

tion plus an additional amount equal to 20 percent of the monthly child support obligation, until all arrears have been paid in full.

Presented to the governor March 29, 1996

Signed by the governor April 2, 1996, 10:27 a.m.

CHAPTER 407—S.F.No. 2167

An act relating to the organization and operation of state government; appropriating money and adding and modifying provisions relating to the environment, natural resources, and agriculture; supplementing, reducing, and modifying earlier appropriations; providing for reports and fees; amending Minnesota Statutes 1994, sections 17.117, subdivision 3; 17B.15, subdivision 1; 18E.02, subdivision 5; 28A.04, subdivision 1; 28A.09, subdivision 1; 28A.15, subdivisions 7, 8, and by adding a subdivision; 28A.16; 28A.17; 32.21, subdivision 4; 32.394, subdivision 8d, and by adding a subdivision; 32.415; 35.821, subdivision 3, and by adding a subdivision; 85.015, by adding a subdivision; 85.053, subdivision 7; 85.054, by adding a subdivision; 85.055, subdivision 1; 94.16, subdivision 3; 97A.028, subdivisions 1 and 3; 103D.345, by adding a subdivision; 103G.405; and 161.1419, subdivision 2; Minnesota Statutes 1995 Supplement, sections 28A.03; 28A.08, subdivision 1; 85.015, subdivision 7; 85.019, subdivision 4a; 103F.725, subdivision 1a; and 446A.07, subdivision 8; Laws 1995, chapters 207, article 1, section 2, subdivision 7; 220, sections 5, subdivision 3; 19, subdivisions 4, 6, 10, and 19; and 254, article 1, section 93; proposing coding for new law in Minnesota Statutes, chapters 17; 21; and 103F.

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

Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified to be available for the fiscal years indicated for each purpose. Amounts to be reduced are designated by parentheses. Fiscal year 1996 appropriations are available during the biennium ending June 30, 1997.

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

SUMMARY BY FUND

	1996	1997	TOTAL
General	\$ 1,858,000	\$ 1,152,000	\$ 3,010,000
Solid Waste	150,000	629,000	779,000
Minnesota Future Resources	3,258,000	-0-	3,258,000
Environment and Natural Resources Trust	1,630,000	-0-	1,630,000
Natural Resources	1,350,000	-0-	1,350,000
Taconite Environmental Protection	750,000	-0-	750,000
Permanent University		(250,000)	(250,000)
TOTAL	8,996,000	1,531,000	10,527,000

 APPROPRIATIONS
 Available for the Year
 Ending June 30

	1996	1997
Sec. 2. POLLUTION CONTROL AGENCY	\$ 309,000	\$ 264,000
Summary by Fund		
General	250,000	-0-
Solid Waste	59,000	264,000

\$200,000 in fiscal year 1996 is for a detailed assessment of the water quality point source activities as detailed in the 1995 blue ribbon task force report to the legislature.

\$50,000 in fiscal year 1996 is for legal defense of a lawsuit relating to the expansion of the Potlatch facility in the city of Cook.

\$59,000 in fiscal year 1996 and \$264,000 in fiscal year 1997 are from the solid waste fund for insurance claims settlement and recovery associated with landfills in the landfill clean-up program under Minnesota Statutes, chapter 115B.

Sec. 3. NATURAL RESOURCES	2,693,000	802,000
Summary by Fund		
General	593,000	1,052,000
Natural Resources	1,350,000	-0-
Taconite Environmental Protection	750,000	-0-
Permanent University	-0-	(250,000)

\$20,000 in fiscal year 1997 is for posting of state forest land boundaries in the Richard J.

Dorer Memorial Hardwood state forest. This appropriation is to supplement, and not supplant, existing posting activities.

\$250,000 in fiscal year 1996 is for grants to the counties of Aitkin, Becker, Clearwater, Hubbard, and St. Louis for reforestation, timber stand improvements, forest road reconstruction and maintenance, aerial photography, and new forest inventories in areas damaged by windstorms in July 1995. Of this amount, \$4,200 is for Aitkin county, \$113,300 is for Becker county, \$83,800 is for Clearwater county, \$7,000 is for Hubbard county, and \$41,700 is for St. Louis county.

\$240,000 in fiscal year 1996 is for unanticipated costs the department incurred for the assessment of timber damage, cleanup, reconstruction, replacement of damaged natural resources, facilities, and roads, removal of damaged trees and other storm debris, and the cleanup and repair of state park facilities related to July 1995 storm damage.

\$250,000 in fiscal year 1997 is for minerals resources management. This appropriation is added to the appropriation in Laws 1995, chapter 220, section 5, subdivision 2.

\$350,000 in fiscal year 1997 is for parks and recreation management. The department shall implement an electronic state park permit tracking system in fiscal year 1997 in accordance with the plan prepared under Laws 1995, chapter 220, section 5, subdivision 5. The legislature intends that the state park permit fee increases in section 38 and increased camping fees will raise \$325,000 by June 30, 1997.

\$75,000 in fiscal year 1996 is for a grant to Morrison county to address the problem of water flow along the easterly shoreline of the Mississippi river near Highway 10 in Morrison county. This funding is to be utilized by the St. Anthony Falls laboratory of the University of Minnesota to conduct a comprehensive analysis of what is causing the accelerated sedimentation in the river, and how the problem can best be resolved.

\$28,000 in fiscal year 1996 is for a grant to the city of Warren in Marshall county to construct two dams on the Snake river within the city of Warren in Marshall county.

\$150,000 in fiscal year 1997 is for maintenance of state trails.

The commissioner of natural resources must complete a long range plan, to the year 2025, that identifies trail maintenance needs and proposed costs for the statewide trail system under Minnesota Statutes, section 85.015.

\$1,350,000 in fiscal year 1996 is from the all-terrain vehicle account in the natural resources fund to plan, acquire, develop, and operate the Iron Range off-highway vehicle recreation area and to conduct the feasibility study, to be available until June 30, 1998. This appropriation is contingent on the city of Gilbert entering into an agreement to lease the city-owned land within the Iron Range off-highway vehicle recreation area to the state for \$1 per year. The lease term must be at least ten years, and notwithstanding Minnesota Statutes, section 16B.24, subdivision 6, paragraph (a), may be up to 20 years.

The commissioner of finance shall transfer \$675,000 from the off-road vehicle account in the natural resources fund to the all-terrain vehicle account in the natural resources fund, in one or more installments, before July 1, 1998.

The commissioner of finance shall transfer \$135,000 from the off-highway motorcycle account in the natural resources fund to the all-terrain vehicle account in the natural resources fund, in one or more installments, before July 1, 1998.

\$750,000 in fiscal year 1996 is from the tacomite environmental protection fund to acquire and develop the Iron Range off-highway vehicle recreation area.

The legislature hereby approves the final plan for the integrated resource management pilot project required in Laws 1995, chapter 220, section 5, subdivision 10.

\$262,000 in fiscal year 1997 is to partially restore a program reduction made to the administrative, regional, and support functions of the department. This appropriation is added to the appropriation in Laws 1995, chapter 220, section 5, subdivision 9.

\$20,000 in fiscal year 1997 is for preparation of recommendations on the reorganization of state and local entities that protect and manage state water resources.

Sec. 4. AGRICULTURE

670,000

\$20,000 in fiscal year 1996 is for purposes of the Minnesota dairy producers board established in section 13. Upon request of the board, the commissioner shall release money for appropriate expenditures of the board.*
(The preceding text beginning "\$20,000" was vetoed by the governor.)

\$50,000 in fiscal year 1996 is for a grant to the Passing on the Farm Center under Minnesota Statutes, section 17.985. This appropriation is available only to the extent it is matched by nonstate money.

\$75,000 in fiscal year 1996 is for a grant to the central lakes agricultural center for continuation and expansion of a research project on potato blight. This appropriation is available to the extent that matching money in the amount of \$1 for every \$2 of state money is provided by nonstate sources.

\$150,000 in fiscal year 1996 is for grants to establish a one-on-one educational delivery team system to provide appropriate new technologies applicable to all sizes of dairy farms to farmers to enhance the financial success and long-term sustainability of dairy farms in the state. The teams must consist of farm business management instructors, dairy extension specialists, and dairy industry partners to deliver the informational and technological services. Not later than January 15, 1997, the commissioner shall report to the agriculture and environment and natural resources finance committees of the house of representatives and the agriculture

and rural development committee and the finance division of the environmental and natural resources committee of the senate on the program under this paragraph and the activities and the findings of the dairy producers board.

\$75,000 in fiscal year 1996 is for a grant to a joint powers board formed for the purpose of beaver damage control that includes at least ten of the following counties: Beltrami, Clay, Clearwater, Marshall, Pennington, Polk, Red Lake, Mahnomon, Norman, Becker, Hubbard, Itasca, Kittson, Koochiching, St. Louis, Roseau, and Lake of the Woods. The grant must be matched by at least \$75,000 from the joint powers board. The joint powers board may enter into an agreement with the Red Lake Band of Chippewa Indians for participation by the band in the joint powers board's beaver damage control program.

\$25,000 in fiscal year 1996 is for a contract with the Wabasha county extension service for a pilot project that will assist retiring farmers in transferring their farms to beginning farmers and provide educational and social support necessary for the transfer. The project must bring together retiring farmers and prospective farmers; help the parties negotiate agreements; monitor the progress of matches; coordinate mentors to provide beginning farmers with expertise; and develop and implement an educational farm management and peer support program for beginning farmers. The extension service shall coordinate with other local and statewide agricultural interest groups. * (The preceding text beginning "\$25,000" was vetoed by the governor.)

\$200,000 in fiscal year 1996 is for research and development of best management practices for the production of alfalfa, development of alfalfa varieties that possess optimal energy and protein-value characteristics, and the development of value-added alfalfa products. The commissioner of agriculture shall accomplish the purposes of this appropriation through a collaborative effort

that includes the participation of the University of Minnesota, the Agricultural Utilization Research Institute and other appropriate public and private organizations.

\$75,000 in fiscal year 1996 is for development and promotion of integrated pest management in an urban environment. The urban integrated pest management development and promotion program must be coordinated with metropolitan state university.

Sec. 5. OFFICE OF STRATEGIC AND LONG-RANGE PLANNING 20,000

\$20,000 in fiscal year 1996 is for a study by the environmental quality board of the issue of environmental justice, as the term is defined by the United States Environmental Protection Agency and as described in Executive Order No. 12898, issued February 11, 1994. As part of the study, the board must consult with the Asian-Pacific Minnesotans council, the council on Black Minnesotans, the Indian affairs council, the Spanish-speaking affairs council, the attorney general, the departments of human rights, trade and economic development, health, natural resources, and agriculture, the pollution control agency, and appropriate business and labor groups. By January 1, 1997, the board must report on the study to the senate and house of representatives environment and natural resources committees. The report must address whether any environmental justice concerns exist in the state and what, if any, legislative actions should be taken to address any identified concerns.* (The preceding section was vetoed by the governor.)

Sec. 6. BOARD OF WATER AND SOIL RESOURCES 125,000

\$125,000 in fiscal year 1996 is for a grant to the Minnesota river basin joint powers board for projects in the Minnesota river basin, which may include development of a recreation plan. This appropriation is contingent

on the joint powers board providing a \$75,000 match.

Sec. 7. OFFICE OF ENVIRONMENTAL ASSISTANCE

100,000

\$100,000 in fiscal year 1997 is for transfer to the attorney general to assist local governments in dealing with legal issues that arise in the course of implementing state solid waste programs, and to assist local governments in the defense of selected lawsuits challenging local government implementation of state solid waste programs. The attorney general shall assign at least one full-time attorney to provide assistance under this program.

Sec. 8. MINNESOTA RESOURCES

Subdivision 1. Total Appropriation

4,888,000

Summary by Fund

Minnesota Future Resources

3,258,000

Environment and Natural Resources Trust

1,630,000

Unless otherwise provided, the amounts in this section are available until December 31, 1997, when projects must be completed and final products delivered.

Subd. 2. Definitions

(a) "Future resource fund" means the Minnesota future resources fund in Minnesota Statutes, section 116P.13

(b) "Trust Fund" means the Minnesota environment and natural resources trust fund in Minnesota Statutes, section 116P.02, subdivision 6.

Subd. 3. Parks and Trails

(a) Metropolitan Regional Park System

1,000,000

This appropriation is from the future resources fund for payment by the commissioner of natural resources to the metropolitan council for subgrants to rehabilitate, de-

velop, acquire, and retrofit the metropolitan regional park system consistent with the metropolitan council regional recreation open space capital improvement program.

This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources.

(b) State Park and Recreation
Area Acquisition

1,000,000

This appropriation is from the trust fund to the commissioner of natural resources for acquisition of land within the statutory boundaries of state parks and recreation areas.

(c) Local Grants

895,000

This appropriation is from the future resources fund to the commissioner of natural resources to provide matching grants to local units of government for local park and recreation areas; trail linkages between communities, trails, and parks; and at least \$100,000 for the conservation partners program as provided in Laws 1995, chapter 220, section 19, subdivision 4, paragraph (e). In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources, and the commission has either made a recommendation or allowed 60 days to pass without making a recommendation. The above appropriations are available half for the seven-county metropolitan area and half for outside the metropolitan area. For the purposes of this paragraph, match includes nonstate contributions in either cash or in-kind.

(d) Chippewa County Regional Trail

410,000

This appropriation is to the commissioner of natural resources from the future resources fund for a grant to the city of Montevideo for acquisition and development of the Chippewa county regional trail.

Subd. 4. Urban Natural Resources
Greenway Corridors and Natural
Areas Project 50,000

This appropriation is to the commissioner of natural resources from the future resources fund, to be administered through region six, for the greenway corridors and natural areas project. The appropriation must be used to develop a strategy to protect and manage greenway corridors and significant natural areas in the seven-county metropolitan area.

Subd. 5. Management Approaches
Upper Mississippi River Assessment Project 57,000

This appropriation is from the future resources fund to the commissioner of natural resources to assist the evaluation of the economic and environmental sustainability of the upper Mississippi river.

Subd. 6. Natural Resource Data
(a) Public Internet Access to Data and Information 360,000

This appropriation is from the future resources fund to the commissioner of natural resources for a joint project with the pollution control agency to provide public access via the internet to natural resource, environmental, and ecosystem data and information.

(b) Assessment of Wetland Regulations 15,000

This appropriation is from the future resources fund to the board of soil and water resources, to be available until June 30, 1997, for a contract to assess the economic impact of wetland regulations on property values, in connection with a study by the wetland heritage advisory committee of the issue of compensation to landowners for costs, including reduced property values, resulting from regulation under state law of draining and filling of wetlands. The wetland heritage advisory committee shall conduct the study in consultation with the attorney general and representatives of property rights groups and taxpayers groups. The board of water and soil

resources shall report on the study by November 1, 1996, to the chairs of the senate committees on agriculture and rural development and environment and natural resources, the finance division of the senate committee on environment and natural resources, and the house committees on environment and natural resources, agriculture, and environment and natural resources finance. The report must include recommendations for legislation to address weaknesses identified.

Subd. 7. Wildlife

(a) RIM – Accelerate Critical Habitat Match Program

750,000

\$630,000 of this appropriation is from the environment and natural resources trust fund and \$120,000 is from the future resources fund to the commissioner of natural resources for activities authorized by Minnesota Statutes, section 84.943. Projects must occur in both urban and rural areas.

(b) Investigation of deformed frogs in Minnesota

151,000

This appropriation is from the future resources fund to the commissioner of the pollution control agency to investigate the health of frog populations and evaluate the causes of frog deformities.

\$28,000 of this appropriation is for a grant to the Center for Global Environmental Education at Hamline University to be used to work with schools and other organizations, including the study of frogs as environmental indicators.

(c) Niemackl Watershed Improvement

200,000

This appropriation is from the future resources fund to the commissioner of natural resources to continue the restoration of the Niemackl watershed by improvement of water quality, flood reduction, fish and wildlife habitat, and recreation through citizen par-

ticipation with federal, state and local governments, and nongovernment agencies.

Subd. 8. Project Requirements

It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must comply with Minnesota Statutes, chapter 116P, and Laws 1995, chapter 220, section 19, subdivisions 17, 18, and 20.

Subd. 9. Carryforward

The availability of the appropriations for the following projects is extended to December 31, 1997, when projects must be completed and final products delivered: Laws 1995, chapter 220, section 19, subdivision 5, paragraph (g), mercury deposition and lake quality trends; Laws 1994, chapter 632, article 2, section 6, Silver Bay harbor; and Laws 1993, chapter 172, section 14, subdivision 10, paragraph (o), Lake Superior safe harbors—continuation.

Sec. 9. UNIVERSITY OF MINNESOTA

200,000

\$50,000 in fiscal year 1996 is for funding of continued research and development on improved turf grasses to be produced in Minnesota. The agronomy department shall continue its collaboration with turf seed-producing and seed-marketing companies in the state.

\$150,000 in fiscal year 1996 is for the Minnesota institute for sustainable agriculture for the purposes of section 11, including the establishment of a pilot regional agricultural sustainable development center. By February 15, 1997, the institute must report to the senate committee on agriculture and rural development and the finance division of the environment and natural resources committee, and the house of representatives committees on agriculture and environment and natural resources finance on the development of the pilot center. The report must include an analysis of nonstate financing

sources that may be available to match state appropriations for the program in future years.* (The preceding text beginning "\$150,000" was vetoed by the governor.)

Sec. 10. ATTORNEY GENERAL

91,000

365,000

This appropriation is from the solid waste fund for insurance claims settlement and recovery associated with landfills in the land-fill cleanup program under Minnesota Statutes, chapter 115B.

Sec. 11. [17.1161] SUSTAINABLE DEVELOPMENT OF MINNESOTA AGRICULTURE PROGRAM.

Subdivision 1. ESTABLISHMENT; FRAMEWORK. The Minnesota institute for sustainable agriculture shall establish a framework for participatory problem-solving in local communities throughout rural Minnesota that will strengthen the connection between local communities, regions, and the land-grant university; invest research, education, and outreach dollars to meet agreed-upon local and regional needs; and foster the development of integrated agricultural systems that are profitable, enhance environmental quality, and support rural communities. The framework must include regional, community-controlled agricultural sustainable development centers located at University of Minnesota regional experiment stations. At each center, the Minnesota institute for sustainable agriculture shall facilitate the development of a leadership team comprised of farmers, researchers, public agencies, and other local community representatives to identify problems, chart trends in problems over time, and develop an understanding of the agricultural system as a whole, common goals for development of the system, and five-year action plans to address those goals. The Minnesota institute for sustainable agriculture shall appoint a statewide oversight group of persons with a thorough knowledge of agriculture-related issues, including farmers' organizations, commodity groups, rural economic development groups, the department of agriculture and other public agencies, academic personnel, the agricultural utilization research institute, the Minnesota extension service, and representatives from each regional leadership team. The oversight group shall review and comment on the regional centers' action plans and integrate them into a comprehensive agenda for long-term basic and applied research, education, and outreach activities. The oversight group shall use this agenda to make recommendations on the allocation of funds for regional or statewide use. The Minnesota institute for sustainable agriculture board of directors shall review and give final approval of the allocation of funds after consultation with the dean of the college of agricultural, food, and environmental sciences at the University of Minnesota.

Subd. 2. PROGRAM AREAS. Long-term research and education activities must be focused in four program areas:

- (1) sustainable cropping systems;
- (2) development of markets and agriculture-related businesses;
- (3) sustainable livestock systems; and

New language is indicated by underline, deletions by strikeout.

(4) intergenerational transfer in agriculture.

Sec. 12. Minnesota Statutes 1994, section 17.117, subdivision 3, is amended to read:

Subd. 3. **APPROPRIATIONS.** Up to \$~~20,000,000~~ \$40,000,000 of the balance in the water pollution control revolving fund in section 446A.07, as determined by the public facilities authority, is appropriated to the commissioner for the establishment of this program.

Sec. 13. **[17.76] MINNESOTA DAIRY PRODUCERS BOARD.**

Subdivision 1. **ESTABLISHMENT; COMPOSITION; OFFICERS.** (a) The Minnesota dairy producers board consists of 17 members. Fourteen of the members must be eligible family dairy producers. Three of the members must represent food consumer groups. For purposes of this section, "eligible family dairy producer" means a natural person who daily manages and operates a dairy farm owned by the person. "Eligible family dairy producer" does not include a person who is currently an employee of or a member of the board of directors of an organization involved in milk processing or dairy marketing.

(b) The board shall elect from among its members a chair and other appropriate officers.

Subd. 2. **APPOINTMENT; TERMS; COMPENSATION.** (a) Two members of the board shall be appointed by each of seven organizations representing agriculture in Minnesota. The organizations are:

Minnesota Farms Union;

National Farmers Organization;

Farmers Union Milk Marketing Cooperative;

Minnesota Milk Producers;

Sustainable Farming Association of Minnesota;

Minnesota Farm Bureau; and

Minnesota COACT.

One member of the board shall be appointed by each of three organizations representing consumers in Minnesota. The organizations are:

Minnesota Food Association;

Minnesota Senior Federation; and

Minnesota COACT.

To the extent practicable, the members must be selected to represent the broad diversity of Minnesota's dairy producers.

(b) The terms and compensation of members and reimbursement for their expenses is governed by section 15.059.

Subd. 3. **DUTIES.** (a) The board shall monitor economic aspects of the dairy production, processing, and marketing process including:

New language is indicated by underline, deletions by strikeout.

(1) the movement of milk by processors;

(2) price setting at the Green Bay, Wisconsin, cheese exchange;

(3) processor pricing schemes;

(4) producer checkoffs and the use of checkoff funds;

(5) federal and state pricing policy; and

(6) other activities that affect the farm gate price of raw milk.

(b) The board shall regularly educate producers, processors, consumers, and policy-makers about the reasons for inadequate raw milk prices.

(c) The board shall conduct quarterly surveys of dairy producers to identify problems created by milk prices that do not provide a fair return on the investment of producers. The board must compile the information from these surveys and recommend solutions to producers.

(d) The board shall determine dairy production costs in each county through periodic surveys and from local organizations of producers.

(e) The board shall serve as an advocate for dairy producers in assuring that members of cooperatives are awarded protections similar to the rights of members of cooperative electric associations under section 216B.027.

Sec. 14. Minnesota Statutes 1994, section 17B.15, subdivision 1, is amended to read:

Subdivision 1. ADMINISTRATION; APPROPRIATION. The fees for inspection and weighing shall be fixed by the commissioner and be a lien upon the grain. The commissioner shall set fees for all inspection and weighing in an amount adequate to pay the expenses of carrying out and enforcing the purposes of sections 17B.01 to 17B.23, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reserve sufficient for up to six months. The commissioner shall review the fee schedule twice each year. Fee adjustments are not subject to chapter 14. Payment shall be required for services rendered. If the grain is in transit, the fees shall be paid by the carrier and treated as advance charges, and, if received for storage, the fees shall be paid by the warehouse operator, and added to the storage charges. All fees collected and all fines and penalties for violation of any provision of this chapter shall be deposited in the grain inspection and weighing account, which is created in the state treasury for carrying out the purpose of sections 17B.01 to 17B.23. The money in the account, including interest earned on the account, is annually appropriated to the commissioner to administer the provisions of sections 17B.01 to 17B.23. When money from any other account is used to administer sections 17B.01 to 17B.23, the commissioner shall notify the chairs of the agriculture, environment and natural resources finance, and ways and means committees of the house of representatives, the agriculture and rural development and finance committees of the senate, and the finance division of the environment and natural resources committee of the senate.

Sec. 15. Minnesota Statutes 1994, section 18E.02, subdivision 5, is amended to read:

Subd. 5. **ELIGIBLE PERSON.** "Eligible person" means:

(1) a responsible party or an owner of real property, but does not include the state, a state agency, a political subdivision of the state, except as provided in clause (2), the federal government, or an agency of the federal government; or

(2) the owners of municipal airports at Perham, Madison, and Hector, Minnesota where a licensed aerial pesticide applicator has caused an incident through storage, handling, or distribution operations for agricultural chemicals if (i) the commissioner has determined that corrective action is necessary and (ii) the commissioner determines, and the agricultural chemical response compensation board concurs, that based on an affirmative showing made by the owner, a responsible party cannot be identified or the identified responsible party is unable to comply with an order for corrective action; or

~~The commissioner and the agricultural chemical response compensation board must study and report to the legislative water commission by January, 1994, the effect on the agricultural chemical response and reimbursement account of including other owners of municipal airports as eligible persons under this chapter.~~

(3) a person involved in a transaction relating to real property who is not a responsible party or owner of the real property and who voluntarily takes corrective action on the property in response to a request or order for corrective action from the commissioner, except an owner of a municipal airport not listed in clause (2).

Sec. 16. [21.901] BRAND NAME REGISTRATION.

The owner or originator of a variety of nonhybrid seed that is to be sold in this state must annually register the variety with the commissioner if the variety is to be sold only under a brand name. The registration must include the brand name and the variety of seed. The brand name for a blend or mixture need not be registered.

The fee is \$15 for each variety registered for sale by brand name.

Sec. 17. Minnesota Statutes 1995 Supplement, section 28A.03, is amended to read:

28A.03 DEFINITIONS.

As used in Subdivision 1. **SCOPE.** The definitions in this section apply to sections 28A.01 to 28A.16 the terms defined in this section shall have the following meanings:

(a) **Subd. 2. COMMISSIONER.** "Commissioner" means the commissioner of agriculture of the state of Minnesota.

(b) **Subd. 3. PERSON.** "Person" means any individual, firm, corporation, company, association, cooperative, or partnership and includes any trustee, receiver, assignee, or other similar representative thereof.

(c) **Subd. 4. PLACE OF BUSINESS.** "Place of business" means every location where food or food items are manufactured, processed, sold, stored, or handled, including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

Any vehicle or similar mobile unit from which food is sold shall be considered a place of business for purposes of this section if the food therefrom has been manufactured, packaged or dispensed from bulk, or processed in any manner thereon.

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

(d) Subd. 5. FOOD. "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans, whether simple, mixed or compound.

(1) (a) "Perishable food" is food which includes, but is not limited to fresh fruits, fresh vegetables, and other products which need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.

(2) (b) "Readily perishable food" is food or a food ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food or food ingredient which is capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(3) (c) "Frozen food" is food which is processed and preserved by freezing in accordance with good commercial practices and which is intended to be sold in the frozen state.

(4) (d) For the purposes of this definition, packaged food in hermetically sealed containers processed by heat to prevent spoilage; packaged pickles; jellies, jams and condiments in sealed containers; bakery products such as bread, rolls, buns, donuts, fruit-filled pies and pastries; dehydrated packaged food; and dry or packaged food so low in moisture content as to preclude development of microorganisms are not "perishable food," "readily perishable food," or "frozen food" within the meaning of definitions (1), (2) and (3) hereina paragraphs (a), (b), and (c), when they are stored and handled in accordance with good commercial practices.

(e) "Nonperishable food" is food described in paragraph (d) with a shelf life of more than 90 days.

(e) Subd. 6. SELL; SALE. "Sell" and "sale" includes include the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others.

(f) Subd. 7. PRINCIPAL MODE OF BUSINESS. "Principal mode of business" means that type of business described under either paragraph (a), (b), (c) or (d) in section 28A.05 within which category the greatest amount of the applicant's food business lies.

(g) Subd. 8. CUSTOM PROCESSOR. "Custom processor" means a person who slaughters animals or processes noninspected meat for the owner of the animals, and returns the meat products derived from the slaughter or processing to the owner. "Custom processor" does not include a person who slaughters animals or poultry or processes meat for the owner of the animals or poultry on the farm or premises of the owner of the animals, meat, or poultry. For the purpose of this clause, "animals" or "meat" do not include poultry or game animals or meat derived therefrom.

(h) Subd. 9. MAJOR VIOLATIONS. "Major violation" includes conditions that cause food products to become adulterated, as defined in section 31.121, or fraudulently misbranded, as defined in section 31.123.

Sec. 18. Minnesota Statutes 1994, section 28A.04, subdivision 1, is amended to read:

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

Subdivision 1. **APPLICATION; DATE OF ISSUANCE.** No person shall engage in the business of manufacturing, processing, selling, handling, or storing food without having first obtained from the commissioner a license for doing such business. Applications for such license shall be made to the commissioner in such manner and time as required and upon such forms as provided by the commissioner and shall contain the name and address of the applicant, address or description of each place of business, and the nature of the business to be conducted at each place, and such other pertinent information as the commissioner may require.

A retail or wholesale food handler license shall be issued for the period July 1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1 each year, except that licenses for all mobile food concession units and retail mobile units shall be issued for the period April 1 to March 31, and shall be renewed thereafter by the licensee on or before April 1 each year. A license for a food broker or for a food processor or manufacturer shall be issued for the period January 1 to December 31 following and shall be renewed thereafter by the licensee on or before January 1 of each year. A penalty for a late renewal shall be assessed in accordance with section 28A.08.

Sec. 19. Minnesota Statutes 1995 Supplement, section 28A.08, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** 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 penalties may be waived by the commissioner. Fees for all new licenses must be based on the anticipated future gross annual food sales.

Sec. 20. Minnesota Statutes 1994, section 28A.09, subdivision 1, is amended to read:

Subdivision 1. **ANNUAL FEE; EXCEPTIONS.** Every coin-operated food vending machine is subject to an annual state inspection fee of \$15 for each nonexempt machine except nut vending machines which are subject to an annual state inspection fee of \$5 for each machine, provided that:

(a) Food vending machines may be inspected by either a home rule charter or statutory city, or a county, but not both, and if inspected by a home rule charter or statutory city, or a county they shall not be subject to the state inspection fee, but the home rule charter or statutory city, or the county may impose an inspection or license fee of no more than the state inspection fee. A home rule charter or statutory city or county that does not inspect food vending machines shall not impose a food vending machine inspection or license fee.

(b) Vending machines dispensing only gum balls, hard candy, unsorted confections candy, or ice manufactured and packaged by another shall be exempt from the state inspection fee, but may be inspected by the state. A home rule charter or statutory city may impose by ordinance an inspection or license fee of no more than the state inspection fee for nonexempt machines on the vending machines described in this paragraph. A county may impose by ordinance an inspection or license fee of no more than the state inspection

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

fee for nonexempt machines on the vending machines described in this paragraph which are not located in a home rule charter or statutory city.

(c) Vending machines dispensing only bottled or canned soft drinks are exempt from the state, home rule charter or statutory city, and county inspection fees, but may be inspected by the commissioner or the commissioner's designee.

Sec. 21. Minnesota Statutes 1994, section 28A.15, subdivision 7, is amended to read:

Subd. 7. Persons whose principal business is not food handling but who sell only ice manufactured and prepackaged by another ~~or, such nonperishable items~~ as bottled or canned soft drinks, prepackaged ~~confections~~ candy or nuts at retail, or persons who for their own convenience or the convenience of their employees have available for rehydration and consumption on the premises such nonperishable items as dehydrated coffee, soup, hot chocolate or other dehydrated food or beverage.

Sec. 22. Minnesota Statutes 1994, section 28A.15, subdivision 8, is amended to read:

Subd. 8. A licensed pharmacy selling only food additives, food supplements, canned or prepackaged infant formulae, ice manufactured and packaged by another, ~~or such nonperishable food items~~ as bottled or canned soft drinks and prepackaged ~~confections~~ candy or nuts at retail.

Sec. 23. Minnesota Statutes 1994, section 28A.15, is amended by adding a subdivision to read:

Subd. 9. An individual who prepares and sells food that is not potentially hazardous food, as defined in rules adopted under section 31.11, at a community event or farmer's market on ten or fewer days in a calendar year and with gross receipts of \$1,000 or less in a calendar year. If the food is not prepared in a kitchen that is licensed or inspected, the seller must post a visible sign or placard stating that: "These products are homemade and not inspected."

Sec. 24. Minnesota Statutes 1994, section 28A.16, is amended to read:

28A.16 PERSONS SELLING LIQUOR.

The provisions of the Minnesota consolidated food licensing law, sections 28A.01 to 28A.16 and acts amendatory thereto, shall not apply to persons licensed to sell 3.2 percent malt liquor "on-sale" as provided in section 340A.403, or to persons licensed to sell intoxicating liquors "on-sale" or "off-sale" as provided in sections 340A.404 to 340A.407, provided that these persons sell only ice manufactured and packaged by another, ~~or such nonperishable food items~~ as bottled or canned soft drinks and prepackaged ~~confections~~ candy at retail.

Sec. 25. Minnesota Statutes 1994, section 28A.17, is amended to read:

28A.17 LICENSE RENEWAL.

Licenses for food processors or manufacturers or food brokers shall be renewed annually on January 1. Licenses for retail and wholesale food handlers shall be renewed annually on July 1. Licenses for mobile food concessions and for retail mobile units shall be renewed annually on April 1.

New language is indicated by underline, deletions by strikeout.

Sec. 26. Minnesota Statutes 1994, section 32.21, subdivision 4, is amended to read:

Subd. 4. **PENALTIES.** (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor or subject to a civil penalty up to \$1,000.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) or (d) that the milk producer has violated this section.

(c) A milk producer who violates subdivision 3, clause (1), (2), (3), (4), or (5), is subject to clauses (1) to (3) of this paragraph.

(1) Upon notification of the first violation in a 12-month period, the producer must meet with the dairy plant field service representative to initiate corrective action within 30 days.

(2) Upon the second violation within a 12-month period, the producer is subject to a civil penalty of \$300. The commissioner shall notify the producer by certified mail stating the penalty is payable in 30 days, the consequences of failure to pay the penalty, and the consequences of future violations.

(3) Upon the third violation within a 12-month period, the producer is subject to an additional civil penalty of \$300 and possible revocation of the producer's permit or certification. The commissioner shall notify the producer by certified mail that all civil penalties owed must be paid within 30 days and that the commissioner is initiating administrative procedures to revoke the producer's permit or certification to sell milk for at least 30 days.

(d) The producer's shipment of milk must be immediately suspended if the producer is identified as an individual source of milk containing residues causing a bulk load of milk to test positive in violation of subdivision 3, clause (6) or (7). Shipment may resume only after subsequent milk has been sampled by the commissioner or the commissioner's agent and found to contain no residues above established tolerances or safe levels.

The producer remains eligible only for manufacturing grade until the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner. A milk producer who violates whose milk supply is in violation of subdivision 3, clause (6) or (7), and has caused a bulk load to test positive is subject to clauses (1) to (3) of this paragraph.

(1) For the first violation in a 12-month period, a producer shall not receive payment for any milk contaminated or the equivalent of at least the value of two days' milk production on that farm. Milk purchased for use from the producer during the two-day penalty period will be assessed a civil penalty equal to the minimum value of that milk and is payable to the commissioner by the dairy plant or marketing organization who purchases the milk. The producer remains eligible only for manufacturing grade until the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner. To maintain a permit or certification to market milk, this program must be completed within 30 days dairy plant may collect from the responsible producer the value of the contaminated truck load of milk. If the amount collected by the plant is less than two days of milk production on that farm, then the commissioner must assess the differ-

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

ence as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer.

(2) For the second violation in a 12-month period, a producer shall not receive payment for any milk contaminated or the equivalent of at least the value of four days' milk production on that farm. Milk purchased for use from the producer during the four-day penalty period will be assessed a civil penalty equal to the minimum value of that milk and is payable to the commissioner by the dairy plant or marketing organization who purchases the milk. The producer remains eligible only for manufacturing grade until the producer reviews the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the updated certificate in the milkhouse, and sends verification to the commissioner. To maintain a permit or certification to market milk, this program must be reviewed within 30 days dairy plant may collect from the responsible producer the value of the contaminated truck load of milk. If the amount collected by the plant is less than four days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer.

(3) For the third violation in a 12-month period, a producer shall not receive payment for any milk contaminated or the equivalent of at least the value of four days' milk production on that farm. Milk purchased for use from the producer during the four-day penalty period will be assessed a civil penalty equal to the minimum value of that milk and is payable to the commissioner by the dairy plant or marketing organization who purchases the milk. The producer remains eligible only for manufacturing grade until the producer reviews the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the updated certificate in the milkhouse, and sends verification to the commissioner. To maintain a permit or certification to market milk, this program must be reviewed within 30 days dairy plant may collect from the responsible producer the value of the contaminated load of milk. If the amount collected by the plant is less than four days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer. The commissioner shall also notify the producer by certified mail that the commissioner is initiating administrative procedures to revoke the producer's permit or certification right to sell milk for a minimum of 30 days.

(4) If a bulk load of milk tests negative for residues and there is a positive producer sample on the load, no civil penalties may be assessed to the producer. The plant must report the positive result within 24 hours and reject further milk shipments from that producer until the producer's milk tests negative. The department shall suspend the producer's permit and count the violation on the producer's record. The producer remains eligible only for manufacturing grade until the producer reviews the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian. To maintain a permit or certification to market milk, this program must be reviewed within 30 days.

(e) A milk producer that has been certified as completing the "Milk and Dairy Beef Residue Prevention Protocol" within 12 months of the first violation of subdivision 3, clause (7), need only review the cause of the violation with a field service representative within three days to maintain shipping status if all other requirements of this section are met.

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

(f) Civil penalties collected under this section must be deposited in the milk inspection services account established in this chapter.

Sec. 27. Minnesota Statutes 1994, section 32.394, subdivision 8d, is amended 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 for retail sale in Minnesota. Beginning May 1, 1993, the fee is six cents per hundredweight. If the commissioner determines that a different fee, not less than five cents and not more than nine cents per hundredweight, when combined with general fund appropriations and fees charged under sections 31.39 and 32.394, subdivision 8, is needed to provide adequate funding for the Grades A and B inspection programs and the administration and enforcement of Laws 1993, chapter 65, the commissioner may, by rule, change the fee on processors within the range provided within this subdivision.

(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.

(c) The commissioner may create within the department a dairy consulting program to provide assistance to dairy producers who are experiencing problems meeting the sanitation and quality requirements of the dairy laws and rules.

The commissioner may use money appropriated from the dairy services account created in subdivision 9 to pay for the program authorized in this paragraph.

Sec. 28. Minnesota Statutes 1994, section 32.394, is amended by adding a subdivision to read:

Subd. 8e. **FARM BULK MILK PICK-UP TANKERS.** Farm bulk milk pick-up tankers must be inspected and obtain a permit issued by the commissioner annually by July 1. The owner or operator must pay a \$25 permit fee per tanker to the commissioner. The commissioner may appoint such persons as the commissioner deems qualified to make inspections.

Sec. 29. Minnesota Statutes 1994, section 32.415, is amended to read:

32.415 MILK FOR MANUFACTURING; QUALITY STANDARDS.

(a) The commissioner may adopt rules to provide uniform quality standards, and producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts B, C, D, E, and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:

- (1) inspections of producers shall begin not later than January 1, 1984;
- (2) ~~producers shall comply with the standards not later than July 1, 1985, except as otherwise allowed under the standards; and~~
- (3) as revised through March 1, 1996, except that the commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs.

New language is indicated by underline, deletions by strikeout.

(b) The commissioner shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

(c) The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

(d) The commissioner shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 30. Minnesota Statutes 1994, section 35.821, subdivision 3, is amended to read:

Subd. 3. **BRAND.** "Brand" means a permanent identification mark, of which the letters, numbers, and figures used are each four inches or more in length or diameter and applied using the technique of freeze branding or burned into the hide of a live animal with a hot iron, which is to be considered in relation to its location on the animal. The term relates to both the mark burned into the hide and its location. In the case of sheep, the term includes, but is not limited to, a painted mark which is renewed after each shearing.

Sec. 31. Minnesota Statutes 1994, section 35.821, is amended by adding a subdivision to read:

Subd. 3a. **FREEZE BRANDING.** "Freeze branding" means the application of an intensely cold iron to the hide of a live animal.

Sec. 32. OFF-HIGHWAY VEHICLE RECREATION AREA.

Subdivision 1. DEFINITION. For purposes of this act, "off-highway vehicle" means an all-terrain vehicle, an off-highway motorcycle, or an off-road vehicle as those terms are defined in Minnesota Statutes, chapter 84.

Subd. 2. **[85.013] Subd. 12a. IRON RANGE OFF-HIGHWAY VEHICLE RECREATION AREA.** The Iron Range off-highway vehicle recreation area is established in St. Louis county.

Subd. 3. **ACQUISITION AND MANAGEMENT.** The commissioner of natural resources is authorized to acquire by gift or purchase the lands for the Iron Range off-highway vehicle recreation area. The commissioner shall manage the unit as a state recreation area as provided by Minnesota Statutes, section 86A.05, subdivision 3. The commissioner or the commissioner's designee in the trails and waterways division of the department of natural resources shall develop and manage the area for off-highway vehicle recreational use.

Subd. 4. **ADVISORY COMMITTEE.** (a) A local area advisory committee is established to provide direction on the establishment, planning, development, and operation of the Iron Range off-highway vehicle recreation area. Except as provided in paragraph (b), the commissioner of natural resources shall appoint the members of the advisory committee.

New language is indicated by underline, deletions by strikeout.

(b) Membership on the advisory committee shall include:

- (1) a representative of the all-terrain vehicle association of Minnesota;
- (2) a representative of the amateur riders of motorcycles association;
- (3) a representative of the Minnesota four-wheel drive association;
- (4) a representative of the St. Louis county board;
- (5) a state representative appointed by the speaker of the house of representatives;
- (6) a state senator appointed by the senate committee on committees;
- (7) a designee of the local environmental community selected by the area environmental organizations;
- (8) a designee of the local tourism community selected by the iron trail convention and visitors bureau; and
- (9) a representative of the Tower regional office of the department of natural resources.

(c) The advisory committee shall elect its own chair and meetings shall be at the call of the chair.

(d) The advisory committee members shall serve as volunteers and accept no per diem.

Subd. 5. MANAGEMENT PLAN. The commissioner and the local area advisory committee shall cooperatively develop a comprehensive management plan that provides for:

- (1) multiple use recreation for off-highway vehicles;
- (2) protection of natural resources;
- (3) limited timber management;
- (4) land acquisition needs; and
- (5) road and facility development.

The completed management plan shall serve as the master plan for purposes of Minnesota Statutes, section 86A.09.

Subd. 6. BOUNDARIES. The following described lands are located within the boundaries of the Iron Range off-highway vehicle recreation area:

That part of St. Louis county, Minnesota, lying within:

Section 25, Township 58 North, Range 17 West.

EXCEPT the North Half of the Northeast Quarter.

EXCEPT the Northwest Quarter.

EXCEPT the Northwest Quarter of the Southwest Quarter.

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

EXCEPT the Southwest Quarter of the Southwest Quarter lying north of the Duluth Missabe and Iron Range Railroad.

Section 26, Township 58 North, Range 17 West.

EXCEPT the Northeast Quarter.

EXCEPT the Northwest Quarter.

EXCEPT the Southwest Quarter.

EXCEPT the Southeast Quarter, 100 feet along the east side of the quarter.

Section 35, Township 58 North, Range 17 West.

EXCEPT the Northwest Quarter.

EXCEPT the Southwest Quarter.

EXCEPT the Southeast Quarter.

EXCEPT the West 970 feet of the Northeast Quarter of the Northeast Quarter.

EXCEPT the Northwest Quarter of the Northeast Quarter.

Section 36, Township 58 North, Range 17 West.

EXCEPT the Southeast Quarter of the Southwest Quarter.

Subd. 7. **ADOPT-A-RECREATION AREA.** The commissioner shall utilize Minnesota Statutes, section 85.045, as much as possible in developing and operating the Iron Range off-highway vehicle recreation area.

Subd. 8. **FEASIBILITY STUDY.** The trails and waterways division of the department of natural resources in consultation with the local area advisory committee shall conduct a study to identify additional sites to expand the Iron Range off-highway vehicle recreation area and to determine the feasibility of acquiring, developing, and connecting the sites.

Subd. 9. **VEHICLES MUST BE REGISTERED.** An off-highway vehicle being operated in the Iron Range off-highway vehicle recreation area must be properly registered under Minnesota Statutes, chapter 84.

Sec. 33. Minnesota Statutes 1995 Supplement, section 85.015, subdivision 7, is amended to read:

Subd. 7. BLUFFLANDS TRAIL SYSTEM, FILLMORE, OLMSTED, WINONA, AND HOUSTON COUNTIES. (a) The Root River trail shall originate at Chatfield in Fillmore county, and thence extend easterly in the Root river valley to the intersection of the river with Minnesota trunk highway No. 26 in Houston county, and extend to the Mississippi river.

(b) Additional trails shall be established that extend the Blufflands Trail System to include La Crescent, Hokah, Caledonia, and Spring Grove in Houston county; Preston, Harmony, Fountain, Wykoff, Spring Valley, Mabel, Canton, and Ostrander in Fillmore

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

county; Dover, Eyota, Stewartville, Byron, and Chester Woods county park in Olmsted county; and Winona, Minnesota City, Rollingstone, Altura, Lewiston, Utica, St. Charles, and Elba in Winona county. In addition to the criteria in section 86A.05, subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

(c) The trails shall be developed primarily for nonmotorized riding and hiking.

Sec. 34. Minnesota Statutes 1994, section 85.015, is amended by adding a subdivision to read:

Subd. 19. BLAZING STAR TRAIL, FREEBORN AND MOWER COUNTIES. (a) The trail shall originate in the city of Albert Lea and extend to the city of Austin.

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

Sec. 35. Minnesota Statutes 1995 Supplement, section 85.019, subdivision 4a, is amended to read:

Subd. 4a. NATURAL AND SCENIC AREAS. The commissioner shall administer a program to provide grants to units of government and school districts for the acquisition and betterment of natural and scenic areas such as blufflands, prairies, shorelands, wetlands, and wooded areas. A grant may not exceed 50 percent or ~~\$50,000~~ \$200,000, whichever is less, of the costs of acquisition and betterment of land acquired under this subdivision.

Sec. 36. Minnesota Statutes 1994, section 85.053, subdivision 7, is amended to read:

Subd. 7. HANDICAPPED PERSONS AND PERSONS OVER AGE 65. (a) The commissioner shall prescribe and issue special state park permits for:

~~(1) an individual age 65 years or older who furnishes satisfactory proof of age and is a resident of the state;~~

~~(2) a physically handicapped person with a motor vehicle (i) that has special plates issued under section 168.021, subdivision 1, or (ii) who has a permanent disability certificate issued under section 169.345, subdivision 3, and who can demonstrate proof of ownership of the vehicle for which the state park permit is being purchased or proof of a leasehold interest in the vehicle for a term at least as long as the term of the permit; and~~

~~(3) (2) a physically handicapped person who: (i) does not own or operate a motor vehicle; (ii) possesses a statement certified under section 169.345, subdivision 2a; and (iii) applies to the commissioner in writing.~~

(b) Except for vehicles permitted under paragraph (a), clause (3), the permit or the decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom the permit is issued.

Sec. 37. Minnesota Statutes 1994, section 85.054, is amended by adding a subdivision to read:

Subd. 6. IRON RANGE OFF-HIGHWAY VEHICLE RECREATION AREA. A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the Iron Range off-highway vehicle recreation area, except that the commissioner may establish special event fees.

New language is indicated by underline, deletions by strikeout.

Sec. 38. Minnesota Statutes 1994, 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 ~~\$18~~ \$20;
- (2) a second vehicle state park permit is ~~\$12~~ \$15;
- (3) a ~~special~~ state park permit valid up to two days is \$4;
- (4) a ~~special~~ daily vehicle state park permit for groups is \$2;
- (5) an employee's state park permit is without charge; and
- (6) a ~~special~~ state park permit for handicapped persons and persons over age 65 under section 85.053, subdivision 7, clauses (1), and (2), ~~and (3)~~, is \$12.

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

Sec. 39. Minnesota Statutes 1994, section 94.16, subdivision 3, is amended to read:

Subd. 3. **PROCEEDS FROM NATURAL RESOURCES LAND.** The remainder of the proceeds from the sale of lands that were under the control and supervision of the commissioner of natural resources shall be credited to the land acquisition account in the natural resources fund.

Sec. 40. Minnesota Statutes 1994, section 97A.028, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) The definitions in this subdivision apply to this section.

(b) "Agricultural crops" means annually seeded crops, legumes, fruit orchards, tree farms and nurseries, turf farms, and apiaries.

(c) "Parcel" has the meaning given in section 272.03, subdivision 6.

(d) "Specialty crops" means fruit orchards, vegetables, tree farms and nurseries, turf farms, and apiaries.

Sec. 41. Minnesota Statutes 1994, section 97A.028, subdivision 3, is amended to read:

Subd. 3. **EMERGENCY DETERRENT MATERIALS ASSISTANCE.** (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops by wild animals on the landowner's property.

(b) ~~A person~~ landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops by wild animals. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials, up to \$3,000 in value per individual or corporation, when the commissioner determines that:

- (1) immediate action is necessary to prevent significant damage from continuing;
- and

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

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed \$3,000. If a person is a coowner or cotenant with respect to the specialty crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner may not receive emergency deterrent materials assistance under this subdivision more than once. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

Sec. 42. Minnesota Statutes 1994, section 103D.345, is amended by adding a subdivision to read:

Subd. 5. APPLICABILITY OF PERMIT REQUIREMENTS TO STATE. A rule adopted by the managers that requires a permit for an activity applies to the department of transportation.

Sec. 43. **[103F.378] MINNESOTA RIVER BASIN JOINT POWERS BOARD.**

Subdivision 1. DUTIES. The Minnesota river basin joint powers board, established under section 471.59 for the purpose of coordinating efforts to improve water quality in the Minnesota river and achieving the goal of making the Minnesota river suitable for fishing and swimming by the year 2005, has the following duties:

(1) coordination of comprehensive cleanup goals for the Minnesota river by coordinating the work plans of the 12 major watersheds and the member counties of the joint powers board, state agencies, and the University of Minnesota in cleanup efforts and submission of periodic river cleanup plans for submission to the governor and the legislature;

(2) advising on the development and use of monitoring and evaluation systems in the Minnesota river and the incorporation of the data obtained from these systems into the planning process;

(3) conducting public meetings of the board on at least a quarterly basis at locations within the Minnesota river basin;

(4) conducting an ongoing information and education program concerning the status of the Minnesota river, including an annual conference on the state of the Minnesota river; and

(5) providing periodic reports and budget requests to the governor's office and the chairs of the agriculture and environment and natural resources committees of the senate

New language is indicated by underline, deletions by strikeout.

and the house of representatives regarding progress on meeting river water quality management goals and future funding required for this effort.

Subd. 2. MEMBERSHIP. Upon acceptance of the joint powers agreement, each member county that agrees to join the board shall have one county commissioner as its delegate to the board and one county commissioner as an alternate. A technical and citizen advisory committee shall be established to advise the board consisting of a technical representative from each of the counties in the basin and citizens who are not county employees but who have an interest in agriculture, conservation, sporting activities, and other relevant areas as determined by the board.

Sec. 44. Minnesota Statutes 1995 Supplement, section 103F.725, subdivision 1a, is amended to read:

Subd. 1a. **FINANCIAL ASSISTANCE; LOANS.** (a) Up to \$12,000,000 \$24,000,000 of the balance in the water pollution control revolving fund in section 446A.07, as determined by the public facilities authority shall be appropriated to the commissioner for the establishment of a clean water partnership loan program.

(b) The agency may award loans for up to 100 percent of the costs associated with activities identified by the agency as best management practices pursuant to section 319 and section 320 of the federal Water Quality Act of 1987, as amended, including associated administrative costs.

(c) Loans may be used to finance clean water partnership grant project eligible costs not funded by grant assistance.

(d) The interest rate, at or below market rate, and the term, not to exceed 20 years, shall be determined by the agency in consultation with the public facilities authority.

(e) The repayment must be deposited in the water pollution control revolving fund under section 446A.07.

(f) The local unit of government receiving the loan is responsible for repayment of the loan.

(g) For the purpose of obtaining a loan from the agency, a local government unit may provide to the agency its general obligation note. All obligations incurred by a local government unit in obtaining a loan from the agency must be in accordance with chapter 475, except that so long as the obligations are issued to evidence a loan from the agency to the local government unit, an election is not required to authorize the obligations issued, and the amount of the obligations shall not be included in determining the net indebtedness of the local government unit under the provisions of any law or chapter limiting the indebtedness.

Sec. 45. Minnesota Statutes 1994, section 103G.405, is amended to read:

103G.405 WATER LEVEL CONTROL FOR LANDLOCKED LAKES.

(a) Except as provided in paragraph (c), the commissioner must issue a water level control permit to establish a control ~~elevations~~ elevation for a landlocked lakes ~~up to three feet lake~~ below the ordinary high water level for the lake if:

(1) the commissioner finds that:

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

(i) the control is necessary to prevent flooding of homesteads adverse impacts to the lake or adjoining property;

(2) (ii) other reasonable or cost-effective alternatives are not available; and

(3) a change in the control elevation is prescribed in an approved stormwater plan under section 103B.235.

(iii) natural resource or hydrologic conditions exist in the watershed that would limit the potential for continuous discharge of excess waters from the lake; and

(2) the outlet and discharge of excess waters is addressed in an approved water management plan under chapter 103B or 103D.

(b) In addition to the requirements in section 103G.301, subdivision 6, if the proposed control elevation is more than 1-1/2 feet below the ordinary high water level, the permit applicant shall serve a copy of the application on each county and municipality within which any portion of the lake is located and the lake improvement district, if one exists.

(c) The commissioner may not issue a permit to establish a control elevation more than 1-1/2 feet below the ordinary high water level of a lake if a county, municipality, watershed district, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, files a written objection to the issuance of the permit with the commissioner within 30 days after receiving a copy of the application.

Sec. 46. Minnesota Statutes 1994, section 161.1419, subdivision 2, is amended to read:

Subd. 2. **MEMBERS.** The commission shall be composed of ten members of which one shall be appointed by the commissioner of transportation, one shall be appointed by the commissioner of natural resources, one shall be appointed by the commissioner of trade and economic development, ~~three~~ one shall be appointed by the commissioner of agriculture, one shall be appointed by the director of the Minnesota historical society, two shall be members of the senate to be appointed by the committee on committees, and three ~~two~~ shall be members of the house of representatives to be appointed by the speaker. The tenth member shall be the secretary appointed pursuant to subdivision 3. The members of the commission shall be selected immediately after final enactment of this act and shall serve for a term expiring at the close of the next regular session of the legislature and until their successors are appointed. Successor members shall be appointed at the close of each regular session of the legislature by the same appointing authorities. Members may be reappointed. Any vacancy shall be filled by the appointing authority. The commissioner of transportation, the commissioner of natural resources, and the director of the Minnesota historical society shall be ex officio members, and shall be in addition to the ten members heretofore provided for. Immediately upon making the appointments to the commission the appointing authorities shall so notify the Mississippi river parkway commission, hereinafter called the national commission, giving the names and addresses of the members so appointed.

Sec. 47. Minnesota Statutes 1995 Supplement, section 446A.07, subdivision 8, is amended to read:

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

Subd. 8. **OTHER USES OF REVOLVING FUND.** The water pollution control revolving fund may be used as provided in title VI of the Federal Water Pollution Control Act, including the following uses:

(1) to buy or refinance the debt obligation of governmental units for treatment works where debt was incurred and construction begun after March 7, 1985, at or below market rates;

(2) to guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loan guarantees, loans, or set-aside for similar revolving funds established by a governmental unit other than state agencies, or state agencies under sections 17.117, 103F.725, subdivision 1a, 116J.403, and 116J.617; provided that no more than \$2,000,000 \$4,000,000 of the balance in the fund may be used for the small cities block grant program under section 116J.403 and the tourism loan program under section 116J.617, taken together;

(5) to earn interest on fund accounts; and

(6) to pay the reasonable costs incurred by the authority and the agency of administering the fund and conducting activities required under the federal Water Pollution Control Act, including water quality management planning under section 205(j) of the act and water quality standards continuing planning under section 303(e) of the act.

Amounts spent under clause (6) may not exceed the amount allowed under the Federal Water Pollution Control Act.

Sec. 48. Laws 1995, chapter 207, article 1, section 2, subdivision 7, is amended to read:

Subd. 7. Community Mental Health
and State-Operated Services

General

254,604,000	260,379,000
-------------	-------------

The amounts that may be spent from this appropriation for each purpose are as follows:

(a) Mental Health Grants - Children	
7,097,000	12,536,000

MENTAL HEALTH COLLABORATIVE. Mental health grants available for children formerly served under the TEFRA program shall be distributed and administered by a children's mental health collaborative where a collaborative exists.

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

(b) Mental Health Grants – Adults		
	38,222,000	40,918,000
(c) Residential Treatment Center Facilities		
	194,921,000	192,265,000
(d) Developmental Disability and Mentally Ill (DD and MI) State-Operated Community Services (SOCS)		
	13,001,000	13,297,000
(e) Administration and Other Grants		
	1,363,000	1,363,000

MENTAL HEALTH GRANTS. (a) Mental health grants appropriated for the biennium as part of the TEFRA and PCA restructuring proposal shall be distributed to children's mental health collaboratives, or where there is no collaborative, to counties. Grants shall be prorated by county based on the estimated dollar value of services for children and adults with a mental health diagnosis that will be lost due to the changes in Minnesota Statutes, sections 256B.055, subdivision 12, and 256B.0627.

(b) The commissioner shall form a work group to recommend a process for awarding grants that will maximize services purchased and minimize administrative overhead. The task force shall include representatives of the state advisory council on mental health and the children's subcommittee, parents, consumers, advocacy groups, providers, and local social service and public health staff. The work group shall consider whether the process for awarding consumer support grants under Minnesota Statutes, section 256.476, can be utilized for awarding these mental health grants. In addition, the work group shall recommend ways to minimize harm to children and families and to reduce barriers to accessing alternative services.

(c) For the first year of the biennium, funds must be distributed by January 1, 1996, and for the second year, by July 1, 1996. None of this appropriation shall be used for county administration, but must be used to fund direct services to persons found ineligible for TEFRA or PCA services.

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

MENTAL HEALTH CASE MANAGEMENT. Notwithstanding section 12 of this article, this paragraph does not expire. The reimbursement rate for mental health case management services provided by counties under Minnesota Statutes, sections 245.4881 and 256B.0625, for children with severe emotional disturbance is \$45.

CALCULATION OF FTE's. When calculating regional treatment center full-time equivalent employees, the commissioner of finance shall make a separate calculation for physicians and their salaries.

RELOCATIONS FROM FARIBAULT. Of this appropriation, \$162,000 in fiscal year 1996 and \$37,000 in fiscal year 1997 are for grants to counties for discharge planning related to persons with mental retardation or related conditions being relocated from the Faribault regional center to community services.

TRANSFERS TO MOOSE LAKE. Notwithstanding Minnesota Statutes, sections 253B.18, subdivisions 4 and 6, and 253B.185, subdivision 2, with the establishment of the Minnesota sexual psychopathic personality treatment center, the commissioner is authorized to transfer any person committed as a psychopathic personality, sexual psychopathic personality, or sexually dangerous person, between the Minnesota security hospital and the facility at Moose Lake.

RTC CHEMICAL DEPENDENCY PROGRAMS. When the operations of the regional treatment center chemical dependency fund created in Minnesota Statutes, section 246.18, subdivision 2, are impeded by projected cash deficiencies resulting from delays in the receipt of grants, dedicated income, or other similar receivables, and when the deficiencies would be corrected within the budget period involved, the commissioner of finance may transfer general fund cash reserves into this account as necessary to meet cash demands. The cash flow transfers must be returned to the general fund in the

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

fiscal year that the transfer was made. Any interest earned on general fund cash flow transfers accrues to the general fund and not the regional treatment center chemical dependency fund.

RTC RESTRUCTURING. For purposes of restructuring the regional treatment centers and state nursing homes, any regional treatment center or state nursing home employee whose position is to be eliminated shall be afforded the options provided in applicable collective bargaining agreements. All salary and mitigation allocations from fiscal year 1996 shall be carried forward into fiscal year 1997. Provided there is no conflict with any collective bargaining agreement, any regional treatment center or state nursing home position reduction must only be accomplished through mitigation, attrition, transfer, and other measures as provided in state or applicable collective bargaining agreements and in Minnesota Statutes, section 252.50, subdivision 11, and not through lay-off.

RTC POPULATION. If the resident population at the regional treatment centers is projected to be higher than the estimates upon which the medical assistance forecast and budget recommendations for the 1996-97 biennium were based, the amount of the medical assistance appropriation that is attributable to the cost of services that would have been provided as an alternative to regional treatment center services, including resources for community placements and waived services for persons with mental retardation and related conditions, is transferred to the residential facilities appropriation.

INFRASTRUCTURE REINVESTMENT. \$750,000 is available from the public facilities authority under Minnesota Statutes 446A.071 for grant funds to a local unit of government for the planning and development of infrastructure and planning for redevelopment in response to the memorandum of understanding for the regional treatment

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

centers. Eligible costs include sewer, water, and easements and engineering costs associated with the project proposal.

CAMP. Of this appropriation, \$30,000 is from the mental health special projects account for adults and children with mental illness from across the state, for a camping program which utilizes the Boundary Waters Canoe Area and is cooperatively sponsored by client advocacy, mental health treatment, and outdoor recreation agencies.

IMD DOWNSIZING FLEXIBILITY. If a county presents a budget-neutral plan for a net reduction in the number of institution for mental disease (IMD) beds funded under group residential housing, the commissioner may transfer the net savings from group residential housing and general assistance medical care to medical assistance and mental health grants to provide appropriate services in non-IMD settings.

REPAIRS AND BETTERMENTS. The commissioner may transfer unencumbered appropriation balances between fiscal years for the state residential facilities repairs and betterments account and special equipment.

PROJECT LABOR. Wages for project labor may be paid by the commissioner of human services out of repairs and betterments money if the individual is to be engaged in a construction project or a repair project of short term and nonrecurring nature. Compensation for project labor shall be based on the prevailing wage rates, as defined in Minnesota Statutes, section 177.42, subdivision 6. Project laborers are excluded from the provisions of Minnesota Statutes, sections 43A.22 to 43A.30, and shall not be eligible for state-paid insurance and benefits.

PLAN FOR ADOLESCENT TREATMENT EXPANSION. The commissioner shall report to the legislature by January 15, 1996, with a cost-neutral plan to add up to 20 beds to each of the two existing adolescent treatment facilities at the regional treatment centers in order to reduce or eliminate out-of-state placement of adolescents who have

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

serious emotional disturbance and exhibit violent behavior, if they cannot be treated in their own communities. Cost neutrality shall be determined by comparing the costs of program expansion with the projected costs of out-of-state placements.

Sec. 49. Laws 1995, chapter 220, section 5, subdivision 3, is amended to read:

Subd. 3. Water Resources Management		
8,781,000	8,706,000	
	Summary by Fund	
General	8,540,000	8,465,000
Natural Resources	241,000	241,000

\$95,000 the first year and \$95,000 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 its portion of the comprehensive plan for the upper Mississippi.

\$50,000 is for development and administration of contracts with water well contractors for exploratory drilling and installation of observation wells to characterize the geologic and hydrologic conditions in the southwest region of the state where water supplies are difficult to locate. This appropriation is available until June 30, 1997, and is contingent on the receipt by the commissioner of \$50,000 in nonstate money. Results must be reported to the legislative water commission by February 15, 1996, and February 15, 1997.

\$25,000 is appropriated in fiscal year 1996 under Minnesota Statutes, section 103G.701, to the commissioner of natural resources for a grant, requiring no local match, to Morrison county for improving water flow along the easterly shoreline of the Mississippi river near Highway 10 in Morrison county, notwithstanding Minnesota Statutes, section 103G.701, subdivision 4. This appropriation may also be used to fund a comprehensive

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

analysis regarding the cause of accelerated sedimentation in this portion of the Mississippi river. This appropriation remains available until June 30, 1997.

Sec. 50. Laws 1995, chapter 220, section 19, subdivision 4, is amended to read:

Subd. 4. Parks and Trails

(a) METROPOLITAN REGIONAL
PARK SYSTEM 3,950,000

This appropriation is from the trust fund for payment by the commissioner of natural resources to the metropolitan council for subgrants to rehabilitate, develop, acquire, and retrofit the metropolitan regional park system consistent with the metropolitan council regional recreation open space capital improvement program and subgrants for regional trails, consistent with an updated regional trail plan. \$1,666,000 of this appropriation is from the trust fund acceleration.

This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(b) STATE PARK AND RECREATION AREA
ACQUISITION, DEVELOPMENT,
BETTERMENT, AND REHABILITATION 3,150,000

This appropriation is from the trust fund to the commissioner of natural resources as follows: (1) for state park and recreation area acquisition \$1,070,000, of which up to \$670,000 may be used for state trail acquisition of a critical nature; (2) for state park and recreation area development \$680,000; and (3) for betterment and rehabilitation of state parks and recreation areas \$1,400,000. The use of the Minnesota conservation corps is encouraged in the rehabilitation and development.

\$1,384,000 of this appropriation is from the trust fund acceleration. The commissioner

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

must submit grant requests for supplemental funding for federal ISTEAs in eligible categories and report the results to the legislative commission on Minnesota resources.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(c) STATE TRAIL REHABILITATION
AND ACQUISITION

250,000

This appropriation is from the trust fund to the commissioner of natural resources for state trail plan priorities. \$94,000 of this appropriation is from the trust fund acceleration. The commissioner must submit grant requests for supplemental funding for federal ISTEAs and report the results to the legislative commission on Minnesota resources.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(d) WATER ACCESS

600,000

This appropriation is from the trust fund to the commissioner of natural resources to accelerate public water access acquisition and development statewide. Access includes boating access, fishing piers, and shoreline access. Up to \$100,000 of this appropriation may be used for a cooperative project to acquire and develop land, local park facilities, an access trail, and a boat access at the LaRue pit otherwise consistent with the water access program.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(e) LOCAL GRANTS

1,800,000

This appropriation is from the future resources fund to the commissioner of natural resources to provide matching grants, as fol-

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

lows: (1) \$500,000 to local units of government for local park and recreation areas; (2) \$500,000 to local units of government for natural and scenic areas pursuant to Minnesota Statutes, section 85.019; (3) \$400,000 to local units of government for trail linkages between communities, trails, and parks; and (4) \$400,000 for a conservation partners program, a statewide pilot to encourage private organizations and local governments to cost share enhancement of fish, wildlife, and native plant habitats; and research and surveys of fish and wildlife, and related education activities. Conservation partners grants may be up to \$10,000 each and must be equally matched. In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources and the commission has either made a recommendation or allowed 60 days to pass without making a recommendation. The above appropriations are available half for the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and half for outside of the metropolitan area. For the purpose of this paragraph, match includes nonstate contributions either cash or in-kind.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(f) MINNEAPOLIS PARK AND
TRAIL CONNECTIONS

141,000

This appropriation is from the future resources fund to the commissioner of transportation for half of the nonfederal match of ISTEPA projects for the Minneapolis park and recreation board to develop park and trail connections including: Minnehaha park to Mendota bridge, Stone Arch bridge to bridge number 9 on West River Parkway, Boom island to St. Anthony Parkway, and West River Parkway to Shingle Creek Parkway. The Minneapolis park and recreation board must

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

apply for and receive approval of the federal money in order to receive this appropriation. This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(g) LOCAL SHARE FOR ISTEAFEDERAL PROJECTS

300,000

This appropriation is from oil overcharge money to the commissioner of administration for half of the nonfederal match of ISTEAF projects for: (1) Chisago county, \$150,000 for a trail between North Branch and Forest Lake township; and (2) the St. Louis and Lake counties regional rail authority, \$150,000 for the development of approximately 40 miles of a multipurpose recreational trail system. Chisago county and the St. Louis and Lake counties regional rail authority must apply for and receive approval of the federal money in order to receive these appropriations.

This project ~~The project~~ under clause (1) must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date. The project under clause (2) must be completed and final products delivered by December 31, 1999, and the appropriation is available until that date.

(h) PINE POINT PARK REST STATION

100,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Washington county to construct a rest station on the Gateway segment of the Willard Munger state trail in compliance with the Americans with Disabilities Act. This appropriation must be matched by at least \$30,000 of nonstate money.

(i) INTERACTIVE MULTIMEDIA
COMPUTER INFORMATION SYSTEM

45,000

This appropriation is from the future resources fund to the commissioner of trade

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

and economic development, office of tourism, for an agreement with Explore Lake County, Inc. to develop a pilot multimedia interactive computer information system at the R. J. Houle visitor information center.

(j) UPPER SIOUX AGENCY STATE PARK 200,000

This appropriation to the commissioner of natural resources is from the future resources fund for bathroom and shower facilities at Upper Sioux Agency State Park.

(k) GRAIN BELT MISSISSIPPI RIVERFRONT DEVELOPMENT 500,000

This appropriation is from the future resources fund to the commissioner of natural resources for a contract with the metropolitan council for a subgrant to the Minneapolis park and recreation board, which shall cooperate with the Minneapolis community development agency to create riverfront recreational park and marina facilities through acquisition and development of Mississippi riverfront property. This appropriation is contingent on this facility being designated part of the metropolitan regional park and open space system. ~~This appropriation is also contingent on the Guthrie theater's occupancy of the Grain Belt Brewery.~~

(l) WILDCAT REGIONAL PARK 40,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Houston county to construct an off-channel boat ramp on the Mississippi River, and wingwalls to protect the ramp and existing swimming beach.

Sec. 51. Laws 1995, chapter 220, section 19, subdivision 6, is amended to read:

Subd. 6. Environmental Education

(a) LEOPOLD EDUCATION PROJECT CURRICULUM 100,000

This appropriation is from the trust fund to the office of environmental assistance for an agreement with Pheasants Forever, Inc. to

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

provide teacher training in the use of the Leopold education project conservation ethics curriculum. This appropriation must be matched by at least \$50,000 of nonstate money.

(b) ENVIRONMENTAL EDUCATION
TEACHER TRAINING 500,000

This appropriation is from the trust fund to the office of environmental assistance in cooperation with the environmental education advisory board to develop and deliver statewide environmental education training for preservice and in-service teachers.

(c) SHARING ENVIRONMENTAL
EDUCATION KNOWLEDGE 200,000

This appropriation is from the trust fund to the office of environmental assistance in cooperation with the environmental education advisory board to plan and develop an information data exchange and service center that coordinates the collection, evaluation, dissemination, and promotion of environmental education resources and programs.

(d) ENVIRONMENTAL VIDEO
RESOURCE LIBRARY AND PUBLIC
TELEVISION SERIES 250,000

This appropriation is from the future resources fund to the office of environmental assistance in cooperation with the environmental education advisory board for an agreement with Twin Cities Public Television to create a resource information center for environmental video and to produce and broadcast an environmental television series about Minnesota environmental achievements.

(e) DEVELOPMENT, ASSIMILATION,
AND DISTRIBUTION OF WOLF
EDUCATIONAL MATERIALS 100,000

This appropriation is from the future resources fund to the office of environmental assistance for an agreement with the Interna-

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

tional Wolf Center to collect and develop written, electronic, and photographic audio-visual material about wolf ecology, recovery, and management for electronic distribution. This appropriation must be matched by at least \$30,000 of nonstate money.

(f) ENVIRONMENTAL ACTION
GRANTS FOR MINNESOTA SCHOOLS 200,000

This appropriation is from the trust fund to the department of natural resources for an agreement with St. Olaf college for the school nature area project matching grants to schools for school area nature sites. This appropriation must be matched by at least \$50,000 of nonstate money.

(g) ELECTRONIC ENVIRONMENTAL
EDUCATION NETWORK 250,000

This appropriation is from the future resources fund to the office of environmental assistance for an agreement with the University of Minnesota raptor center to develop a program for student participation in satellite-tracking research, data collection and dissemination using INTERNET, workshops, material development, and off-site classroom experience. This appropriation must be matched by at least \$38,000 of nonstate money.

(h) THREE RIVERS INITIATIVE 750,000

This appropriation is from the future resources fund to the Science Museum of Minnesota to develop exhibits and programs focusing on the Mississippi, Minnesota, and St. Croix rivers.

(i) INTERACTIVE COMPUTER EXHIBIT
ON MINNESOTA RENEWABLE
ENERGY SOURCES 150,000

This appropriation is from oil overcharge money to the commissioner of administration for an agreement with the Izaak Walton League of America, midwest office in cooperation with the Science Museum of Minnesota to develop and disseminate an interactive multimedia computer exhibit on renewable energy resources.

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

(j) TREES FOR TEENS: TRAINING,
RESOURCES, EDUCATION,
EMPLOYMENT, SERVICE 75,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Twin Cities Tree Trust to develop a pilot program and curriculum materials for educating high school students about urban forestry and assisting them in carrying out peer education and community service projects. This project must be done in cooperation with the Minnesota releaf program.

(k) REDWOOD FALLS SCHOOL
DISTRICT NO. 637 ENVIRONMENTAL
EDUCATION PROJECT 250,000

This appropriation is from the future resources fund to the office of environmental assistance for an agreement with the Redwood Falls school district to accelerate development of an outdoor environmental learning center and to integrate environmental education into the K-12 curriculum. Project development will include prairie access improvements including a trail system, establishment of a wetland, and an arboretum.

(l) TOGETHER OUTDOORS MINNESOTA 575,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Wilderness Inquiry for diversity specialist training, training of outdoor service professionals to provide inclusive programming, and diversity networking, including the development of a directory of recreation facility accessibility. This appropriation must be matched by at least \$80,000 of nonstate money.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(m) ENHANCED NATURAL RESOURCE
OPPORTUNITIES FOR ASIAN-PACIFIC
MINNESOTANS 150,000

This appropriation is from the future resources fund to the commissioner of natural

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

resources for the second biennium of funding for community outreach, cultural collaboration, training, and education to increase Asians' participation and understanding of natural resources management. Supplemental funding must be requested and the results reported to the legislative commission on Minnesota resources.

(n) DELIVER ECOLOGICAL
INFORMATION AND TECHNICAL
ASSISTANCE TO LOCAL GOVERNMENTS 100,000

This appropriation is from the future resources fund to the commissioner of natural resources to provide interpretation of ecological data collected by the county biological survey.

(o) NONPOINT SOURCE POLLUTION
PUBLIC EDUCATION DEMONSTRATION
PROJECT 100,000

This appropriation is from the future resources fund to the commissioner of the pollution control agency for an agreement with the city of St. Paul for a joint project with the city of Minneapolis to conduct surveys and develop and implement nonpoint source pollution public education. This appropriation must be matched by at least \$12,000 of nonstate money.

(p) WHITETAIL DEER RESOURCE CENTER 50,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the Minnesota Deer Hunters Association to develop a facility and operations plan. This appropriation must be matched by \$50,000 of nonstate money.

(q) GORDON GULLION CHAIR IN
FOREST WILDLIFE RESEARCH AND
EDUCATION 350,000

This appropriation is from the future resources fund to the University of Minnesota to establish an endowed chair in forest wildlife research and education to develop forest and wildlife sustainable management prac-

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

tices. This appropriation must be matched by at least \$350,000 of nonstate money. This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(r) NEY ENVIRONMENTAL CENTER 100,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Le Sueur county to develop an environmental learning center in the Minnesota River Valley near Henderson. The appropriation shall be used to ~~convert existing buildings to classrooms,~~ add classroom and restroom facilities and, improve access, and remove unneeded structures.

(s) LAWDALE ENVIRONMENTAL CENTER 400,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with Lawndale Environmental Foundation to develop an environmental learning center near Herman with emphasis on prairie, wetlands, and agricultural themes. This appropriation must be matched by at least \$100,000 of nonstate money.

Sec. 52. Laws 1995, chapter 220, section 19, subdivision 10, is amended to read:

(a) RIM – ACCELERATE WILDLIFE LAND ACQUISITION 650,000

\$510,000 of this appropriation is from the trust fund and \$140,000 is from the future resources fund to the commissioner of natural resources to accelerate acquisition activities in the reinvest in Minnesota program by acquiring land identified in North American waterfowl management plan project areas. This appropriation must first be used for projects qualifying for a match, which may include costs for acquisition, enhancements, and wetland restoration.

(b) RIM – ACCELERATE CRITICAL HABITAT MATCH PROGRAM 250,000

This appropriation is from the trust fund to the commissioner of natural resources to ac-

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

~~celerate the reinvest in Minnesota program to acquire and improve critical habitat for game and nongame fish, wildlife, and native plants for activities authorized under Minnesota Statutes, section 84.943. Projects must occur in both urban and rural areas.~~

(c) RIM – ACCELERATE WILDLIFE HABITAT STEWARDSHIP 450,000

This appropriation is from the future resources fund to the commissioner of natural resources for improvement of wildlife habitat and natural plant communities statewide, both urban and rural public lands, to protect and enhance wildlife, native plant species, and ecological diversity.

(d) BIOMASS PRODUCTION, MANAGEMENT AND RESTORATION OF BRUSHLAND HABITATS 200,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with the University of Minnesota–Duluth in cooperation with the natural resources research institute and the Minnesota Sharptailed Grouse Society to assess brushland harvesting, brushland as wildlife habitat, and habitat management strategies.

This project must be completed and final products delivered by December 31, 1997, and the appropriation is available until that date.

(e) TURN IN POACHERS YOUTH ACTIVITY BOOK 50,000

This appropriation is from the future resources fund to the commissioner of natural resources for an agreement with TIP, Inc. to print and disseminate an activity book to inform and educate children about poaching and its impact on natural resources, and to promote ethical hunting and fishing. This appropriation must be matched by at least \$12,500 of nonstate money.

Sec. 53. Laws 1995, chapter 220, section 19, subdivision 19, is amended to read:

Subd. 19. Carryforward

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

(a) Except as provided in paragraph (b), the availability of the appropriations for the following projects is extended to December 31, 1995; ~~on that date the appropriations cancel and no further payment is authorized, when projects must be completed and final products delivered:~~ Laws 1993, chapter 172, section 14, subdivisions 3, paragraphs (a), (f), and (i); 6, paragraph (b); 9; 10, paragraphs (a), (c), (g), (p), (q), and (r); and 12, paragraphs (a), (b), (c), (h), (j), and (l).

(b) The availability of the appropriations for the following projects is extended to December 31, 1996; ~~on that date the appropriations cancel and no further payment is authorized, when projects must be completed and final products delivered:~~ (1) Laws 1993, chapter 172, section 14, subdivisions 3, paragraph (c); 4, paragraph (e); 10, paragraphs (d), (f), and (o); 12, paragraphs (f) and (g); in subdivision 10, paragraph (b), the Bloomington East and West Bush Lake picnic areas; and, in subdivision 10, paragraph (c), Cedar Lake trail development and the Dakota North regional trail in South St. Paul; and (2) Laws 1994, chapter 632, article 2, section 6, local recreation grants and Silver Bay harbor.

Sec. 54. Laws 1995, chapter 254, article 1, section 93, is amended to read:

Sec. 93. SPENDING LIMITATION ON CONTRACTS.

(a) During the biennium ending June 30, 1997, the aggregate amount spent by all departments or agencies defined in Minnesota Statutes, section 15.91, subdivision 1, on professional or technical service contracts may not exceed 95 percent of the aggregate amount these departments or agencies spent on these contracts during the biennium from July 1, 1993, to June 30, 1995. For purposes of this section, professional or technical service contracts are as defined in Minnesota Statutes, section 16B.17, but do not include contracts for highway construction or maintenance, contracts between state agencies, contracts paid for from insurance trust funds, gift and deposit funds, capital projects funds, or federal funds, contracts with private collection agencies, contracts that are entered into in connection with the agency's distribution of grant funds, or contracts entered into under Minnesota Statutes, section 16B.35 or 115B.42, subdivision 2. The governor or a designated official must limit or disapprove proposed contracts as necessary to comply with this section.

(b) During the biennium ending June 30, 1997, the amount spent by (1) the house of representatives; (2) the senate; and (3) the legislative coordinating commission and all groups under its jurisdiction, from direct-appropriated funds on professional or technical service contracts may not exceed 95 percent of the amount spent on these contracts from

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

direct-appropriated funds during the biennium from July 1, 1993, to June 30, 1995. Each entity listed in clauses (1), (2), and (3) of this paragraph must be treated separately for purposes of determining compliance with this paragraph, except that the legislative coordinating commission and all groups under its jurisdiction must be treated as one unit. For purposes of this paragraph, "professional or technical service contract" has the meaning defined in section 16B.17, but does not include contracts for actuarial services entered into by the legislative commission on pensions and retirement, or contracts with other legislative or state executive agencies. The house of representatives committee on rules and legislative administration, the senate committee on rules and administration, and the legislative coordinating commission must each determine the amount of the reduction to be made under this paragraph.

Sec. 55. **BRANDING ANIMALS; REPORT.**

By January 15, 1997, the board of animal health shall report to the senate agriculture and rural development committee and the house of representatives agriculture committee with recommendations for changes in Minnesota Statutes, sections 35.821 to 35.831, relating to the branding of live animals. The report must include specific recommendations on brand inspection requirements and whether the state should allow registration of brands that use technologies other than hot irons. In developing the recommendations, the board shall gather public input from buyers and sellers of live animals.

Sec. 56. **[116.0717] TACONITE DEPOSITION.**

Notwithstanding rules prohibiting discharge of waste into saturated zones or rules governing variance procedures, the pollution control agency may issue a permit for deposition of fine tailings from taconite processing facilities into taconite mine pits provided the proposer demonstrates through an environmental impact statement and risk assessment that the deposition will not pose an unreasonable risk of pollution or degradation of groundwater.

Sec. 57. **EFFECTIVE DATES.**

(a) Except as provided in paragraph (b), this act is effective the day following final enactment.

(b) Sections 12, 14, 25, 44, and 47 are effective July 1, 1996. Sections 36 and 38 are effective for 1997 state park permits. Section 18 is effective April 1, 1997, and applies to licenses issued for mobile food concession and retail mobile units beginning with the April 1, 1997, to March 31, 1998, period. License fees for the nine-month period July 1, 1996, to March 31, 1997, for mobile food concession and retail mobile units will be prorated at 75 percent of the fee schedule in effect on July 1, 1996, rounded to the nearest dollar. Section 28 applies to farm bulk milk pick-up tankers beginning on July 1, 1996.

Presented to the governor March 29, 1996

Signed by the governor April 2, 1996, 2:05 p.m.

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