

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1839**

(SENATE AUTHORS: INGEBRIGTSEN)

DATE	D-PG	OFFICIAL STATUS
02/15/2012	3815	Introduction and first reading Referred to Environment and Natural Resources
03/01/2012		Comm report: To pass as amended and re-refer to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to natural resources; authorizing certain agency prepayments; providing
1.3 for apprentice riders; modifying aquatic invasive species provisions; modifying
1.4 local government trail authority; modifying enforcement provisions; modifying
1.5 certain bait provisions; modifying prior appropriations; eliminating certain
1.6 reporting, plan, and meeting requirements; eliminating loan program; modifying
1.7 La Salle Lake State Recreation Area administration; adding to and deleting from
1.8 state parks, state recreation areas, and state forests; authorizing private sale of
1.9 certain state lands; modifying certain easements; modifying lands withdrawn
1.10 from sale; modifying certain lease provisions; providing civil penalties;
1.11 amending Minnesota Statutes 2010, sections 16A.065; 84.631; 84.67; 84.91,
1.12 subdivision 1; 85.018, subdivision 2; 85.20, subdivision 1; 85.46, subdivision 1;
1.13 86B.331, subdivision 1; 92.45; 92.50, subdivision 1; 97A.421, subdivision 4a;
1.14 Minnesota Statutes 2011 Supplement, sections 84D.10, subdivision 4; 84D.105,
1.15 subdivision 2; 84D.13, subdivision 5; 97C.341; Laws 2007, chapter 57, article
1.16 1, section 4, subdivision 2, as amended; Laws 2010, chapter 362, section 2,
1.17 subdivision 7; Laws 2011, First Special Session chapter 2, article 1, section 4,
1.18 subdivision 7; Laws 2011, First Special Session chapter 6, article 3, section 8,
1.19 subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 84;
1.20 86B; repealing Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12,
1.21 subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705.

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

1.23 **ARTICLE 1**

1.24 **NATURAL RESOURCE POLICY**

1.25 Section 1. Minnesota Statutes 2010, section 16A.065, is amended to read:

1.26 **16A.065 PREPAY SOFTWARE, SUBSCRIPTIONS, UNITED STATES**
1.27 **DOCUMENTS.**

1.28 Notwithstanding section 16A.41, subdivision 1, the commissioner may allow an
1.29 agency to make advance deposits or payments for software or software maintenance
1.30 services for state-owned or leased electronic data processing equipment, for sole source

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

2.1 maintenance agreements where it is not cost-effective to pay in arrears, for exhibit booth
2.2 space or boat slip rental when required by the renter to guarantee the availability of space,
2.3 for short-term cash flow advances under executed grants or contracts associated with
2.4 land acquisitions, for registration fees where advance payment is required or advance
2.5 payment discount is provided, and for newspaper, magazine, and other subscription fees
2.6 customarily paid for in advance. The commissioner may also allow advance deposits by
2.7 any department with the Library of Congress and federal Supervisor of Documents for
2.8 items to be purchased from those federal agencies.

2.9 Sec. 2. Minnesota Statutes 2010, section 84.67, is amended to read:

2.10 **84.67 FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

2.11 A forests for the future revolving account is created in the natural resources fund.
2.12 Money in the account is appropriated to the commissioner of natural resources for the
2.13 acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4.
2.14 The commissioner shall sell the lands acquired under this section, subject to an easement
2.15 as provided in section 84.66. Money received from the sale of forest lands acquired
2.16 under this section and interest earned on the account shall be deposited into the account.
2.17 ~~The commissioner must file a report to the house of representatives Ways and Means~~
2.18 ~~and the senate Finance Committees and the environment and natural resources finance~~
2.19 ~~committees or divisions of the senate and house of representatives by October 1 of each~~
2.20 ~~year indicating all purchases of forest land using money from this account and sales of~~
2.21 ~~forest land for which revenue is deposited into this account.~~

2.22 Sec. 3. **84.76] APPRENTICE RIDER VALIDATION.**

2.23 Subdivision 1. Definition. For the purpose of this section, "accompanied by" means
2.24 within a distance of another person that permits uninterrupted visual contact and verbal
2.25 communication.

2.26 Subd. 2. Apprentice rider requirements. Notwithstanding sections 84.793,
2.27 84.862, 84.925, and 84.9256, a person who is age 12 or over and who does not possess a
2.28 required safety certificate may participate in up to two trail-riding events sponsored by the
2.29 commissioner in state parks, state trails, state recreation areas, and state forests that are
2.30 designed to involve apprentice riders. The person must be accompanied by an adult with a
2.31 valid safety certificate. All vehicles must be properly registered for use in Minnesota.

2.32 Sec. 4. Minnesota Statutes 2010, section 84.91, subdivision 1, is amended to read:

3.1 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or
3.2 control of any snowmobile or all-terrain vehicle shall authorize or permit any individual
3.3 the person knows or has reason to believe is under the influence of alcohol or a controlled
3.4 substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in
3.5 this state or on the ice of any boundary water of this state.

3.6 (b) No owner or other person having charge or control of any snowmobile or
3.7 all-terrain vehicle shall knowingly authorize or permit any person, who by reason of
3.8 any physical or mental disability is incapable of operating the vehicle, to operate the
3.9 snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary
3.10 water of this state.

3.11 (c) A person who operates or is in physical control of a snowmobile or all-terrain
3.12 vehicle anywhere in this state or on the ice of any boundary water of this state is subject
3.13 to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person
3.14 who is convicted of violating section 169A.20 or an ordinance in conformity with it
3.15 while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a
3.16 lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance
3.17 in conformity with it, shall be prohibited from operating ~~the~~ a snowmobile or all-terrain
3.18 vehicle for a period of one year. The commissioner shall notify the person of the time
3.19 period during which the person is prohibited from operating a snowmobile or all-terrain
3.20 vehicle.

3.21 (d) Administrative and judicial review of the operating privileges prohibition is
3.22 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior
3.23 impaired driving conviction or prior license revocation, as defined in section 169A.03.
3.24 Otherwise, administrative and judicial review of the prohibition is governed by section
3.25 169A.53.

3.26 (e) The court shall promptly forward to the commissioner and the Department of
3.27 Public Safety copies of all convictions and criminal and civil sanctions imposed under this
3.28 section and chapters 169 and 169A relating to snowmobiles and all-terrain vehicles.

3.29 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with
3.30 either of them, is guilty of a misdemeanor. A person who operates a snowmobile or
3.31 all-terrain vehicle during the time period the person is prohibited from operating a vehicle
3.32 under paragraph (c) is guilty of a misdemeanor.

3.33 Sec. 5. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is
3.34 amended to read:

4.1 Subd. 4. **Persons transporting water-related equipment.** (a) When leaving waters
4.2 of the state a person must drain water-related equipment holding water and live wells and
4.3 bilges by removing the drain plug before transporting the water-related equipment off
4.4 the water access site or riparian property.

4.5 (b) Drain plugs, bailers, valves, or other devices used to control the draining of water
4.6 from ballast tanks, bilges, and live wells must be removed or opened while transporting
4.7 water-related equipment.

4.8 (c) Emergency response vehicles and equipment may be transported on a public road
4.9 with the drain plug or other similar device replaced only after all water has been drained
4.10 from the equipment upon leaving the water body.

4.11 (d) Portable bait containers used by licensed aquatic farms, portable bait containers
4.12 when fishing through the ice except on waters designated infested for viral hemorrhagic
4.13 septicemia, and marine sanitary systems are exempt from this subdivision.

4.14 (e) A person must not dispose of bait in waters of the state.

4.15 (f) A boat lift, dock, swim raft, or associated equipment that has been removed
4.16 from any water body may not be placed in another water body until a minimum of 21
4.17 days have passed.

4.18 Sec. 6. Minnesota Statutes 2011 Supplement, section 84D.105, subdivision 2, is
4.19 amended to read:

4.20 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize
4.21 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive
4.22 species, and water. The commissioner may delegate inspection authority as provided
4.23 under paragraphs (b), (g), and (h) to tribal and local governments that assume all legal,
4.24 financial, and administrative responsibilities for inspection programs on public waters
4.25 within their jurisdiction.

4.26 (b) Inspectors may visually and tactilely inspect watercraft and water-related
4.27 equipment to determine whether aquatic invasive species, aquatic macrophytes, or water
4.28 is present. If a person transporting watercraft or water-related equipment refuses to
4.29 take required corrective actions or fails to comply with an order under section 84D.10,
4.30 subdivision 3, an inspector who is not a licensed peace officer shall refer the violation
4.31 to a conservation officer or other licensed peace officer.

4.32 (c) In addition to paragraph (b), a conservation officer or other licensed peace officer
4.33 may inspect any watercraft or water-related equipment that is stopped at a water access
4.34 site, any other public location in the state, or a private location where the watercraft or
4.35 water-related equipment is in plain view, if the officer determines there is reason to believe

5.1 that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or
5.2 water-related equipment.

5.3 (d) Conservation officers or other licensed peace officers may utilize check stations
5.4 in locations, or in proximity to locations, where watercraft or other water-related
5.5 equipment is placed into or removed from waters of the state. Any check stations shall be
5.6 operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

5.7 (e) Conservation officers or other licensed peace officers may order water-related
5.8 equipment to be removed from a water body if the commissioner determines such action is
5.9 needed to implement aquatic invasive species control measures.

5.10 (f) The commissioner may require mandatory inspections of water-related equipment
5.11 before a person places the water-related equipment into a water body. Inspection stations
5.12 may be located at or near public water accesses or in locations that allow for servicing
5.13 multiple water bodies. The commissioner shall ensure that inspection stations:

5.14 (1) have adequate staffing to minimize delays to vehicles and their occupants;

5.15 (2) allow for reasonable travel times between public accesses and inspection stations
5.16 if inspection is required before placing water-related equipment into a water body;

5.17 (3) are located so as not to create traffic delays or public safety issues;

5.18 (4) have decontamination equipment available to bring water-related equipment
5.19 into compliance; and

5.20 (5) do not reduce the capacity or hours of operation of public water accesses.

5.21 (g) The commissioner may authorize tribal and local governments to conduct

5.22 mandatory inspections of water-related equipment at specified locations within a defined

5.23 area before a person places the water-related equipment into a water body. Tribal and local
5.24 governments that are authorized to conduct inspections under this paragraph must:

5.25 (1) assume all legal, financial, and administrative responsibilities for implementing
5.26 the mandatory inspections, alone or in agreement with other tribal or local governments;

5.27 (2) employ inspectors that have been trained and authorized by the commissioner;

5.28 (3) conduct inspections and decontamination measures in accordance with guidelines
5.29 approved by the commissioner;

5.30 (4) have decontamination equipment available at inspection stations to bring
5.31 water-related equipment into compliance;

5.32 (5) provide for inspection station locations that do not create traffic delays or public
5.33 safety issues; and

5.34 (6) submit a plan approved by the commissioner according to paragraph (h).

5.35 (h) Plans required under paragraph (g) must address:

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

6.1 (1) no reduction in capacity or hours of operation of public accesses and fees that
6.2 do not discourage or limit use;

6.3 (2) reasonable travel times between public accesses and inspection stations;

6.4 (3) adequate staffing to minimize wait times and provide adequate hours of operation
6.5 at inspection stations and public accesses;

6.6 (4) adequate enforcement capacity;

6.7 (5) measures to address inspections of water-related equipment at public water
6.8 accesses for commercial entities and private riparian land owners; and

6.9 (6) other elements as required by the commissioner to ensure statewide consistency,
6.10 appropriate inspection and decontamination protocols, and protection of the state's
6.11 resources, public safety, and access to public waters.

6.12 (i) A government unit authorized to conduct inspections under this subdivision must
6.13 submit an annual report to the commissioner summarizing the results and issues related
6.14 to implementing the inspection program.

6.15 Sec. 7. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 5, is
6.16 amended to read:

6.17 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose
6.18 the following penalty amounts:

6.19 (1) for transporting aquatic macrophytes in violation of section 84D.09, ~~\$50~~ \$100;

6.20 (2) for placing or attempting to place into waters of the state water-related equipment
6.21 that has aquatic macrophytes attached, ~~\$100~~ \$200;

6.22 (3) for unlawfully possessing or transporting a prohibited invasive species other
6.23 than an aquatic macrophyte, ~~\$250~~ \$500;

6.24 (4) for placing or attempting to place into waters of the state water-related equipment
6.25 that has prohibited invasive species attached when the waters are not designated by the
6.26 commissioner as being infested with that invasive species, \$500 ~~for the first offense and~~
6.27 ~~\$1,000 for each subsequent offense~~;

6.28 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as
6.29 prescribed by rule, Eurasian water milfoil, \$100;

6.30 (6) for failing to have drain plugs or similar devices removed or opened while
6.31 transporting water-related equipment or for failing to remove plugs, open valves, and
6.32 drain water from water-related equipment, other than marine sanitary systems, before
6.33 leaving waters of the state, ~~\$50~~ \$100; and

6.34 (7) for transporting infested water off riparian property without a permit as required
6.35 by rule, \$200.

7.1 (b) A civil citation that is issued to a person who has one or more prior convictions
7.2 or final orders for violations of this chapter is subject to twice the penalty amounts listed
7.3 in paragraph (a).

7.4 Sec. 8. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

7.5 Subd. 2. **Authority of local government.** (a) A local government unit that receives
7.6 state grants-in-aid for any trail, with the concurrence of the commissioner, and the
7.7 landowner or land lessee, may:

7.8 (1) designate the trail for use by snowmobiles or for nonmotorized use from
7.9 December 1 to April 1 of any year; and

7.10 (2) issue any permit required under subdivisions 3 to 5.

7.11 (b) A local government unit that receives state grants-in-aid under section 84.794,
7.12 subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the
7.13 concurrence of the commissioner, and landowner or land lessee, may:

7.14 (1) designate the trail specifically for use at various times of the year by all-terrain or
7.15 off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring,
7.16 snowshoeing, and hiking, and for multiple use, ~~but not for motorized and nonmotorized~~
7.17 ~~use at the same time;~~ and

7.18 (2) issue any permit required under subdivisions 3 to 5.

7.19 (c) A local unit of government that receives state grants-in-aid for any trail, with the
7.20 concurrence of the commissioner and landowner or land lessee, may designate certain trails
7.21 for joint use by snowmobiles, off-highway motorcycles, all-terrain and off-road vehicles.

7.22 Sec. 9. Minnesota Statutes 2010, section 85.20, subdivision 1, is amended to read:

7.23 Subdivision 1. **Violation of rules.** Any person who, within the limits of any state
7.24 park, state monument, state recreation area, state wayside, ~~or area of state land reserved~~
7.25 ~~from sale, as provided by Laws 1923, chapter 430~~ state trail, or state forest, shall willfully
7.26 cut, injure, or destroy any live tree, shrub, timber, evergreen, or ornamental plant of any
7.27 kind, or who shall willfully injure, remove, destroy, deface, or mutilate any guideboard,
7.28 guidepost, furniture, fixture, improvement, monument, tablet, or other property of the
7.29 state of any kind, or who shall willfully violate, or fail to comply with, any rule of the
7.30 commissioner adopted ~~and promulgated in accordance with the provisions of Laws 1923,~~
7.31 ~~chapter 430~~ according to section 86A.06 for the purpose of administering these units,
7.32 ~~shall be~~ is guilty of a petty misdemeanor unless a different penalty for the act is otherwise
7.33 imposed by statute.

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

8.1 Sec. 10. Minnesota Statutes 2010, section 85.46, subdivision 1, is amended to read:

8.2 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while
8.3 riding, leading, or driving a horse on lands administered by the commissioner, except
8.4 forest roads and forest roads rights-of-way, a person 16 years of age or over shall carry in
8.5 immediate possession a valid horse pass. The pass must be available for inspection by a
8.6 peace officer, a conservation officer, or an employee designated under section 84.0835. A
8.7 person who violates any provision of this subdivision is guilty of a petty misdemeanor.

8.8 (b) A valid horse pass is not required under this section for a person riding, leading,
8.9 or driving a horse on property that is owned by the person or the person's spouse, child,
8.10 parent, or guardian.

8.11 Sec. 11. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

8.12 Subdivision 1. **Establishment.** The commissioner shall establish a statewide course
8.13 in preventing the spread of aquatic invasive species. The commissioner must develop an
8.14 educational course and testing program that address identification of aquatic invasive
8.15 species and best practices to prevent the spread of aquatic invasive species when moving
8.16 water-related equipment, as defined under section 84D.01, subdivision 18a.

8.17 Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an
8.18 aquatic invasive species trailer decal to a person that satisfactorily completes the required
8.19 course of instruction.

8.20 Subd. 3. **Contracting for services.** The commissioner may contract for services to
8.21 provide training and testing services under this section.

8.22 Sec. 12. **[86B.135] AQUATIC INVASIVE SPECIES TRAILER DECAL**
8.23 **REQUIRED.**

8.24 (a) A person may not transport watercraft or water-related equipment, as defined
8.25 under section 84D.01, subdivision 18a, with a trailer unless the person has an aquatic
8.26 invasive species trailer decal issued under section 86B.13.

8.27 (b) Aquatic invasive species trailer decals are valid for three years.

8.28 **EFFECTIVE DATE.** This section is effective July 1, 2015.

8.29 Sec. 13. Minnesota Statutes 2010, section 86B.331, subdivision 1, is amended to read:

8.30 Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or
8.31 control of a motorboat may not authorize or allow an individual the person knows or has
8.32 reason to believe is under the influence of alcohol or a controlled or other substance to
8.33 operate the motorboat in operation on the waters of this state.

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

9.1 (b) An owner or other person having charge or control of a motorboat may not
9.2 knowingly authorize or allow a person, who by reason of a physical or mental disability
9.3 is incapable of operating the motorboat, to operate the motorboat in operation on the
9.4 waters of this state.

9.5 (c) A person who operates or is in physical control of a motorboat on the waters
9.6 of this state is subject to chapter 169A. In addition to the applicable sanctions under
9.7 chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance
9.8 in conformity with it while operating a motorboat, shall be prohibited from operating
9.9 ~~the~~ a motorboat on the waters of this state for a period of 90 days between May 1 and
9.10 October 31, extending over two consecutive years if necessary. If the person operating the
9.11 motorboat refuses to comply with a lawful demand to submit to testing under sections
9.12 169A.50 to 169A.53 or an ordinance in conformity with it, the person shall be prohibited
9.13 from operating ~~the~~ a motorboat for a period of one year. The commissioner shall notify
9.14 the person of the period during which the person is prohibited from operating a motorboat.

9.15 (d) Administrative and judicial review of the operating privileges prohibition is
9.16 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior
9.17 impaired driving conviction or prior license revocation, as defined in section 169A.03.
9.18 Otherwise, administrative and judicial review of the prohibition is governed by section
9.19 169A.53.

9.20 (e) The court shall promptly forward to the commissioner and the Department of
9.21 Public Safety copies of all convictions and criminal and civil sanctions imposed under this
9.22 section and chapters 169 and 169A relating to motorboats.

9.23 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with
9.24 either of them, is guilty of a misdemeanor.

9.25 (g) For purposes of this subdivision, a motorboat "in operation" does not include a
9.26 motorboat that is anchored, beached, or securely fastened to a dock or other permanent
9.27 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

9.28 Sec. 14. Minnesota Statutes 2010, section 97A.421, subdivision 4a, is amended to read:

9.29 Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**

9.30 When a court reports to the commissioner that a person: (1) has failed to appear in court
9.31 ~~under the summons issued in response to a notice to appear or fails to comply with other~~
9.32 orders of the court regarding the appearance or proceedings for a violation of the game
9.33 and fish laws; or (2) has been convicted of violating a provision of the game and fish
9.34 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,
9.35 and refused or failed to comply with that sentence or to pay the fine or surcharge, the

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

10.1 commissioner shall suspend the game and fish license and permit privileges of the person
10.2 until notified by the court that the person has appeared in court under clause (1) or that any
10.3 fine or surcharge due the court has been paid under clause (2).

10.4 Sec. 15. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

10.5 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

10.6 (a) A person may not use live minnows imported from outside of the state, game
10.7 fish, goldfish, or carp for bait. The commissioner may, by written order published in
10.8 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on
10.9 their use. The order is exempt from the rulemaking provisions of chapter 14 and section
10.10 14.386 does not apply.

10.11 (b) A person may not import or possess live, frozen, or processed bait from known
10.12 waters where viral hemorrhagic septicemia has been identified as being present; (1)
10.13 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner
10.14 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph

10.15 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,
10.16 invertebrates, and insects used for taking wild animals in waters of the state.

10.17 (c) Cisco and rainbow smelt taken under rules adopted by the commissioner may
10.18 be used as:

10.19 (1) fresh or frozen bait only on Lake Superior; or

10.20 (2) bait that has been processed to inactivate viral hemorrhagic septicemia in a
10.21 manner prescribed by rules adopted by the commissioner.

10.22 (d) To ensure that frozen or dead fish being brought into the state are not in violation
10.23 of paragraph (b), the following paperwork must accompany the shipment. Documents
10.24 must be open for inspection by the commissioner at any reasonable time. All documents
10.25 must be available to purchasers of these bait items. Each container or package of frozen or
10.26 dead fish must have the following information:

10.27 (1) water body source;

10.28 (2) lot number;

10.29 (3) company contact including name, phone, and address;

10.30 (4) date of packaging and labeling; and

10.31 (5) valid negative fish health certification from the source water body.

10.32 Sec. 16. Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by
10.33 Laws 2009, chapter 37, article 1, section 60, is amended to read:

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

11.1	Subd. 2. Land and Mineral Resources		
11.2	Management	11,747,000	11,272,000

11.3	Appropriations by Fund		
11.4	General	6,633,000	6,230,000
11.5	Natural Resources	3,551,000	3,447,000
11.6	Game and Fish	1,363,000	1,395,000
11.7	Permanent School	200,000	200,000

11.8 \$475,000 the first year and \$475,000 the
 11.9 second year are for iron ore cooperative
 11.10 research. Of this amount, \$200,000 each year
 11.11 is from the minerals management account in
 11.12 the natural resources fund and \$275,000 each
 11.13 year is from the general fund. \$237,500 the
 11.14 first year and \$237,500 the second year are
 11.15 available only as matched by \$1 of nonstate
 11.16 money for each \$1 of state money. The
 11.17 match may be cash or in-kind.

11.18 \$86,000 the first year and \$86,000 the
 11.19 second year are for minerals cooperative
 11.20 environmental research, of which \$43,000
 11.21 the first year and \$43,000 the second year are
 11.22 available only as matched by \$1 of nonstate
 11.23 money for each \$1 of state money. The
 11.24 match may be cash or in-kind.

11.25 \$2,800,000 the first year and \$2,696,000
 11.26 the second year are from the minerals
 11.27 management account in the natural resources
 11.28 fund for use as provided in Minnesota
 11.29 Statutes, section 93.2236, paragraph (c).

11.30 \$200,000 the first year and \$200,000 the
 11.31 second year are from the state forest suspense
 11.32 account in the permanent school fund to
 11.33 accelerate land exchanges, land sales, and
 11.34 commercial leasing of school trust lands and
 11.35 to identify, evaluate, and lease construction
 11.36 aggregate located on school trust lands. This

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

12.1 appropriation is to be used for securing
12.2 maximum long-term economic return
12.3 from the school trust lands consistent with
12.4 fiduciary responsibilities and sound natural
12.5 resources conservation and management
12.6 principles.
12.7 \$15,000 the first year is for a report
12.8 by February 1, 2008, to the house and
12.9 senate committees with jurisdiction over
12.10 environment and natural resources on
12.11 proposed minimum legal and conservation
12.12 standards that could be applied to
12.13 conservation easements acquired with public
12.14 money.
12.15 \$1,201,000 the first year and \$701,000 the
12.16 second year are to support the land records
12.17 management system. Of this amount,
12.18 \$326,000 the first year and \$326,000 the
12.19 second year are from the game and fish fund
12.20 and \$375,000 the first year and \$375,000 the
12.21 second year are from the natural resources
12.22 fund. The unexpended balances are available
12.23 until June 30, 2011. ~~The commissioner~~
12.24 ~~must report to the legislative chairs on~~
12.25 ~~environmental finance on the outcomes of~~
12.26 ~~the land records management support.~~
12.27 \$500,000 the first year and \$500,000 the
12.28 second year are for land asset management.
12.29 This is a onetime appropriation.

12.30 Sec. 17. Laws 2010, chapter 362, section 2, subdivision 7, is amended to read:

12.31 Subd. 7. **Renewable Energy** -0- 3,364,000
12.32 (a) **Algae for Fuels Pilot Project**

12.33 \$900,000 is from the trust fund to the Board
12.34 of Regents of the University of Minnesota

13.1 to demonstrate an innovative microalgae
13.2 production system utilizing and treating
13.3 sanitary wastewater to produce biofuels
13.4 from algae. This appropriation is available
13.5 until June 30, 2013, by which time the
13.6 project must be completed and final products
13.7 delivered.

13.8 **(b) Sustainable Biofuels**

13.9 \$221,000 is from the trust fund to the Board
13.10 of Regents of the University of Minnesota
13.11 to determine how fertilization and irrigation
13.12 impact yields of grass monoculture and high
13.13 diversity prairie biofuel crops, their storage
13.14 of soil carbon, and susceptibility to invasion
13.15 by exotic species. This appropriation is
13.16 available until June 30, 2013, by which time
13.17 the project must be completed and final
13.18 products delivered.

13.19 **(c) Linking Habitat Restoration to Bioenergy**
13.20 **and Local Economies**

13.21 \$600,000 is from the trust fund to the
13.22 commissioner of natural resources to restore
13.23 high quality native habitats and expand
13.24 market opportunities for ~~utilizing postharvest~~
13.25 ~~restoration as a~~ using the woody by-product
13.26 material for bioenergy source, or other
13.27 products. The commissioner may provide
13.28 grants or otherwise transfer some or all
13.29 of this money to other public or private
13.30 entities to accomplish these purposes. The
13.31 commissioner may sell the material from
13.32 public or private property to any viable
13.33 market, provided that all of the proceeds
13.34 are spent to further the purposes of this
13.35 appropriation. This appropriation is available

14.1 until June 30, 2013, by which time the
 14.2 project must be completed and final products
 14.3 delivered.

14.4 **(d) Demonstrating Sustainable Energy**
 14.5 **Practices at Residential Environmental**
 14.6 **Learning Centers (RELCs)**

14.7 \$1,500,000 is from the trust fund to
 14.8 the commissioner of natural resources
 14.9 for agreements as follows: \$206,000
 14.10 with Audubon Center of the North
 14.11 Woods; \$212,000 with Deep Portage
 14.12 Learning Center; \$350,000 with Eagle
 14.13 Bluff Environmental Learning Center;
 14.14 \$258,000 with Laurentian Environmental
 14.15 Learning Center; \$240,000 with Long
 14.16 Lake Conservation Center; and \$234,000
 14.17 with Wolf Ridge Environmental Learning
 14.18 Center to implement renewable energy,
 14.19 energy efficiency, and energy conservation
 14.20 practices at the facilities. Efforts will include
 14.21 dissemination of related energy education.

14.22 Sec. 18. Laws 2011, First Special Session chapter 2, article 1, section 4, subdivision 7,
 14.23 is amended to read:

14.24 Subd. 7. **Enforcement** 31,613,000 32,225,000

14.25	Appropriations by Fund	
14.26	2012	2013
14.27 General	2,216,000	2,216,000
14.28 Natural Resources	8,868,000	9,577,000
14.29 Game and Fish	20,429,000	20,332,000
14.30 Remediation	100,000	100,000

14.31 \$1,204,000 the first year and \$1,307,000
 14.32 the second year are from the heritage
 14.33 enhancement account in the game and
 14.34 fish fund for only the purposes specified

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

15.1 in Minnesota Statutes, section 297A.94,
15.2 paragraph (e), clause (1).
15.3 \$240,000 the first year and \$143,000
15.4 the second year are from the heritage
15.5 enhancement account in the game and fish
15.6 fund for a conservation officer academy.
15.7 \$315,000 the first year and \$315,000 the
15.8 second year are from the snowmobile
15.9 trails and enforcement account in the
15.10 natural resources fund for grants to local
15.11 law enforcement agencies for snowmobile
15.12 enforcement activities. Any unencumbered
15.13 balance does not cancel at the end of the first
15.14 year and is available for the second year.
15.15 \$250,000 the first year and \$250,000 the
15.16 second year are from the all-terrain vehicle
15.17 account for grants to qualifying organizations
15.18 to assist in safety and environmental
15.19 education and monitoring trails on public
15.20 lands under Minnesota Statutes, section
15.21 84.9011. Grants issued under this paragraph:
15.22 (1) must be issued through a formal
15.23 agreement with the organization; and (2)
15.24 must not be used as a substitute for traditional
15.25 spending by the organization. By December
15.26 15 each year, an organization receiving a
15.27 grant under this paragraph shall report to the
15.28 commissioner with details on expenditures
15.29 and outcomes from the grant. ~~By January~~
15.30 ~~15, 2013, the commissioner shall report on~~
15.31 ~~the expenditures and outcomes of the grants~~
15.32 ~~to the chairs and ranking minority members~~
15.33 ~~of the legislative committees and divisions~~
15.34 ~~having jurisdiction over natural resources~~
15.35 ~~policy and finance.~~ Of this appropriation,

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

16.1 \$25,000 each year is for administration of
16.2 these grants. Any unencumbered balance
16.3 does not cancel at the end of the first year
16.4 and is available for the second year.

16.5 \$510,000 the first year and \$510,000
16.6 the second year are from the natural
16.7 resources fund for grants to county law
16.8 enforcement agencies for off-highway
16.9 vehicle enforcement and public education
16.10 activities based on off-highway vehicle use
16.11 in the county. Of this amount, \$498,000 each
16.12 year is from the all-terrain vehicle account;
16.13 \$11,000 each year is from the off-highway
16.14 motorcycle account; and \$1,000 each year
16.15 is from the off-road vehicle account. The
16.16 county enforcement agencies may use
16.17 money received under this appropriation
16.18 to make grants to other local enforcement
16.19 agencies within the county that have a high
16.20 concentration of off-highway vehicle use.

16.21 Of this appropriation, \$25,000 each year
16.22 is for administration of these grants. Any
16.23 unencumbered balance does not cancel at the
16.24 end of the first year and is available for the
16.25 second year.

16.26 \$1,082,000 the first year and \$1,082,000 the
16.27 second year are from the water recreation
16.28 account in the natural resources fund for
16.29 grants to counties for boat and water safety.
16.30 Any unencumbered balance does not cancel
16.31 at the end of the first year and is available for
16.32 the second year.

16.33 Sec. 19. Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3,
16.34 is amended to read:

17.1 Subd. 3. **Administration.** The commissioner of natural resources shall administer
17.2 the area according to Minnesota Statutes, section 86A.05, subdivision 3, subject to
17.3 existing rules and regulations for state recreation areas, except the following is permitted:
17.4 hunting, fishing, and trapping of protected species during designated seasons and dogs
17.5 under control for hunting purposes during regular hunting seasons. La Salle Lake State
17.6 Recreation Area shall be administered as a satellite unit of Itasca State Park.

17.7 Sec. 20. **REPEALER.**

17.8 Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5;
17.9 89.06; 90.042; 97A.4742, subdivision 4; and 103G.705, are repealed.

17.10 **ARTICLE 2**

17.11 **STATE LANDS**

17.12 Section 1. Minnesota Statutes 2010, section 84.631, is amended to read:

17.13 **84.631 ROAD EASEMENTS ACROSS STATE LANDS.**

17.14 (a) Except as provided in section 85.015, subdivision 1b, the commissioner of natural
17.15 resources, on behalf of the state, may convey a road easement across state land under the
17.16 commissioner's jurisdiction ~~other than school trust land~~, to a private person requesting an
17.17 easement for access to property owned by the person only if the following requirements
17.18 are met: (1) there are no reasonable alternatives to obtain access to the property; and (2)
17.19 the exercise of the easement will not cause significant adverse environmental or natural
17.20 resource management impacts.

17.21 (b) The commissioner shall:

17.22 (1) require the applicant to pay the market value of the easement;

17.23 (2) limit the easement term to 50 years if the road easement is across school trust
17.24 land;

17.25 ~~(2)~~ (3) provide that the easement reverts to the state in the event of nonuse; and

17.26 ~~(3)~~ (4) impose other terms and conditions of use as necessary and appropriate under
17.27 the circumstances.

17.28 (c) An applicant shall submit an application fee of \$2,000 with each application
17.29 for a road easement across state land. The application fee is nonrefundable, even if the
17.30 application is withdrawn or denied.

17.31 (d) In addition to the payment for the market value of the easement and the
17.32 application fee, the commissioner of natural resources shall assess the applicant a
17.33 monitoring fee to cover the projected reasonable costs for monitoring the construction of

18.1 the road and preparing special terms and conditions for the easement. The commissioner
18.2 must give the applicant an estimate of the monitoring fee before the applicant submits
18.3 the fee. The applicant shall pay the application and monitoring fees to the commissioner
18.4 of natural resources. The commissioner shall not issue the easement until the applicant
18.5 has paid in full the application fee, the monitoring fee, and the market value payment for
18.6 the easement.

18.7 (e) Upon completion of construction of the road, the commissioner shall refund the
18.8 unobligated balance from the monitoring fee revenue.

18.9 (f) Fees collected under paragraphs (c) and (d) must be credited to the land
18.10 management account in the natural resources fund and are appropriated to the
18.11 commissioner of natural resources to cover the reasonable costs incurred under this section.

18.12 Sec. 2. Minnesota Statutes 2010, section 92.45, is amended to read:

18.13 **92.45 STATE LAND ON ~~MEANDERED LAKES WITHDRAWN FROM SALE~~**
18.14 **PUBLIC WATERS.**

18.15 ~~All state lands bordering on or adjacent to meandered lakes and other public waters~~
18.16 ~~and watercourses, with the live timber growing on them, are withdrawn from sale except~~
18.17 ~~as provided in this section. The commissioner of natural resources may sell the timber as~~
18.18 ~~otherwise provided by law for cutting and removal under conditions the commissioner~~
18.19 ~~prescribes. The conditions must be in accordance with approved, sustained-yield forestry~~
18.20 ~~practices. The commissioner must reserve the timber and impose other conditions the~~
18.21 ~~commissioner deems necessary to protect watersheds, wildlife habitat, shorelines, and~~
18.22 ~~scenic features.~~ (a) Within the area in Cook, Lake, and St. Louis Counties described in
18.23 the Act of Congress approved July 10, 1930, (Statutes at Large, volume 46, page 1020),
18.24 the timber on state lands is subject to restrictions like those now imposed by the act on
18.25 federal lands.

18.26 (b) The following land is reserved for public travel: of all state-owned land
18.27 bordering on or adjacent to meandered lakes and other public waters and watercourses
18.28 ~~and withdrawn from sale~~, a strip two rods wide, the ordinary high-water mark being
18.29 its waterside boundary, and its landside boundary a line drawn parallel to the ordinary
18.30 high-water mark and two rods distant landward from it. Wherever the conformation of the
18.31 shore line or conditions require, the commissioner must reserve a wider strip.

18.32 ~~Except for sales under section 282.018, subdivision 1, when a state agency or any~~
18.33 ~~other unit of government requests the legislature to authorize the sale of state lands~~
18.34 ~~bordering on or adjacent to meandered lakes and other public waters and watercourses, the~~
18.35 ~~commissioner shall evaluate the lands and their public benefits and make recommendations~~

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

19.1 ~~on the proposed dispositions to the committees of the legislature with jurisdiction~~
19.2 ~~over natural resources. The commissioner shall include any recommendations of the~~
19.3 ~~commissioner for disposition of lands withdrawn from sale under this section over which~~
19.4 ~~the commissioner has jurisdiction. The commissioner's recommendations may include a~~
19.5 ~~public sale, sale to a private party, acquisition by the commissioner for public purposes,~~
19.6 ~~retention of a conservation easement for shoreland preservation by the commissioner~~
19.7 ~~under chapter 84C, or a cooperative management agreement with, or transfer to, another~~
19.8 ~~unit of government.~~

19.9 (c) The commissioner may sell state lands bordering on or adjacent to the Mississippi
19.10 River or any lakes, waters, and watercourses in its bottom lands, desired or needed by the
19.11 United States government for, or in connection with, any project heretofore authorized
19.12 by Congress, to improve navigation in the Mississippi River at public sale according
19.13 to law, as in other cases, upon application by an authorized United States official. The
19.14 application must describe the land and include a map showing its location with reference
19.15 to adjoining properties.

19.16 Sec. 3. Minnesota Statutes 2010, section 92.50, subdivision 1, is amended to read:

19.17 Subdivision 1. **Lease terms.** (a) The commissioner of natural resources may lease
19.18 land under the commissioner's jurisdiction and control:

19.19 (1) to remove sand, gravel, clay, rock, marl, peat, and black dirt;

19.20 (2) to store ore, waste materials from mines, or rock and tailings from ore milling
19.21 plants;

19.22 (3) for roads or railroads; or

19.23 (4) for other uses consistent with the interests of the state.

19.24 (b) The commissioner shall offer the lease at public or private sale for an amount
19.25 and under terms and conditions prescribed by the commissioner. Commercial leases for
19.26 more than ten years and leases for removal of peat that cover 320 or more acres must be
19.27 approved by the Executive Council.

19.28 (c) The lease term may not exceed ~~ten~~ 21 years except:

19.29 (1) leases of lands for storage sites for ore, waste materials from mines, or rock and
19.30 tailings from ore milling plants, or for the removal of peat for nonagricultural purposes
19.31 may not exceed a term of 25 years; and

19.32 ~~(2) leases for the use of peat lands for agricultural purposes may not exceed 21~~
19.33 ~~years; and~~

19.34 ~~(3)~~ (2) leases for commercial purposes, including major resort, convention center, or
19.35 recreational area purposes, may not exceed a term of 40 years.

20.1 (d) Leases must be subject to sale and leasing of the land for mineral purposes and
20.2 contain a provision for cancellation for just cause at any time by the commissioner upon
20.3 six months' written notice. A longer notice period, not exceeding three years, may be
20.4 provided in leases for storing ore, waste materials from mines or rock or tailings from ore
20.5 milling plants. The commissioner may determine the terms and conditions, including the
20.6 notice period, for cancellation of a lease for the removal of peat and commercial leases.

20.7 (e) Money received from leases under this section must be credited to the fund to
20.8 which the land belongs.

20.9 **Sec. 4. DELETIONS FROM STATE PARKS.**

20.10 **Subdivision 1. [85.012] [Subd. 28] Interstate State Park, Chisago County.** The
20.11 following area is deleted from Interstate State Park: that part of Lots 8, 9, and 10 of Block
20.12 35 of the Plat of the Town of Taylor's Falls, on file and of record in the Chisago County
20.13 Recorder's Office, described as follows: beginning at the northwest corner of said Lot 10;
20.14 thence on an assumed bearing of South 08 degrees 05 minutes 41 seconds West 151.46 feet
20.15 along the west line of said Lots 10, 9, and 8 to the southwest corner of said Lot 8; thence
20.16 South 89 degrees 51 minutes 29 seconds East 160.00 feet along the south line of said Lot 8;
20.17 thence North 00 degrees 30 minutes 25 seconds East 150.00 feet to a point which is 140.00
20.18 feet east of the northwest corner of said Lot 10 as measured along the north line thereof;
20.19 thence North 89 degrees 51 minutes 29 seconds West 140.00 feet to the point of beginning.

20.20 **Subd. 2. [85.012] [Subd. 40] McCarthy Beach State Park, St. Louis County.**
20.21 The following area is deleted from McCarthy Beach State Park: that part of Government
20.22 Lot 1, Section 20, Township 60 North, Range 21 West, St. Louis County, Minnesota,
20.23 described as follows: commencing at meander corner #6 on the north line of said section;
20.24 thence North 89 degrees 49 minutes 20 seconds East, assumed bearing, along the north
20.25 line of said section 100.00 feet to the point of beginning; thence South 31 degrees 35
20.26 minutes 24 seconds East 409.70 feet to the centerline of McCarthy Beach Road; thence
20.27 North 20 degrees 47 minutes 12 seconds East along said centerline 374.52 feet to the north
20.28 line of said section; thence South 89 degrees 49 minutes 20 seconds West along the north
20.29 line of said section 347.53 feet to the point of beginning.

20.30 **Sec. 5. ADDITIONS TO STATE RECREATION AREAS.**

20.31 **Subdivision 1. [85.013] [Subd. 11b] Greenleaf Lake State Recreation Area,**
20.32 **Meeker County.** The following area is added to the Greenleaf Lake State Recreation
20.33 Area, Meeker County: the Southwest Quarter of the Northwest Quarter and Government

S.F. No. 1839, as introduced - 87th Legislative Session (2011-2012) [12-4092]

21.1 Lots 5, 6, 7, and 8, all in Section 20, Township 118 North, Range 30 West, Meeker County,
21.2 Minnesota, LESS AND EXCEPT the following two tracts:

21.3 (1) that part of Government Lot 8, Section 20, Township 118 North, Range 30 West,
21.4 lying North of the south line of said Section 20 and East of a line at right angles to and
21.5 beginning at a point on said line 734.6 feet East of its intersection with the centerline of
21.6 County Road No. 169; and

21.7 (2) all that part of Government Lots 7 and 8 of Section 20, Township 118 North,
21.8 Range 30 West, lying West of County Road No. 169.

21.9 **Subd. 2. [85.013] [Subd. 12a] Iron Range Off-Highway Vehicle Recreation**
21.10 **Area, St. Louis County.** The following areas are added to the Iron Range Off-Highway
21.11 Vehicle Recreation Area:

21.12 (1) that part of the Northwest Quarter of the Southwest Quarter, Section 25,
21.13 Township 58 North, Range 17 West, St. Louis County, Minnesota, lying southeasterly
21.14 of the DM & IR Railroad; and

21.15 (2) the East 100 feet of the Southeast Quarter of Section 26, Township 58 North,
21.16 Range 17 West, St. Louis County, Minnesota.

21.17 **Sec. 6. DELETION FROM STATE RECREATION AREA.**

21.18 **[85.013] [Subd. 12a] Iron Range Off-Highway Vehicle Recreation Area, St.**
21.19 **Louis County.** The following areas are deleted from the Iron Range Off-Highway Vehicle
21.20 Recreation Area:

21.21 (1) that part of the Northeast Quarter of the Southeast Quarter, the Northwest
21.22 Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, all
21.23 in Section 26, Township 58 North, Range 17 West, St. Louis County, Minnesota, lying
21.24 northwesterly of the Gilbert mine pit in said section;

21.25 (2) that part of the Southwest Quarter of the Northeast Quarter, Section 35, Township
21.26 58 North, Range 17 West, St. Louis County, Minnesota, lying northwesterly of Deep
21.27 Lake in said section; and

21.28 (3) the South Half of Section 36, except the Southeast Quarter of the Southwest
21.29 Quarter, all in Township 58 North, Range 17 West, St. Louis County, Minnesota.

21.30 **Sec. 7. DELETION FROM STATE FOREST.**

21.31 **[89.021] [Subd. 18] Fond du Lac State Forest.** The following areas are deleted
21.32 from the Fond du Lac State Forest:

21.33 (1) that part of Section 7 lying east of State Highway 23 and Sections 18, 19, and 30
21.34 of Township 48 North, Range 15 West; and

22.1 (2) that part of Sections 13 and 24 lying east of State Highway 23 and Section
22.2 25 of Township 48 North, Range 16 West.

22.3 Sec. 8. **ADDITION TO STATE FOREST.**

22.4 **[89.021] [Subd. 35] Nemadji State Forest.** The following areas are added to
22.5 the Nemadji State Forest:

22.6 (1) that part of Section 7 lying east of State Highway 23 and Sections 18, 19, and 30
22.7 of Township 48 North, Range 15 West; and

22.8 (2) that part of Sections 13 and 24 lying east of State Highway 23 and Section
22.9 25 of Township 48 North, Range 16 West.

22.10 Sec. 9. **PRIVATE SALE OF SURPLUS STATE LAND; DAKOTA COUNTY.**

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

22.14 (b) The conveyance must be in a form approved by the attorney general. The
22.15 attorney general may make necessary changes to the legal description to correct errors
22.16 and ensure accuracy. The commissioner may sell to the United States for less than the
22.17 value of the land, as determined by the commissioner, but the conveyance must provide
22.18 that the land be managed for conservation purposes and reverts to the state if the United
22.19 States fails to manage the land for conservation purposes.

22.20 (c) The land that may be sold is located in Dakota County and is described as: that
22.21 part of the West Half of the Northeast Quarter of Section 34, Township 27 North, Range
22.22 24 West, lying northwesterly of the Chicago and North Western Transportation Company
22.23 Railroad, and that part of the East Half of the Northwest Quarter of Section 34, Township
22.24 27 North, Range 24 West, described as follows: beginning at the northeast corner of said
22.25 East Half of the Northwest Quarter; thence on an assumed bearing of South 89 degrees 49
22.26 minutes 47 seconds West along the north line of said East Half of the Northwest Quarter, a
22.27 distance of 127.6 feet; thence South 24 degrees 20 minutes 13 seconds West, a distance of
22.28 437.59 feet; thence South 47 degrees 28 minutes 32 seconds West, a distance of 522.97
22.29 feet; thence South 1/2 degree 31 minutes 28 seconds East, a distance of 866.39 feet to the
22.30 northwesterly line of the Chicago and North Western Transportation Company Railroad;
22.31 thence North 44 degrees 39 minutes 07 seconds East, along said northwesterly line, a
22.32 distance of 130.52 feet to the east line of said East Half of the Northwest Quarter; thence
22.33 North 00 degrees 42 minutes 27 seconds East, along the east line of said East Half of

23.1 the Northwest Quarter, a distance of 1,487.79 feet to the point of beginning; containing
23.2 30.72 acres, more or less.

23.3 (d) The Department of Natural Resources has determined that the state's land
23.4 management interests would best be served if the land was conveyed to the United States.
23.5 The land was part of the Black Dog Preserve Scientific and Natural Area, which was
23.6 de-designated by the commissioner, effective November 21, 2011. The United States,
23.7 acting by and through the United States Fish and Wildlife Service, wishes to acquire the
23.8 land for inclusion in the Minnesota Valley National Wildlife Refuge.

23.9 **Sec. 10. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
23.10 **WATER; ST. LOUIS COUNTY.**

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

23.14 (b) The conveyance must be in a form approved by the attorney general. The
23.15 attorney general may make necessary changes to the legal description to correct errors and
23.16 ensure accuracy. The conveyance must be subject to the perpetual easement described in
23.17 paragraph (d).

23.18 (c) The land that may be sold is located in St. Louis County and is described as:
23.19 that part of Government Lot 1, Section 20, Township 60 North, Range 21 West, St. Louis
23.20 County, Minnesota, described as follows: commencing at meander corner #6 on the
23.21 north line of said section; thence North 89 degrees 49 minutes 20 seconds East, assumed
23.22 bearing, along the north line of said section 100.00 feet to the point of beginning; thence
23.23 South 31 degrees 35 minutes 24 seconds East 409.70 feet to the centerline of McCarthy
23.24 Beach Road; thence North 20 degrees 47 minutes 12 seconds East along said centerline
23.25 374.52 feet to the north line of said section; thence South 89 degrees 49 minutes 20
23.26 seconds West along the north line of said section 347.53 feet to the point of beginning,
23.27 containing 1.4 acres, more or less. Subject to existing easements of record.

23.28 (d) Prior to the sale of the land described in paragraph (c), the commissioner shall
23.29 convey a perpetual easement according to Minnesota Statutes, section 84.631, for the
23.30 benefit of Lots 50, 51, and 52 of the Plat of McCarthy's Beach over and across an existing
23.31 driveway being a strip of land 16.5 feet in width, lying 8.25 feet on each side of the
23.32 following described centerline: commencing at meander corner #6 on the north line of
23.33 Section 20; thence North 89 degrees 49 minutes 20 seconds East, assumed bearing, along
23.34 the north line of said section 196.98 feet to the centerline of an existing driveway and the
23.35 point of beginning; thence South 20 degrees 14 minutes 17 seconds East 54.79 feet;

24.1 thence South 17 degrees 53 minutes 29 seconds East 47.03 feet; thence South 04 degrees
24.2 05 minutes 31 seconds East 44.44 feet; thence South 06 degrees 18 minutes 21 seconds
24.3 West 61.38 feet; thence South 04 degrees 27 minutes 18 seconds West 53.03 feet; thence
24.4 South 01 degree 47 minutes 03 seconds East 90.46 feet, more or less, to the centerline of
24.5 McCarthy Beach Road and there terminating, containing 0.13 acres, more or less.

24.6 (e) The land to be sold is part of a parcel that borders Big Sturgeon Lake. The
24.7 Department of Natural Resources has determined that the land is not needed for natural
24.8 resource purposes and that the state's land management interests would be best served if
24.9 the land were conveyed to an adjacent landowner to resolve an inadvertent trespass.

24.10 **Sec. 11. PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

24.11 (a) Notwithstanding Minnesota Statutes, section 282.01, subdivision 1a, paragraph
24.12 (b), St. Louis County may convey to Independent School District No. 704 at less than
24.13 market value for use as a school forest under Minnesota Statutes, section 89.41, the
24.14 tax-forfeited land that is described in paragraph (c).

24.15 (b) The conveyance must be in a form approved by the attorney general. The
24.16 attorney general may make necessary changes to the legal description to correct errors
24.17 and ensure accuracy. The conveyance must provide that the land be used for a school
24.18 forest and reverts to the state if the school district abandons the school forest use. The
24.19 conveyance also must provide that, notwithstanding Minnesota Statutes, section 282.01,
24.20 subdivision 1d, paragraphs (b) and (d), the property conveyed under this section is not
24.21 eligible for release from the use restriction and reverter.

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

24.23 (1) the Northeast Quarter of the Southeast Quarter, Section 11, Township 49 North,
24.24 Range 15 West, St. Louis County, Minnesota, excepting therefrom all that part of the
24.25 Northeast Quarter of the Southeast Quarter of Section 11, Township 49 North, Range 15
24.26 West, which lies within 50 feet on each side of a line described as follows:

24.27 Commencing at a point on the easterly line of said Northeast Quarter of the
24.28 Southeast Quarter distant 618.04 feet North from the southeast corner of said forty;
24.29 thence northerly at an angle of 85 degrees, 12 minutes West a distance 1.84 feet to
24.30 a point; thence southerly at an angle of 42 degrees, 02 minutes West a distance of
24.31 54.28 feet to a point; thence southerly at an angle of 20 degrees, 58 minutes East
24.32 a distance of 154.36 feet to a point; thence southerly at an angle of 43 degrees, 14
24.33 minutes West a distance of 565 feet to a point on the southerly boundary line of said
24.34 forty distant 387 feet westerly from the southeast corner of said forty containing 0.71
24.35 acres more or less; and

25.1 (2) the Southeast Quarter of the Southeast Quarter, Section 11, Township 49
25.2 North, Range 15 West, St. Louis County, Minnesota, excepting therefrom the following
25.3 described two parcels:

25.4 (i) all that part of the Southeast Quarter of the Southeast Quarter of Section 11,
25.5 Township 49 North, Range 15 West, which lies within 50 feet on each side of a line
25.6 described as follows:

25.7 Commencing at a point on the northerly boundary line of said Southeast Quarter
25.8 of Southeast Quarter distant 387 feet West of the northeast corner of said forty;
25.9 thence southerly at an angle of 43 degrees, 14 minutes West a distance of 587 feet
25.10 more or less to a point; thence southerly at an angle of 54 degrees, 31 minutes West
25.11 a distance of 208.91 feet to a point; thence southerly at an angle of 31 degrees, 31
25.12 minutes West a distance of 152.06 feet to a point; then southerly at an angle of 13
25.13 degrees, 57 minutes West a distance of 238.59 feet to a point; thence southerly at an
25.14 angle of 34 degrees, 07 minutes West a distance of 437 feet more or less to a point
25.15 on the westerly line of said forty, a distance of 45 feet more or less North of the
25.16 southwest corner of said forty containing 3.63 acres more or less; and

25.17 (ii) that part lying southeasterly of a line run parallel with and distant 100 feet
25.18 northwesterly of the following described line:

25.19 Beginning at a point on the south line of said Section 11, distant 157.2 feet West of
25.20 the southeast corner thereof; thence run northeasterly to a point on the east line of
25.21 said Section 11, distant 169.0 feet North of said southeast corner.

25.22 (d) The county has determined that the county's land management interests would
25.23 best be served if the land were conveyed to the local school district.

APPENDIX
Article locations in 12-4092

ARTICLE 1 NATURAL RESOURCE POLICY Page.Ln 1.23
ARTICLE 2 STATE LANDS Page.Ln 17.10