

145A.07 may request approval from the commissioner to supplant subdivisions 1 to 3 with alternative compliance methods. The local agency must submit to the commissioner:

(1) the alternative compliance methods that will be taken to ensure an equivalent degree of protection to public health, safety, or the environment;

(2) the reasons why alternative methods are requested;

(3) a plan for evaluating the effectiveness of the alternative methods;

(4) a statement that the local agency applying for approval of the alternative methods will comply with the terms, if granted; and

(5) other relevant information the commissioner determines necessary to evaluate the request.

(b) The commissioner may approve the request if the alternative methods will have no potential adverse effect on public health, safety, or the environment and if the alternative methods are equivalent to or superior to those prescribed in subdivisions 1 to 3. In approving the request, the commissioner may attach conditions the commissioner determines are needed to protect public health, safety, or the environment. The commissioner shall notify the local agency in writing of the commissioner's decision to approve or deny the request. If a request is denied, the commissioner shall specify the reasons for the denial.

Sec. 3. REPEALER.

Minnesota Statutes 2000, sections 144.073 and 144.08, are repealed.

Presented to the governor May 25, 2001

Signed by the governor May 29, 2001, 11:25 a.m.

CHAPTER 206—H.F.No. 1497

An act relating to natural resources; exempting certain charges from legislative approval; modifying certain provisions for taking small game; modifying terms for certain lakeshore land exchanges to include leased farmed wild rice lands; authorizing public and private sales of certain state lands in Lake county; authorizing conveyance of certain surplus state land in Mower county; adding to a state forest; adding to and creating wildlife management areas; authorizing the private conveyance of consolidated conservation land in Aitkin county; authorizing a land transfer for North Hennepin community college; providing for an exchange of land by the city of Bird Island; amending Minnesota Statutes 2000, sections 16A.1283; 97B.603; 97B.901; Laws 1998, chapter 389, article 16, section 31, subdivision 2, as amended.

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

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

Section 1. Minnesota Statutes 2000, section 16A.1283, is amended to read:

16A.1283 LEGISLATIVE APPROVAL REQUIRED.

(a) Notwithstanding any law to the contrary, an executive branch state agency may not impose a new fee or increase an existing fee unless the new fee or increase is approved by law. For purposes of this section, a fee is any charge for goods, services, regulation, or licensure, and, notwithstanding paragraph (b), clause (3), includes charges for admission to or for use of public facilities owned by the state.

(b) This section does not apply to:

(1) charges billed within or between state agencies, or billed to federal agencies;

(2) the Minnesota state colleges and universities system; or

(3) charges for goods and services provided for the direct and primary use of a private individual, business, or other entity; or

(4) charges that authorize use of state-owned lands and minerals administered by the commissioner of natural resources by the issuance of leases, easements, cooperative farming agreements, and land and water crossing licenses and charges for sales of state-owned lands administered by the commissioner of natural resources.

(c) An executive branch agency may reduce a fee that was set by rule before the effective date of this section without legislative approval. Chapter 14 does not apply to fee reductions under this paragraph.

Sec. 2. Minnesota Statutes 2000, section 97B.603, is amended to read:

97B.603 TAKING SMALL GAME AS A PARTY HUNTING.

While two or more persons are hunting taking small game as a party and maintaining unaided visual and vocal contact, a member of the party may take and possess more than one limit of small game, but the total number of small game taken and possessed by the party may not exceed the limit of the number of persons in the party that may take and possess small game. This section does not apply to the hunting of migratory game birds or turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter for the same zone and time period as long as the hunter does not shoot or tag a turkey for the other hunter.

Sec. 3. Minnesota Statutes 2000, section 97B.901, is amended to read:

97B.901 COMMISSIONER MAY REQUIRE TAGS ON REGISTRATION AND TAGGING OF FUR-BEARING ANIMALS.

(a) The commissioner may, by rule, require persons taking, possessing, and transporting fur-bearing animals to tag the animals. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request.

(b) The pelt of each bobcat, fisher, pine marten, and otter must be presented, by the person taking it, to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48

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hours after the season closes for the species. Until March 1, 2003, a possession or site tag is not required prior to registration of the fisher, pine marten, or otter.

Sec. 4. Laws 1998, chapter 389, article 16, section 31, subdivision 2, as amended by Laws 1999, chapter 180, section 1, and Laws 2000, chapter 488, article 3, section 31, is amended to read:

Subd. 2. EXCHANGE OF COUNTY LAKESHORE LAND FOR LEASED LAKESHORE LOTS; EXCHANGE OF COUNTY LAND FOR LEASED FARMED WILD RICE LAND. (a) For the purposes of this section:

(1) "county land" includes, but is not limited to, tax-forfeited land administered by any county;

(2) "leased lakeshore lots" means lands leased by the state, including lots for which leases have been canceled, pursuant to Minnesota Statutes, section 92.46, subdivision 1; and

(3) "plan for exchange" means a listing of parcels proposed for exchange with legal descriptions, county estimates of values, and maps and acreage for each parcel. By July 1, 1999, counties shall include exchange plans for all lakeshore lease lots that are in substantial compliance with official controls. The plan shall also include a timeline that provides for the completion of the exchange of all remaining lakeshore lease lots by December 31, 2000.

(b) By July 1, 1999, a county board with leased lakeshore lots must petition the land exchange board with a plan for an exchange of county land for leased lakeshore lots in the county that are not listed by the commissioner pursuant to subdivision 1. Notwithstanding Minnesota Statutes, section 94.342, the land proposed for the exchange must be land bordering on or adjacent to meandered or other public waters. A county board proposing an exchange under this section may include tax-forfeited land administered by another county in the proposal with the consent of that county board.

(c) In determining the value of the leased lakeshore lots for purposes of the exchange, the land exchange board must review an appraisal of each lot prepared by an appraiser licensed by the commissioner of commerce. The selection of the appraiser must be agreed to by the commissioner of natural resources and the county board of the county containing the leased lakeshore lot. The commissioner of natural resources must pay the costs of appraisal and may recover these costs as provided in this section. The commissioner must submit appraisals under this paragraph to the land exchange board by June 1, 1999.

(d) The land exchange board must determine whether the land offered for exchange by a county under this section is lakeshore of substantially equal value to the leased lakeshore lots included in the county's petition. In making this determination, the land exchange board must review an appraisal of the land offered for exchange prepared by an appraiser licensed by the commissioner of commerce. The selection of the appraiser must be agreed to by the commissioner of natural resources and the county board of the county containing the leased lakeshore lots. The county must pay the costs of this appraisal and may recover those costs as provided in this section.

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(e) Before the proposed exchange may be submitted to the land exchange board, the commissioner of natural resources must ensure that, whenever possible, state lands are added to the leased lakeshore lots when necessary to provide conformance with zoning official controls. The lands added to the leased lakeshore lots must be included in the appraised value of the lots. If the commissioner is unable to add the necessary land to a lot, the lot shall be treated as if purchased at the time the state first leased the site, for the purposes of local zoning and other ordinances at the time of sale of the lot by the county.

(f) Additional state or county lands, including state riparian land leased for a commercial use, may be added to the exchanges if mutually agreed upon by the commissioner and the affected county board to meet county zoning standards or other regulatory needs for the lots, for use of the land by the county or state, or to avoid leaving unmanageable parcels of land in state or county ownership after an exchange, or to dispose of state commercial riparian leases. The additional county land may include nonriparian land, if the land is adjacent to county land exchanged under this section and is beneficial to or enhances the value of the school trust land. Notwithstanding Minnesota Statutes, chapter 282, or any other law to the contrary, a county board may sell all or part of any additional land to an owner of a lakeshore lot sold by the county under this section, or sold by the state at a lakeshore lot sale, or to the lessee of a commercial lease.

(g) In the event that commercial leased state land or state-owned land leased for farming wild rice is proposed for exchange, the state and county must submit to the land exchange board prior to exchanges, without regard to the dates provided in this section, the reports, appraisals, and plan for exchange required by this section. For the appraisal of the wild rice farming leases, no improvements paid for by the lessee shall be added to the value of the land. The county is not required to sell the commercially leased lands or wild rice farming leased lands it receives from the state within the times stated in this section. For wild rice farming leased lands, the commissioner of natural resources may enter into an agreement with the county to pay the costs of appraisal and survey of the lands offered for exchange by the county, with the commissioner reimbursed from the proceeds of the sale for the costs of said appraisal and survey. Proceeds from the sale of wild rice farming leased lands are not subject to subdivision 4.

(h) The land exchange board must determine whether the lots are of substantially equal value and may approve the exchange, notwithstanding the requirements of Minnesota Statutes, sections 94.342 to 94.347, relating to the approval process. If the board approves the exchange, the commissioner must exchange the leased lakeshore lots for the county lands, together with any additional state land provided for under this section, subject to the requirements of the Minnesota Constitution, article XI, section 10, relating to the reservation of mineral and water power rights.

(i) The deeds between the state and counties for land exchanges under this section are exempt from the deed tax imposed by Minnesota Statutes, section 287.21.

(j) The deeds issued by the state and counties for the land exchanges and sales to a lessee made pursuant to this section are exempt from the requirements imposed for

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well disclosure by Minnesota Statutes, section 103I.235, well sealing by Minnesota Statutes, section 103I.311, and individual sewage treatment system disclosure by Minnesota Statutes, section 115.55, subdivision 6.

Sec. 5. PUBLIC SALE OF TRUST FUND LAND BORDERING PUBLIC WATER; LAKE COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the school trust land bordering public water that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 92.

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Lake county and is three subdivided lots bordering White Iron lake, located in Government Lot 7, Section 6, Township 62 North, Range 11 West. The property is being surveyed by the department of natural resources for legal subdivision.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was sold.

Sec. 6. PUBLIC SALE OF SURPLUS STATE LAND; LAKE COUNTY.

(a) The commissioner of natural resources may sell by public sale the surplus land that is described in paragraph (c) under the provisions of Minnesota Statutes, chapter 94, except that the commissioner need not comply with the requirements of Minnesota Statutes, sections 94.09, subdivision 3, and 94.10, subdivision 1, that the land first be offered for transfer of custodial control to state departments and agencies and the University of Minnesota, or sale to the city, county, town, school district, or the public entity where the lands are located.

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land. The attorney general may make necessary changes to the legal descriptions to correct errors and ensure accuracy.

(c) The land to be sold is located in Lake county and is described as:
that part of the Northwest Quarter of the Southeast Quarter of Section 14, Township 54 North, Range 9 West, lying South of a line drawn from the northwest corner thereof to a point on the east line thereof distant 893 feet South of the northeast corner of said Northwest Quarter of the Southeast Quarter, and westerly of the following described line: Commencing at the point of termination of the above described line; thence northwesterly along said above described line a distance of 495 feet to the point of beginning of the line to be described; thence southwesterly deflecting to the left at an angle of 77 degrees 27 minutes 32 seconds for a distance of 380 feet; thence southeasterly deflecting to the left an angle of 90 degrees for a distance of 460 feet to the center line of Minnesota trunk highway No. 61; thence southwesterly

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along said center line to the south line of said Northwest Quarter of the Southeast Quarter and there terminating. Subject to the easement for the right-of-way of Minnesota trunk highway No. 61.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 7. PRIVATE SALE OF SURPLUS STATE LAND; LAKE COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell to Lake county by private sale the surplus land, and buildings located thereon, that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 94.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. Notwithstanding Minnesota Statutes, section 94.10, subdivision 1, consideration may be for less than the appraised value of the land and the land need not be used for a public purpose.

(c) The land to be sold is located in Lake county and is described as the westerly 235 feet of the northerly 82 feet of the southerly 662 feet of the Southwest Quarter of the Southwest Quarter of Southwest Quarter, Section 36, Township 53 North, Range 11 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was sold to Lake county.

Sec. 8. CONVEYANCE OF SURPLUS STATE LAND; MOWER COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of natural resources may convey to the holders of the life estate for no consideration the surplus state land, including improvements, that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be conveyed is located in Mower county in the Mentel wildlife management area and is described as: the West 270.00 feet of the South 460.00 feet of the SW 1/4 of the NW 1/4 of Section 5, Township 102 North, Range 17 West, subject to highway easement on the south side thereof. The described tract contains 2.85 acres, more or less.

(d) The commissioner has determined that the land is no longer needed for any state natural resource purpose and that the state's land management interests would best be served if the land was conveyed to the holders of the life estate. The holders of the life estate donated over 110 acres of land to the Mentel wildlife management area, including the land described in paragraph (c). The holders of the life estate have requested that the building site be returned to them. The conveyance gives the holders of the life estate full title free of state interest.

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Sec. 9. HILL LAKE WILDLIFE MANAGEMENT AREA.

Subdivision 1. [97A.133] [Subd. 29a.] HILL LAKE WILDLIFE MANAGEMENT AREA. Hill Lake wildlife management area is established in Aitkin county.

Subd. 2. **BOUNDARIES.** The following described land is located within the boundaries of Hill Lake wildlife management area: Lot 1, the unplatted portion, and Lot 2, the South 25 rods East of highway except the North 14 rods of West 23 rods of South 25 rods, of Section 23, Township 52 North, Range 26 West.

Sec. 10. ADDITION TO STATE FOREST.

[89.021] [Subd. 24.] HILL RIVER STATE FOREST. The following area is added to the Hill River state forest: NW1/4-SE1/4 and S1/2-SE1/4 of Section 22; NW1/4-SW1/4 of Section 23; S1/2-NW1/4, NE1/4-SW1/4, and S1/2-SW1/4 of Section 26; all in Township 52 North, Range 26 West.

Sec. 11. ADDITION TO STATE WILDLIFE MANAGEMENT AREA.

[97A.133] [Subd. 5.] AITKIN WILDLIFE MANAGEMENT AREA, AITKIN COUNTY. The following area is added to the Aitkin wildlife management area: SW1/4 of Section 3, Township 47 North, Range 26 West.

Sec. 12. PRIVATE CONVEYANCE OF CONSOLIDATED CONSERVATION LAND; AITKIN COUNTY.

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, or other law to the contrary, Aitkin county may sell to the city of Hill City the consolidated conservation land that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapters 84A and 282.

(b) The conveyance must be in a form approved by the attorney general and must provide that the land reverts to the state if it is not used for public purposes. The consideration for the conveyance must not be less than the appraised value of the timber. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land that may be sold is located in Aitkin county and is described as: SE1/4-NE1/4 and NE1/4-SE1/4 of Section 22, Township 52 North, Range 26 West.

Sec. 13. NORTH HENNEPIN COMMUNITY COLLEGE LAND TRANSFER.

Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the board of trustees of the Minnesota state colleges and universities may transfer fee title to approximately 11 acres of state-owned real estate north of 85th Avenue in Brooklyn Park and operated by North Hennepin community college in exchange for fee title to approximately 11 acres of land contiguous with land currently owned by North Hennepin community college. Before completing the exchange, the board shall consult with and obtain the advisory recommendations of the chairs of the house higher education finance committee and the senate higher education budget division.

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Sec. 14. EXEMPT ACREAGE IN LAND EXCHANGE.

The city of Bird Island may exchange a parcel of land owned by it or acquired for it by a qualified intermediary, for a parcel of agricultural real estate that is owned by an individual exempt under Minnesota Statutes, section 500.221, based on ownership being lawfully acquired prior to June 1, 1981. Since there is no exception for exchanged property under Minnesota Statutes, section 500.221, the exchange of the city's parcel would result in the loss of exemption for the exchanged property. Accordingly, this act provides that the agricultural land being exchanged for the parcel that is currently exempt shall also be exempt under Minnesota Statutes, section 500.221, as if it had been purchased by the owner prior to June 1, 1981. Such exchanged parcel shall have exactly the same rights under the statute as the parcel to be exchanged and the deeds used to effectuate the transaction may so state.

Presented to the governor May 25, 2001

Signed by the governor May 29, 2001, 11:27 a.m.

CHAPTER 207—H.F.No. 1310

An act relating to construction; giving the state building official final authority for interpreting the State Building Code and prescribing its enforcement; regulating construction-related fees; requiring municipalities to submit annual reports on construction-related fees; providing for adoption of certain amendments to the mechanical code; limiting certain municipal building code ordinances; clarifying certain terms; modifying provisions relating to construction warranties; limiting certain waivers of rights; modifying provisions relating to zoning ordinances; amending Minnesota Statutes 2000, sections 16B.61, subdivisions 1, 2; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 326.90, subdivision 1; 327A.01, subdivision 2; 327A.02, subdivisions 1, 3; 462.353, subdivision 4; 462.357, subdivisions 2, 5; proposing coding for new law in Minnesota Statutes, chapters 16B; 462.

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

Section 1. Minnesota Statutes 2000, section 16B.61, subdivision 1, is amended to read:

Subdivision 1. ADOPTION OF CODE. Subject to sections 16B.59 to 16B.75, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference.

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