

## CHAPTER 254—S.F.No. 1533

*An act relating to the organization and operation of state government; appropriating money for environmental, natural resources, and agricultural purposes; regulating the amounts, impositions, and processing of various fees prescribed for various licenses issued and activities regulated by the departments of agriculture and natural resources; amending Minnesota Statutes 1990, sections 14.18; 16A.123, subdivision 5; 18.191; 18.46, subdivisions 6, 9, and by adding a subdivision; 18.49, subdivision 2; 18.51; 18.52, subdivisions 1 and 5; 18.54, subdivision 2; 18.55; 18.56; 18.57; 18.60; 27.19, subdivision 1; 28A.08; 29.22; 31.39; 32.394, subdivisions 8, 8b, and by adding a subdivision; 41A.09, subdivision 3; 84.0855; 84.82, subdivisions 2 and 3; 84.944, subdivision 2; 84.96, subdivision 5; 85.015, by adding a subdivision; 85.053, subdivision 5; 85.055, subdivision 1; 85.22, subdivisions 1 and 2a; 86B.415, subdivision 7; 92.67, subdivision 1; 97A.075, subdivision 2; 97A.015, subdivision 53; 97A.141, by adding a subdivision; 97A.325, subdivision 2; 97A.431, subdivision 2; 97A.435, subdivision 2; 97A.475, subdivisions 2, 3, and 7; 97A.485, subdivision 7; 97B.601, subdivision 4; 97B.721; 103B.321, subdivision 1; 116.07, subdivision 4d; 116P.05; 116P.06; 116P.07; 116P.08, subdivisions 3 and 4; 116P.09, subdivisions 2, 4, and 7; and Laws 1987, chapter 396, article 6, section 2; proposing coding for new law in Minnesota Statutes, chapters 17; 84; 88; 137; and 325F; repealing Minnesota Statutes 1990, section 116.06.*

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

## ARTICLE 1

## APPROPRIATIONS

## Section 1. ENVIRONMENT AND NATURAL RESOURCES; APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1991," "1992," and "1993," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1991, June 30, 1992, or June 30, 1993, respectively.

## SUMMARY BY FUND

	1992	1993	TOTAL
General	\$143,129,500	\$139,929,500	\$283,059,000
Environmental	17,740,000	19,687,000	37,427,000
Metro Landfill			
Contingency Trust	1,663,000	797,000	2,460,000
Special Revenue	1,040,000	1,040,000	2,080,000
Natural Resources	18,612,000	17,334,000	35,946,000
Game and Fish	49,609,000	50,733,000	100,342,000
Permanent School Trust	565,000	635,000	1,200,000
Minnesota Resources	16,534,000	-0-	16,534,000

Environmental Trust	14,960,000	-0-	14,960,000
Oil Overcharge	3,500,000	-0-	3,500,000
TOTAL	267,352,500	230,155,500	497,508,000
APPROPRIATIONS			
Available for the Year			
Ending June 30			
		1992	1993

Sec. 2. POLLUTION CONTROL  
AGENCY

Subdivision 1. Total Appropriation		30,884,000	30,013,000
	1992	1993	
Approved Complement -	700	685	
General -	185	160	
Environmental -	205	215	
Federal -	235	235	
Metro Landfill			
Contingency -	2	2	
Special Revenue -	73	73	
	Summary by Fund		
General	11,603,000	9,651,000	
Environmental	16,763,000	18,710,000	
Metro Landfill			
Contingency	1,663,000	797,000	
Special Revenue	855,000	855,000	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Water Pollution Control

	7,162,000	5,588,000	
	Summary by Fund		
General	5,275,000	3,633,000	
Environmental	1,887,000	1,955,000	

\$1,280,000 the first year is for grants to local units of government for the clean water partnership program. Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

\$100,000 the first year is for grants to municipalities who have experienced catastrophic failure of wastewater treatment facilities resulting from unstable geological formations and which

required immediate action to avoid impacts to drinking water supplies.

\$250,000 the first year is for a grant to the Western Lake Superior Sanitary Sewer District for the payment of debt service.

Subd. 3. Air Pollution Control

	4,626,000	5,866,000	
		Summary by Fund	
General		454,000	-0-
Environmental		3,317,000	5,011,000
Special Revenue		855,000	855,000

Subd. 4. Groundwater and Solid Waste Pollution Control

	10,038,000	9,366,000	
		Summary by Fund	
General		2,124,000	2,313,000
Environmental		6,259,000	6,264,000
Metro Landfill			
Contingency		1,655,000	789,000

All money in the environmental response, compensation, and compliance account in the environmental fund not otherwise appropriated is appropriated to the commissioner of finance for transfer to the pollution control agency and the commissioner of agriculture for purposes of Minnesota Statutes, section 115B.20, subdivision 2, clauses (1), (2), (3), (4), (11), (12), and (13). This appropriation is available until June 30, 1993.

\$1,000,000 the first year and \$1,000,000 the second year are appropriated from the motor vehicle transfer account for transfer to the environmental response, compensation, and compliance account in the environmental fund.

All money in the metropolitan landfill abatement account in the environmental fund not otherwise appropriated is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council

for the purposes of Minnesota Statutes, section 473.844. The council shall report to the legislative commission on waste management its budget and work program for spending this appropriation.

Any unencumbered balance from the metropolitan landfill contingency action trust fund remaining in the first year does not cancel but is available for the second year.

\$92,000 the first year and \$127,000 the second year is for a grant to the department of administration for assistance in funding a central materials recovery facility. Any unencumbered balance at the end of the first year does not cancel and is available for the second year.

Subd. 5. Hazardous Waste Pollution Control

4,993,000	5,095,000	
	Summary by Fund	
General	1,786,000	1,782,000
Environmental	3,207,000	3,313,000

Subd. 6. Regional Support Environmental

52,000	52,000
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The commissioner shall prepare a study on regionalization for presentation to the chairs of the house and senate committees on governmental operations, the house appropriations committee and the senate finance committee by January 15, 1992. The study shall identify options and costs associated with relocating specific agency functions to locations other than the agency's central office. The report shall identify the specific functions that would be relocated, the rationale used for selecting these specific functions for relocation, the geographic areas of the state that would receive these functions, the numbers of personnel involved in the relocation,

the impact on service to the public of the proposed relocations, an implementation strategy for the proposed plan and the costs associated with the regionalization of these functions in comparison to the savings, if any, accrued from the relocation.

Subd. 7. General Support

	5,250,000	5,343,000	
		Summary by Fund	
General		2,104,000	2,123,000
Environmental		2,041,000	2,115,000
Metro Landfill			
Contingency		8,000	8,000

Subd. 8. General Reduction

	(140,000)	(200,000)
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Sec. 3. OFFICE OF WASTE MANAGEMENT

		20,783,000	20,525,000
	1992	1993	
Approved Complement -	53	53	
General -	49	49	
Environmental -	3	3	
Federal -	1	1	
	Summary by Fund		
General	19,936,000	19,678,000	
Environmental	847,000	847,000	

\$14,008,000 the first year and \$14,008,000 the second year are for SCORE block grants to counties.

\$250,000 the first year is to develop markets for mixed municipal solid waste compost and to improve model operations at existing mixed municipal solid waste composting facilities that will improve the marketability of the compost product. This appropriation is available only as matched by an equal amount of private money. Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

The director, in cooperation with the pollution control agency and the legislative commission on waste management

shall study mechanisms for assessing the costs of waste disposal to the source of particular types of waste based on the impact that the particular waste has on the waste stream and the environment. The study should develop recommendations for a fee structure and identify the costs associated with implementing a fee structure for disposal based on the type of waste being disposed. A report shall be submitted to the legislative commission on waste management for consideration by January 1992.

Sec. 4. ZOOLOGICAL BOARD		8,971,000	8,826,000
	1992	1993	
Approved Complement -	159	159	
General -	141	141	
Special Revenue -	15	15	
Gift -	3	3	

\$125,000 in the first year is for major maintenance. In addition, any revenue received from the proposed bird amphitheater admissions sales during fiscal year 1993, beyond the first \$400,000 in revenue from this particular revenue source is available for use by the board for major maintenance until expended.

#### Sec. 5. NATURAL RESOURCES

Subdivision 1. Total Appropriation		147,088,000	146,384,000
	1992	1993	
Agency Approved -			
Full-Time Equivalency	2,721	2,721	
	Summary by Fund		
General	78,302,000	77,682,000	
Game and Fish	49,609,000	50,733,000	
Natural Resources	18,612,000	17,334,000	
Permanent School	565,000	635,000	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Of the total amount appropriated to the commissioner by this act, no more than \$99,500,000 the first year and \$99,000,000 the second year may be

used for salary related expenses unless adjusted in accordance with the provisions of Minnesota Statutes, section 16A.123, subdivision 5.

Subd. 2. Mineral Resources Management

5,295,000	5,272,000
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\$325,000 the first year and \$325,000 the second year are for iron ore cooperative research, of which \$200,000 the first year and \$200,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$844,000 the first year and \$826,000 the second year are for mineral diversification. Any unencumbered balance remaining in the first year does not cancel but is available for the second year. The commissioner is authorized one position in the unclassified service for minerals diversification.

Subd. 3. Water Resources Management

8,641,000	7,965,000
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Summary by Fund

General	8,544,000	7,866,000
Natural Resources	97,000	99,000

\$1,107,000 the first year and \$1,106,000 the second year are available for shoreland management grants to include \$85,000 each year of the biennium for a grant to the North Shore Management Board. Pursuant to existing law and department rules, the metropolitan area shall be considered in distribution of these funds. The unencumbered balance at the end of the first year does not cancel and is available for the second year.

\$75,000 the first year and \$75,000 the second year is to conduct the stream maintenance program under Minnesota

Statutes, section 103G.701. Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

\$10,000 the first year is available for stream stabilization on the Snake River.

**\* (The preceding sentence beginning "\$10,000" was vetoed by the governor.)**

\$135,000 of this appropriation in the first year is from the general fund for a loan to the city of Fridley for the purpose of reconstructing the Locke Lake dam pursuant to Minnesota Statutes, section 103G.511, subdivision 10. Notwithstanding Minnesota Statutes, section 103G.511, subdivision 10, clause (e), principal and interest payments received by the commissioner of finance in repayment of the loan shall be deposited in the general fund.

\$150,000 of this appropriation is for a grant to the city of Fridley for the purpose of reconstructing the Locke Lake dam.

Subd. 4. Forest Management

23,155,000	23,311,000
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\$750,000 the first year and \$750,000 the second year are for emergency fire fighting. Of this amount, \$500,000 the first year and \$550,000 the second year are for presuppression costs of emergency fire fighting and are not subject to transfer. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. If these appropriations are insufficient to cover all costs of suppression, the amount necessary to pay for emergency firefighting expenses during the biennium is appropriated from the general fund.

\$343,000 the first year and \$343,000 the second year are for grants to the



University of Minnesota College of Natural Resources. \$147,000 of this amount each year is for hybrid aspen and hybrid larch research and development at the North Central Experiment Station at Grand Rapids. \$196,000 of this amount each year is for the paper science and recycling program.

\$120,000 the first year and \$120,000 the second year from the general fund under Minnesota Statutes, section 89.04, are for grants to the board of water and soil resources for cost-sharing with landowners in the state forest improvement program. This appropriation is not subject to any budget reductions made in the agency.

\$385,000 from the forest nursery account in the special revenue fund may be spent for necessary construction at Badoura nursery.

\$25,000 the first year and \$25,000 the second year are for county forest management grants. \* (The preceding sentence beginning "\$25,000" was vetoed by the governor.)

Subd. 5. Parks and Recreation Management

19,840,000	19,802,000	
	Summary by Fund	
General	19,256,000	19,213,000
Natural Resources	584,000	589,000

\$584,000 the first year and \$589,000 the second year are from the water recreation account in the natural resources fund for state park development projects. If the appropriation in either year is insufficient, the appropriation for the other year is available for it.

As cash flow permits, \$800,000 the first year and \$350,000 the second year are transferred from the state parks working capital account in the special revenue

fund to the general fund and are appropriated for state park resource management and interpretive programs. No money shall be spent on the resource management or interpretive programs until all expenses attributable to the revenue producing program have been covered.

The commissioner shall operate pumping facilities at Hill Annex Mine state park sufficient to maintain a water level not to exceed the height of the area known as "pocket A" for the duration of the biennium to assess the pumping and operational costs associated with maintaining this water level. The commissioner shall report the projected pumping and operational costs of maintaining this level to the legislature no later than January 1, 1993.

\$60,000 and three full-time equivalent positions the first year and \$60,000 and three full-time equivalent positions the second year are for an increase in the state park planning effort.

Subd. 6. Trails and Waterways

	10,993,000	11,095,000	
		Summary by Fund	
General		1,229,000	1,227,000
Game and Fish		750,000	770,000
Natural Resources		9,014,000	9,098,000

\$2,248,000 the first year and \$2,248,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for snowmobile grants-in-aid.

\$250,000 the first year and \$250,000 the second year are from the water recreation account in the natural resources fund for a safe harbor program on Lake Superior. Any unencumbered balance at the end of the first year does not cancel and is available for the second year.

The commissioner shall submit recommendations to the legislature before January 1, 1992, concerning the snowmobile account, its continuing viability, and the grants made to local governments from the snowmobile account for grants-in-aid trail operations and maintenance equipment. The recommendations should address, at a minimum, ways to ensure funding for trail-grooming equipment and the appropriateness of the present formula dedicating a share of the unrefunded gas tax to the snowmobile account.

Subd. 7. Fish and Wildlife Management

35,653,000	36,323,000	
	Summary by Fund	
General	2,770,000	2,763,000
Game and Fish	31,078,000	31,707,000
Natural Resources	1,805,000	1,853,000

\$874,000 in the first year and \$874,000 the second year are appropriated from the game and fish fund for payments to counties in lieu of taxes on acquired wildlife lands and is not subject to transfer.

\$1,367,000 the first year and \$1,404,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management. Any unencumbered balance remaining in the first year does not cancel but is available the second year. The commissioner of natural resources shall submit to the legislature by January 15, 1992, a budget request to spend any excess receipts from the nongame checkoff.

\$130,000 the first year and \$130,000 the second year are for deer and bear management to include emergency deer feeding. If the appropriation for either year is insufficient, the appropriation for the other year is available.

\$175,000 and three full-time equivalent positions each year is from the game and fish fund for an additional deer habitat improvement program and shall not be considered as part of the budget base for the 1994-1995 biennium.

\$100,000 the first year and \$100,000 the second year are from the game and fish fund for special hunt opportunities.

\$50,000 the first year and \$50,000 the second year are from the game and fish fund to coordinate the North American waterfowl management plan.

\$100,000 the first year and \$100,000 the second year are from the game and fish fund for accelerated wild turkey management.

\$200,000 the first year and \$200,000 the second year are from the game and fish fund for lake and stream management.

\$50,000 the first year and \$50,000 the second year are from the game and fish fund for an accelerated wildlife lakes survey.

\$120,000 the first year is from the game and fish fund for the Heron Lake and Swan Lake projects. Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

\$140,000 each year is appropriated from the game and fish fund for the aquatic education program. One-half of the funds expended must be in the seven-county metropolitan area.

\$1,651,000 the first year and \$1,644,000 the second year are for the reinvest in Minnesota programs of game and fish, critical habitat, and wetlands, established under Minnesota Statutes, sec-

tion 84.95, subdivision 2. Any unencumbered balance for the first year does not cancel but is available for use the second year.

The commissioner, in cooperation with the commissioner of agriculture shall study and make recommendations to the legislature by January 1, 1993, for a program for providing assistance to farmers for crop damage caused by wild animals.

The commissioner may not allow a shooting range to be constructed at the Carlos Avery Wildlife Management area unless a proposal is submitted to the legislature for approval.

Subd. 8. Enforcement

14,349,000	14,616,000	
	Summary by Fund	
General	2,226,000	2,220,000
Game and Fish	9,556,000	9,800,000
Natural Resources	2,567,000	2,596,000

\$1,125,000 the first year and \$1,125,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety.

The commissioner shall evaluate the number of metropolitan conservation officer stations in relation to the population and need in the metropolitan area and make recommendations to the legislature for appropriate readjustment of assignments by January 1, 1992.

Subd. 9. Field Operations Support

12,136,000	10,863,000	
	Summary by Fund	
General	5,145,000	5,168,000
Game and Fish	4,511,000	4,636,000
Natural Resources	1,915,000	424,000
Permanent School	565,000	635,000

\$565,000 the first year and \$667,000

the second year are for land sale costs under Minnesota Statutes, section 92.67, subdivision 3. Any unencumbered balance remaining in the first year does not cancel and is available for the second year.

Any unencumbered balance remaining in the appropriation under Minnesota Statutes, section 92.46, subdivision 1, paragraph (d), in the first year does not cancel and is available for the second year.

\$1,500,000 for the biennium is from the land acquisition account in the natural resources fund and is for acquisition costs associated with Tettegouche state park, Glendalough state park, and other state park in-holdings. This appropriation is available in either year of the biennium.

Subd. 10. Regional Operations Support

	5,121,000	5,136,000	
			Summary by Fund
General		3,984,000	3,969,000
Game and Fish		888,000	913,000
Natural Resources		249,000	254,000

Subd. 11. Special Services and Programs

	5,853,000	5,881,000	
			Summary by Fund
General		4,558,000	4,559,000
Game and Fish		482,000	494,000
Natural Resources		813,000	828,000

\$103,000 the first year and \$103,000 the second year are for a grant to the Mississippi headwaters board for up to 50 percent of the cost of implementing the comprehensive plan for the upper Mississippi within areas under its jurisdiction.

\$17,000 the first year and \$17,000 the second year are for payment to the Leech Lake Band of Chippewa Indians

to implement their portion of the comprehensive plan for the upper Mississippi.

Notwithstanding any other law to the contrary, any reductions in the department of natural resources' agency operating budget or reductions in agency program efforts prompted by specific legislative action or economic conditions during the biennium shall not be applied against the budget for the Minnesota Conservation Corps. Should the need arise, the commissioner shall reallocate resources within the department to ensure that the corps is maintained at no less than the same level of effort as accomplished during the 1990-1991 biennium.

The commissioner of the department of natural resources shall have the authority to contract with and make grants to nonprofit agencies to carry out the purposes, plans, and programs of the office of youth programs, Minnesota conservation corps.

Subd. 12. Administrative Management Services

6,552,000	6,640,000	
	Summary by Fund	
General	2,640,000	2,634,000
Game and Fish	2,344,000	2,413,000
Natural Resources	1,568,000	1,593,000

The commissioners of natural resources, public safety, and employee relations shall assess the effectiveness of the critical stress debriefing unit and the appropriateness of its current organizational placement. They shall report their findings and recommendations to the legislature by February 15, 1992.

Subd. 13. General Reduction  
(\$500,000) (\$520,000)

Sec. 6. BOARD OF WATER AND SOIL RESOURCES

	1992	8,076,000	8,020,000
Approved Complement -	36	1993	
General -	34	36	
Federal -	2	34	
		2	

\$10,000 the first year and \$10,000 the second year are for the International Water Coalition.

\$849,000 the first year and \$849,000 the second year are for general purpose grants to soil and water conservation districts, including conservation tillage and review and comment on water permits. Upon approval of the board, expenditures may be made from these appropriations for supplies and services benefiting soil and water conservation districts.

\$1,461,000 the first year and \$1,461,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management. This appropriation is available until expended.

\$159,000 the first year and \$159,000 the second year are for grants-in-aid to soil and water conservation districts and local units of government to assist them in solving sediment and erosion control problems. Grants must not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority must be given to projects designed to solve lake-shore, stream bank, and roadside erosion and to projects eligible for federal matching money.

\$189,000 the first year and \$189,000 the second year are for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for flood plain management.

\$900,000 the first year and \$900,000 the second year are for technical services and implementation of the conservation reserve program. Of this appro-



priation, \$750,000 the first year and \$750,000 the second year must be distributed to soil and water conservation districts.

\$2,435,000 the first year and \$2,535,000 the second year are for comprehensive local water planning.

\$200,000 the first year is for a pilot project for a statewide abandoned well inventory. The board shall select counties for inclusion in this pilot that are representative of geographic, hydrological, geologic, and demographic areas of the state. The pilot will include an effort to identify the locations of abandoned wells in the selected counties and an analysis of the costs and an evaluation of the need for a statewide inventory of abandoned wells. The board shall submit a report to the legislature with its findings and recommendations by December 1, 1992. Any unencumbered balance at the end of the first year does not cancel and is available for the second year.

Any unencumbered balance in the board's program of grants to soil and water conservation districts and counties does not cancel at the end of the first year and is available for the second year for the same grant program.

#### Sec. 7. AGRICULTURE

Subdivision 1. Total Appropriation		\$13,023,000	\$12,855,000
	1992	1993	
Approved Complement -	537	537	
General -	218	218	
Environmental -	2	2	
Special/Revolving -	293	293	
Federal -	24	24	
	Summary by Fund		
General	12,708,000	12,540,000	
Environmental	130,000	130,000	
Special Revenue	185,000	185,000	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Protection Service

5,264,000	5,254,000	
	Summary by Fund	
General	5,134,000	5,124,000
Environmental	130,000	130,000

\$130,000 the first year and \$130,000 the second year are from the environmental response, compensation, and compliance account in the environmental fund.

Subd. 3. Promotion and Marketing

753,000	750,000
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\$75,000 the first year and \$75,000 the second year are for transfer to the Minnesota grown matching account which may be used as grants for Minnesota grown promotion.

Subd. 4. Family Farm Services

1,318,000	1,318,000
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\$629,000 the first year and \$629,000 the second year are for family farm security interest payment adjustments. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. During the biennium, such sums that are not needed for interest payment adjustments are available for farm crisis assistance. No new loans may be approved in fiscal year 1992 or 1993.

\$200,000 the first year and \$200,000 the second year are appropriated to the commissioner to manage the existing family farm advocacy program. The commissioner shall target these funds to areas of the state with the greatest amount of farm stress.

\$150,000 the first year and \$150,000 the second year are for agriculture infor-

mation centers and is only available on a dollar for dollar nonstate match. The funds may be released at the rate of one dollar for each dollar of matching nonstate money that is raised. The commissioner may credit in-kind contributions from nonstate sources for up to one-half of the required nonstate match. This appropriation shall be used to target the areas of the state with the greatest amount of farm stress and shall not be a part of the 1994-1995 biennial budget base.

\$100,000 the first year and \$100,000 the second year are for supplemental grant funding to the commissioner for farm and small business management programs through the technical college system. The commissioner is authorized to make a supplemental grant or grants to the board of technical colleges for the instructional materials, instructional staff, support staff, and tuition assistance costs associated with this program not to exceed the amount of supplemental funding made available. Any supplemental grants that may be made to this program shall not be considered as part of the 1994-1995 budget base for the technical college system or the department of agriculture. \* (The preceding paragraph beginning "\$100,000" was vetoed by the governor.)

Subd. 5. Administrative Support and Grants

5,688,000	5,533,000	
	Summary by Fund	
General	5,503,000	5,348,000
Special Revenue	185,000	185,000

\$185,000 the first year and \$185,000 the second year are from the commodities research and promotion account in the special revenue fund.

\$80,000 the first year and \$80,000 the

second year are for grants to farmers for demonstration projects involving sustainable agriculture. If a project cost is more than \$25,000, the amount above \$25,000 must be cost-shared at a state-applicant ratio of one to one. Priorities must be given for projects involving multiple parties. Up to \$20,000 each year may be used for dissemination of information about the demonstration grant projects. If the appropriation for either year is insufficient, the appropriation for the other is available.

The unexpended balance appropriated for grants to farmers for demonstration projects involving sustainable agriculture in Laws 1989, chapter 269, section 7, subdivision 5, does not cancel and is reappropriated to the commissioner and added to other appropriations for the biennium ending June 30, 1993, to carry out such demonstrations to be used in either year of the biennium.

\$70,000 the first year and \$70,000 the second year are for the Northern Crops Institute. These appropriations may be spent to purchase equipment and are available until spent.

\$40,000 the first year and \$40,000 the second year are for payment of claims relating to livestock damaged by endangered animal species. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$80,000 the first year and \$80,000 the second year are for the seaway port authority of Duluth.

\$10,000 the first year is for payment of claims relating to agricultural crops damaged by elk and is available until June 30, 1993.

\$19,000 the first year and \$19,000 the

second year is for a grant to the Minnesota livestock breeder's association.

\$100,000 the first year and \$100,000 the second year are for a base adjustment to grants to the state agricultural society to be spent as grants to county agricultural societies for premiums for county fair competitions in arts and crafts. This appropriation must be included in the 1994-1995 biennial budget base.

\$160,000 the first year is for farm safety programs. \$120,000 is for payment to instructors in a youth farm safety program and \$40,000 is for a farm safety audit pilot project. This appropriation is available for either year of the biennium. If any amount of the appropriation for either program remains unencumbered on September 1, 1992, it becomes available for the other program.

Sec. 8. BOARD OF ANIMAL HEALTH

		2,085,000	2,080,000
Approved Complement -	37	35	
General -	36	34	
Federal -	1	1	

This appropriation includes \$25,000 the first year and \$25,000 the second year for payment of indemnities. If the appropriation for indemnities for either year is insufficient, the appropriation for the other year is available for it. Indemnities of less than \$1 must not be paid.

\$150,000 the first year and \$150,000 the second year are for an integrated pseudorabies control and research program. The board of animal health must consult with the pseudorabies advisory council about how this money should be spent. The appropriation is available only as matched, dollar for dollar, by money from nonstate sources.

Sec. 9. MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION

127,000	127,000
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This appropriation is only available to the extent it is matched by an equal amount from the state of Wisconsin.

Sec. 10. CITIZENS COUNCIL ON VOYAGEUR'S NATIONAL PARK	80,000	80,000
Sec. 11. SCIENCE MUSEUM OF MINNESOTA	1,138,000	1,138,000

Upon completion of its national tour, the Science Museum of Minnesota shall donate free of charge the "Wolves and Humans" exhibit to the International Wolf Center for permanent housing. In the event that the construction necessary to display the exhibit at the International Wolf Center is not completed at the time that the tour concludes, the Science Museum of Minnesota shall provide space until the International Wolf Center is prepared to display the exhibit.

Sec. 12. MINNESOTA ACADEMY OF SCIENCE	32,000	36,000
Sec. 13. MINNESOTA HORTICULTURAL SOCIETY	71,500	71,500

\$3,500 the first year and \$3,500 the second year are to increase the amount of color used in printing the Minnesota Horticulturist.

#### Sec. 14. MINNESOTA RESOURCES

Subdivision 1. Total Appropriation	34,994,000
Summary by Fund	
Minnesota Future Resources Fund	
16,534,000	
Minnesota Environment and Natural Resources Trust Fund	
14,960,000	
Oil Overcharge Money in the Special Revenue Fund	
3,500,000	

The appropriations in this section are from the Minnesota future resources fund, unless another fund is named.

The appropriations in this section are available until June 30, 1993.

Subd. 2. Legislative Commission on Minnesota Resources

850,000

For the biennium ending June 30, 1993, the commission shall monitor the programs in this section; assess the status of the state's natural resources; convene a state resource congress; establish priorities for, request, review, and recommend programs for the 1993-1995 biennium from the Minnesota future resources fund, Minnesota environment and natural resources trust fund, and oil overcharge money, and for support of the Citizen Advisory Committee activities.

Subd. 3. Recreation

(a) Off-highway Vehicle Recreation Area

75,000

This appropriation is to the commissioner of natural resources to conduct a study in cooperation with the Minnesota 4-WD Association on the feasibility of an off-highway vehicle recreation area.

(b) Superior Hiking Trail

400,000

This appropriation is to the commissioner of natural resources for planning and administrative assistance and a grant to the Superior Hiking Trail Association for planning, development, and limited use of easement acquisition. The use of conservation corps resources is strongly encouraged. Up to \$80,000 is available to the commissioner for planning and administrative assistance. Available federal and private money is appropriated.

(c) Local Rivers Planning

400,000

This appropriation is to the commissioner of natural resources for grants of

up to two-thirds of the cost to counties, or groups of counties acting pursuant to joint powers agreement, to develop comprehensive plans for the management and protection of up to eight rivers in northern and central Minnesota. The commissioner of natural resources shall include in the work plan for review and approval by the legislative commission on Minnesota resources a proposed list of rivers and a planning process developed by consensus of the affected counties. All plans must meet or exceed the requirements of state shoreland and floodplain laws.

(d) Access to Lakes and Rivers 1,000,000

This appropriation is to the commissioner of natural resources to provide boat access to major recreation lakes and rivers and to construct fishing piers in accordance with established priorities, inventory, map, and construct shore access sites in the metropolitan area.

(e) Land and Water Resource Management, Lower St. Croix Riverway 360,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources for a grant to the Minnesota-Wisconsin Boundary Area Commission to develop a management strategy, improved technical capability, and sustained local government and landowner stewardship on the jointly managed lower St. Croix.

(f) Mississippi River Valley Blufflands Initiative 150,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to assist local units of government to develop the tools necessary to protect the outstanding scenic and



biological resources of the bluffs of the Mississippi Valley in Goodhue, Wabasha, Winona, and Houston counties.

(g) Reclamation of Recreation Systems and Environmental Resources 200,000

This appropriation is to the University of Minnesota, College of Architecture and Landscape Architecture, to investigate urban design strategies for enhancing recreational amenities in suburban areas. The investigation shall be done in cooperation with the metropolitan council. The legislative commission on Minnesota resources may convene a steering committee to ensure coordination and practical results.

(h) Preservation of Historic Shipwrecks, Lake Superior 100,000

\$80,000 is to the Minnesota historical society to investigate the historic significance of shipwrecks on the North Shore of Lake Superior in accordance with priorities for placement on the National Register of Historic Places; to develop preservation plans to implement the federal Abandoned Shipwrecks Act; and to conduct a survey of the underwater resources in the vicinity of Split Rock Lighthouse.

\$20,000 is to the commissioner of natural resources to develop facilities at Split Rock Lighthouse State Park for diver access.

(i) Land and Water Conservation Fund Administration 84,000

This appropriation is to the commissioner of natural resources for administration of the federal land and water conservation program and other grant administration activities assigned to the commissioner in this section.

(j) Historic Records Database - Final Phase 180,000

This appropriation is to the Minnesota historical society to automate and make widely accessible the society's collections.

(k) Fur Trade Research and Planning 250,000

This appropriation is to the Minnesota historical society to plan and design the visitor center at the Northwest Company Fur Post Historic Site, and for site improvements at that site. No more than \$100,000 may be spent for site improvements.

(l) Mystery Cave Resource Evaluation 150,000

This appropriation is to the commissioner of natural resources to perform a resource inventory and study of Mystery Cave to include groundwater, cave meteorology, geology, and biology as part of the park plan.

(c) Rails-to-Trails Acquisition and Development 1,000,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources for acquisition and development of trails in accordance with established priorities.

#### Subd. 4. Water

(a) Stream and Watershed Information System 200,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of state planning to develop an integrated system of information relating to streams, watersheds, and retrieval and analysis tools.

(b) South Central Minnesota Surface Water Resource Atlases and Data Base 300,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources for a grant to Mankato State University for development of surface hydrology atlases and data base in both hard and electronic format for the 13 counties of south central Minnesota.

(c) Minnesota River Basin Water Quality Monitoring

700,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of the pollution control agency. This is the final two years of a multiagency four-year effort to identify the sources of nonpoint pollution threatening the water quality and uses of the Minnesota River. The results will be used to direct state and local implementation programs. Federal matching money is appropriated.

(d) Waterwatch - Citizen Monitoring and Protection Program

272,000

This appropriation is to the commissioner of the pollution control agency to encourage and coordinate citizen and student volunteer monitoring of water quality and biological indicators for Minnesota's lakes and streams.

(e) Bioremedial Technology for Groundwater

96,000

This appropriation is to the University of Minnesota, Department of Civil and Mineral Engineering, for a pilot demonstration of technology for in situ biodegradation of organic pollutants in groundwater.

(f) County Geologic Atlas and Groundwater Sensitivity Mapping

1,400,000

\$800,000 is from the Minnesota envi-

ronment and natural resources trust fund to the University of Minnesota, Minnesota Geologic Survey, to expand production of county geologic atlases and create a new atlas services office.

\$600,000 is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources for groundwater sensitivity mapping.

(g) Aquifer Analyses in southeast Minnesota

73,000

This appropriation is to the commissioner of natural resources for a grant to Winona State University to perform aquifer tests in southeast Minnesota in order to determine aquifer characteristics, surface-subsurface groundwater interaction, and aquifer interaction.

(h) Clean Water Partnership Grants to Local Units of Government

700,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of the pollution control agency for Clean Water Partnership grants under Minnesota Statutes, section 115.096. In addition to the required work program, grants may not be approved until grant proposals have been submitted to the legislative commission on Minnesota resources and the commission has either made a recommendation or allowed 30 days to pass without making a recommendation.

(i) Cannon River Watershed Grants

60,000

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources to provide research and demonstration grants to counties consistent with the comprehensive local water management program under Minnesota

Statutes, chapter 110B, as part of the Cannon River watershed protection program.

(j) Mitigating Mercury in Northeast Minnesota Lakes 300,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of the pollution control agency to investigate how to mitigate the damage caused by the presence of mercury in northeast Minnesota lakes.

(k) Development and Application of Aeration Technologies 148,000

This appropriation is to the University of Minnesota, St. Anthony Falls Hydraulic Laboratory, to study how to optimize membrane aeration and the hydraulic design of bypass type aerator systems.

(l) Lake Superior Initiative - Institute for Research 400,000

This appropriation is to the University of Minnesota, Graduate School, to establish an institute for Lake Superior Research that would develop a strong multifaceted research effort.

(m) Lake Mille Lacs Public Land Use Plan 20,000

This appropriation is to the commissioner of natural resources to plan for shoreline management of publicly-owned lands around Lake Mille Lacs.

(n) Ecological Evaluation of Year-Round Aeration 100,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to collect baseline data on aerated and nonaerated lakes and determine ecological impacts of aeration.

(o) Erosion Control Cost-Sharing 250,000

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources to share in the cost of conservation practices to control soil erosion and protect water quality, including water quality practices that divert water from sinkholes, under Minnesota Statutes, section 103C.501.

(p) Well Sealing Cost-Share Grants 750,000

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources to make grants to counties for sharing the cost of sealing wells under Minnesota Statutes, section 103I.331.

Subd. 5. Education

(a) Environmental Education Program 790,000

\$400,000 is from the Minnesota environment and natural resources trust fund to the commissioner of education to develop and implement model K-12 environmental education curriculum integration. This program will incorporate ongoing models of other deliverers of environmental education.

\$30,000 is from the Minnesota environment and natural resources trust fund to the commissioner of education for a grant to the Minnesota Community Education Association to incorporate environmental education into the community education system.

\$60,000 is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to complete a long-term plan for the development and coordination of environmental learning centers.

\$85,000 is from the Minnesota environ-

ment and natural resources trust fund to the commissioner of state planning for a grant to the Audubon Center of the Northwoods for an assessment of environmental learning center programs and services.

\$215,000 is from the Minnesota environment and natural resources trust fund to the commissioner of state planning to develop a statewide environmental education plan. The statewide plan will integrate the plans, strategies, and policies of the department of education, post-secondary institutions, the department of natural resources, and other deliverers of environmental education.

(b) Teacher Training for Environmental Education

5,000

This appropriation is to the commissioner of education for a grant to the St. Paul Chapter of the National Audubon Society for scholarships for the training of teachers in environmental education integration.

(c) Video Education Research and Demonstration Project

100,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of education for a grant to Twin Cities Public Television to develop a video education demonstration project and a model for a statewide video environmental education communication network.

(d) Integrated Resource Management Education and Training Program

300,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to provide training and internship programs in natural resource management.

(e) Continuing Education in Outdoor Recreation for Natural Resource Managers 125,000

This appropriation is to the University of Minnesota, Department of Forest Resources, to develop and implement an outdoor recreation short course for natural resource planners and managers with outdoor recreation responsibilities.

(f) Environmental Exhibits Collaborative 400,000

This appropriation is from the Minnesota environment and natural resources trust fund to the Science Museum of Minnesota to establish a statewide collaborative to share and create traveling water-related exhibits and programs for schools and family groups at different sites.

(g) Upper Mississippi River Environmental Education Center 600,000

This appropriation is to the commissioner of natural resources for a grant to the city of Winona to develop detailed architectural designs necessary to obtain federal construction funding for an Upper Mississippi River Environmental Education Center. This appropriation is contingent upon federal commitment of at least \$6,000,000 for construction and for future operation and maintenance.

(h) Urban Rangers Program 100,000

This appropriation is to the commissioner of education for a grant to the Minneapolis Park and Recreation Board to develop an urban environmental curriculum for elementary students and families conducted at 44 city recreation centers.

(i) Crosby Farm Park Nature Program 85,000

This appropriation is to the commissioner of education for a grant to the



city of St. Paul to institute a nature study program at Crosby Farm Park to introduce inner city residents and minorities to learning opportunities concerning natural resources and how to conserve and protect those resources.

(j) Youth in Natural Resources 250,000

This appropriation is to the commissioner of natural resources to develop a career exploration program for minority youths and to test their vocational interests, skills, and aptitudes.

(k) Environmental Education for Handicapped 130,000

This appropriation is to the commissioner of education for a grant to Vinland National Center to develop a program model in environmental education, including education of persons with disabilities, and to teach the model to educators, environmentalists, and the disability community.

Subd. 6. Agriculture

(a) Biological Control of Pests 650,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of agriculture to collect and identify potential biological control agents, and to develop and test biological control agents for a variety of pests. A grant request to supplement this appropriation must be submitted to the U.S. Department of Agriculture and the results reported to the legislative commission on Minnesota resources.

(b) Review Levels of Pesticides at Spill Sites 300,000

This appropriation is to the commissioner of agriculture for a literature search and publication of remediation technologies for pesticide spills, labora-

tory research on the fate of elevated levels of pesticides in soil, and evaluation of bioremediation techniques.

(c) Effective Nitrogen and Water Management for Sensitive Areas 300,000

This appropriation is to the commissioner of agriculture to provide an integrated research information base on risks of groundwater pollution involved in nitrogen and water management for crop production.

(d) Conservation Reserve Easements 600,000

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources to acquire perpetual easements on wetlands and to acquire perpetual easements under Minnesota Statutes, section 103F.515, subdivision 3, with priority for wetland areas, to enhance wildlife habitat, control erosion, and improve water quality.

(e) Native Grass and Wildflower Seed 130,000

This appropriation is to the commissioner of agriculture in cooperation with the commissioner of natural resources to develop the varietal, cultural, and market information necessary to encourage expanded commercial production of Minnesota origin native wildflower and grass seed.

(f) Community Gardening Program 110,000

This appropriation is to the University of Minnesota, Minnesota Extension Service, in cooperation with the Minnesota State Horticultural Society and the Self Reliance Center to provide gardening information and technical assistance in metropolitan and nonmetropolitan areas.

Subd. 7. Forestry

(a) Minnesota Old-Growth Forests -  
Character and Identification 150,000

This appropriation is to the commissioner of natural resources to develop quantitative, structural definitions of Minnesota old-growth forest types, examine the importance of old growth as sensitive habitat, and evaluate old-growth forest stands that are identified as the department of natural resources old-growth guidelines are implemented.

(b) Nutrient Cycling and Tree Species  
Suitability 220,000

This appropriation is to the University of Minnesota, Department of Forest Resources, to assess the role of nutrient cycling and associated management practices for sustainability of Minnesota's forest resources under scenarios of increased harvesting and atmospheric change.

(c) State Forest Land Acquisition 500,000

This appropriation is to the commissioner of natural resources to acquire lands in the highest priority purchase compartments in the R. J. Dorer Memorial Hardwood State Forest.

(d) Regeneration and Management of  
Minnesota's Oak Forests 225,000

This appropriation is to the University of Minnesota, Minnesota Extension Service, for research and education in oak regeneration and management.

(e) Private Forest Management for Oak  
Regeneration 200,000

This appropriation is to the commissioner of natural resources to increase technical assistance to private forest landowners in southern Minnesota for oak regeneration.

(f) Aspen Hybrids and New Tissue Cul-  
ture Techniques 70,000

This appropriation is to the University of Minnesota, Department of Forest Resources, to research tissue cultured aspen and hybrid aspen clones.

(g) Aspen Decay Models for Mature Aspen Stands 85,000

This appropriation is to the commissioner of natural resources to contract with Koochiching county and the University of Minnesota, College of Natural Resources, to develop models for aspen decay in mature aspen stands.

(h) Generic Environmental Impact Statement 400,000

This appropriation is from the environment and natural resources trust fund to the Environmental Quality Board for preparation of a generic environmental impact statement.

#### Subd. 8. Fisheries

(a) Pilot Fish Pond Complex - Fisheries Development and Education 250,000

This appropriation is to the commissioner of natural resources for a grant to the Leech Lake Band of Chippewa Indians to develop fish ponds for production of sportfish and baitfish.

(b) Aquaculture Facility Purchase and Development and Genetic Gamefish Growth Studies 1,200,000

This appropriation is to the University of Minnesota, College of Natural Resources, to acquire and develop an aquaculture facility and to continue research on genetically engineered gamefish.

(c) Cooperative Urban Aquatic Education Program 340,000

This appropriation is to the commissioner of natural resources to expand

urban fishing opportunities and awareness.

(d) Catch and Release Program 35,000

This appropriation is to the commissioner of natural resources to accelerate the catch and release portion of the CORE program for matching grants to local anglers clubs for promotion of catch and release statewide. The work must be done in cooperation with the Minnesota Sportfishing Congress and other interested groups.

(e) Metropolitan Lakes Fishing Opportunities 75,000

This appropriation is to the commissioner of natural resources to study metropolitan area lakes to determine if recreational fishing opportunities are being maximized. The study must be done in cooperation with the Minnesota Sportfishing Congress and other interested groups.

(f) Lake Minnetonka Bass Tracking 85,000

This appropriation is to the commissioner of natural resources to study the impacts of bass fishing contests. The study must be done in cooperation with the Minnesota Sportfishing Congress and other interested groups.

(g) Stocking Survey 35,000

This appropriation is to the commissioner of natural resources to survey organizations to determine the level of interest in public and private fish stocking activities. The survey must be done in cooperation with the Minnesota Sportfishing Congress and other interested groups.

Subd. 9. Wildlife

(a) Insecticide Impact on Wetland and Upland Wildlife 650,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to research the effect of insecticides on wetland and upland wildlife and habitats.

(b) Biological Control of Eurasian Water Milfoil

100,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to continue a cooperative research program between the department of natural resources, Freshwater Foundation, and the University of Minnesota leading to biological control of Eurasian water milfoil. This appropriation must be matched by \$200,000 from the Freshwater Foundation.

(c) Microbial and Genetic Strategies for Mosquito Control

150,000

This appropriation is to the University of Minnesota, Department of Entomology, to enhance mosquito control by development of microbial agents that are environmentally safe and specific for mosquitoes.

(d) Minnesota County Biological Survey

1,000,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to continue the biological survey in Minnesota counties previously funded by Laws 1989, chapter 335, article 1, section 29, subdivision 3, item (t).

(e) Data Base for Plants of Minnesota

130,000

This appropriation is from the Minnesota environment and natural resources trust fund to the University of Minnesota to computerize the data base for Minnesota plants, including precise

information on the distribution, ecology, history, and management of each species.

(f) Aquatic Invertebrate Assessment  
Archive

130,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of the pollution control agency, in cooperation with the Science Museum of Minnesota, to continue work on a record system for aquatic invertebrates and assign pollution tolerance values and to develop an information system for the zebra mussel.

(g) Wetlands Forum

40,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to improve communication and information exchange regarding wetlands in the metropolitan area. This appropriation must be matched by \$40,000 from the Freshwater Foundation.

(h) Easement Acquisition on Restored  
Wetlands

400,000

This appropriation is from the Minnesota environment and natural resources trust fund to the board of water and soil resources for a pilot program to acquire permanent conservation easements on federally restored or enhanced wetlands and adjacent lands in cooperation with the United States Fish and Wildlife Service and the Izaak Walton League.

(i) Swan and Heron Lake Area Projects

1,000,000

This appropriation is to the commissioner of natural resources. First priority is for acquisition that qualifies for federal match. Second priority is for land management activities. Federal

and other matching money is appropriated. Any full-time equivalent positions associated with this appropriation are for land acquisition work.

(j) Wildlife Oriented Recreation Facilities at Sandstone Unit National Wildlife Refuge 9,000

This appropriation is to the commissioner of natural resources to contract with Rice Lake National Wildlife Refuge for recreation facility development and access at the Sandstone Unit of Rice Lake National Wildlife Refuge.

(k) Acquisition and Development of Scientific and Natural Areas 300,000

This appropriation is to the commissioner of natural resources to acquire and develop scientific and natural area sites consistent with the state scientific and natural areas plan.

(l) Black Bear Research in East Central Minnesota 100,000

This appropriation is to the University of Minnesota, Bell Museum of Natural History, to develop landscape ecology concepts and better understand the problem of bear damage to crops.

(m) Partnership for Accelerated Wild Turkey Management 50,000

This appropriation is to the commissioner of natural resources to increase wild turkey stocking. This appropriation must be matched by \$50,000 from the National Wild Turkey Federation.

(n) Restore Thomas Sadler Roberts Bird Sanctuary 50,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources for a grant to the Minneapolis Park and Recreation Board to



restore and improve public access to the Thomas Sadler Roberts Bird Sanctuary. This appropriation must be matched by \$50,000 of local money.

(o) Changes in Ecosystem on Biodiversity of Forest Birds 300,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to monitor forest songbird populations and to develop geographic information system tools to correlate forest bird populations with dynamics of the forest landscape. This appropriation must be matched by \$200,000 from a combination of nonstate funds and the state nongame wildlife program.

(p) Establish Northern Raptors Rehabilitation and Education Facility 75,000

This appropriation is to the University of Minnesota, Raptor Center, to establish a raptor rehabilitation and release facility at the Audubon Center of the Northwoods.

(q) Effect of Avian Flu Virus in Mallard Ducks 16,000

This appropriation is to the University of Minnesota, Department of Veterinary Pathobiology, to research the effects of Avian influenza on Mallard ducks.

Subd. 10. Land

(a) Base Maps for 1990s 1,900,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of state planning to provide the state match for a federal program to complete a major portion of the statewide air photo and base map coverage. The federal share is appropriated.

(b) Accelerated Soil Survey 1,270,000

This appropriation is to the University of Minnesota, Agriculture Experiment Station, to complete the soil survey in counties under contract as of July 1, 1988. Up to \$270,000 is for initiation of a survey in Koochiching county, provided that the county share of the cost of the survey shall be one-third of the cost, reduced by a percentage equal to the percent of land located in the county that is owned by the federal or state government that exceeds five percent, and further adjusted by the ratio of the adjusted net tax capacity per capita of the county to the adjusted net tax capacity per capita of the state.

(c) Statewide National Wetlands Inventory, Protected Waters Inventory, Watershed Map Digitization 750,000

This appropriation is from the Minnesota environment and natural resources trust fund to the commissioner of natural resources to complete the digitization of the national wetlands inventory, protected water inventory, and watershed boundaries.

(d) Statewide Land Use Update 338,000

This appropriation is to the commissioner of state planning for a grant to The International Coalition to complete a statewide land use update of all land and water resources outside the Twin City metropolitan area.

(e) Local Geographic Information System Program 143,000

This appropriation is to the commissioner of state planning for a grant to The International Coalition to expand the applicability and use of geographic information by developing programs and providing training at the local level.

## (f) GIS Control Point Inventory 175,000

This appropriation is to the commissioner of state planning to produce a statewide inventory of known public land survey control points using data from all levels of government.

## (g) Land Use and Design Strategies to Enhance Environmental Quality 100,000

This appropriation is to the University of Minnesota, College of Architecture and Landscape Architecture, to develop a land use and design concept for typical sites on light rail transit and freeway systems. The work must be done in consultation with the Metropolitan Council and the Regional Transit Board.

## (h) Model Residential Land Use Guidelines 150,000

This appropriation is to the University of Minnesota, Department of Landscape Architecture, to illustrate and disseminate residential land development guidelines that address a broad range of environmental concerns. The work must be done in consultation with the Metropolitan Council. The legislative commission on Minnesota resources may convene a steering committee to ensure coordination and practical results.

## Subd. 11. Minerals Subsurface Greenstone Belts in Southwestern Minnesota 120,000

This appropriation is to the University of Minnesota, Minnesota Geologic Survey, to apply aeromagnetic interpretation techniques and test drilling to determine greenstone and associated mineral potential in southwestern Minnesota.

## Subd. 12. Waste

## (a) Remediation of Soils by Co-Composting with Leaves 135,000

This appropriation is to the office of waste management for a grant to the Minneapolis Community Development Agency to develop a treatment method for soils contaminated with semivolatile compounds by co-composting with leaves.

(b) Land Spreading of Yard Wastes 100,000

This appropriation is to the office of waste management for a grant to the University of Minnesota, Soils Science Department, to determine the maximum and optimum rates that yard wastes can be applied to soils without reducing yields or endangering the environment.

#### Subd. 13. Oil Overcharge

The appropriations in this subdivision are from oil overcharge money, as defined in Minnesota Statutes, section 4.071, in the special revenue fund.

(a) Traffic Signal Timing and Optimization Program 1,175,000

This appropriation is to the commissioner of administration for transfer to the commissioner of transportation. \$125,000 is for traffic signal retiming and optimization training and \$1,050,000 for a cost share program for signal retiming. \$675,000 of the cost share program is available only as cash flow permits.

(b) Waste Crumb Rubber in Roadways 100,000

This appropriation is to the commissioner of administration for transfer to the commissioner of transportation to improve hot-mix asphalt pavement performance through the use of crumb tire rubber and selected polymer additives. The process will use waste tires generated in Minnesota. This appropriation must be matched by \$100,000 from other sources.

(c) Biodegradable Plastics - Microbial  
and Crop Plant Systems 150,000

This appropriation is to the commissioner of administration for a grant to the University of Minnesota, Department of Agronomy and Plant Genetics, to genetically engineer yeast and crop plants to produce low-cost polyhydroxybutyric, a biodegradable plastic, to substitute for petroleum-based plastics.

(d) Agricultural Energy Savings Information 150,000

This appropriation is to the commissioner of administration for a grant to the Agricultural Utilization Research Institute to conduct a series of conferences, communication products, and intensive workshops in order to transfer the results of state-funded research to agricultural practitioners.

(e) Residential Urban Environmental Resource Audit 150,000

This appropriation is to the commissioner of administration for a grant to the St. Paul Neighborhood Energy Consortium to develop and implement neighborhood workshops and one-on-one consultations as part of an environmental urban resource audit and a broad educational campaign.

(f) Means for Producing Lignin-Based Plastics 100,000

This appropriation is to the commissioner of administration for a grant to the University of Minnesota, Department of Forest Products, to develop means for fabricating engineering plastics based upon industrial by-product lignins and corresponding raw materials from wheat straw.

(g) Cellulose Rayons for Packaging 150,000

This appropriation is to the commis-

sioner of administration for a grant to Bemidji State University, Center for Environmental Studies, to research and develop cellulose rayons.

(h) Tree and Shrub Planting for Energy in Minnesota Communities

1,250,000

This appropriation is to the commissioner of administration for a grant to the commissioner of natural resources to develop research-based guidelines and publications and to provide matching grants for energy conservation tree planting. \$950,000 of this appropriation is available only as cash flow permits.

(i) Oil Overcharge Program Administration

200,000

This appropriation is to the commissioner of administration for processing and oversight of grants and allocations in the Oil Overcharge program.

(j) Energy Efficiency Standards for Residential Construction

75,000

This appropriation is to the commissioner of administration for a grant to the University of Minnesota, Cold Climate Housing Center for the development of performance-based standards for energy efficient new home construction and procedures for implementation. This appropriation must be matched by \$75,000 of nonstate funds. This appropriation is available only as cash flow permits.

#### Subd. 14. MFRF Contingent Account

In addition to the specific amounts appropriated from the Minnesota future resources fund by this section, any increase in the projected revenue up to \$600,000 for the biennium to the fund in excess of the amount indicated in subdivision 1 that would otherwise be available for expenditure during the

1992-1993 biennium is appropriated to the legislative commission on Minnesota resources future resources fund contingent account for disbursement by the commission in accordance with the procedure identified in this subdivision.

This appropriation is for acquisition or development of state land or other projects that are part of a natural resources acceleration activity, when deemed to be of an emergency or critical nature. This appropriation is also available for projects initiated by the legislative commission on Minnesota resources that are found to be proper in order for the commission to carry out its legislative charge.

This appropriation is not available until the legislative commission on Minnesota resources has made a recommendation to the legislative advisory commission regarding each expenditure from the account. The legislative advisory commission must then hold a meeting and provide its recommendation on each item, which may be spent only with the approval of the governor.

#### Subd. 15. General Reduction

As cash flow in the Minnesota future resources fund permits, but no later than June 30, 1993, the commissioner of finance in consultation with the legislative commission on Minnesota's resources director shall transfer \$2,000,000 from the unencumbered balance in the fund to the general fund.

#### Subd. 16. Compatible Data

During the biennium ending June 30, 1993, the data collected by the projects funded under this section that have common value for natural resource planning and management must conform to information architecture as

defined in guidelines and standards adopted by the information policy office. Data review committees may be established to develop or comment on plans for data integration and distribution and shall submit semiannual status reports to the legislative commission on Minnesota resources on their findings. In addition, the data must be provided to and integrated with the Minnesota land management information center's geographic data bases with the integration costs borne by the activity receiving funding under this section. This requirement applies to all projects funded under this section, including, but not limited to, the following projects:

Recreation: Subdivision 3, paragraphs (d) and (e);

Water: Subdivision 4, paragraphs (a), (b), (c), (f), and (g);

Agriculture: Subdivision 6, paragraph (d);

Wildlife: Subdivision 9, paragraphs (d), (e), (h), (k), and (p);

Land: Subdivision 10, paragraphs (a), (b), (c), (d), (e), and (f);

Minerals: Subdivision 11.

#### Subd. 17. Work Program

It is a condition of acceptance of the appropriations made from the Minnesota future resources fund, Minnesota environment and natural resources trust fund, and oil overcharge money according to Minnesota Statutes, section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the legislative commission on Min-



nesota resources. None of the money provided may be spent unless the commission has approved the pertinent work program.

#### Subd. 18. Temporary Positions

The approved full-time equivalent of the following agencies shall be increased for the biennium as indicated for the appropriations in this section:

Board of Water and Soil Resources - 1  
Pollution Control Agency - 6  
State Planning Agency - 3  
Department of Agriculture - 4  
Department of Education - 4  
Department of Administration - 1  
Department of Natural Resources - 36

Persons employed by a state agency and paid by an appropriation in this section are in the unclassified civil service, and their continued employment is contingent upon the availability of money from the appropriation. The positions are in addition to any other approved complement for the agency. Part-time employment of persons is authorized.

#### Subd. 19. Match Requirements

Appropriations in this section that must be matched and for which the match has not been committed by January 1, 1992, must be canceled. Amounts canceled to the Minnesota future resources fund are appropriated to the contingent account created in subdivision 14.

#### Subd. 20. Patents and Royalties

If an appropriation in this section from the Minnesota future resources fund results in a patent and subsequent royalties, payment of 50 percent of the royalties received, net of patent servicing costs, must be paid to the Minnesota future resources fund, until the entire

appropriation made by this section is repaid.

Subd. 21. Carryforward

The appropriation in Laws 1989, chapter 335, article 1, section 29, subdivision 3, paragraph (e), Development of Forest Soil Interpretations, is available until December 31, 1991.

The appropriation in Laws 1989, chapter 335, article 1, section 29, subdivision 3, paragraph (h), Statewide Public Recreation Map, is available until June 30, 1992.

The appropriation in Laws 1989, chapter 335, article 1, section 29, subdivision 11, paragraph (o), High Flotation Tire Research is available until June 30, 1992.

**Sec. 15. ENVIRONMENTAL, RESPONSE, COMPENSATION AND COMPLIANCE ACCOUNT REPORT.**

The commissioner of the pollution control agency, after consultation with representatives of public and private landfill owners and operators, the director of the office of waste management, and the director of the legislative commission on waste management, shall submit to the legislative commission on waste management and to the environment and natural resources committees of the legislature and to the chairs of the environment divisions of the senate finance and house appropriations committees by November 1, 1991, a report proposing procedures and criteria for use of the funds in the environmental response, compensation, and compliance account. A special emphasis shall be placed on an analysis of other fees and funds collected and maintained for addressing landfill related problems. The report shall recommend procedures and criteria for use of the funds to prevent and respond to releases that add to or replace the procedures and criteria of chapter 115B and federal law. The goals to be met by the recommended procedures and criteria are:

- (1) administrative efficiency;
- (2) expeditious and cost effective prevention and response actions;
- (3) diminution of the financial burden on local government units for closed landfill facilities;
- (4) preservation of a system that prioritizes use of the funds at sites that are causing the greatest environmental burden while endeavoring to use the funds equitably among the broad regions of the state;

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(5) preservation of incentives and requirements for operators of open land-fill facilities to operate the facilities responsibly and to provide financial assurance for closure, postclosure care, and contingency action, while addressing problems of facilities with short term capacity;

(6) provision of immediate funding for unforeseen problems at open or closed landfill facilities that are otherwise financially unable to address those immediate problems;

(7) preservation of the concept of cost recovery against easily identifiable responsible parties for payment of the costs of addressing problems; and

(8) assessment of the relationship between all fees and funds collected and maintained for addressing superfund related problems.

#### Sec. 16. TRANSFERS.

Subdivision 1. GENERAL PROCEDURE. If the appropriation in this article to an agency in the executive branch is specified by program, the agency may transfer unencumbered balances among the programs specified in that section after getting the approval of the commissioner of finance. The commissioner shall not approve a transfer unless the commissioner believes that it will carry out the intent of the legislature. The transfer must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives. If the appropriation in this act to an agency in the executive branch is specified by activity, the agency may transfer unencumbered balances among the activities specified in that section using the same procedure as for transfers among programs.

Subd. 2. TRANSFER PROHIBITED. If an amount is specified in this act for an item within an activity, that amount must not be transferred or used for any other purpose.

#### Sec. 17. APPROPRIATION AND BONDS.

\$16,000,000 is appropriated from the bond proceeds fund to be divided as follows:

(a) To the board of water and soil resources for the reinvest in Minnesota conservation reserve program, under Minnesota Statutes, section 103F.515: \$1,900,000;

(b) To the commissioner of natural resources for transfer to the critical habitat private sector matching account for purposes of Minnesota Statutes, sections 84.943 and 84.944: \$3,000,000;

(c) To the commissioner of natural resources for the following purposes:

(1) state trail acquisition and development, including the Root River trail: \$1,000,000;

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(2) state park rehabilitation: \$2,650,000;

(3) state park development: \$750,000;

(4) state forest acquisition within Dorer memorial forest: \$145,000.

The commissioner of natural resources shall submit semiannual work plans to the legislative commission on Minnesota resources and shall submit a semiannual work program to the commission and request its recommendation before spending any money appropriated by this subdivision or by Laws 1989, chapter 300, article 1, section 16, subdivisions 2 and 3, items (a) and (b); or Laws 1990, chapter 610, article 1, section 20, subdivisions 2, 3, 4, 6, and 7, for any purpose. The commission's recommendation is advisory only. Failure to respond to a request within 60 days after receipt is a negative recommendation. Work programs involving land acquisition must include a land acquisition plan.

(d) To the commissioner of trade and economic development for regional park acquisition and development, including Cedar Lake park acquisition in the cities of Minneapolis and St. Louis Park that is identified in the metropolitan parks and open space commission plan, and \$250,000 for regional park acquisition outside the seven-county metropolitan area: \$6,525,000.

## ARTICLE 2

### ENVIRONMENT AND NATURAL RESOURCES

Section 1. Minnesota Statutes 1990, section 14.18, is amended to read:

#### 14.18 PUBLICATION OF ADOPTED RULE; EFFECTIVE DATE.

Subdivision 1. GENERALLY. A rule is effective after it has been subjected to all requirements described in sections 14.131 to 14.20 and five working days after the notice of adoption is published in the State Register unless a later date is required by law or specified in the rule. If the rule adopted is the same as the proposed rule, publication may be made by publishing notice in the State Register that the rule has been adopted as proposed and by citing the prior publication. If the rule adopted differs from the proposed rule, the portions of the adopted rule which differ from the proposed rule shall be included in the notice of adoption together with a citation to the prior State Register publication of the remainder of the proposed rule. The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the State Register publication of the proposed rule, except that modifications may also be made which comply with the form requirements of section 14.07, subdivision 7.

Subd. 2. POLLUTION CONTROL AGENCY FEES. A new fee or fee increase adopted by the pollution control agency is subject to legislative approval during the next biennial budget session following adoption. The commissioner shall submit a report of fee adjustments to the legislature as a supple-

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ment to the biennial budget. Any new fee or fee increase remains in effect unless the legislature passes a bill disapproving the new fee or fee increase. A fee or fee increase disapproved by the legislature becomes null and void on July 1 following adjournment.

Sec. 2. Minnesota Statutes 1990, section 16A.123, subdivision 5, is amended to read:

Subd. 5. **DEPARTMENT OF NATURAL RESOURCES COMPLEMENT.** ~~(a) Beginning with the biennium ending June 30, 1994,~~ The legislature shall establish complements for the department of natural resources based on the number of full-time equivalent positions and dollars appropriated for salary-related expenditures.

The commissioner of natural resources shall provide a biennial report indicating the distribution of the full-time equivalents for the previous biennium as a supplement to the agency's biennial budget request for succeeding bienniums. The biennial budget document submitted to the legislature by the governor ~~beginning with the 1992-1993 biennium~~ shall indicate, by program and by activity, the number of full-time equivalent positions included as base level ~~and recommended changes.~~ The governor's salary and full-time equivalents requests for the agency shall include all full-time, part-time, and seasonal dollars and full-time equivalent positions requested. Any change level request submitted by the governor to the legislature for consideration ~~by the governor~~ as part of the governor's biennial budget containing funding for salaries shall indicate the number of additional full-time equivalent positions and salary dollars requested.

Within the full-time equivalent number and amount of salary dollars appropriated for the department, the commissioner shall have the authority to establish as many full-time, part-time, or seasonal positions as required to accomplish the assigned responsibilities for the department. The commissioner shall have the authority to reallocate salary dollars for other operating expenses, but the commissioner shall not have authority to reallocate other operating funds to increase the total amount appropriated for salary-related expenses, including salary supplement, without receiving prior approval according to the process defined in this subdivision.

In the event that the commissioner finds it necessary to exceed the full-time equivalent number or the amount of appropriated dollars and the legislature is not in session, the commissioner shall seek approval of the legislative advisory commission under subdivision 4. Legislative advisory commission approved full-time equivalent positions and dollars shall ~~not~~ only become a part of the agency budget base unless authorized by the legislature if the increase is the result of appropriations made to the agency by the legislature that are in addition to the appropriations made in the omnibus appropriations acts. All other legislative advisory commission authorized full-time equivalent positions or dollar adjustments shall be temporary for the biennium during which they are authorized unless approved by the legislature.

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

Sec. 3. Minnesota Statutes 1990, section 18.191, is amended to read:

**18.191 DESTRUCTION OF NOXIOUS WEEDS.**

Except as otherwise specifically provided in sections 18.181 to 18.271, 18.281 to 18.311, and 18.321 to 18.322, it shall be the duty of every occupant of land or, if the land is unoccupied, the owner thereof, or an agent, or the public official in charge thereof, to cut down, otherwise destroy, or eradicate all noxious weeds as defined in section 18.171, subdivision 5, standing, being, or growing upon such land, in such manner and at such times as may be directed or ordered by the commissioner, the commissioner's authorized agents, the county agricultural inspector, or by a local weed inspector having jurisdiction.

Except as provided below, an owner of nonfederal lands underlying public waters or wetlands designated under section 103G.201 is not required to control or eradicate purple loosestrife (*Lythrum salicaria*) below the ordinary high water level of the public water or wetland. To the extent provided in this section, the commissioner of natural resources is responsible for control and eradication of purple loosestrife on public waters and wetlands designated under section 103G.201, except those located upon lands owned in fee title or managed by the United States. The officers, employees, agents, and contractors of the commissioner may enter upon public waters and wetlands designated under section 103G.201 and may cross adjacent lands as necessary for the purpose of investigating purple loosestrife infestations, formulating methods of eradication, and implementing control and eradication of purple loosestrife. The commissioner, after consultation with the commissioner of agriculture, shall, by June 1 of each year, compile a priority list of purple loosestrife infestations to be controlled in designated public waters. The commissioner of agriculture must distribute the list to county agricultural inspectors, local weed inspectors, and their appointed agents. The commissioner of natural resources shall control listed purple loosestrife infestations in priority order within the limits of appropriations provided for that purpose. This procedure shall be the exclusive means for control of purple loosestrife on designated public waters by the commissioner of natural resources and shall supersede the other provisions for control of noxious weeds set forth elsewhere in Minnesota Statutes, chapter 18. The responsibility of the commissioner to control and eradicate purple loosestrife on public waters and wetlands located on private lands and the authority to enter upon private lands ends ten days after receipt by the commissioner of a written statement from the landowner that the landowner assumes all responsibility for control and eradication of purple loosestrife under sections 18.171 to 18.315. State officers, employees, agents, and contractors are not liable in a civil action for trespass committed in the discharge of their duties under this section and are not liable to anyone for damages, except for damages arising from gross negligence.

Sec. 4. Minnesota Statutes 1990, section 84.0855, is amended to read:

**84.0855 SPECIAL RECEIPTS; APPROPRIATION.**

Money received by the commissioner of natural resources as fees for semi-

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nars or workshops, ~~for~~ from the sale of publications; and maps, from the sale of other natural resource related merchandise at the state fair, or to buy supplies for the use of volunteers, may be credited to one or more special accounts in the state treasury and is appropriated to the commissioner for the purposes for which the money was received. Money received from sales at the state fair shall be available for state fair related costs.

Sec. 5. Minnesota Statutes 1990, section 84.82, subdivision 2, is amended to read:

Subd. 2. **APPLICATION, ISSUANCE, REPORTS.** Application for registration or reregistration shall be made to the commissioner of natural resources, or the commissioner of public safety or an authorized deputy registrar of motor vehicles in such form as the commissioner of public safety shall prescribe, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. 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 temporary registration permit to each purchaser who applies to the dealer for registration. The temporary registration is valid for 60 days from the date of issue. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such manner as the commissioner of natural resources shall prescribe. 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. A fee of 50 cents in addition to that otherwise prescribed by law shall be charged for each snowmobile registered by the registrar or a deputy registrar. The additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2.

Sec. 6. Minnesota Statutes 1990, section 84.82, subdivision 3, is amended to read:

Subd. 3. **FEES FOR REGISTRATION.** (a) The fee for registration of each snowmobile, other than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as follows: ~~\$18~~ \$30 for three years and \$4 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

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

Sec. 7. Minnesota Statutes 1990, section 84.944, subdivision 2, is amended to read:

Subd. 2. **DESIGNATION OF ACQUIRED SITES.** The critical natural habitat acquired in fee title by the commissioner under this section shall be designated by the commissioner as: (1) an outdoor recreation unit pursuant to section 86A.07, subdivision 3, or (2) as provided in sections 97A.101, 97A.125, 97C.001, and 97C.011; and 97C.021. The commissioner may so designate any critical natural habitat acquired in less than fee title.

Sec. 8. Minnesota Statutes 1990, section 84.96, subdivision 5, is amended to read:

Subd. 5. **PAYMENTS.** (a) The commissioner must make payments to the landowner under this subdivision for the easement.

(b) For a permanent easement, the commissioner must pay ~~50 percent of the average equalized estimated market value of cropland in the township as established by the commissioner of revenue~~ 65 percent of the permanent marginal agricultural land payment rate as established by the board of water and soil resources for the time period when the application is made.

(c) For an easement of limited duration, the ~~landowner shall receive a lump sum payment equal to the present value of the annual payments for the term of the easement based on 50 percent of the mean adjusted cash rental for cropland in the county as established by the commissioner of revenue~~ commissioner must pay 65 percent of the permanent prairie bank easement rate for the time period when the application is made.

(d) To maintain and protect native prairies, the commissioner may enter into easements that allow selected agricultural practices. Payment must be based on paragraph (b) or (c) but may be reduced due to the agricultural practices allowed after negotiation with the landowner.

Sec. 9. **[84.967] ECOLOGICALLY HARMFUL SPECIES; DEFINITION.**

For the purposes of sections 10 to 12, "ecologically harmful exotic species" means non-native aquatic plants or wild animals that can naturalize, have high propagation potential, are highly competitive for limiting factors, and cause displacement of, or otherwise threaten, native plants or native animals in their natural communities.

Sec. 10. **[84.968] ECOLOGICALLY HARMFUL EXOTIC SPECIES MANAGEMENT PLAN.**

By January 1, 1993, a long-term statewide ecologically harmful exotic species management plan must be prepared by the commissioner of natural resources and address the following:

- (1) coordinated detection and prevention of accidental introductions;

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(2) coordinated dissemination of information about ecologically harmful exotic species among resource management agencies and organizations;

(3) a coordinated public awareness campaign regarding ecologically harmful exotic animals and aquatic plants;

(4) a process, where none exists, to designate and classify ecologically harmful exotic species into the following categories:

(i) undesirable wild animals that must not be sold, propagated, possessed, or transported; and

(ii) undesirable aquatic exotic plants that must not be sold, propagated, possessed, or transported;

(5) coordination of control and eradication of ecologically harmful exotic species on public lands and public waters; and

(6) develop a list of exotic wild animal species intended for nonagricultural purposes, or propagation for release by state agencies or the private sector.

#### **Sec. 11. [84.969] COORDINATING PROGRAM, GRANTS, AND REGIONAL COOPERATION.**

Subdivision 1. COORDINATING PROGRAM. The commissioner of natural resources shall establish a statewide coordinating program to prevent and curb the spread of ecologically harmful exotic animals and aquatic plants.

Subd. 2. GRANTS. The coordinating program created in subdivision 1 may accept gifts, donations, and grants to accomplish its duties and must seek available federal grants through the federal Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. A portion of these funds shall be used to implement the plan under section 10.

Subd. 3. REGIONAL COOPERATION. The governor may cooperate, individually and regionally, with other state governors in the midwest for the purposes of ecologically harmful exotic species management and control.

#### **Sec. 12. [84.9691] RULEMAKING.**

The commissioner of natural resources may adopt rules, including emergency rules, to restrict the introduction, propagation, use, possession, and spread of ecologically harmful exotic animals and aquatic plants in the state.

Sec. 13. Minnesota Statutes 1990, section 85.015, is amended by adding a subdivision to read:

Subd. 16. SUPERIOR VISTA TRAIL; ST. LOUIS AND LAKE COUNTIES. The trail shall originate at the city of Duluth and shall extend in a north-

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

easterly direction along the shoreline of Lake Superior to the city of Two Harbors. The trail shall be designed for bicycles and hikers, shall utilize existing highway and railroad right-of-way where possible, and shall be laid out in a manner to maximize the view of Lake Superior while traversing the length of the trail.

Sec. 14. **COORDINATION.**

When developing a plan to implement section 13, the commissioner shall involve the various jurisdictions through which the Superior Vista trail corridor would pass. This includes, but is not limited to, the St. Louis and Lake counties highway departments, the cities of Duluth and Two Harbors, the Minnesota department of transportation, and the St. Louis and Lake counties railroad authorities.

Sec. 15. Minnesota Statutes 1990, section 85.053, subdivision 5, is amended to read:

Subd. 5. **DAILY VEHICLE PERMIT FOR GROUPS.** The commissioner ~~may authorize~~ shall prescribe a special daily vehicle state park ~~permits~~ permit for groups ~~by rule~~ for use of state parks, state recreation areas, or state waysides for up to one day under conditions prescribed by the commissioner.

Sec. 16. Minnesota Statutes 1990, section 85.055, subdivision 1, is amended to read:

Subdivision 1. **FEES.** The fee for state park permits for:

- (1) an annual use of state parks is ~~\$16~~ \$18;
- (2) a second vehicle state park permit is ~~one-half the annual state park permit fee in clause (1)~~ \$12;
- (3) a special state park permit valid up to two days is ~~\$3.25~~ \$4;
- (4) a special daily vehicle state park permit for groups is ~~as prescribed by the commissioner~~ \$2;
- (5) an employee's state park permit is without charge;
- (6) a special state park permit for handicapped persons and persons over age 65 under section 85.053, subdivision 7, clauses (1) and (2), is ~~one-half the annual state park permit fee in clause (1)~~ \$12; and
- (7) a special state park permit valid up to two days for handicapped persons and persons over age 65 under section 85.053, subdivision 7, clauses (1) and (3), is ~~\$2~~ \$4.

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

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

Sec. 17. Minnesota Statutes 1990, section 85.22, subdivision 1, is amended to read:

Subdivision 1. **DESIGNATION.** The revolving fund established under Laws 1941, chapter 548, section 37, subdivision E, item 4 is the state parks working capital account. The account is to be used to maintain and operate the revenue producing facilities and to operate the resource management and interpretive programs in the state parks within the limits in this section.

Sec. 18. Minnesota Statutes 1990, section 85.22, subdivision 2a, is amended to read:

Subd. 2a. **RECEIPTS, APPROPRIATION.** All receipts derived from the rental or sale of ~~items in state parks park items~~ shall be deposited in the state treasury and be credited to the state parks working capital account. ~~The Money~~ in the account is annually appropriated ~~solely~~ for the purchase and payment of expenses attributable to items for resale or rental.

Sec. 19. Minnesota Statutes 1990, section 86B.415, subdivision 7, is amended to read:

Subd. 7. **WATERCRAFT SURCHARGE.** A surcharge of \$2 is placed on each watercraft licensed under subdivisions 1 to ~~6, that is 17 feet in length or longer;~~ 5 for management of control, public awareness, law enforcement, monitoring, and research of nuisance aquatic exotic species such as zebra mussel, purple loosestrife, and Eurasian water milfoil according to law in public waters and public wetlands.

Sec. 20. **[88.82] MINNESOTA RELEAF PROGRAM.**

The Minnesota releaf program is established in the department of natural resources to encourage, promote, and fund the planting, maintenance, and improvement of trees in this state to reduce atmospheric carbon dioxide levels and promote energy conservation.

Sec. 21. **IMPLEMENTATION PLAN.**

Subdivision 1. DESCRIPTION. (a) The commissioner of natural resources in cooperation with the commissioners of the pollution control agency and department of agriculture shall prepare and submit to the legislative commission on Minnesota resources an implementation plan for the Minnesota releaf program containing the following elements:

(1) primary and secondary criteria for selecting projects for funding under the Minnesota releaf program; and

(2) recommended procedures for processing grant applications and allocating funds.

(b) The primary criteria developed under paragraph (a), clause (1), must include, but are not limited to:

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

(1) reduction and mitigation of adverse environmental impacts of atmospheric carbon dioxide; and

(2) promotion of energy conservation.

(c) The secondary criteria developed under paragraph (a), clause (1), must include, but are not limited to:

(1) balancing of urban and rural needs;

(2) preservation of existing trees in urban areas;

(3) promotion of biodiversity, including development of disease-resistant and drought-resistant tree species;

(4) erosion control;

(5) enhancement of wildlife habitat;

(6) encouragement of cost sharing with public and private entities;

(7) enhancement of recreational opportunities in urban and rural areas;

(8) coordination with existing state and federal programs;

(9) acceleration of the planting of harvestable timber;

(10) creation of employment opportunities for disadvantaged youth; and

(11) maximization of the use of volunteers.

Subd. 2. DUTIES OF THE COMMISSIONER OF NATURAL RESOURCES. By February 1, 1992, the commissioner of natural resources shall transmit to the legislature the implementation plan prepared under subdivision 1, and the recommendations prepared under subdivision 3, together with all recommended legislation to implement the Minnesota releaf program and the supporting fee structure.

Subd. 3. DUTIES OF THE POLLUTION CONTROL AGENCY. (a) The pollution control agency, in consultation with potentially affected parties, shall prepare implementation recommendations for applying a fee on carbon dioxide emissions for the Minnesota releaf program. The agency's analysis must include:

(1) a review of the carbon dioxide sources and proposed fee base identified in the study prepared in accordance with Laws 1990, chapter 587, section 2;

(2) recommendations regarding exemptions, if any, that should be granted;

(3) a recommended method for measuring the amount of carbon dioxide emitted by various sources;

(4) a recommended procedure for administering and collecting the fees from the sources described in clause (3); and

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

(5) an estimate of revenue that would be generated by the fees.

(b) The agency shall submit implementation recommendations to the commissioner of natural resources by December 1, 1991.

**Sec. 22. LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES PARTICIPATION.**

The commissioners of natural resources and pollution control agency shall include the preparation of the plans required for the implementation of the Minnesota releaf program as part of the tree and shrub planting project funded in article 1, section 14. In compliance with article 1, section 14, an amended work plan for the tree and shrub planting project including the Minnesota releaf plans shall be submitted to the legislative commission on Minnesota resources for approval.

Sec. 23. Minnesota Statutes 1990, section 92.67, subdivision 1, is amended to read:

Subdivision 1. **SALE REQUIREMENT.** Notwithstanding section 92.45 or any other law, at the request of a lessee or as otherwise provided in this section, the commissioner of natural resources shall sell state property bordering public waters that is leased for the purpose of a private cabin under section 92.46. Requests for sale must be made prior to December 31, 1992, and the commissioner shall complete all requested sales and sales arising from those requests by December 31, ~~1993~~ 1994, subject to subdivision 3, clause (d). The sale shall be made in accordance with laws providing for the sale of trust fund land except as modified by the provisions of this section. In 1990 and 1991 a request for sale may be withdrawn by a lessee at any time more than ten days before the day set for a sale. Property withdrawn from sale by its lessee is not subject to sale under this section until the lessee makes another request. Property withdrawn from sale shall continue to be governed by other law.

Sec. 24. Minnesota Statutes 1990, section 97A.075, subdivision 2, is amended to read:

Subd. 2. **MINNESOTA MIGRATORY WATERFOWL STAMP.** The commissioner may use the revenue from the Minnesota migratory waterfowl stamps for:

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

(2) ~~protection and propagation~~ management of migratory waterfowl;

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

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

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

Sec. 25. Minnesota Statutes 1990, section 97A.015, subdivision 53, is amended to read:

Subd. 53. **UNPROTECTED WILD ANIMALS.** "Unprotected wild animals" means wild animals that are not protected wild animals including weasel, coyote (brush wolf), gopher, porcupine, skunk, ~~and~~ civet cat, and unprotected birds.

Sec. 26. Minnesota Statutes 1990, section 97A.141, is amended by adding a subdivision to read:

Subd. 4. COOPERATION WITH METROPOLITAN GOVERNMENTAL UNITS. Local units of government owning lands adjacent to public waters within the seven-county metropolitan area shall cooperate with the commissioner to use those lands for public access purposes when identified by the commissioner under subdivision 1. If cooperation does not occur, the commissioner may use condemnation authority under this section to acquire an interest in the local government lands for public access purposes.

Sec. 27. Minnesota Statutes 1990, section 97A.325, subdivision 2, is amended to read:

Subd. 2. **DEER; BEAR; MOOSE; ELK; CARIBOU.** Except as provided in subdivision 1, a person that violates a provision of the game and fish laws relating to buying or selling deer, bear, moose, elk, or caribou is guilty of a gross misdemeanor.

Sec. 28. Minnesota Statutes 1990, section 97A.431, subdivision 2, is amended to read:

Subd. 2. **ELIGIBILITY.** Persons eligible for a moose license shall be determined under this section and commissioner's order. A person is eligible for a moose license only if the person:

- (1) is a resident;
- (2) is at least age 16 before the season opens; and
- (3) has not been issued a moose license for any of the last five seasons or after January 1, 1991.

Sec. 29. Minnesota Statutes 1990, section 97A.435, subdivision 2, is amended to read:

Subd. 2. **ELIGIBILITY.** Persons eligible for a turkey license shall be determined by this section and commissioner's order. A person is eligible for a turkey

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license only if the person is ~~a resident and~~ at least age 16 before the season opens or possesses a firearms safety certificate.

Sec. 30. Minnesota Statutes 1990, section 97A.475, subdivision 2, is amended to read:

Subd. 2. **RESIDENT HUNTING.** Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$10;
- (2) for persons age 65 or over, \$5;
- (3) to take turkey, ~~\$14~~ \$16;
- (4) to take deer with firearms, \$22;
- (5) ~~family license to take deer with firearms, \$84;~~
- ~~(6)~~ to take deer by archery, \$22;
- ~~(7)~~ (6) to take moose, for a party of not more than ~~four~~ six persons, \$275;
- ~~(8)~~ (7) to take bear, \$33; ~~and~~
- ~~(9)~~ (8) to take elk, for a party of not more than two persons, \$220; ~~and~~
- (9) to take antlered deer in more than one zone, \$44.

Sec. 31. Minnesota Statutes 1990, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **NONRESIDENT HUNTING.** Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take small game, \$56;
- (2) to take deer with firearms, \$110;
- (3) to take deer by archery, \$110;
- (4) to take bear, \$165;
- (5) to take turkey, ~~\$33~~ \$56; and
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50.

Sec. 32. Minnesota Statutes 1990, section 97A.475, subdivision 7, is amended to read:

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

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- (1) to take fish by angling, ~~\$20~~ \$25;
- (2) to take fish by angling limited to seven consecutive days, \$16.50;
- (3) to take fish by angling for three consecutive days, \$13.50;
- (4) to take fish by angling for a combined license for a family, ~~\$33.50~~ \$35;
- (5) to take fish by angling for a period of 24 hours from the time of issuance, \$5; and
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days, \$25.

Sec. 33. Minnesota Statutes 1990, section 97A.485, subdivision 7, is amended to read:

Subd. 7. **COUNTY AUDITOR'S COMMISSION.** The county auditor shall retain for the county treasury a commission of four percent of all license fees collected by the auditor and the auditor's subagents, excluding the small game surcharge and issuing fees, the fishing surcharge and issuing fees, and the license to take fish by angling for persons age 65 and over. In addition, the auditor shall collect the issuing fees on licenses sold by the auditor to a licensee.

Sec. 34. Minnesota Statutes 1990, section 97B.601, subdivision 4, is amended to read:

Subd. 4. **EXCEPTION TO LICENSE REQUIREMENTS.** (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in section 97A.451, subdivision 3.

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

(e) A person may take turkey without a small game license.

Sec. 35. Minnesota Statutes 1990, section 97B.721, is amended to read:

**97B.721 LICENSE REQUIRED TO TAKE TURKEY.**

A person may not take turkey without a ~~small game license and~~ a turkey license.

Sec. 36. Minnesota Statutes 1990, section 103B.321, subdivision 1, is amended to read:

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Subdivision 1. **GENERAL.** The board shall:

(1) develop guidelines for the contents of comprehensive water plans that provide for a flexible approach to meeting the different water and related land resources needs of counties and watersheds across the state;

(2) coordinate assistance of state agencies to counties and other local units of government involved in preparation of comprehensive water plans, including identification of pertinent data and studies available from the state and federal government;

(3) conduct an active program of information and education concerning the requirements and purposes of sections 103B.301 to 103B.355 in conjunction with the association of Minnesota counties;

(4) determine contested cases under section 103B.345;

(5) establish a process for review of comprehensive water plans that assures the plans are consistent with state law; ~~and~~

(6) report to the legislative commission on Minnesota resources as required by section 103B.351; and

(7) make grants to counties for comprehensive local water planning, implementation of priority actions identified in approved plans, and sealing of abandoned wells.

Sec. 37. Minnesota Statutes 1990, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. **PERMIT FEES.** (a) The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under section 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision. Any money collected under this ~~subdivision~~ paragraph shall be deposited in the special revenue account.

(b) Notwithstanding paragraph (a), and section 16A.128, subdivision 1, the agency shall collect an annual fee from the owner or operator of all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities subject to the requirement to obtain a permit under Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq., or section 116.081. The annual fee shall be used to pay for all direct and indirect reasonable costs, including attorney general costs, required to develop and administer the permit program requirements of Title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399 et seq., and sec-

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

tions of this chapter and the rules adopted under this chapter related to air contamination and noise. Those costs include the reasonable costs of reviewing and acting upon an application for a permit; implementing and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally applicable regulations; responding to federal guidance; modeling, analyses, and demonstrations; preparing inventories and tracking emissions; providing information to the public about these activities; and, after June 30, 1992, the costs of acid deposition monitoring currently assessed under section 116C.69, subdivision 3.

(c) The agency shall adopt fee rules in accordance with the procedures in section 16A.128, subdivisions 1a and 2a, that will result in the collection, in the aggregate, from the sources listed in paragraph (b), of the following amounts:

(1) in fiscal years 1992 and 1993, the amount appropriated by the legislature from the air quality account in the environmental fund for the agency's air quality program; and

(2) for fiscal year 1994 and thereafter, an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); pollutant regulated under Minnesota Rules, chapter 7005; and each pollutant, except carbon monoxide, for which a national or state primary ambient air quality standard has been promulgated.

The agency must not include in the calculation of the aggregate amount to be collected under the fee rules any amount in excess of 4,000 tons per year of each air pollutant from a source.

(d) To cover the reasonable costs described in paragraph (b), the agency shall provide in the rules promulgated under paragraph (c) for an increase in the fee collected in each year beginning after 1990 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is the average of:

(1) the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year; and

(2) the revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 1989.

(e) Any money collected under paragraphs (b) to (d) must be deposited in an air quality account in the environmental fund and must be used solely for the activities listed in paragraph (b).

(f) The agency shall adopt the fee rules for this subdivision by September 1, 1991.

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Sec. 38. **REPORT.**

The pollution control agency shall report to the legislature by December 30, 1992, on the following:

- (1) the basis on which air emission fees are assessed for each pollutant;
- (2) the basis on which air emission fees are distributed among various emission sources;
- (3) how the scope and costs of Minnesota air emission fees and air quality programs compare to neighboring states; and
- (4) the allocation of air emission fees among various programs within the air quality division.

Sec. 39. Minnesota Statutes 1990, section 116P.05, is amended to read:

**116P.05 LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES.**

Subdivision 1. MEMBERSHIP. (a) A legislative commission on Minnesota resources of 16 members is created, consisting of the chairs of the house and senate committees on environment and natural resources or designees appointed for the terms of the chairs, the chairs of the house appropriations and senate finance committees or designees appointed for the terms of the chairs, six members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and six members of the house appointed by the speaker. ~~The commission shall develop a budget plan for expenditures from the trust fund and shall adopt a strategic plan as provided in section 116P.08.~~

~~(b) The commission shall recommend expenditures to the legislature from the Minnesota future resources account under section 116P.13. At least two members from the senate and two members from the house must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.~~

~~(e) (b) Members shall appoint a chair who shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.~~

~~(d) (c) Members shall serve on the commission until their successors are appointed.~~

~~(e) (d) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled in the same manner under paragraph (a).~~

Subd. 2. DUTIES. (a) The commission shall recommend a budget plan for expenditures from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08.

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(b) The commission shall recommend expenditures to the legislature from the Minnesota future resources fund under section 116P.13.

~~(c)~~ (c) The commission may adopt ~~bylaws and~~ operating procedures to fulfill their duties under sections 116P.01 to 116P.13.

Sec. 40. Minnesota Statutes 1990, section 116P.06, is amended to read:

**116P.06 ADVISORY COMMITTEE.**

Subdivision 1. MEMBERSHIP. (a) An advisory committee of 11 citizen members shall be appointed by the governor to advise the legislative commission on Minnesota resources on project proposals to receive funding from the trust fund and the development of budget and strategic plans. The governor shall appoint at least one member from each congressional district. The governor shall appoint the chair.

(b) The governor's appointees must be confirmed with the advice and consent of the senate. The membership terms, compensation, removal, and filling of vacancies for citizen members of the advisory committee are governed by section 15.0575.

Subd. 2. DUTIES. (a) The advisory committee shall:

(1) prepare and submit to the commission a draft strategic plan to guide expenditures from the trust fund;

(2) review the reinvest in Minnesota program during development of the draft strategic plan;

(3) gather input from the resources congress during development of the draft strategic plan;

(4) advise the commission on project proposals to receive funding from the trust fund; and

(5) advise the commission on development of the budget plan.

(b) The advisory committee may review all project proposals for funding and may make recommendations to the commission on whether the projects:

(1) meet the standards and funding categories set forth in sections 116P.01 to 116P.12;

(2) duplicate existing federal, state, or local projects being conducted within the state; and

(3) are consistent with the most recent strategic plan adopted by the commission.

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

Sec. 41. Minnesota Statutes 1990, section 116P.07, is amended to read:

**116P.07 RESOURCES CONGRESS.**

The commission must convene a resources congress at least once every biennium and shall develop procedures for the congress. The congress must be open to all interested individuals. The purpose of the congress is to collect public input necessary to allow the commission, with the advice of the advisory committee, to develop a strategic plan to guide expenditures from the trust fund. The congress also may be convened to receive and review reports on trust fund projects. The congress shall also review the reinvest in Minnesota program.

Sec. 42. Minnesota Statutes 1990, section 116P.08, subdivision 3, is amended to read:

Subd. 3. **STRATEGIC PLAN REQUIRED.** (a) The commission shall adopt a strategic plan for making expenditures from the trust fund, including identifying the priority areas for funding for the next six years. ~~The reinvest in Minnesota program must be reviewed by the advisory committee, resources congress, and commission during the development of the strategic plan.~~ The strategic plan must be updated every two years. The plan is advisory only. The commission shall submit the plan, as a recommendation, to the house of representatives appropriations and senate finance committees by January 1 of each odd-numbered year.

(b) ~~The advisory committee shall work with the resources congress to develop a draft strategic plan to be submitted to the commission for approval. The commission shall develop the procedures for the resources congress.~~

(e) The commission may accept or modify the draft of the strategic plan submitted to it by the advisory committee before voting on the plan's adoption.

Sec. 43. Minnesota Statutes 1990, section 116P.08, subdivision 4, is amended to read:

Subd. 4. **BUDGET PLAN.** (a) Funding may be provided only for those projects that meet the categories established in subdivision 1.

(b) Projects submitted to the commission for funding may be referred to the advisory committee for recommendation; ~~except that research proposals first must be reviewed by the peer review panel. The advisory committee may review all project proposals for funding and may make recommendations to the commission on whether:~~

(1) ~~the projects meet the standards and funding categories set forth in sections 116P.01 to 116P.12;~~

(2) ~~the projects duplicate existing federal, state, or local projects being conducted within the state; and~~

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

(3) ~~the projects are consistent with the most recent strategic plan adopted by the commission.~~

(c) The commission must adopt a budget plan to make expenditures from the trust fund for the purposes provided in subdivision 1. The budget plan must be submitted to the governor for inclusion in the biennial budget and supplemental budget submitted to the legislature.

(d) Money in the trust fund may not be spent except under an appropriation by law.

Sec. 44. Minnesota Statutes 1990, section 116P.09, subdivision 2, is amended to read:

Subd. 2. **LIAISON OFFICERS.** The commission shall request each department or agency head of all state agencies with a direct interest and responsibility in any phase of environment and natural resources to appoint, and the latter shall appoint for the agency, a liaison officer who shall work closely with the commission and its staff. ~~The designated liaison officer shall attend all meetings of the advisory committee to provide assistance and information to committee members when necessary.~~

Sec. 45. Minnesota Statutes 1990, section 116P.09, subdivision 4, is amended to read:

Subd. 4. **PERSONNEL.** Persons who are employed by a state agency to work on a project and are paid by an appropriation from the trust fund or Minnesota future resources ~~account~~ fund are in the unclassified civil service, and their continued employment is contingent upon the availability of money from the appropriation. When the appropriation has been spent, their positions must be canceled and the approved complement of the agency reduced accordingly. Part-time employment of persons for a project is authorized.

Sec. 46. Minnesota Statutes 1990, section 116P.09, subdivision 7, is amended to read:

Subd. 7. **REPORT REQUIRED.** The commission shall, by July + January 15 of each ~~even-numbered~~ odd-numbered year, submit a report to the governor, the chairs of the house appropriations and senate finance committees, and the chairs of the house and senate committees on environment and natural resources. Copies of the report must be available to the public. The report must include:

- (1) a copy of the current strategic plan;
- (2) a description of each project receiving money from the trust fund and Minnesota future resources ~~account~~ fund during the preceding ~~two years~~ biennium;
- (3) a summary of any research project completed in the preceding ~~two years~~ biennium;

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

(4) recommendations to implement successful projects and programs into a state agency's standard operations;

(5) to the extent known by the commission, descriptions of the projects anticipated to be supported by the trust fund and Minnesota future resources account during the next ~~two years~~ biennium;

(6) the source and amount of all revenues collected and distributed by the commission, including all administrative and other expenses;

(7) a description of the ~~trust fund's~~ assets and liabilities of the trust fund and the Minnesota future resources fund;

(8) any findings or recommendations that are deemed proper to assist the legislature in formulating legislation;

(9) a list of all gifts and donations with a value over \$1,000; and

(10) a comparison of the amounts spent by the state for environment and natural resources activities through the most recent fiscal year; and

(11) a copy of the most recent ~~certified financial~~ and compliance audit.

#### Sec. 47. GLENDALOUGH STATE PARK.

Subdivision 1. [85.012] [Subd. 23a.] GLENDALOUGH STATE PARK. Glendalough state park is established in Otter Tail county.

Subd. 2. ACQUISITION. The commissioner of natural resources is authorized to acquire by gift or purchase the lands for Glendalough state park. The commissioner shall give emphasis to the management of wildlife within the park and shall interpret these management activities for the public. Except as otherwise provided in this subdivision, all lands acquired for Glendalough state park shall be administered in the same manner as provided for other state parks and shall be perpetually dedicated for that use.

Subd. 3. PAYMENT IN LIEU OF TAXES FOR PRIVATE TRACTS. (a) If a tract or lot or privately owned land is acquired for inclusion within Glendalough state park and, as a result of the acquisition, taxes are no longer assessed against the tract or lot or improvements on the tract or lot, the following amount shall be paid by the commissioner of natural resources to Otter Tail county for distribution to the taxing districts:

(1) in the first year after taxes are last required to be paid on the property, 55 percent of the last required payment;

(2) in the second year after taxes are last required to be paid on the property, 40 percent of the last required payment; and

(3) in the third year after taxes are last required to be paid on the property, 20 percent of the last required payment.

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

(b) The commissioner shall make the payments from money appropriated for state park maintenance and operation. The county auditor shall certify to the commissioner of natural resources the total amount due to a county on or before March 30 of the year in which money must be paid under this section. Money received by a county under this subdivision shall be distributed to the various taxing districts in the same proportion as the levy on the property in the last year taxes were required to be paid on the property.

Subd. 4. BOUNDARIES. The following described lands are located within the boundaries of Glendalough state park:

Government Lots 3 and 4 and that part of Lake Emma and its lake bed lying in Section 7; all of Section 18; Government Lot 1, the Northeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 19; all in Township 133 North, Range 39 West.

All of Section 13; Government Lots 1 and 2, the West Half of the Southeast Quarter, the Northeast Quarter and the Southwest Quarter of Section 14; Government Lots 1 and 2, the East 66 feet of the West Half of the Southeast Quarter and the Northeast Quarter of Section 23; Government Lots 1, 2, 3, 4, 5, 6, and 8, the Northwest Quarter of the Northwest Quarter, the East Half of the Southeast Quarter of Section 24; that part of Government Lot 7 of Section 24 lying easterly of the following described line: commencing at the northeast corner of Government Lot 1 of Section 25, Township 133 North, Range 40 West; thence North 89 degrees 22 minutes 29 seconds West on an assumed bearing along the north line of said Section 25 a distance of 75.00 feet to the point of beginning; thence on a bearing of North 37 feet, more or less, to the shoreline of Molly Stark Lake and there terminating; that part of Government Lot 1 of Section 25 lying northerly of County State Aid Highway No. 16 and westerly of the following described line: commencing at the northeast corner of said Government Lot 1; thence on an assumed bearing of South along the east line of said Government Lot 1 a distance of 822.46 feet; thence North 77 degrees 59 minutes 14 seconds West 414.39 feet to the point of beginning; thence North 04 degrees 28 minutes 54 seconds East 707 feet, more or less, to the shoreline of Molly Stark Lake and there terminating; the westerly 50 feet except the northerly 643.5 feet of Government Lot 1 of Section 25; Government Lot 1 of Section 26 except the easterly 50 feet of the northerly 643.5 feet; all in Township 133 north, Range 40 West.

Sec. 48. REPEALER.

Minnesota Statutes 1990, section 116.86, is repealed.

Sec. 49. EFFECTIVE DATE.

Sections 15 and 16 are effective October 1, 1991. Sections 30, 31, and 32 are effective for the licensing year beginning March 1, 1992, and for each licensing year thereafter.

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## ARTICLE 3

## AGRICULTURE

## Section 1. [17.107] FARM EQUIPMENT SAFETY AND MAINTENANCE PROGRAM FOR YOUTH.

Subdivision 1. PROGRAM COORDINATION. The Minnesota extension service, in cooperation with the commissioner of agriculture, shall implement a voluntary farm equipment safety program for training and certifying rural youth. The program must be designed to teach young operators to safely maintain and operate tractors and other farm implements. The extension service shall maintain records adequate to verify the names and addresses of students certified by the safety program.

Subd. 2. INSTRUCTOR DEVELOPMENT. Not later than August 1, 1991, the Minnesota extension service shall design a program for the recruitment and development of qualified instructors for the youth farm equipment safety program created under subdivision 1.

Subd. 3. PAYMENT TO INSTRUCTORS. From within public or nonpublic funds made available for the youth farm equipment safety program created under subdivision 1, the commissioner of agriculture may make payments of \$25 per student to qualified instructors on a per-student basis.

Sec. 2. Minnesota Statutes 1990, section 18.46, subdivision 6, is amended to read:

**Subd. 6. NURSERY STOCK GROWER.** ~~A nursery operator. A "Nursery operator is any stock grower"~~ means a person who owns, leases, manages, or is in charge of a nursery.

Sec. 3. Minnesota Statutes 1990, section 18.46, subdivision 9, is amended to read:

**Subd. 9. NURSERY STOCK DEALER.** ~~A dealer. A "Nursery stock dealer is any"~~ means a person who obtains nursery stock for the purpose of sale or distribution and includes any person who sells and distributes for more than one nursery operator stock grower. A person who purchases more than half of the nursery stock offered for sale at a sales location during the current certificate year shall be considered a nursery stock dealer rather than a nursery operator stock grower for the purposes of determining a proper fee schedule.

Sec. 4. Minnesota Statutes 1990, section 18.46, is amended by adding a subdivision to read:

**Subd. 9a. LANDSCAPER.** "Landscaper" is a nursery stock dealer who obtains certified nursery stock for immediate sale, distribution, or installation and who does not grow or maintain nursery stock for resale.

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

Sec. 5. Minnesota Statutes 1990, section 18.49, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATE.** It is unlawful for a person to sell or distribute nursery stock to a nursery stock dealer or nursery ~~operator~~ stock grower who does not have a valid ~~certificate of inspection~~ grower's or dealer's certificate.

Sec. 6. Minnesota Statutes 1990, section 18.51, is amended to read:

**18.51 NURSERY STOCK GROWER'S CERTIFICATE OF INSPECTION.**

Subdivision 1. **CERTIFICATE REQUIRED.** Each nursery ~~operator~~ stock grower shall obtain a nursery stock grower's certificate of ~~inspection~~ from the commissioner. Said certificate shall be obtained before offering nursery stock for sale or distribution. Each certificate shall expire on ~~November 15~~ December 31 of each year.

Subd. 2. **FEES; PENALTY.** A nursery ~~operator~~ stock grower shall pay an annual fee before the commissioner shall issue a certificate of inspection. This fee shall be based on the area of all of the ~~operator's~~ nursery stock grower's nurseries as follows:

Nurseries:

- |   |   |
|---|---|
| (1) 1/2 acre or less                        | <del>\$40</del> <u>\$70</u> per nursery <del>operator</del> <u>stock grower</u>   |
| (2) Over 1/2 acre to and including 2 acres  | <del>\$60</del> <u>\$85</u> per nursery <del>operator</del> <u>stock grower</u>   |
| (3) Over 2 acres to and including 10 acres  | <del>\$125</del> <u>\$150</u> per nursery <del>operator</del> <u>stock grower</u>   |
| (4) Over 10 acres to and including 50 acres | <del>\$360</del> <u>\$400</u> per nursery <del>operator</del> <u>stock grower</u>   |
| (5) Over 50 acres                           | <u>\$725</u> per nursery <del>operator</del> <u>stock grower for the first 50 acres and \$1 per acre for each additional acre</u> |

~~In addition to the above fees, A minimum~~ penalty of ~~\$10~~ or 25 percent of the fee due, ~~whichever is greater,~~ shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 7. Minnesota Statutes 1990, section 18.52, subdivision 1, is amended to read:

Subdivision 1. **CERTIFICATES REQUIRED.** A ~~dealer's~~ nursery stock dealer certificate shall be obtained by every nursery stock dealer for each location before offering nursery stock for sale or distribution unless the nursery stock

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dealer holds a valid greenhouse or nursery ~~operator's stock grower's~~ certificate either of which will permit a single sales location. This certificate or a duplicate thereof shall be displayed in a prominent manner at each place where nursery stock is offered for sale. A certificate to sell or distribute certified nursery stock may be obtained by a nursery stock dealer or by an agent through a principal, from the commissioner. The commissioner may refuse to issue a ~~dealer's nursery stock dealer~~ or ~~agent's agent~~ certificate for cause.

Sec. 8. Minnesota Statutes 1990, section 18.52, subdivision 5, is amended to read:

Subd. 5. **FEES; PENALTY.** A nursery stock dealer shall pay an annual fee based on the dealer's gross sales during the preceding certificate year. A nursery stock dealer operating for the first year will pay the minimum fee.

Dealers:

(1)	Gross sales up to <del>\$1,000</del> <u>\$5,000</u>	at a location <del>\$40</del> <u>\$70</u> per location
(2)	Gross sales over \$1,000 and up to \$5,000	at a location \$50 per location
(3)	Gross sales over \$5,000 up to \$10,000	at a location <del>\$85</del> <u>\$100</u> per location
(4) (3)	Gross sales over \$10,000 up to \$25,000	at a location <del>\$125</del> <u>\$200</u> per location
(5) (4)	Gross sales over \$25,000 up to \$75,000	at a location <del>\$175</del> <u>\$300</u> per location
(6) (5)	Gross sales over \$75,000 up to \$100,000	at a location <del>\$260</del> <u>\$400</u> per location
(7) (6)	Gross sales over \$100,000 <u>up to \$250,000</u>	at a location <del>\$400</del> <u>\$500</u> per location
(7)	Gross sales over <u>\$250,000</u>	at a location <u>\$600</u> per location

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 9. Minnesota Statutes 1990, section 18.54, subdivision 2, is amended to read:

Subd. 2. **VIRUS DISEASE-FREE CERTIFICATION.** The commissioner

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shall have the authority to provide special services such as virus disease-free certification and other similar programs. Participation by nursery ~~operators~~ stock growers shall be voluntary. Plants offered for sale as certified virus-free must be grown according to certain procedures in a manner defined by the commissioner for the purpose of eliminating viruses and other injurious disease or insect pests. The commissioner shall collect reasonable fees from participating nursery ~~operators~~ stock growers for services and materials that are necessary to conduct this type of work, as provided in section 16A.128.

Sec. 10. Minnesota Statutes 1990, section 18.55, is amended to read:

#### 18.55 RECIPROCITY WITH OTHER STATES.

Subdivision 1. **OUT-OF-STATE NURSERY OPERATOR STOCK GROWER, DEALER, OR AGENT.** A nursery ~~operator~~ stock grower, dealer, or agent from another state which issues certificates to nursery ~~operators~~ stock growers, dealers, or agents of Minnesota on the same or similar basis as to nursery ~~operators~~ stock growers, dealers, or agents of such state may operate in Minnesota upon complying with the plant pest act without procuring a Minnesota certificate. Any person from another state shipping nursery stock into Minnesota shall be accorded treatment similar to that which is required of Minnesota nursery ~~operators~~ stock growers, dealers, or agents who ship or sell nursery stock in such state. No reciprocity shall be extended under this section until the commissioner has first determined which states issue certificates to nursery ~~operators~~ stock growers, dealers, or agents of Minnesota on the same or similar basis as to nursery ~~operators~~ stock growers, dealers, or agents of such states.

Subd. 2. **FILING OUT-OF-STATE CERTIFICATES OF INSPECTION.** Each out-of-state nursery ~~operator~~ stock grower or dealer whose nursery stock is sold, offered for sale, or distributed within this state shall file a certified current copy of an out-of-state certificate in the office of the commissioner. The commissioner may accept, in lieu of such individual certificates, a certified list of current certified nursery ~~operators~~ stock growers or dealers from the regulatory agency having jurisdiction in the state of origin, and may distribute such lists to persons in the state of Minnesota requesting them. The commissioner also may supply certified lists of certified Minnesota nursery ~~operators~~ stock growers and dealers offering nursery stock for sale in Minnesota and other states on request of any person. If any certified nursery ~~operator~~ stock grower or dealer has violated any provisions of the plant pest act, the filed certificate will be voided or the ~~nursery operator's~~ person's name will be stricken from the appropriate certified list.

Sec. 11. Minnesota Statutes 1990, section 18.56, is amended to read:

#### 18.56 TAGS.

A tag bearing a reasonable facsimile of the nursery stock grower or dealer certificate of ~~inspection~~ shall be attached to every package or bundle of nursery stock sold or transported by any person. The form of each tag shall be approved by the commissioner before being used.

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

Sec. 12. Minnesota Statutes 1990, section 18.57, is amended to read:

**18.57 CARRIERS NOT TO ACCEPT UNTAGGED STOCK.**

All carriers for hire, including railroad companies, express companies and truck lines shall not accept nursery stock which is not tagged with a valid tag of the nursery stock grower or dealer making the shipment. The carrier shall promptly notify the commissioner regarding any prohibited shipment.

Sec. 13. Minnesota Statutes 1990, section 18.60, is amended to read:

**18.60 PENALTIES.**

Subdivision 1. **CERTIFICATE MAY BE REVOKED REVOCATION.** In addition to or in lieu of administrative penalties under subdivision 2, the certificate of any person violating any of the provisions of the plant pest act may be suspended or revoked by the commissioner ~~upon five days notice and opportunity to be heard.~~

Subd. 2. **MISDEMEANOR ADMINISTRATIVE PENALTY.** Any person violating any of the provisions of the plant pest act, or any rule promulgated thereunder shall be guilty of a misdemeanor. The commissioner may impose an administrative penalty on a person who violates sections 18.44 to 18.61. For a first violation, the commissioner may impose an administrative penalty of not more than \$1,000 for each violation. For a second or succeeding violation, the commissioner may impose an administrative penalty of not more than \$1,500 for each violation. Each day a violation continues is a separate violation. In determining the amount of the administrative penalty to be assessed under this section, the commissioner shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the person's ability to continue in business.

Subd. 3. **APPEAL.** A person adversely affected by an act, order, or ruling made under this section, or a rule adopted under the plant pest act, may appeal under chapter 14.

Sec. 14. Minnesota Statutes 1990, section 27.19, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITED ACTS.** (a) A person subject to the provisions of this section and sections 27.01 to 27.15 may not:

- (1) operate or advertise to operate as a dealer at wholesale without a license;
- (2) make any false statement or report as to the grade, condition, markings, quality, or quantity of produce, as defined in section 27.069, received or delivered, or act in any manner to deceive a consignor or purchaser;
- (3) refuse to accept a shipment contracted for by the person, unless the refusal is based upon the showing of a state inspection certificate secured with

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reasonable promptness after the receipt of the shipment showing that the kind and quality of produce, as defined in section 27.069, is other than that purchased or ordered by the person;

(4) fail to account or make a settlement for produce within the required time;

(5) violate or fail to comply with the terms or conditions of a contract entered into by the person for the purchase or sale of produce;

(6) purchase for a person's own account any produce received on consignment, either directly or indirectly, without the consent of the consignor;

(7) issue a false or misleading market quotation, or cancel a quotation during the period advertised by the person;

(8) increase the sales charges on produce shipped to the person by means of "dummy" or fictitious sales;

(9) receive decorative forest products and the products of farms and waters from foreign states or countries for sale or resale, either within or outside of the state, and give the purchaser the impression, through any method of advertising or description, that the produce is of Minnesota origin;

(10) fail to notify in writing all suppliers of produce of the protection afforded to suppliers by the person's licensee bond, including: availability of a bond, notice requirements, and any other conditions of the bond;

(11) make a false statement to the commissioner on an application for license or bond or in response to written questions from the commissioner regarding the license or bond;

(12) commit to pay and not pay in full for all produce committed for, A processor may not pay an amount less than the full contract price if the crop produced is satisfactory for processing and is not harvested for reasons within the processor's control. If the processor sets the date for planting, bunching, unusual yields, and a processor's inability or unwillingness to harvest must be considered to be within the processor's control. Under this clause growers must be compensated for passed acreage at the same rate for grade and yield as they would have received had the crop been harvested in a timely manner minus any contractual provision for green manure or feed value. Both parties are excused from payment or performance for crop conditions that are beyond the control of the parties; or

(13) discriminate between different sections, localities, communities, or cities, or between persons in the same community, by purchasing produce from farmers of the same grade, quality, and kind, at different prices, except that price differentials are allowed if directly related to the costs of transportation, shipping, and handling of the produce and a person is allowed to meet the prices of a competitor in good faith, in the same locality for the same grade, quality,

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and kind of produce. A showing of different prices by the commissioner is prima facie evidence of discrimination.

(b) A separate violation occurs with respect to each different person involved, each purchase or transaction involved, and each false statement.

Sec. 15. Minnesota Statutes 1990, section 28A.08, is amended to read:

**28A.08 LICENSE FEES; PENALTIES.**

License fees, penalties for late renewal of licenses, and penalties for not obtaining a license before conducting business in food handling that are set in this section apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this chapter. The ~~late penalty~~ penalties may be waived by the commissioner.

Type of food handler	License Fee	Penalties	
		Late Renewal	No License
1. Retail food handler			
(a) <u>Having gross sales of only prepackaged nonperishable food of less than \$50,000 \$15,000 for the immediately previous license or fiscal year and filing a statement with the commissioner</u>	\$ 40	\$ 15	\$ 25
(b) <u>Having under \$15,000 gross sales including food preparation or having \$15,000 to \$50,000 gross sales for the immediately previous license or fiscal year</u>	\$ 55	\$ 15	\$ 25
( <del>b</del> ) (c) <u>Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year</u>	<del>\$ 75</del> \$105	<del>\$ 25</del> \$ 35	<del>\$ 25</del> \$ 75
(e) (d) <u>Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	<del>\$125</del> \$180	\$ 50	<del>\$ 50</del> \$100
( <del>d</del> ) (e) <u>Having over \$1,000,000 to \$5,000,000 gross sales for the immediately previous license or fiscal year</u>	<del>\$250</del> \$500	<del>\$ 75</del> \$100	\$100 \$175
(f) <u>Having \$5,000,000 to \$10,000,000 gross sales for the immediately previous license or fiscal year</u>	\$700	\$150	\$300

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	<u>(g) Having over \$10,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$800</u>	<u>\$200</u>	<u>\$350</u>
2.	Wholesale food handler			
	(a) Having gross sales or service of less than \$250,000 for the immediately previous license or fiscal year	<u>\$100</u>	<del>\$ 25</del>	<del>\$ 50</del>
		<u>\$200</u>	<u>\$ 50</u>	<u>\$100</u>
	(b) Having \$250,000 to \$1,000,000 gross sales or service for the immediately previous license or fiscal year	<u>\$150</u>	<del>\$ 38</del>	<del>\$ 75</del>
		<u>\$400</u>	<u>\$100</u>	<u>\$200</u>
	(c) Having <del>over</del> \$1,000,000 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year	<u>\$200</u>	<del>\$ 50</del>	<del>\$100</del>
		<u>\$500</u>	<u>\$125</u>	<u>\$250</u>
	<u>(d) Having over \$5,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$575</u>	<u>\$150</u>	<u>\$300</u>
3.	Food broker	<del>\$ 75</del>	<del>\$ 25</del>	<del>\$ 25</del>
		<u>\$100</u>	<u>\$ 30</u>	<u>\$ 50</u>
4.	Wholesale food processor or manufacturer			
	(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	<u>\$200</u>	<del>\$ 50</del>	<del>\$ 75</del>
		<u>\$275</u>	<u>\$ 75</u>	<u>\$150</u>
	(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	<u>\$275</u>	<del>\$ 75</del>	<del>\$100</del>
		<u>\$400</u>	<u>\$100</u>	<u>\$200</u>
	(c) Having <del>over</del> \$1,000,000 to \$5,000,000 gross sales for the immediately previous license or fiscal year	<u>\$375</u>	<del>\$100</del>	<del>\$125</del>
		<u>\$500</u>	<u>\$125</u>	<u>\$250</u>
	<u>(d) Having over \$5,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$575</u>	<u>\$150</u>	<u>\$300</u>
5.	Wholesale food processor of meat or poultry products under supervision of the U. S. Department of Agriculture			
	(a) Having gross sales of less than \$250,000 for the immediately previous license <del>of</del> or fiscal year	<u>\$100</u>	<del>\$ 25</del>	<del>\$ 38</del>
		<u>\$150</u>	<u>\$ 50</u>	<u>\$ 75</u>
	(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	<u>\$150</u>	<del>\$ 50</del>	<del>\$ 45</del>
		<u>\$225</u>	<u>\$ 75</u>	<u>\$125</u>

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(c) Having <del>over</del> <u>\$1,000,000 to \$5,000,000</u> gross sales for the immediately previous license or fiscal year	<del>\$175</del> <u>\$275</u>	<del>\$ 50</del> <u>\$ 75</u>	<del>\$ 53</del> <u>\$150</u>
(d) <u>Having over \$5,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$325</u>	<u>\$100</u>	<u>\$175</u>
6. Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota farmstead cheese	\$ 30	\$ 10	\$ 15
7. <u>Nonresident frozen dairy manufacturer</u>	<u>\$200</u>	<u>\$ 50</u>	<u>\$ 75</u>

Sec. 16. Minnesota Statutes 1990, section 29.22, is amended to read:

**29.22 ~~DEALERS EGG HANDLERS~~ ANNUAL INSPECTION FEE; DISPOSITION OF FEES.**

Subd. 2. **COMPUTATION; FEE SCHEDULE; RECORDS.** In addition to the annual ~~dealer's~~ food handler's license, required under section 28A.04, there ~~shall be~~ is an annual inspection fee applicable to every person who engages in the business of buying for resale, selling, ~~dealing,~~ or trading in eggs except a retail grocer who sells eggs previously candled and graded; ~~such.~~ The fee to ~~must~~ be computed on the basis of the number of cases of shell eggs handled at each place of business during the ~~month of April of each year,~~ providing that if said dealer or processor is not operating during the month of April, the department shall estimate the volume of shell eggs handled, and may revise the fee after three months of operation. In the event that highest volume month of each licensing year. If a given lot of eggs is moved from one location of business to a second location of business and provided that the dealers' food handler's license is held by the same person at both locations, the given lot of eggs shall ~~must~~ be counted in determining the volume of business on which the inspection fee is based at the first location of business but ~~shall~~ must not enter into the computation of volume of business for the second location. For the purpose of determining fees, a ~~case shall be~~ "case" means one of 30 dozen capacity. The schedule of fees ~~shall be~~ is as follows:

<u>VOLUME (30 DOZEN CASES) IN APRIL - MINIMUM - MAXIMUM FEE</u>	<u>HIGHEST VOLUME OF CASES EACH LICENSING YEAR</u>		
	<u>FEE</u>		
1 - 100	<del>\$ 5-</del>	\$ 10	
<u>51 - 100</u>		<u>\$ 25</u>	
101 - 1000	<del>\$ 10-</del>	<del>\$ 25</del>	\$ 50
1001 - 2000	<del>\$ 25-</del>	<del>\$ 50</del>	<u>\$ 75</u>
2001 - 4000	<del>\$ 50-</del>	<del>\$ 75</del>	<u>\$100</u>
4001 - 6000	<del>\$ 75-</del>	<del>\$100</del>	<u>\$125</u>
6001 - 8000	<del>\$100-</del>	<del>\$125</del>	<u>\$150</u>
8001 - 10,000	<del>\$125-</del>	<del>\$150</del>	<u>\$200</u>
OVER 10,000	<del>\$150-</del>	<u>\$200</u>	<u>\$250</u>

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The commissioner shall fix the annual inspection fee within the limits set herein and may annually adjust the fee, as the commissioner deems necessary, within those limits, to more nearly meet the costs of inspection required to enforce the provisions of sections ~~29.21 to 29.28~~. Each person subject to ~~such~~ the inspection fee in this section shall, under the direction of the commissioner, keep ~~such~~ records as may be necessary to accurately determine the volume of shell eggs on which the inspection fee is due and shall prepare annually a written report of ~~such~~ the volume upon forms supplied by the commissioner. This report, together with the required inspection fee, ~~shall~~ must be filed with the department on or before the last day of May of each year.

Subd. 3. **CANDLERS AND GRADERS.** The commissioner ~~shall have~~ has general supervisory powers over the candlers and graders of eggs and may conduct, in collaboration with the ~~institute~~ college of agriculture and the extension service of the University of Minnesota, an educational and training program to improve the efficiency and quality of the work done by ~~such~~ candlers.

Subd. 4. **EGG BREAKING PLANTS.** Any person engaged in the business of breaking eggs for resale shall at all times comply with the rules of the department in respect to the conduct of ~~such~~ that business. The commissioner shall collect from each egg breaking plant laboratory fees for routine analysis and full reimbursement for services performed by a state inspector assigned to that plant on a continuous basis as ~~provided for in~~ under section 29.27.

Subd. 5. **DEPOSIT DISPOSITION OF FEES; APPROPRIATION.** All fees collected; ~~together with and~~ all fines paid for ~~any~~ a violation of ~~any provision~~ of sections 29.21 to 29.28 or ~~any~~ rules promulgated ~~thereunder~~ under those sections, as well as all license fees and penalties ~~for late license renewal~~; ~~shall~~ must be deposited in the state treasury, and ~~shall~~ be credited to a separate account to be known as the egg law inspection fund, which is hereby created, set aside, and appropriated as a revolving fund to be used by the department to help defray the expense of inspection, supervision, and enforcement of sections 29.21 to 29.28 and ~~shall be~~ is in addition to and not in substitution for the sums regularly appropriated or otherwise made available for this purpose to the department.

Sec. 17. Minnesota Statutes 1990, section 31.39, is amended to read:

**31.39 ASSESSMENTS; INSPECTION SERVICES; COMMERCIAL CANNERIES ACCOUNT.**

The commissioner is hereby authorized and directed to collect from each commercial cannery an assessment for inspection and services furnished, and for maintaining a bacteriological laboratory and employing such bacteriologists and trained and qualified sanitarians as the commissioner may deem necessary. The assessment to be made on each commercial cannery, for each and every packing season, shall not exceed one-half cent per case on all foods packed, canned, or

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preserved therein, nor shall the assessment in any one calendar year to any one cannery exceed ~~\$2,500~~ \$3,000, and the minimum assessment to any cannery in any one calendar year shall be \$100; ~~provided, that the amount of the annual license fee collected under section 28A.08 shall be used to reduce the annual assessment for that year.~~ The commissioner shall provide appropriate deductions from assessments for the net weight of meat, chicken, or turkey ingredients which have been inspected and passed for wholesomeness by the United States Department of Agriculture. The commissioner may, when the commissioner deems it advisable, graduate and reduce the assessment to such sum as is required to furnish the inspection and laboratory services rendered. The assessment made and the license fees, penalties, and other sums so collected shall be deposited in the state treasury, as other departmental receipts are deposited, but shall constitute a separate account to be known as the commercial canneries inspection account, which is hereby created, and together with moneys now remaining in said account, set aside, and appropriated as a revolving fund, to meet the expense of special inspection, laboratory and other services rendered, as provided in sections 31.31 to 31.392. The amount of such assessment shall be due and payable on or before December 31, of each year, and if not paid on or before February 15 following, shall bear interest after that date at the rate of seven percent per annum, and a penalty of ten percent on the amount of the assessment shall also be added and collected.

Sec. 18. Minnesota Statutes 1990, section 32.394, subdivision 8, is amended to read:

Subd. 8. **GRADE A INSPECTION FEES.** A processor or marketing organization of milk, milk products, sheep milk, or goat milk who wishes to market Grade A milk or use the Grade A label must apply for Grade A inspection service from the commissioner. A pasteurization plant requesting Grade A inspection service must hold a Grade A permit and pay an annual inspection fee of no more than \$500. For Grade A farm inspection service, the fee must be no more than ~~\$66~~ \$50 per farm, paid annually by the processor or by the marketing organization on behalf of its patrons. For a farm requiring a reinspection in addition to the required biannual inspections, an additional fee of no more than ~~\$33~~ \$25 per reinspection must be paid by the processor or by the marketing organization on behalf of its patrons. ~~If the commissioner deems it necessary to more nearly meet the cost of the service, the commissioner may annually adjust the assessments within the limits set in this subdivision. The Grade A farm inspection fee must not exceed the lesser of (1) 40 percent of the department's actual average cost per farm inspection or reinspection; or (2) the dollar limits set in this subdivision.~~ No fee increase may be implemented until after the commissioner has held three or more public hearings.

Sec. 19. Minnesota Statutes 1990, section 32.394, subdivision 8b, is amended to read:

Subd. 8b. **MANUFACTURING GRADE FARM CERTIFICATION.** A processor or marketing organization of milk, milk products, sheep milk, or goat

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milk who wishes to market other than Grade A milk must apply for a manufacturing grade farm certification inspection from the commissioner. A manufacturing plant that pasteurizes milk or milk by-products must pay an annual fee based on the number of pasteurization units. This fee must not exceed \$140 per unit. The fee for farm certification inspection must not be more than ~~\$33~~ \$25 per farm to be paid annually by the processor or by the marketing organization on behalf of its patrons. For a farm requiring more than the one ~~annual~~ inspection ~~required~~ for certification, ~~an additional a~~ reinspection fee of no more than ~~\$33~~ \$25 must be paid by the processor or by the marketing organization on behalf of its patrons. The fee must be set by the commissioner in an amount necessary to ~~meet cover~~ 40 percent of the department's actual cost of providing the service annual inspection but must not exceed the limits in this subdivision. No fee increase may be implemented until after the commissioner has held three or more public hearings.

Sec. 20. Minnesota Statutes 1990, section 32.394, is amended by adding a subdivision to read:

Subd. 8d. PROCESSOR ASSESSMENT. (a) A manufacturer shall pay to the commissioner a fee for fluid milk processed and milk used in the manufacture of fluid milk products sold in Minnesota. Beginning July 1, 1991, the fee is five cents per hundredweight. If the commissioner determines that a different fee, not exceeding nine cents per hundredweight, when combined with general fund appropriations and fees charged under sections 17 and 18, is needed to provide adequate funding for the Grades A and B inspection programs, the commissioner may, by rule, change the fee on processors.

(b) Processors must report quantities of milk processed under paragraph (a) on forms provided by the commissioner. Processor fees must be paid monthly. The commissioner may require the production of records as necessary to determine compliance with this subdivision.

Sec. 21. Minnesota Statutes 1990, section 41A.09, subdivision 3, is amended to read:

**Subd. 3. PAYMENTS FROM ACCOUNT.** The commissioner of revenue shall make cash payments to producers of ethanol or wet alcohol located in the state. These payments shall apply only to ethanol or wet alcohol fermented in the state. The amount of the payment for each producer's annual production shall be as follows:

(a) For each gallon of ethanol produced:

(1) For the period beginning July 1, 1986, and ending June 30, 1987, 15 cents per gallon;

(2) For the period beginning July 1, 1987, and ending June 30, 2000, 20 cents per gallon.

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(b) For each gallon produced of wet alcohol during the period beginning July 1, 1989, and ending June 30, 2000, a payment in cents per gallon calculated by the formula "alcohol purity in percent divided by five," and rounded to the nearest cent per gallon, but not less than 11 cents per gallon. The producer payment for wet alcohol under this section may be paid to either the original producer of wet alcohol or the secondary processor, at the option of the original producer, but not to both.

(c) The total payments from the fund to all producers may not exceed \$200,000 during the period beginning July 1, 1986, and ending June 30, 1987, and may not exceed \$10,000,000 in any fiscal year during the period beginning July 1, 1987, and ending June 30, 1991, and may not exceed \$4,500,000 in any fiscal year during the period beginning July 1, 1991, and ending June 30, 2000. Total payments to any producer from the account in any fiscal year may not exceed \$3,000,000.

By the last day of October, January, April, and July, each producer shall file a claim for payment for production during the preceding three calendar months. The volume of production must be verified by a certified financial audit performed by an independent certified public accountant using generally accepted accounting procedures.

Payments shall be made November 15, February 15, May 15, and August 15.

#### Sec. 22. [137.341] FARM SAFETY SPECIALIST POSITION.

The Minnesota legislature finds that because the extension service has unique opportunities for delivering health and safety messages to farm families, the extension service is urged to retain and, to the extent practicable, keep filled at all times, the staff position of farm safety specialist.

#### Sec. 23. [137.342] RESEARCH CENTER FOR AGRICULTURAL HEALTH AND SAFETY.

Subdivision 1. CREATION. There is created within the division of environmental and occupational health in the University of Minnesota school of public health and under its direction an interagency, interdisciplinary research center for agricultural health and safety. The center shall coordinate funding for, and the findings of, research projects designed to reduce injury and death from farm accidents, reduce long-term exposure to potentially hazardous agricultural agents, and make health care services more available to persons who suffer from health problems related to agriculture.

Subd. 2. FARM SAFETY ADVISORY COMMISSION. The commissioner of agriculture may appoint a farm safety advisory commission to support, review, and monitor the programs and activities of the research center for agricultural health and safety. Appointees to the commission must represent a broad range of interests including education, production farming, agricultural wholesale and retail businesses, statewide farm organizations, and manufacturers of agricultural machinery and chemicals. The advisory commission may assist in raising funds and developing resources for the promotion of farm safety. The advisory commission may participate in farm safety advertising campaigns, farm equipment safety training, and farm safety audit programs.

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## SAFETY EQUIPMENT ON FARM TRACTORS

Sec. 24. [325F.6670] EQUIPMENT REQUIRED AT TIME OF SALE.

(a) No farm equipment dealer or other seller required to collect an excise tax under section 297A.02 may sell a farm tractor as defined in section 325F.6651, subdivision 2, unless, at the time of sale, the tractor is equipped with safety equipment as provided in paragraphs (b) and (c).

(b) If originally provided by the manufacturer, the farm tractor must have

(1) power-take-off shields; and

(2) road transport lighting and reflector systems.

(c) Whether or not originally provided by the manufacturer, the farm tractor must have a slow-moving vehicle sign displayed in accordance with section 169.522.

## Sec. 25. FARM SAFETY AUDIT PILOT PROJECT.

Subdivision 1. FINDING. Farming continues to be one of the most dangerous occupations. All members of farm families experience risks and disabling accidents at a rate much higher than the general population of the state. A pilot project is needed to evaluate the effectiveness of farm safety audits in improving farm safety.

Subd. 2. FARM SAFETY AUDIT PILOT PROJECT. The Minnesota extension service shall coordinate and carry out a farm safety audit pilot project involving comprehensive farm safety audits, performed as part of a partnership with selected township mutual insurance companies.

Subd. 3. REPORT. The Minnesota extension service and the commissioner of agriculture shall report by January 1, 1994, to the agriculture committees of the senate and house of representatives on the findings of the farm safety audit pilot project.

## Sec. 26. FARM VEHICLES AND DRIVERS; PUBLIC ROAD SAFETY RECOMMENDATIONS.

The commissioner of public safety shall report to the legislature by July 1, 1992, on recommendations for changes in statute, administrative rule, or public education materials and practices to improve public road safety related to requirements for lighting and reflectors on farm vehicles.

## Sec. 27. PESTICIDE APPLICATOR TRAINING; EFFECTIVENESS.

The Minnesota pesticide applicator education and training review board shall perform an evaluation of the extent to which the Minnesota extension service applicator training programs have resulted in safer handling of pesticides.

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The commissioner of agriculture shall report to the legislature on the findings of the board not later than April 1, 1992.

Sec. 28. **CONTINUED LEVEL OF DAIRY FARM INSPECTIONS.**

The commissioner of agriculture must continue dairy farm inspections at a level no lower than 1990.

Sec. 29. Laws 1987, chapter 396, article 6, section 2, is amended to read:

Sec. 2. **[17.109] MINNESOTA GROWN MATCHING ACCOUNT.**

Subdivision 1. **ESTABLISHMENT.** The Minnesota grown matching account is established as a separate account in the state treasury. The account shall be administered by the commissioner of agriculture as provided in this section.

Subd. 2. **FUNDING SOURCES.** The Minnesota grown matching account shall consist of contributions from private sources and appropriations.

Subd. 3. **APPROPRIATIONS MUST BE MATCHED BY PRIVATE FUNDS.** (a) Appropriations to the Minnesota grown matching account may be expended only to the extent that they are matched with contributions to the account from private sources as provided in paragraph (b) for fiscal years 1988 and 1989.

(b) ~~Private contributions shall be matched on a basis of four dollars \$4 of the appropriation to each one dollar \$1 of private contributions. Matching funds are not available after the appropriation is encumbered. Private contributions made from January 1, 1987, until the end of fiscal year 1987 shall be matched by the appropriation for fiscal year 1988. Amounts that are not matched in fiscal year 1988 are available to be matched in fiscal year 1989.~~

Subd. 4. **EXPENDITURES.** The amount in the Minnesota grown matching account that is matched by private contributions and the private contributions are appropriated to the commissioner of agriculture for promotion of products using the Minnesota grown logo and labeling.

Sec. 30. **EFFECTIVE DATE.**

Sections 1 and 22 are effective the day following final enactment. Section 14 is effective the day following final enactment and covers contracts for the 1991 crop year. Sections 23 and 25 are effective July 1, 1991. Section 24 is effective October 1, 1991.

Presented to the governor May 31, 1991

Signed by the governor June 3, 1991, 9:58 p.m.

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