

(c) The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture. The use of items listed in this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor April 25, 2002

Signed by the governor April 29, 2002, 1:29 p.m.

CHAPTER 351—S.F.No. 2674

An act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; modifying littering provisions; temporarily removing restrictions on the production of planting stock; modifying timber permit, sale, and lease provisions; creating a prairie chicken hunting license; modifying lifetime deer hunting license provisions; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; modifying big game ammunition provisions; restricting certain motorized decoys; modifying provisions for using lights to locate animals; modifying the all season buck license; modifying requirements for taking turtles; modifying provisions for fishing contest permits; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; providing for review of the aquatic plant control permit program; eliminating certain experimental trout stream restrictions; requiring a study; creating a motorized trail task force; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 85.20, subdivision 6; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.421, subdivision 4; 97A.473, subdivisions 1, 4; 97A.4742, subdivision 1; 97A.475, subdivisions 2, 41; 97B.025; 97B.031, subdivision 1; 97B.081, subdivision 2; 97B.301, subdivision 7; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.081, by adding a subdivision; 97C.605; 97C.611; 103G.615, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003; 97C.605, subdivision 4.

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

Section 1. Minnesota Statutes 2000, section 17.47, subdivision 7, is amended to read:

Subd. 7. **PRIVATE AQUATIC LIFE.** "Private aquatic life" means fish, shellfish, mollusks, crustaceans, turtles, and any other aquatic animals cultured within an aquatic farm. Private aquatic life is the property of the aquatic farmer.

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

Sec. 2. Minnesota Statutes 2000, section 85.20, subdivision 6, is amended to read:

Subd. 6. **LITTERING; PENALTY.** (a) No person shall drain, throw, or deposit upon the lands and waters within a state park any substance, including cigarette filters, that would mar the appearance, create a stench, destroy the cleanliness or safety of the land, or would be likely to injure any animal, vehicle, or person traveling upon those lands and waters. The operator of a vehicle or watercraft, except a school bus or a vehicle transporting passengers for hire and regulated by the interstate commerce commission, shall not permit articles to be thrown or discarded from the vehicle upon any lands or waters within a state park.

(b) Violation of this subdivision is a misdemeanor. Any person sentenced under this subdivision shall in lieu of the sentence imposed be permitted, under terms established by the court, to work under the direction of the department of natural resources at clearing rubbish, trash, and debris from any state park. The court may for any violation of this subdivision order the offender to perform such work under terms established by the court with the option of a jail sentence being imposed.

(c) In lieu of enforcement under paragraph (b), this subdivision may be enforced by imposition of a civil penalty and an action for damages for littering under section 115A.99.

Sec. 3. Minnesota Statutes 2000, section 89.36, subdivision 1, is amended to read:

Subdivision 1. **PRODUCTION AT STATE NURSERIES.** The commissioner of natural resources may produce tree planting stock for the purposes of sections 89.35 to 89.39 upon any lands under control of the commissioner which may be deemed suitable and available therefor so far as not inconsistent with other uses to which such lands may be dedicated by law. The commissioner may not produce more than 10,000,000 units of planting stock annually, after January 1, 2003.

Sec. 4. Minnesota Statutes 2000, section 90.151, subdivision 1, is amended to read:

Subdivision 1. **ISSUANCE; EXPIRATION.** (a) Following receipt of the down payment for state timber sold at public auction, the commissioner shall issue a numbered permit to the purchaser, in a form approved by the attorney general, by the terms of which the purchaser shall be authorized to enter upon the land, and to cut and remove the timber therein described, according to the provisions of this chapter. The permit shall be correctly dated and executed by the commissioner or agent and signed by the purchaser. If a permit is not signed by the purchaser within 60 days from the date of purchase, the permit cancels and the down payment for timber forfeits to the state.

(b) The permit shall expire no later than five years after the date of sale as the commissioner shall specify, and the timber shall be cut within the time specified therein. All cut timber, equipment, and buildings not removed from the land within 90 days after expiration of the permit shall become the property of the state.

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(c) The commissioner may grant an additional period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of such request by the permit holder for good and sufficient reasons. The commissioner may grant a second period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of a request by the permit holder for hardship reasons only.

(d) No permit shall be issued to any person other than the purchaser in whose name the bid was made.

Sec. 5. Minnesota Statutes 2000, section 90.162, is amended to read:

90.162 ALTERNATIVE TO BOND OR DEPOSIT REQUIREMENTS.

In lieu of the bond or cash deposit equal to the value of all timber covered by the permit required by section 90.161 or 90.173, a purchaser of state timber may, at the time of the bid approval and upon payment by the purchaser to the commissioner of 15 percent of the appraised value under section 90.14, elect in writing on a form prescribed by the attorney general to prepay give good and valid surety to the state of Minnesota equal to the purchase price for any designated cutting block identified on the permit before the date the purchaser enters upon the land to begin harvesting the timber on the designated cutting block.

Sec. 6. Minnesota Statutes 2000, section 97A.421, subdivision 4, is amended to read:

Subd. 4. ISSUANCE AFTER INTOXICATION OR NARCOTICS CONVICTION. A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery or hunt with a firearm or by archery under a lifetime license, issued under section 97A.473 or 97A.474, for five years after conviction.

Sec. 7. [97A.434] PRAIRIE CHICKEN LICENSES.

Subdivision 1. NUMBER OF LICENSES TO BE ISSUED. If the commissioner establishes an open season for prairie chickens under section 97B.711, the commissioner shall also determine, by rule, the number of licenses to be issued.

Subd. 2. ELIGIBILITY. Eligibility for a prairie chicken license shall be determined by this section and by rule adopted by the commissioner. A person is eligible for a prairie chicken license only if the person:

- (1) is a resident; and
- (2) was born before January 1, 1980, or possesses a firearms safety certificate.

Subd. 3. APPLICATION FOR LICENSE. An application for a prairie chicken license must be made in a manner provided by the commissioner and accompanied by a \$4 application fee. The \$4 application fee is appropriated as prescribed in Minnesota Statutes, section 84.027, subdivision 15, paragraph (d), to pay for costs associated with conducting the prairie chicken license drawing. A person may not make more than one application for each season. If a person makes more than one application, the person

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is ineligible for a license for that season after determination by the commissioner, without a hearing.

Subd. 4. SEPARATE SELECTION OF ELIGIBLE LICENSEES. (a) The commissioner may conduct a separate selection for up to 20 percent of the prairie chicken licenses to be issued for any area. Only persons who are owners or tenants of at least 40 acres of prairie or grassland in the area, and their family members, are eligible applicants for prairie chicken licenses for the separate selection. The qualifying prairie or grassland may be noncontiguous. Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public prairie chicken hunting on their land during that prairie chicken season.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 8. Minnesota Statutes 2000, section 97A.473, subdivision 1, is amended to read:

Subdivision 1. **RESIDENT LIFETIME LICENSES AUTHORIZED.** (a) The commissioner may issue a lifetime angling license, a lifetime small game hunting license, a lifetime ~~firearms~~ firearm or archery deer hunting license, or a lifetime sporting license to a person who is a resident of the state for at least one year or who is under age 21 and the child of a person who is a resident of the state for at least one year. The license fees paid for a lifetime license are nonrefundable.

(b) The commissioner may require the holder of a lifetime license issued under this section to notify the department each year that the license is used, by:

- (1) telephone or Internet notification, as specified by the commissioner;
- (2) the purchase of stamps for the license; or
- (3) registration and tag issuance, in the case of the resident lifetime deer license.

Sec. 9. Minnesota Statutes 2000, section 97A.473, subdivision 4, is amended to read:

Subd. 4. **LIFETIME FIREARM DEER HUNTING LICENSE; FEE.** (a) A resident lifetime ~~firearm~~ deer hunting license authorizes a person to take deer with firearms or by archery in the state. The license authorizes those activities authorized by the annual resident firearm deer hunting license or the annual resident archery deer hunting license. The licensee must register and receive tags each year that the license is used. The tags shall be issued at no charge to the licensee.

(b) The fees for a resident lifetime firearm or archery deer hunting license are:

- (1) age 3 and under, \$337;
- (2) age 4 to age 15, \$450;
- (3) age 16 to age 50, \$573; and

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(4) age 51 and over, \$383.

Sec. 10. Minnesota Statutes 2000, section 97A.4742, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT; PURPOSE.** The lifetime fish and wildlife trust fund is established as a fund in the state treasury. All money received from the issuance of lifetime angling, small game hunting, firearm deer hunting, and sporting licenses and earnings on the fund shall be credited to the lifetime fish and wildlife trust fund.

Sec. 11. Minnesota Statutes 2000, section 97A.475, subdivision 2, is amended to read:

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

- (1) for persons under age 65 to take small game, \$12;
- (2) for persons age 65 or over, \$6;
- (3) to take turkey, \$18;
- (4) to take deer with firearms, \$25;
- (5) to take deer by archery, \$25;
- (6) to take moose, for a party of not more than six persons, \$310;
- (7) to take bear, \$38;
- (8) to take elk, for a party of not more than two persons, \$250;
- (9) to take antlered deer in more than one zone, \$50;
- (10) to take Canada geese during a special season, \$4; and
- (11) to take ~~an antlered buck~~ two deer throughout the state in any open deer season, except as restricted under section 97B.305, ~~\$66~~ \$75; and
- (12) to take prairie chickens, \$20.

Sec. 12. Minnesota Statutes 2000, section 97A.475, subdivision 41, is amended to read:

Subd. 41. **TURTLE SELLERS LICENSES.** (a) The fee for a turtle seller's license to sell turtles and to take, transport, purchase buy, and possess turtles for sale is ~~\$70~~ \$250.

(b) The fee for a recreational turtle license to take, transport, and possess turtles for personal use is \$25.

(c) The fee for a turtle seller's apprentice license is \$100.

Sec. 13. **[97A.510] GAME FOR CONSUMPTION AT FUNDRAISING EVENTS.**

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(a) Nonprofit organizations may charge a fee for admission to fundraising events when lawfully taken and possessed game, excluding migratory game birds, as defined in the Code of Federal Regulations, title 50, section 20.11, that cannot be sold under federal law, is donated to the organization and is served for consumption on the premises where the fundraising event is held.

(b) Game donated to the nonprofit organization must be marked as provided in section 97A.505, subdivision 4. The game donated to a nonprofit organization and stored by the organization is considered to be in the possession of the person making the donation, and is subject to inspection as provided in section 97A.215, subdivision 1. As provided in section 97A.505, subdivision 5, a license is not required for the nonprofit organization to possess or transport the donated game.

(c) The nonprofit organization must keep records of the game donated to the organization, and the records must be available for inspection for two years from the date of the fundraising event. The records must show:

(1) the names and addresses of persons donating the game;

(2) the license number or possession permit number under which the game was lawfully taken or possessed; and

(3) the date, location, and purpose of the fundraising event that utilized the donation.

Sec. 14. Minnesota Statutes 2000, section 97B.025, is amended to read:

97B.025 HUNTER AND TRAPPER EDUCATION.

(a) The commissioner may establish education courses for hunters and trappers. The commissioner shall collect a fee from each person attending a course. The commissioner shall establish a fee that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the enforcement division of the department of natural resources for the administration of the program. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

(b) The commissioner shall enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program. At a minimum, the program must include at least six hours of classroom and in the field training. The program must include a review of state trapping laws and regulations, trapping ethics, the setting and tending of traps and snares, tagging and registration requirements, and the preparation of pelts. The association shall be responsible for all costs of conducting the education program, and shall not charge any fee for attending the course.

Sec. 15. Minnesota Statutes 2000, section 97B.031, subdivision 1, is amended to read:

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

Subdivision 1. **FIREARMS AND AMMUNITION THAT MAY BE USED TO TAKE BIG GAME.** (a) A person may take big game with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;
 - (2) the firearm is loaded only with single projectile ammunition;
 - (3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;
 - (4) the ammunition has a case length of at least 1.285 inches;
 - (5) the muzzle-loader used is incapable of being loaded at the breech;
 - (6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and
 - (7) the rifled muzzle-loader used is a caliber of at least .40 inches.
- (b) A person may not take big game with a .30 caliber M-1 carbine cartridge.

(c) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length and ~~may take big game with~~, a .45 Winchester Magnum cartridge, or a .50 A. E. (Action Express) handgun cartridge.

Sec. 16. Minnesota Statutes 2000, section 97B.081, subdivision 2, is amended to read:

Subd. 2. **WITHOUT FIREARMS.** (a) Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931.

(b) Between one-half hour after sunset until sunrise, a person may not cast the rays of a spotlight, headlight, or other artificial light to spot, locate, or take a wild animal on fenced, agricultural land containing livestock, as defined in section 17A.03, subdivision 5, or poultry that is marked with signs prohibiting the shining of lights. The signs must:

(1) display reflectorized letters that are at least two inches in height and state "no shining" or similar terms; and

(2) be placed at intervals of 1,000 feet or less along the boundary of the area.

(c) It is not a violation of this subdivision paragraph (a) or (b) for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.

(d) Between the hours of 6:00 p.m. and 6:00 a.m., a person may not project a spotlight or hand-held light onto residential property or building sites from a moving motor vehicle being operated on land, except for the following purposes:

(1) safety;

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- (2) emergency response;
- (3) normal vehicle operations; or
- (4) performing an occupational duty.

Sec. 17. Minnesota Statutes 2000, section 97B.301, subdivision 7, is amended to read:

Subd. 7. **ALL SEASON BUCK DEER LICENSE.** (a) A resident may obtain an all season buck deer license. This license authorizes the resident to take one buck by firearm or archery during any season statewide. In addition, a resident obtaining this license may take one antlerless deer:

- (1) by firearms in the regular firearms season if the resident first obtains an antlerless deer permit;
- (2) by archery in the archery season; or
- (3) by muzzleloader in the muzzleloader season.

(b) A person obtaining an all season buck deer license does not qualify for hunting under subdivision 3 or 4. The commissioner shall issue one tag for a buck and one tag for an antlerless deer when issuing a license under this subdivision.

Sec. 18. Minnesota Statutes 2000, section 97B.601, subdivision 4, is amended to read:

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

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

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

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

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

Sec. 19. **[97B.716] PRAIRIE CHICKENS.**

Subdivision 1. LICENSE REQUIRED. A person may not take a prairie chicken without a prairie chicken license.

Subd. 2. TAGGING AND REGISTRATION. The commissioner may by rule prescribe requirements for the tagging and registration of prairie chickens.

Subd. 3. LIMITED NUMBER OF PRAIRIE CHICKEN HUNTERS. The commissioner may establish a method, including a drawing, to impartially select persons eligible to take prairie chickens in an area. Preference must be given to persons who have previously applied in the general selection but have not been selected.

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

Sec. 20. Minnesota Statutes 2000, section 97B.811, is amended by adding a subdivision to read:

Subd. 4a. RESTRICTIONS ON CERTAIN MOTORIZED DECOYS. From the opening day of the duck season through the Saturday nearest October 8, a person may not use a motorized decoy on public waters with visible, moving parts that are above the water surface to take migratory waterfowl, other than geese.

Sec. 21. Minnesota Statutes 2000, section 97C.025, is amended to read:

97C.025 FISHING AND MOTORBOATS PROHIBITED IN CERTAIN AREAS.

(a) The commissioner may prohibit fishing or restrict the taking of fish or the operation of motorboats by posting waters that:

(1) are designated as spawning beds or fish preserves; or

(2) are being used by the commissioner for fisheries research or management activities; or

(3) are licensed by the commissioner as a private fish hatchery or aquatic farm under section 97C.211, subdivision 1, or 17.4984, subdivision 1.

An area may be posted under this paragraph if necessary to prevent excessive depletion of fish or interference with fisheries research or management activities or private fish hatchery or aquatic farm operations.

(b) The commissioner will consider the following criteria in determining if waters licensed under a private fish hatchery or aquatic farm should be posted under paragraph (a):

(1) the waters contain game fish brood stock that are vital to the private fish hatchery or aquatic farm operation;

(2) game fish are present in the licensed waters only as a result of aquaculture activities by the licensee; and

(3) no public access to the waters existed when the waters were first licensed.

(c) A private fish hatchery or aquatic farm licensee may not take fish or authorize others to take fish in licensed waters that are posted under paragraph (a), except as provided in section 17.4983, subdivision 3, and except that if waters are posted to allow the taking of fish under special restrictions, licensees and others who can legally access the waters may take fish under those special restrictions.

(d) Before March 1, 2003, riparian landowners adjacent to licensed waters on the effective date of this section, and riparian landowners who own land adjacent to waters licensed after the effective date of this section on the date the waters become licensed waters, plus their children and grandchildren, may take two daily limits of fish per month under an angling license subject to the other limits and conditions in the game and fish laws.

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

(b) (e) Except as provided in paragraph (e) paragraphs (c), (d), and (f), a person may not take fish or operate a motorboat if prohibited by posting under paragraph (a).

(e) (f) An owner of riparian land adjacent to an area posted under paragraph (a) may operate a motorboat through the area by the shortest direct route at a speed of not more than five miles per hour.

Sec. 22. Minnesota Statutes 2000, section 97C.081, is amended by adding a subdivision to read:

Subd. 8a. ADDITIONAL FISHING CONTEST PERMITS. Notwithstanding the limits in subdivision 8, the commissioner may allow up to five additional permits each year for fishing contests on bodies of water that are 5,000 acres or more in size. No more than one additional contest may be permitted on one body of water in a single year. For additional fishing contests permitted under this subdivision, the fishing contest permit applicant must demonstrate to the commissioner that the contest will:

- (1) provide economic benefits to the local area;
- (2) promote public awareness of fishing and the state's resources; and
- (3) conform to best management practices for the lake.

Sec. 23. Minnesota Statutes 2000, section 97C.605, is amended to read:

97C.605 TURTLES.

Subdivision 1. **RESIDENT ANGLING LICENSE REQUIRED.** In addition to any other license required in this section, a person may not take, possess, or transport turtles without an a resident angling license, except as provided in subdivision 2 2c.

Subd. 2. **TURTLE SELLER'S LICENSE.** (a) A person may not take, possess, buy, or transport; or purchase turtles for sale; sell turtles; or take turtles for sale using commercial equipment without a turtle seller's license, except as provided in this subdivision 2c.

(b) Except for renewals, no new turtle seller's licenses may be issued after August 1, 2002.

Subd. 2a. **RECREATIONAL TURTLE LICENSE.** A person who does not possess a turtle seller's license must obtain a recreational turtle license to take turtles for personal use with commercial equipment.

Subd. 2b. **TURTLE SELLER'S APPRENTICE LICENSE.** (a) A person with a turtle seller's license may list one person as an apprentice on the license. A person acting as an apprentice for a turtle seller licensee must have an apprentice license and may assist the turtle licensee in all licensed activities.

(b) The turtle seller licensee or turtle seller's apprentice licensee must be present at all turtle operations conducted under the turtle seller's license. Turtle operations include going to and from turtle harvest locations; setting, lifting, and removing commercial turtle equipment; taking turtles out of equipment; and transporting turtles from harvest locations.

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(c) A turtle seller's apprentice license is transferable by the turtle seller licensee by making application to the commissioner. A person listed as an apprentice by a turtle seller licensee must not be listed as an apprentice by another turtle seller licensee nor may an apprentice possess a turtle seller's license or a recreational turtle license.

Subd. 2c. **LICENSE EXEMPTIONS.** A person does not need a turtle seller's license or an angling license:

- (1) when buying turtles for resale at a retail outlet;
- (2) when buying a turtle at a retail outlet; or

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller.

Subd. 3. **TAKING; METHODS PROHIBITED.** (a) Except as allowed in paragraph (b), A person may take turtles in any manner, except by the use of:

- (1) explosives, drugs, poisons, lime, and other harmful substances;
- (2) traps, except as provided in paragraph (b) and rules adopted under this section;

or

- (3) nets other than anglers' fish landing nets; or
- (4) commercial equipment, except as provided in rules adopted under this section.

(b) Until new rules are adopted under this section, a person with a turtle seller's license may take turtles with a floating turtle trap that:

- (1) has one or more openings above the water surface that measure at least ten inches by four inches; and
- (2) has a mesh size of not less than one-half inch, bar measure.

The commissioner may prescribe additional regulations for taking turtles for sale.

Subd. 4. **ARTIFICIAL LIGHTS.** The commissioner may issue permits to take turtles with the use of artificial lights in designated waters.

Subd. 5. **INTERFERENCE WITH COMMERCIAL OR RECREATIONAL TURTLE OPERATIONS.** A person may not:

- (1) knowingly place or maintain an obstruction that will hinder, prevent, or interfere with a licensed turtle operation;
- (2) remove turtles, other wild animals, or fish from a floating or submerged trap licensed under the game and fish laws; or
- (3) knowingly damage, disturb, or interfere with a licensed turtle operation.

Subd. 6. **RULES.** The commissioner may adopt rules for taking turtles. The commissioner may prescribe seasons, limits, closed areas, and other restrictions and requirements the commissioner deems necessary for the conservation of turtles.

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

Sec. 24. Minnesota Statutes 2000, section 97C.611, is amended to read:

97C.611 SNAPPING TURTLES; LIMITS.

A person may not possess more than three snapping turtles of the species *Chelydra serpentina* without a turtle seller's license. Until new rules are adopted under section 97C.605, a person may not take snapping turtles of a size less than ten inches wide including curvature, measured from side to side across the shell at midpoint. After new rules are adopted under section 97C.605, a person may only take snapping turtles of a size specified in the adopted rules.

Sec. 25. Minnesota Statutes 2000, section 103G.615, is amended by adding a subdivision to read:

Subd. 4. **ENFORCEMENT AUTHORITY AND RESTORATION REQUIREMENTS.** (a) The commissioner may make findings and issue an order to a person to stop the illegal gathering, harvesting, planting or transplanting, or destroying of aquatic vegetation or organisms in public waters.

(b) In the same or a separate findings and order, the commissioner may require restoration or replacement of any emergent or floating leaf aquatic vegetation lost as a result of the illegal activities, to the condition existing before the illegal activities were undertaken. An order for restoration or replacement must state with specificity the work that is necessary to comply with the order and must specify a date by which the work must be completed.

(c) The person or entity to whom the order is issued may request a review of the order by the commissioner within 30 days of receipt of written notice by filing a written request for review. If the written request is not submitted within 30 days, the restoration or replacement order becomes final. The commissioner shall review the request and supporting evidence and render a decision within 60 days of the request for review.

(d) If the person or entity wishes to appeal the decision of the commissioner after review under paragraph (c), a written request must be filed with the commissioner within 30 days for a contested case hearing under chapter 14. A bond, as provided in subdivision 5, must accompany the demand for a hearing. The bond and demand for hearing must be filed 30 days after the person is served with a copy of the decision of the commissioner on review.

(e) If the person or entity to whom the decision of the commissioner on review is addressed does not demand a contested case hearing under chapter 14 or demands a hearing but fails to file the required bond:

(1) the commissioner's order becomes final at the end of 30 days after the person is served with the decision of the commissioner on review; and

(2) the person may not appeal the order.

Sec. 26. Minnesota Statutes 2000, section 103G.615, is amended by adding a subdivision to read:

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

Subd. 5. BOND FOR DEMANDING PUBLIC HEARING. (a) A person or entity filing a demand for a public hearing, under subdivision 4, must execute and file a corporate surety bond or equivalent security to the state of Minnesota, to be approved by the commissioner and in an amount and form determined by the commissioner. The bond or security must be conditioned to pay the costs of the hearing to the extent described in subdivision 6 if the commissioner's findings and order are affirmed without material modification.

(b) A bond or security is not required of a public authority that demands a public hearing.

(c) The commissioner may waive the requirement for a bond or other security.

Sec. 27. Minnesota Statutes 2000, section 103G.615, is amended by adding a subdivision to read:

Subd. 6. HEARING COSTS. (a) Except as provided in paragraph (b), the costs of a hearing must be paid as prescribed by chapter 14 and the chief administrative law judge.

(b) If the commissioner's order is affirmed without material modification, the appellant must pay the following costs, up to \$750:

(1) costs of the stenographic record and transcript; and

(2) rental costs, if any, of the place where the hearing is held.

Sec. 28. Minnesota Statutes 2000, section 103G.615, is amended by adding a subdivision to read:

Subd. 7. MISDEMEANOR. A violation of an order issued under this section is a misdemeanor.

Sec. 29. Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1, is amended to read:

Subdivision 1. TIMBER SALES; LAND LEASES AND USES. (a) The county auditor may sell timber upon any tract that may be approved by the natural resources commissioner. Such sale of timber shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until such time as the county board may withdraw such timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources.

(b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be no less than 15 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down

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payment shall be no less than 15 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for.

(c) The county board may require final settlement on the basis of a scale of cut products. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale above mentioned, in which case the notice shall contain a description of such parcels, a statement of the estimated quantity of each species of timber thereon and the appraised price of each specie of timber for 1,000 feet, per cord or per piece, as the case may be. In such cases any bids offered over and above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from such parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of such sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of such sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from such parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by the purchaser when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of such sale involving a total appraised value of more than \$200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two such sales, directly or indirectly to any individual shall be in effect at one time.

(d) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private vendue, and at such prices and under such terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the

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purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt therefrom, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$12,000 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any such leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by such cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

(e) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations, or organized subdivisions of the state at public or private vendue, at such prices and under such terms as the county board may prescribe, for the purpose of taking and removing for use for road construction and other purposes tax-forfeited stockpiled iron-bearing material. The county auditor must determine that the material is needed and suitable for use in the construction or maintenance of a road, tailings basin, settling basin, dike, dam, bank fill, or other works on public or private property, and that the use would be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile for these purposes must first be approved by the commissioner of natural resources. The request shall be deemed approved unless the requesting county is notified to the contrary by the commissioner of natural resources within six months after receipt of a request for approval for use of a stockpile. Once use of a stockpile has been approved, the county may continue to lease it for these purposes until approval is withdrawn by the commissioner of natural resources.

(f) The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon such conditions and for such consideration and for such period of time, not exceeding 15 years, as the county board may determine; said permits, licenses, or leases to be subject to approval by the commissioner of natural resources.

(g) Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

(h) The county auditor may, with the approval of the county board, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat from tax-forfeited lands upon such terms and conditions as the county board may prescribe. Any lease for the removal of peat from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

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(i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis county auditor may, at the discretion of the county board, sell timber to the party who bids the highest price for all the several kinds of timber, as provided for sales by the commissioner of natural resources under section 90.14. Bids offered over and above the appraised price need not be applied proportionately to the appraised price of each of the different species of timber.

Sec. 30. EFFECT ON ADMINISTRATIVE RULES.

Notwithstanding Minnesota Statutes, section 14.05, subdivision 1, the repeal by amendment of the rule authorization in Minnesota Statutes, section 97C.605, subdivision 3, in this act does not repeal existing rules authorized under that subdivision. The existing rules remain in effect under the new subdivision 6 of Minnesota Statutes, section 97C.605, until modified by the commissioner of natural resources.

Sec. 31. AQUATIC PLANT CONTROL PERMIT PROGRAM REVIEW PROPOSAL.

By October 15, 2002, the commissioner of natural resources must submit a proposal to the governor and members of the legislative fiscal and policy committees with jurisdiction over natural resources to review the aquatic plant control permit program under Minnesota Statutes, section 103G.615.

Sec. 32. STUDY AND REPORT.

The commissioner of natural resources must review Minnesota Statutes 2000, sections 84.029, 84A.55, and 85.04, and the February 2002 operational order on natural resources officers, and analyze the citation authority for nonconservation officers and how that differs from conservation officer authority generally under the jurisdiction of the commissioner. Included in the review must be an analysis of citations given and proposed to be given by any employee under the commissioner. A report on the study's findings must be given to the house of representatives and senate chairs of the environmental and natural resources policy and the crime prevention committees by January 15, 2003.

Sec. 33. MOTORIZED TRAIL TASK FORCE; STATE FOREST LANDS.

(a) The commissioner of natural resources shall establish a motorized trail task force to review, advise, and provide recommendations on use and management of off-highway vehicles on state forest lands. The task force shall consist of representatives of off-highway vehicle users, nonmotorized forest interests, nonstate forest land managers, the department of natural resources, and other appropriate parties.

(b) The task force shall review and make recommendations on the following:

(1) the overall quantity and distribution of motorized trails on state forest lands and a time frame for trail development;

(2) a process for trail planning and trail project development including assessment of opportunities for public notification and involvement;

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(3) current monitoring, maintenance, and enforcement activities on motorized trails and plans for future management;

(4) current forest recreation rules and need for modifications;

(5) financial resources necessary for current and future all-terrain vehicle trail development, management, and enforcement of trail regulations;

(6) recreational interests of nonmotorized forest users impacted by all-terrain vehicle trail use;

(7) natural resource protection concerns regarding all-terrain vehicle trail use including, but not limited to, soil erosion and noise impacts; and

(8) other issues relating to motorized trails, as determined by the task force.

(c) Task force members may be reimbursed as provided in Minnesota Statutes, section 15.059, subdivision 6.

(d) The task force shall report its recommendations by January 15, 2003, to the commissioner and the senate and house of representatives policy and finance committees with jurisdiction over natural resources.

Sec. 34. REPEALER.

Minnesota Statutes 2000, sections 90.50; 97C.003; and 97C.605, subdivision 4, are repealed.

Sec. 35. EFFECTIVE DATE.

Sections 7; 11, clause (12); 18; and 19 are effective March 1, 2003. Sections 3, 21, and 29 are effective the day following final enactment.

Presented to the governor April 25, 2002

Signed by the governor April 29, 2002, 1:25 p.m.

CHAPTER 352—H.F.No. 2618

An act relating to data practices; regulating the dissemination of data between schools, law enforcement, and the juvenile justice system; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes; imposing criminal penalties; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.32, subdivisions 7, 8, by adding a subdivision; 13.43, by adding a subdivision; 13.82, subdivision 17; 120A.22, subdivision 7; 121A.75; 260B.171, subdivisions 3, 5; 609.415, subdivision 1; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8.

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

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