dalles of Saint Croix State Park.

9.4 Sec. 13. Minnesota Statutes 2006, section 85.012, subdivision 49a, is amended to read:

9.5 Subd. 49a. ~~St. Croix~~ Wild River State Park, Chisago County.

9.6 Sec. 14. Minnesota Statutes 2006, section 85.013, subdivision 1, is amended to read:

9.7 Subdivision 1. **Names, acquisition; administration.** (a) Designated ~~monuments,~~
9.8 recreation reserves, and waysides heretofore established and hereby confirmed as ~~state~~
9.9 ~~monuments,~~ state recreation areas and state waysides together with the counties in which
9.10 they are situated are listed in this section and shall hereafter be named as indicated
9.11 in this section.

9.12 (b) Any land that now is or hereafter becomes tax-forfeited land and is located
9.13 within the described boundaries of a state recreation area as defined by session laws is
9.14 hereby withdrawn from sale and is transferred from the custody, control, and supervision
9.15 of the county board of the county to the commissioner of natural resources, free from
9.16 any trust in favor of the interested taxing districts. The commissioner shall execute a
9.17 certificate of acceptance of the lands on behalf of the state for such purposes and transmit
9.18 the same to the county auditor of the county for record as provided by law in the case
9.19 of tax-forfeited land transferred to the commissioner by resolution of the county board
9.20 for conservation purposes.

9.21 Sec. 15. Minnesota Statutes 2006, section 85.054, is amended by adding a subdivision
9.22 to read:

9.23 Subd. 14. **Grand Portage State Park.** A state park permit is not required and a fee
9.24 may not be charged for motor vehicle entry or parking at the Class 1 highway rest area
9.25 parking lot located adjacent to marked Trunk Highway 61 and Pigeon River at Grand
9.26 Portage State Park.

9.27 Sec. 16. Minnesota Statutes 2006, section 86B.401, subdivision 2, is amended to read:

9.28 Subd. 2. **Temporary certificate.** A person who applies for a watercraft license may
9.29 be issued a temporary license certificate to operate the watercraft. The temporary license
9.30 certificate is valid for ~~the period of time specified by the commissioner~~ 21 days.

9.31 Sec. 17. Minnesota Statutes 2006, section 88.15, subdivision 2, is amended to read:

10.1 Subd. 2. **Not to be left burning.** Every person who starts or maintains a campfire
10.2 shall;

10.3 (1) exercise every reasonable precaution to prevent the campfire from spreading
10.4 ~~and shall;~~

10.5 (2) before lighting the campfire, clear the ground of all combustible material ~~within~~
10.6 ~~a radius of five feet from the base of the campfire. The person lighting the campfire shall;~~

10.7 (3) remain with the campfire at all times; and ~~shall~~

10.8 (4) before leaving the site, completely extinguish the campfire.

10.9 For the purposes of this section, "maintains" means tending or adding substantial
10.10 fuel to a campfire with the intention of extending the life of the campfire.

10.11 Sec. 18. Minnesota Statutes 2006, section 89.715, is amended to read:

10.12 **89.715 ALTERNATIVE RECORDING FOR STATE FOREST ROAD.**

10.13 Subdivision 1. **Authorization.** The commissioner may adopt a ~~recorded~~ state forest
10.14 road map under this section to record the department's state forest road prescriptive
10.15 easements. For purposes of this section, "~~recorded~~ state forest road map" means the
10.16 official map of state forest roads adopted by the commissioner.

10.17 Subd. 2. **Map requirements.** The ~~recorded~~ state forest road map must:

10.18 (1) show state forest roads at the time the map is adopted;

10.19 (2) be prepared at a scale ~~of at least four inches equals one mile~~ compliant with
10.20 county recorder standards;

10.21 (3) include section numbers;

10.22 (4) include a north point arrow;

10.23 (5) include the name of the county and state;

10.24 (6) include a blank and a description under the blank for the date of public hearing
10.25 and date of adoption;

10.26 (7) include blanks for signatures and dates of signatures for the commissioner; and

10.27 (8) include a list of legal descriptions of all parcels crossed by state forest road
10.28 prescriptive easements.

10.29 Subd. 3. **Procedure to adopt map.** (a) The commissioner must prepare an official
10.30 map for each county or smaller geographic area as determined by the commissioner as
10.31 provided in subdivision 2, and set a time, place, and date for a public hearing on adopting
10.32 a ~~recorded~~ state forest road map to record roads.

10.33 (b) The hearing notice must state that the roads to be recorded will be to the width of
10.34 the actual use including ditches, backslopes, fills, and maintained rights-of-way, unless
10.35 otherwise specified in a prior easement of record. The hearing notice must be published

once a week for two successive weeks in a qualified newspaper of general circulation that serves the county or smaller geographic areas as determined by the commissioner, the last publication to be made at least ten days before the date of the public hearing. At least 30 days before the hearing, the hearing notice must be sent by certified mail to the property owners directly affected in the county or smaller geographic areas as determined by the commissioner at the addresses listed on the tax assessment notices at least seven days before appearing in the qualified newspaper. The hearing notice may be sent with the tax assessment, but all additional costs incurred shall be billed to the department.

(c) After the public hearing is held, the commissioner may amend and adopt the ~~recorded~~ state forest road map. The ~~recorded~~ adopted state forest road map must be dated and signed by the commissioner and must be ~~recorded~~ filed for recording with the county recorder within 90 days after the map is adopted. The map is effective when filed with the county recorder.

(d) The ~~recorded~~ state forest road map that is recorded with the county recorder must comply with the standards of the county recorder where the state forest roads are located.

(e) A ~~recorded~~ state forest road map that was prepared by using aerial photographs to establish road centerlines and that has been duly recorded with the county recorder is an adequate description for purposes of recording road easements and the map is the legally constituted description and prevails when a deed for a parcel abutting a road contains no reference to a road easement. Nothing prevents the commissioner from accepting a more definitive metes and bounds or survey description of a road easement for a road of record if the description of the easement is referenced to equal distance on both sides of the existing road centerline.

(f) The commissioner shall consult with representatives of county land commissioners, county auditors, county recorders, and Torrens examiners in implementing this subdivision.

Subd. 4. **Appeal.** ~~(a) Before filing an appeal under paragraph (b), a person may seek resolution of concerns regarding a decision to record a road under this section by contacting the commissioner in writing.~~

~~(b) A person may appeal a decision to record or exclude recording a road under this section to the district court within 120 days after the date the commissioner adopts the state forest road map. Appeals may be filed only by property owners who are directly affected by a proposed map designation and only for those portions of the map designation that directly affect them.~~

(b) A property owner may appeal the map designation to the commissioner within 60 days of the map being recorded by filing a written request for review. The commissioner

12.1 shall review the request and any supporting evidence and render a decision within 45
12.2 days of receipt of the request for review.

12.3 (c) If a property owner wishes to appeal a decision of the commissioner after review
12.4 under paragraph (b), the property owner must file an appeal with the district court within
12.5 60 days of the commissioner's decision.

12.6 (d) If any portion of a map appealed under paragraph (b) is modified or found to be
12.7 invalid by a court of competent jurisdiction under paragraph (c), the remainder of the map
12.8 shall not be affected and its recording with the county recorder shall stand.

12.9 Subd. 5. **Unrecorded road or trail not affected.** This section does not affect or
12.10 diminish the legal status or state obligations of roads and trails not shown on the ~~recorded~~
12.11 state forest road map.

12.12 Subd. 6. **Exemption.** Adoption of a ~~recorded~~ state forest road map under this
12.13 section is exempt from the rulemaking requirements of chapter 14 and section 14.386
12.14 does not apply.

12.15 Sec. 19. Minnesota Statutes 2006, section 94.16, subdivision 3, is amended to read:

12.16 Subd. 3. **Proceeds from natural resources land.** (a) Except as provided in
12.17 paragraph (b), the remainder of the proceeds from the sale of lands that were under the
12.18 control and supervision of the commissioner of natural resources shall be credited to the
12.19 land acquisition account in the natural resources fund.

12.20 (b) The remainder of the proceeds from the sale of administrative sites under the
12.21 control and supervision of the commissioner of natural resources shall be credited to the
12.22 facilities management account established under section 84.0857 and used to acquire
12.23 facilities or renovate existing buildings for administrative use or to acquire land for,
12.24 design, and construct administrative buildings for the Department of Natural Resources.

12.25 Sec. 20. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

12.26 Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint
12.27 subcommittees of affected persons to review the reports prepared under subdivision 4;
12.28 review the proposed work plans and budgets for the coming year; propose changes
12.29 in policies, activities, and revenue enhancements or reductions; review other relevant
12.30 information; and make recommendations to the legislature and the commissioner for
12.31 improvements in the management and use of money in the game and fish fund.

12.32 (b) The commissioner shall appoint the following subcommittees, each comprised
12.33 of at least three affected persons:

13.1 (1) a Fisheries Operations Subcommittee to review fisheries funding, excluding
13.2 activities related to trout and salmon stamp funding;

13.3 (2) a Wildlife Operations Subcommittee to review wildlife funding, excluding
13.4 activities related to migratory waterfowl, pheasant, and turkey stamp funding and
13.5 excluding review of the amounts available under section 97A.075, subdivision 1,
13.6 paragraphs (b) and (c);

13.7 (3) a Big Game Subcommittee to review the report required in subdivision 4,
13.8 paragraph (a), clause (2);

13.9 (4) an Ecological ~~Services Operations~~ Resources Subcommittee to review ecological
13.10 services funding;

13.11 (5) a subcommittee to review game and fish fund funding of enforcement, ~~support~~
13.12 ~~services, and Department of Natural Resources administration and operations support;~~

13.13 (6) a subcommittee to review the trout and salmon stamp report and address funding
13.14 issues related to trout and salmon;

13.15 (7) a subcommittee to review the report on the migratory waterfowl stamp and
13.16 address funding issues related to migratory waterfowl;

13.17 (8) a subcommittee to review the report on the pheasant stamp and address funding
13.18 issues related to pheasants; and

13.19 (9) a subcommittee to review the report on the turkey stamp and address funding
13.20 issues related to wild turkeys.

13.21 (c) The chairs of each of the subcommittees shall form a Budgetary Oversight
13.22 Committee to coordinate the integration of the subcommittee reports into an annual
13.23 report to the legislature; recommend changes on a broad level in policies, activities, and
13.24 revenue enhancements or reductions; provide a forum to address issues that transcend the
13.25 subcommittees; and submit a report for any subcommittee that fails to submit its report
13.26 in a timely manner.

13.27 (d) The Budgetary Oversight Committee shall develop recommendations for a
13.28 biennial budget plan and report for expenditures on game and fish activities. By August 15
13.29 of each even-numbered year, the committee shall submit the budget plan recommendations
13.30 to the commissioner and to the senate and house committees with jurisdiction over natural
13.31 resources finance.

13.32 (e) Each subcommittee shall choose its own chair, except that the chair of the
13.33 Budgetary Oversight Committee shall be appointed by the commissioner and may not
13.34 be the chair of any of the subcommittees.

14.1 (f) The Budgetary Oversight Committee must make recommendations to the
14.2 commissioner and to the senate and house committees with jurisdiction over natural
14.3 resources finance for outcome goals from expenditures.

14.4 (g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the
14.5 Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.

14.6 Sec. 21. Minnesota Statutes 2006, section 97A.141, subdivision 1, is amended to read:

14.7 Subdivision 1. **Acquisition; generally.** The commissioner shall acquire access sites
14.8 adjacent to public waters and easements and rights-of-way necessary to connect the access
14.9 sites with public highways. The land may be acquired by gift, lease, or purchase, or by
14.10 condemnation with approval of the Executive Council. ~~An access site may not exceed~~
14.11 ~~seven acres and may only be acquired where access is inadequate.~~

14.12 Sec. 22. Minnesota Statutes 2006, section 115A.03, subdivision 21, is amended to read:

14.13 Subd. 21. **Mixed municipal solid waste.** (a) "Mixed municipal solid waste" means
14.14 garbage, refuse, and other solid waste from residential, commercial, industrial, and
14.15 community activities that the generator of the waste aggregates for collection, except as
14.16 provided in paragraph (b).

14.17 (b) Mixed municipal solid waste does not include auto hulks, street sweepings, ash,
14.18 construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid
14.19 batteries, motor and vehicle fluids and filters, and other materials collected, processed,
14.20 and disposed of as separate waste streams, ~~but does include source-separated compostable~~
14.21 ~~materials.~~

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

14.23 Sec. 23. Minnesota Statutes 2006, section 115A.03, subdivision 32a, is amended to
14.24 read:

14.25 Subd. 32a. **Source-separated compostable materials.** "Source-separated
14.26 compostable materials" means ~~mixed municipal solid waste materials~~ materials that:

14.27 (1) ~~is~~ are separated at the source by waste generators for the purpose of preparing
14.28 ~~it~~ them for use as compost;

14.29 (2) ~~is~~ are collected separately from ~~other mixed municipal solid wastes~~ waste, and
14.30 are governed by the licensing provisions of section 115A.93;

14.31 (3) ~~is~~ are comprised of food wastes, fish and animal waste, plant materials,
14.32 diapers, sanitary products, and paper that is not recyclable because the commissioner has
14.33 determined that no other person is willing to accept the paper for recycling; ~~and~~

15.1 (4) ~~is~~ are delivered to a facility to undergo controlled microbial degradation to yield
15.2 a humus-like product meeting the agency's class I or class II, or equivalent, compost
15.3 standards and where process residues do not exceed 15 percent by weight of the total
15.4 material delivered to the facility; and

15.5 (5) may be delivered to a transfer station, mixed municipal solid waste processing
15.6 facility, or recycling facility only for the purposes of composting or transfer to a
15.7 composting facility, unless the commissioner determines that no other person is willing
15.8 to accept the materials.

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

15.10 Sec. 24. **[115A.936] CONSTRUCTION DEBRIS AS COVER MATERIAL**
15.11 **PROHIBITED.**

15.12 (a) Construction debris or residuals from processed construction debris containing
15.13 any amount of gypsum shall not be managed as cover material at disposal facilities unless:

15.14 (1) residual material is managed in an industrial or construction and demolition
15.15 disposal facility equipped with a liner and leachate collection system;

15.16 (2) residual material is not mechanically pulverized or size-reduced prior to
15.17 processing, screening, or application;

15.18 (3) a maximum effort is made to remove gypsum from the waste prior to processing,
15.19 screening, or application;

15.20 (4) residual material is mixed at a ratio of one part soil to one part residual material
15.21 prior to application; and

15.22 (5) the disposal facility does not accept any amount of cover material greater than
15.23 what is operationally necessary.

15.24 (b) For the purposes of this section, "residual material" means construction debris or
15.25 residuals from processed construction debris containing any amount of gypsum.

15.26 Sec. 25. Minnesota Statutes 2006, section 116.07, subdivision 4a, is amended to read:

15.27 Subd. 4a. **Permits.** (a) The Pollution Control Agency may issue, continue in
15.28 effect or deny permits, under such conditions as it may prescribe for the prevention of
15.29 pollution, for the emission of air contaminants, or for the installation or operation of
15.30 any emission facility, air contaminant treatment facility, treatment facility, potential air
15.31 contaminant storage facility, or storage facility, or any part thereof, or for the sources
15.32 or emissions of noise pollution.

15.33 The Pollution Control Agency may also issue, continue in effect or deny permits,
15.34 under such conditions as it may prescribe for the prevention of pollution, for the storage,

collection, transportation, processing, or disposal of waste, or for the installation or operation of any system or facility, or any part thereof, related to the storage, collection, transportation, processing, or disposal of waste.

The agency may not issue a permit to a facility without analyzing and considering the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents of the geographic area within which the facility's emissions are likely to be deposited, provided that the facility is located in a community in a city of the first class in Hennepin County that meets all of the following conditions:

(1) is within a half mile of a site designated by the federal government as an EPA superfund site due to residential arsenic contamination;

(2) a majority of the population are low-income persons of color and American Indians;

(3) a disproportionate percent of the children have childhood lead poisoning, asthma, or other environmentally related health problems;

(4) is located in a city that has experienced numerous air quality alert days of dangerous air quality for sensitive populations between February 2007 and February 2008; and

(5) is located near the junctions of several heavily trafficked state and county highways and two one-way streets which carry both truck and auto traffic.

The Pollution Control Agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(b) The Pollution Control Agency has the authority for approval over the siting, expansion, or operation of a solid waste facility with regard to environmental issues. However, the agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by any applicable county ordinances. Nothing in this chapter precludes, or shall be construed to preclude, a county from enforcing land use controls, regulations, and ordinances existing at the time of the permit application and adopted pursuant to sections 366.10 to 366.181, 394.21 to 394.37, or 462.351 to 462.365, with regard to the siting, expansion, or operation of a solid waste facility.

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

Sec. 26. Minnesota Statutes 2006, section 127A.30, is amended to read:

127A.30 PERMANENT SCHOOL FUND ADVISORY COMMITTEE.

Subdivision 1. **Membership.** A state Permanent School Fund Advisory Committee is established to advise the Department of Natural Resources on the management of permanent school fund land, which is held in trust for the school districts of the state. The advisory committee must consist of the following persons or their designees: the chairs of the education committees of the legislature, the chairs of the legislative committees with jurisdiction over the K-12 education budget, the chairs of the legislative committees with jurisdiction over the environment and natural resources, the ~~chairs~~ chair of the senate Committee on Finance and the chair of the house Committee on Ways and Means, the commissioner of education, one superintendent from a nonmetropolitan district, ~~and~~ one superintendent from a metropolitan area district, one person with an expertise in forestry, one person with an expertise in minerals and mining, one person with an expertise in real estate development, one person with an expertise in renewable energy, one person with an expertise in finance and land management, and one person with an expertise in natural resource conservation. The school district superintendents shall be appointed by the commissioner of education. The committee members with areas of expertise in forestry, minerals and mining, real estate development, renewable energy, finance and land management, and natural resource conservation shall be appointed by the commissioner of natural resources. Members of the legislature shall be given the opportunity to recommend candidates for vacancies on the committee to the commissioners of education and natural resources. The advisory committee must also include a nonvoting member appointed by the commissioner of natural resources. The commissioner of natural resources shall provide administrative support to the committee. The members of the committee shall serve without compensation. The members of the Permanent School Fund Advisory Committee shall elect their chairperson and are bound by the provisions of sections 43A.38 and 116P.09, subdivision 6.

Subd. 2. **Duties.** The advisory committee shall review the policies of the Department of Natural Resources and current statutes on management of school trust fund lands at least ~~semiannually~~ annually and shall recommend necessary changes in statutes, policy, and implementation in order to ensure provident utilization of the permanent school fund lands. By January 15 of each year, the advisory committee shall submit a report to the legislature with recommendations for the management of school trust lands to secure long-term economic return for the permanent school fund, consistent with sections 92.121 and 127A.31. The committee's annual report may include recommendations to:

- (1) manage the school trust lands efficiently;
- (2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

18.1 (3) manage the sale, exchange, and commercial leasing of school trust lands to
18.2 maximize the revenues deposited in the permanent school trust fund and retain the value
18.3 from the long-term appreciation of the school trust lands; and

18.4 (4) manage the school trust lands to maximize the long-term economic return for the
18.5 permanent school trust fund while maintaining sound natural resource conservation and
18.6 management principles.

18.7 Subd. 3. **Duration.** Notwithstanding section 15.059, subdivision 5, the advisory
18.8 committee is permanent and does not expire.

18.9 Sec. 27. Minnesota Statutes 2006, section 297A.94, is amended to read:

18.10 **297A.94 DEPOSIT OF REVENUES.**

18.11 (a) Except as provided in this section, the commissioner shall deposit the revenues,
18.12 including interest and penalties, derived from the taxes imposed by this chapter in the state
18.13 treasury and credit them to the general fund.

18.14 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic
18.15 account in the special revenue fund if:

18.16 (1) the taxes are derived from sales and use of property and services purchased for
18.17 the construction and operation of an agricultural resource project; and

18.18 (2) the purchase was made on or after the date on which a conditional commitment
18.19 was made for a loan guaranty for the project under section 41A.04, subdivision 3.

18.20 The commissioner of finance shall certify to the commissioner the date on which the
18.21 project received the conditional commitment. The amount deposited in the loan guaranty
18.22 account must be reduced by any refunds and by the costs incurred by the Department of
18.23 Revenue to administer and enforce the assessment and collection of the taxes.

18.24 (c) The commissioner shall deposit the revenues, including interest and penalties,
18.25 derived from the taxes imposed on sales and purchases included in section 297A.61,
18.26 subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them
18.27 as follows:

18.28 (1) first to the general obligation special tax bond debt service account in each fiscal
18.29 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

18.30 (2) after the requirements of clause (1) have been met, the balance to the general
18.31 fund.

18.32 (d) The commissioner shall deposit the revenues, including interest and penalties,
18.33 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the
18.34 general fund. By July 15 of each year the commissioner shall transfer to the highway user

19.1 tax distribution fund an amount equal to the excess fees collected under section 297A.64,
19.2 subdivision 5, for the previous calendar year.

19.3 (e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and
19.4 for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and
19.5 penalties, transmitted to the commissioner under section 297A.65, must be deposited by
19.6 the commissioner in the state treasury as follows:

19.7 (1) 50 percent of the receipts must be deposited in the heritage enhancement account
19.8 in the game and fish fund, and may be spent only on activities that improve, enhance, or
19.9 protect fish and wildlife resources, including conservation, restoration, and enhancement
19.10 of land, water, and other natural resources of the state;

19.11 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and
19.12 may be spent only for state parks and trails;

19.13 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and
19.14 may be spent only on metropolitan park and trail grants;

19.15 (4) three percent of the receipts must be deposited in the natural resources fund, and
19.16 may be spent only on local trail grants; and

19.17 (5) two percent of the receipts must be deposited in the natural resources fund,
19.18 and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and
19.19 Conservatory, the Pine Grove Zoo in Little Falls, and the Duluth Zoo. Zoos not currently
19.20 accredited by the American Association of Zoos and Aquariums may expend funds under
19.21 this paragraph only for purposes that will assist the zoo to obtain accreditation.

19.22 (f) The revenue dedicated under paragraph (e) may not be used as a substitute
19.23 for traditional sources of funding for the purposes specified, but the dedicated revenue
19.24 shall supplement traditional sources of funding for those purposes. Land acquired with
19.25 money deposited in the game and fish fund under paragraph (e) must be open to public
19.26 hunting and fishing during the open season, except that in aquatic management areas or
19.27 on lands where angling easements have been acquired, fishing may be prohibited during
19.28 certain times of the year and hunting may be prohibited. At least 87 percent of the money
19.29 deposited in the game and fish fund for improvement, enhancement, or protection of fish
19.30 and wildlife resources under paragraph (e) must be allocated for field operations.

19.31 **Sec. 28. EASEMENT ON TAX-FORFEITED LAND; ITASCA COUNTY.**

19.32 Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary,
19.33 Itasca County may grant a 40-year easement of tax-forfeited land to the Itasca County
19.34 Regional Rail Authority for a rail line right-of-way. The easement may be canceled only
19.35 by resolution of the county board after reasonable notice for any substantial breach of the

20.1 terms of the easement. The land subject to the easement may not be sold or otherwise
20.2 conveyed by the county board during the period of the easement.

20.3 Sec. 29. **RULES.**

20.4 The commissioner of natural resources shall adopt rules to implement the changes in
20.5 law made in sections 5 to 9 and 16. The initial rules required by this section are exempt
20.6 from the rulemaking provisions of Minnesota Statutes, chapter 14. The rules are subject
20.7 to Minnesota Statutes, section 14.386, except that notwithstanding Minnesota Statutes,
20.8 section 14.386, paragraph (b), the rules continue in effect until repealed or superseded
20.9 by other law or rule.

20.10 Sec. 30. **REPEALER.**

20.11 Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b;
20.12 85.054, subdivision 3; and 97A.141, subdivision 2, and Laws 1989, chapter 335, article 1,
20.13 section 21, subdivision 8, as amended by Laws 2002, chapter 323, section 19, are repealed.