

posted premises where domestic animals are kept.

**Sec. 47. DAIRY PRODUCER PAYMENT REPORT.**

By January 15, 2005, the commissioner shall report to the senate and house policy and finance committees with jurisdiction over agriculture on a value-added agriculture program to pay beginning dairy farmers based on the amount of milk production. The report shall include suggested language to create the program.

**Sec. 48. DELAYED PAYMENTS IN 2003.**

Not later than 60 days after the effective date of section 11, the commissioner of agriculture shall pay any producer denied payment for failure to meet the ownership and reporting requirements imposed by Laws 2003, chapter 128, article 3, section 38, the amount to which the producer would have been otherwise entitled.

**Sec. 49. REPEALER.**

Minnesota Statutes 2002, sections 38.02, subdivision 2; and 38.13, are repealed.

**Sec. 50. EFFECTIVE DATE.**

Sections 1, 13, 36, 37, 38, 39, 40, and 48 are effective the day following final enactment. Section 28 is effective July 1, 2004.

Presented to the governor May 18, 2004

Signed by the governor May 21, 2004, 10:15 a.m.

**CHAPTER 255—H.F.No. 2212**

*An act relating to natural resources; modifying electronic licensing provisions; clarifying certain wild rice provisions; modifying disposition of certain proceeds; modifying snowmobile training and operating requirements; modifying certain fee provisions; eliminating RIM work plan requirement; modifying reporting requirements; modifying motorboat equipment and noise provisions; modifying provisions for cross-country ski passes; providing for certain refunds, fees, and commissions; modifying authority to issue and sell licenses and appoint agents; modifying nonresident minnow transport requirements; providing for rulemaking; requiring a report on the electronic licensing system; amending Minnesota Statutes 2002, sections 84.027, subdivision 15; 84.091, subdivision 1; 84.8205, subdivision 5; 84.83, subdivision 2; 84.86, subdivision 1; 84.862, subdivisions 1, 3; 84.872, subdivision 1; 85.052, subdivision 4; 85.054, subdivision 7, by adding a subdivision; 85.22, subdivision 2a; 85.34, by adding subdivisions; 85.41, subdivisions 2, 4, 5; 85.43; 86B.321, subdivision 2; 86B.521, subdivisions 1, 2; 97A.055, subdivision 4; 97A.311, by adding a subdivision; 97A.434, subdivision 3; 97A.4742, subdivision 4; 97A.485, subdivisions 3, 4, 5, 7, 11; 97B.721, as amended; 97C.501, subdivision 4; 97C.525, subdivisions 3, 5; 103B.611, subdivision 3; Minnesota Statutes 2003 Supplement, sections 16B.24, subdivision 5; 84.026; 84.773; 84.862, subdivision 2a; 97A.475, subdivision 26; 97A.485, subdivision 6; 103G.222, subdivision 1; 103G.615, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2002, sections 84.862, subdivision 2; 84.95, subdivision*

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3; 85.34, subdivision 4; 97A.485, subdivisions 2, 8, 10; Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 28; Laws 2004, chapter 215, sections 15, 23, 29, if enacted.

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

Section 1. Minnesota Statutes 2003 Supplement, section 16B.24, subdivision 5, is amended to read:

Subd. 5. **RENTING OUT STATE PROPERTY.** (a) **AUTHORITY.** The commissioner may rent out state property, real or personal, that is not needed for public use, if the rental is not otherwise provided for or prohibited by law. The property may not be rented out for more than five years at a time without the approval of the State Executive Council and may never be rented out for more than 25 years. A rental agreement may provide that the state will reimburse a tenant for a portion of capital improvements that the tenant makes to state real property if the state does not permit the tenant to renew the lease at the end of the rental agreement.

(b) **RESTRICTIONS.** Paragraph (a) does not apply to state trust fund lands, other state lands under the jurisdiction of the Department of Natural Resources, lands forfeited for delinquent taxes, lands acquired under section 298.22, or lands acquired under section 41.56 which are under the jurisdiction of the Department of Agriculture.

(c) ~~**FORT SNELLING CHAPEL; RENTAL.**~~ The Fort Snelling Chapel, located within the boundaries of Fort Snelling State Park, is available for use only on payment of a rental fee. The commissioner shall establish rental fees for both public and private use. The rental fee for private use by an organization or individual must reflect the reasonable value of equivalent rental space. Rental fees collected under this section must be deposited in the general fund.

(d) **RENTAL OF LIVING ACCOMMODATIONS.** The commissioner shall establish rental rates for all living accommodations provided by the state for its employees. Money collected as rent by state agencies pursuant to this paragraph must be deposited in the state treasury and credited to the general fund.

(e) (d) **LEASE OF SPACE IN CERTAIN STATE BUILDINGS TO STATE AGENCIES.** The commissioner may lease portions of the state-owned buildings in the Capitol complex, the Capitol Square Building, the Health Building, and the building at 1246 University Avenue, St. Paul, Minnesota, to state agencies and the court administrator on behalf of the judicial branch of state government and charge rent on the basis of space occupied. Notwithstanding any law to the contrary, all money collected as rent pursuant to the terms of this section shall be deposited in the state treasury. Money collected as rent to recover the bond interest costs of a building funded from the state bond proceeds fund shall be credited to the general fund. Money collected as rent to recover the depreciation costs of a building funded from the state bond proceeds fund and money collected as rent to recover capital expenditures from capital asset preservation and replacement appropriations and statewide building access appropriations shall be credited to a segregated account in a special revenue fund. Fifty percent of the money credited to the account each fiscal year must be transferred to the general fund. The remaining money in the account is appropriated to

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the commissioner to be expended for asset preservation projects as determined by the commissioner. Money collected as rent to recover the depreciation and interest costs of a building built with other state dedicated funds shall be credited to the dedicated fund which funded the original acquisition or construction. All other money received shall be credited to the general services revolving fund.

Sec. 2. Minnesota Statutes 2003 Supplement, section 84.026, is amended to read:

**84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.**

The commissioner of natural resources is authorized to enter into contractual or grant agreements with any public or private entity for the provision of statutorily prescribed natural resources services by or for the department. The contracts or grants shall specify the services to be provided and, where services are being provided for the department, the amount and method of reimbursement payment after services are rendered. Funds generated in a contractual agreement made pursuant to this section shall be deposited in the special revenue fund and are appropriated to the department for purposes of providing the services specified in the contracts. All contractual and grant agreements shall be processed in accordance with the provisions of section 16C.05. The commissioner shall report revenues collected and expenditures made under this section to the chairs of the Committees on Appropriations in the house and Finance in the senate by January 1 of each odd-numbered year.

Sec. 3. Minnesota Statutes 2002, section 84.027, subdivision 15, is amended to read:

Subd. 15. **ELECTRONIC TRANSACTIONS.** (a) The commissioner may receive an application for, sell, and issue any license, stamp, permit, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. Notwithstanding section 97A.472, electronic and telephone transactions may be made outside of the state. The commissioner may:

(1) provide for the electronic transfer of funds<sup>1</sup> generated by electronic transactions, including by telephone;

(2) assign a license identification number to an applicant who purchases a hunting or fishing license by electronic means, to serve as temporary authorization to engage in the licensed activity until the license is received or expires;

(3) charge and permit agents to charge a fee of individuals who make electronic transactions and transactions by telephone, including the issuing fee under section 97A.485, subdivision 6, and an additional transaction fee not to exceed \$3.50;

(4) ~~select up to four volunteer counties, not more than two in the metropolitan area, to participate in this pilot project and the counties shall select the participating agents;~~

(5) upon completion of a pilot project, implement a statewide system and select the participating agents collect issuing or filing fees as provided under sections 84.788, subdivision 3, paragraph (e); 84.798, subdivision 3, paragraph (b); 84.82, subdivision

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2, paragraph (d); 84.8205, subdivisions 5 and 6; 84.922, subdivision 2, paragraph (e); 85.41, subdivision 5; 86B.415, subdivision 8; and 97A.485, subdivision 6, and collect an electronic licensing system commission on sales of licenses as provided under sections 85.43, paragraph (b), and 97A.485, subdivision 7; and

~~(6)~~ (5) adopt rules to administer the provisions of this subdivision.

~~(b) A county shall not collect a commission for the sale of licenses or permits made by agents selected by the participating counties under this subdivision.~~

~~(e) Establishment of the transaction fee under paragraph (a), clause (3), is not subject to the rulemaking procedures of chapter 14 and section 14.386 does not apply.~~

~~(d)~~ (c) Money received from fees and commissions collected under this subdivision, including interest earned, is annually appropriated from the game and fish fund and the natural resources fund to the commissioner for the cost of electronic licensing.

#### Sec. 4. [84.0857] FACILITIES MANAGEMENT ACCOUNT.

The commissioner of natural resources may bill organizational units within the Department of Natural Resources for the costs of providing them with building and infrastructure facilities. Costs billed may include modifications and adaptations to allow for appropriate building occupancy, building code compliance, insurance, utility services, maintenance, repair, and other direct costs as determined by the commissioner. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

Sec. 5. Minnesota Statutes 2002, section 84.091, subdivision 1, is amended to read:

Subdivision 1. **OWNERSHIP.** The state is the owner of wild rice and other aquatic vegetation growing in public waters. A person may not acquire a property interest in wild rice or other aquatic vegetation or destroy wild rice or aquatic vegetation, except as authorized under this chapter or section 103G.615.

Sec. 6. Minnesota Statutes 2003 Supplement, section 84.773, is amended to read:

#### 84.773 RESTRICTIONS ON OPERATION.

Subdivision 1. RESTRICTIONS. A person may not intentionally operate an off-highway vehicle:

(1) on a trail on public land that is designated or signed for nonmotorized use only;

(2) on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access;  
or

(3) except as specifically authorized by law or rule adopted by the commissioner, in: ~~type 3, 4, 5, and 8 wetlands or unfrozen public waters, as defined in section~~

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103G.005; in a state park; in a scientific and natural area; or in a wildlife management area; or

(4) in a calcareous fen, as identified by the commissioner.

**Subd. 2. WETLAND DISTURBANCE.** A person may not operate an off-highway vehicle in a manner to:

(1) indicate a willful, wanton, or reckless disregard for the safety of persons or property;

(2) carelessly upset the natural and ecological balance of a wetland or public waters wetland; or

(3) impact a wetland or public waters wetland in excess of the amounts authorized in section 103G.2241, subdivision 9, unless:

(i) sequencing of the impact is followed according to section 103G.222, subdivision 1, paragraph (b), and the impact is repaired under section 103G.2242, and rules adopted pursuant to that section; or

(ii) the activity is exempt under section 103G.2241.

**Subd. 3. PRIVATE LAND ACCESS.** The commissioner may grant up to a ten-year permit to exempt a private landowner or leaseholder from this section when the only reasonable access to a permit applicant's land is across state land.

Sec. 7. Minnesota Statutes 2002, section 84.8205, subdivision 5, is amended to read:

Subd. 5. AGENT'S FEE. In addition to the fee for a sticker shall be increased by the amount of, an issuing fee of \$1 per sticker shall be charged. The issuing fee may be retained by the seller of the sticker. Issuing fees for stickers issued by the commissioner shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and retained for the operation of the electronic licensing system.

Sec. 8. Minnesota Statutes 2002, section 84.83, subdivision 2, is amended to read:

**Subd. 2. MONEY DEPOSITED IN THE ACCOUNT.** Fees from the registration of snowmobiles and the unrefunded gasoline tax attributable to snowmobile use pursuant to section 296A.18, as well as the net proceeds from the sale of snowmobiles forfeited pursuant to section 169A.63, shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account.

Sec. 9. Minnesota Statutes 2002, section 84.86, subdivision 1, is amended to read:

**Subdivision 1. REQUIRED RULES.** With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

(1) Registration of snowmobiles and display of registration numbers.

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- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.
- (4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth and young adult training or the adult training. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers 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 must be deposited in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of such programs. 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. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 10. Minnesota Statutes 2002, section 84.862, subdivision 1, is amended to read:

Subdivision 1. **YOUTH AND YOUNG ADULT SAFETY TRAINING.** (a) ~~Effective October 1, 1998,~~ Any resident born after December 31, ~~1979~~ 1976, who operates a snowmobile in Minnesota, must possess:

- (1) a valid snowmobile safety certificate;
- (2) a driver's license that has a valid snowmobile qualification indicator issued under section 171.07, subdivision 12; or

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(3) an identification card that has a valid snowmobile qualification indicator issued under section 171.07, subdivision 12.

(b) For youth or adults taking the youth course, the certificate or qualification indicator may only be issued upon successful completion of a course authorized under section 84.86. Either the youth course under this subdivision paragraph or the adult course under subdivision 2 paragraph (c) may be completed by persons 16 years of age or older.

(c) Persons 16 years of age or older may take the adult snowmobile safety training course. The certificate or qualification indicator may only be issued upon successful completion of a safety course designed for adults or persons 16 years of age or older.

Sec. 11. Minnesota Statutes 2003 Supplement, section 84.862, subdivision 2a, is amended to read:

Subd. 2a. **CERTIFICATES ISSUED IN OTHER STATES.** If a person completes a safety course in another state that is recognized by the commissioner under a reciprocity agreement or certified by the commissioner as substantially similar to requirements in this state, evidence that the person has completed that course is acceptable in lieu of a certificate under this section.

Sec. 12. Minnesota Statutes 2002, section 84.862, subdivision 3, is amended to read:

Subd. 3. **TRAINING FOR OFFENDERS.** Any person who is convicted for a second or subsequent speeding violation in a snowmobile season, or any conviction for careless or reckless operation of a snowmobile, must successfully complete the a training course in subdivision 1 ~~or 2~~ before continuing operation of a snowmobile.

Sec. 13. Minnesota Statutes 2002, section 84.872, subdivision 1, is amended to read:

Subdivision 1. **RESTRICTIONS ON OPERATION.** (a) Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state-aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality.

A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if the person has in immediate possession:

- (1) a valid snowmobile safety certificate issued by the commissioner;
- (2) a driver's license that has a valid snowmobile qualification indicator issued under section 171.07, subdivision 12; or
- (3) an identification card that has a valid snowmobile qualification indicator issued under section 171.07, subdivision 12.

(b) Notwithstanding section 84.862, no person under the age of 14 years shall operate a snowmobile on any public land, public easements, or water or grant-in-aid

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trail unless supervised by or accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older designated by the parent or guardian. However, a person 12 years of age or older but under the age of 14 years may operate a snowmobile on public lands, public easements, and waters or a grant-in-aid trail if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or an identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12.

(c) The snowmobile safety certificate exceptions under paragraph (b) do not allow a person under the age of 14 years to make a direct crossing of a highway as the operator of a snowmobile or to operate a snowmobile upon a street or highway, as prohibited under paragraph (a).

Sec. 14. Minnesota Statutes 2002, section 85.052, subdivision 4, is amended to read:

Subd. 4. **DEPOSIT OF FEES.** (a) Fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account.

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the general fund.

Sec. 15. Minnesota Statutes 2002, section 85.054, subdivision 7, is amended to read:

Subd. 7. **TETTEGOUCHE STATE PARK.** A state park permit is not required and a fee may not be charged for motor vehicle entry at Palisade Head in Tettegouche State Park, provided that motor vehicles entering the park under this provision may not be parked at Palisade Head for more than one hour. A state park permit is not required and a fee may not be charged for the Class I rest area parking area at Tettegouche State Park.

Sec. 16. Minnesota Statutes 2002, section 85.054, is amended by adding a subdivision to read:

Subd. 10. **RED RIVER STATE RECREATION AREA.** A state park permit is not required and a fee may not be charged for any portion of the Red River State Recreation Area located outside of the campground.

Sec. 17. Minnesota Statutes 2002, section 85.22, subdivision 2a, is amended to read:

Subd. 2a. **RECEIPTS, APPROPRIATION.** All receipts derived from the rental or sale of state park items, tours at Forestville State Park, and operation of Douglas Lodge shall be deposited in the state treasury and be credited to the state parks working capital account. Receipts and expenses from Douglas Lodge shall be tracked separately

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within the account. Money in the account is annually appropriated for the purchase and payment of expenses attributable to items for resale or rental and operation of Douglas Lodge. Any excess receipts in this account are annually appropriated for state park management and interpretive programs.

Sec. 18. Minnesota Statutes 2002, section 85.34, is amended by adding a subdivision to read:

Subd. 6. MINNEAPOLIS LEASE. A lease to the Minneapolis Park and Recreation Board for the purposes of athletic fields and golf course operations is subject to subdivisions 1 to 5, except as provided in this subdivision. Approval of the Executive Council is not required for the lease or the issuance of a liquor license. A lease of any portion of Officer's Row or Area J may include a charge to be paid by the tenant for repayment of a portion of the costs incurred by the Minneapolis Park and Recreation Board for the installation of a new water line on the upper bluff. The total amount to be repaid to the Minneapolis Park and Recreation Board by tenants of Officer's Row and Area J shall not exceed \$450,000.

Sec. 19. Minnesota Statutes 2002, section 85.34, is amended by adding a subdivision to read:

Subd. 7. DISPOSITION OF PROCEEDS. (a) All revenue derived from the lease of the Fort Snelling upper bluff, with the exception of payment for costs of the water line as described in subdivision 6, shall be deposited in the natural resources fund and credited to a state park account.

(b) Revenue and expenses from the upper bluff shall be tracked separately within the account. Money in the account derived from the leasing or operation of the property described in subdivision 1 may be appropriated for the payment of expenses attributable to the leasing and operation of the property described in subdivision 1, including but not limited to, the maintenance, repair, and rehabilitation of historic buildings and landscapes.

Sec. 20. Minnesota Statutes 2002, section 85.41, subdivision 2, is amended to read:

Subd. 2. LICENSE AGENTS. (a) County auditors are appointed agents of the commissioner for the sale of cross-country ski passes. The commissioner may appoint other state agencies as agents for the sale of passes. A county auditor The commissioner may appoint subagents within the county or within adjacent counties agents to issue and sell cross-country ski passes. Upon appointment the auditor shall notify the commissioner of the name and address of the subagent. The auditor commissioner may revoke the appointment of a subagent, and the commissioner may revoke the appointment of a state agency, an agent at any time. Upon demand of the commissioner, the auditor shall revoke a subagent's appointment. The auditor shall furnish pass blanks on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the blanks to be consigned to that subagent. A surety bond is not required of a state agency appointed by the commissioner. The county auditor shall be responsible for all blanks issued to, and user

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fees received by agents, except in St. Louis County or in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed upon the county auditor are imposed upon the county.

(b) The commissioner may promulgate additional rules as provided in section 97A.485, subdivision 11. Any resident desiring to sell cross-country ski passes may either purchase for cash or obtain on consignment pass blanks from a county auditor in groups of not less than ten individual blanks. In selling passes, the resident shall be deemed a subagent of the county auditor and the commissioner, and An agent shall observe all rules promulgated by the commissioner for the accounting and handling of licenses pursuant to section 97A.485, subdivision 11.

The county auditor shall (c) An agent must promptly deposit and remit all moneys received from the sale of passes with the county treasurer, and shall promptly transmit any reports required by, except issuing fees, to the commissioner, plus 96 percent of the price to each pass holder, exclusive of the issuing fee, for each pass sold or consigned by the auditor and subsequently sold to a pass holder during the accounting period. The county auditor shall retain as a commission four percent of all pass fees, excluding the issuing fee for passes consigned to subagents and the issuing fee on passes sold by the auditor to pass holders.

Unsold blanks in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

Sec. 21. Minnesota Statutes 2002, section 85.41, subdivision 4, is amended to read:

Subd. 4. **FORM ISSUANCE.** The department commissioner and agents shall provide forms and blanks to all agents authorized to issue and sell cross-country ski passes by the commissioner. The pass shall be with the skier and available for inspection by any peace or conservation officer. The pass shall include the applicant's signature and other information deemed necessary by the commissioner.

Sec. 22. Minnesota Statutes 2002, section 85.41, subdivision 5, is amended to read:

Subd. 5. **ISSUING FEE.** In addition to the fee for a cross-country ski pass shall be increased by the amount of, an issuing fee of \$1 per pass shall be charged. The issuing fee shall be retained by the seller of the pass. Issuing fees for passes issued by the commissioner shall be deposited in the cross-country ski account in the natural resources fund and retained for the operation of the electronic licensing system. A pass shall indicate the amount of the fee that is retained by the seller.

Sec. 23. Minnesota Statutes 2002, section 85.43, is amended to read:

85.43 **DISPOSITION OF RECEIPTS; PURPOSE.**

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(a) Fees from cross-country ski passes shall be deposited in the state treasury and credited to a cross-country ski account in the natural resources fund and, except as provided in paragraph (b), are appropriated to the commissioner of natural resources for:

(a) (1) grants-in-aid for cross-country ski trails sponsored by local units of government and special park districts as provided in section 85.44; and

(b) (2) maintenance, winter grooming, and associated administrative costs for cross-country ski trails under the jurisdiction of the commissioner.

(b) The commissioner shall retain for the operation of the electronic licensing system a commission of 4.7 percent of all cross-country ski pass fees collected.

Sec. 24. Minnesota Statutes 2002, section 86B.321, subdivision 2, is amended to read:

Subd. 2. **NOISE LIMITS.** (a) The noise limits for the total noise from the marine engine or motorboat may not exceed:

(1) for marine engines or motorboats manufactured before January 1, 1982, a noise level of 84 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner in a pass-by test or 86 decibels on the A scale measured at idle in a stationary test at least four feet above the water and at least four feet behind the transom of the motorboat being tested; and

(2) for marine engines or motorboats manufactured on or after January 1, 1982, a noise level of 82 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner in a pass-by test or 84 decibels on the A scale measured at idle in a stationary test at least four feet above the water and at least four feet behind the transom of the motorboat being tested.

(b) The noise limits in paragraph (a) do not preclude enforcement of other laws relating to motorboat noise. The officer or deputy doing the testing shall determine which test or tests shall be used. Failure to pass either the pass-by or stationary idle test is a violation of this section.

Sec. 25. Minnesota Statutes 2002, section 86B.521, subdivision 1, is amended to read:

Subdivision 1. **EXHAUST MUFFLING SYSTEM REQUIRED.** A motor may not be used on a motorboat unless it is equipped with an efficient muffler, underwater exhaust, or other device that adequately muffles or suppresses the sound of the exhaust of the motor so as to prevent excessive or unusual noise. A motor may not be equipped with a ~~cutout~~ an altered muffler, muffler cutout, muffler bypass, or any other device designed or installed so that it can be used to continually or intermittently bypass any muffler or muffler system installed in the motorboat or to reduce or eliminate the effectiveness of such a muffler or muffler system.

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Sec. 26. Minnesota Statutes 2002, section 86B.521, subdivision 2, is amended to read:

Subd. 2. **SALE OF MOTOR THAT EXCEEDS NOISE LIMITS PROHIBITED.** A person may not sell or offer for sale a new marine engine or motorboat that would exceed the noise limits contained in section 86B.321, subdivision 2, under a test procedure approved by the commissioner if the motor is maintained according to the manufacturer's specifications.

Sec. 27. Minnesota Statutes 2002, section 97A.055, subdivision 4, is amended to read:

Subd. 4. **GAME AND FISH ANNUAL REPORTS.** (a) By ~~November~~ December 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

(i) the small game license surcharge under section 97A.475, subdivision 4;

(ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);

(iii) the trout and salmon stamp under section 97A.475, subdivision 10;

(iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2); and

(v) the turkey stamp under section 97A.475, subdivision 5, clause (3);

(2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent;

(3) money credited to the game and fish fund under this section and purposes for which expenditures were made from the fund;

(4) outcome goals for the expenditures from the game and fish fund; and

(5) summary and comments of citizen oversight committee reviews under subdivision 4a.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

Sec. 28. Minnesota Statutes 2002, section 97A.311, is amended by adding a subdivision to read:

Subd. 5. **REFUNDS.** (a) The commissioner may issue a refund on a license, not including any issuing fees paid under section 97A.485, subdivision 6, if:

(1) the licensee dies before the opening of the licensed season. The original license and a copy of the death certificate must be provided to the commissioner; or

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(2) the licensee is unable to participate in the licensed activity because the licensee is called to active military duty or military leave is canceled during the entire open season of the licensed activity. The original license and a copy of the military orders or notice of cancellation of leave must be provided to the commissioner.

(b) This subdivision does not apply to lifetime licenses.

Sec. 29. Minnesota Statutes 2002, section 97A.434, subdivision 3, is amended to read:

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 section 84.027, subdivision 15, paragraph ~~(d)~~ (c), 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 is ineligible for a license for that season after determination by the commissioner, without a hearing.

Sec. 30. Minnesota Statutes 2002, section 97A.4742, subdivision 4, is amended to read:

Subd. 4. **ANNUAL REPORT.** By ~~November~~ December 15 each year, the commissioner shall submit a report to the legislative committees having jurisdiction over environment and natural resources appropriations and environment and natural resources policy. The report shall state the amount of revenue received in and expenditures made from revenue transferred from the lifetime fish and wildlife trust fund to the game and fish fund and shall describe projects funded, locations of the projects, and results and benefits from the projects. The report may be included in the game and fish fund report required by section 97A.055, subdivision 4. The commissioner shall make the annual report available to the public.

Sec. 31. Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 26, is amended to read:

Subd. 26. **MINNOW DEALERS.** The fees for the following licenses are:

- (1) minnow dealer, \$310;
- (2) minnow dealer's vehicle, \$15;
- (3) exporting minnow dealer for residents and nonresidents, \$700; and
- (4) exporting minnow dealer's vehicle for residents and nonresidents, \$15.

Sec. 32. Minnesota Statutes 2002, section 97A.485, subdivision 3, is amended to read:

Subd. 3. **APPOINTMENT OF SUBAGENTS AGENTS.** ~~A county auditor~~ The commissioner may appoint residents to be subagents agents of the auditor within the county or adjacent counties commissioner to issue and sell licenses. ~~The auditor shall notify the commissioner of the name and address of a subagent when appointed. The~~

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

appointment may be revoked by the auditor commissioner at any time, and when directed by the commissioner, the auditor must revoke the appointment.

Sec. 33. Minnesota Statutes 2002, section 97A.485, subdivision 4, is amended to read:

Subd. 4. **APPLICATION TO SELL LICENSES BY SUBAGENT AGENT.** To be a subagent an agent, a person must apply to the commissioner in writing to an appropriate county auditor and in a manner approved by the commissioner. ~~The auditor must provide a subagent the choice either to provide a bond for licenses on consignment, or pay for licenses before furnishing the licenses. License application forms may only be furnished to subagents in groups of ten or more for resident licenses and five or more for nonresident licenses.~~

Sec. 34. Minnesota Statutes 2002, section 97A.485, subdivision 5, is amended to read:

Subd. 5. **COUNTY AUDITORS AGENTS RESPONSIBLE FOR LICENSES AND FEES.** (a) ~~The county auditor is responsible for licenses and fees received by the subagents, except in a county that has a population over 150,000 and an area greater than 5,000 square miles and in a county where the county auditor does not retain fees paid for licenses. In these counties the responsibility imposed on the county auditor is imposed on the county.~~

(b) ~~The county auditor~~ An agent must promptly deposit and remit all money received from the sale of licenses ~~with the county treasurer. The auditor must promptly submit payments and required reports as required by,~~ except issuing fees, to the commissioner.

Sec. 35. Minnesota Statutes 2003 Supplement, section 97A.485, subdivision 6, is amended to read:

Subd. 6. **LICENSES TO BE SOLD AND ISSUING FEES.** (a) Persons authorized to sell licenses under this section must issue the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; and

(3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;

(5) for stamps other than a trout and salmon stamp, and for a special season Canada goose license, there is no fee; and

(6) for licenses issued without a fee under section 97A.441, there is no fee.

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(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) ~~The auditor or subagent~~ agent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, the issuing fees are:

- (1) for licenses to take big game, 75 cents; and
- (2) for other licenses, 50 cents.

(g) The commissioner may issue one-day angling licenses in books of ten licenses each to fishing guides operating charter boats upon receipt of payment of all license fees, excluding the issuing fee required under this section. Copies of sold and unsold licenses shall be returned to the commissioner. The commissioner shall refund the charter boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be maintained by the commissioner for one year.

Sec. 36. Minnesota Statutes 2002, section 97A.485, subdivision 7, is amended to read:

Subd. 7. ~~COUNTY AUDITOR'S ELECTRONIC LICENSING SYSTEM COMMISSION.~~ The county auditor ~~commissioner~~ shall retain for the county treasury operation of the electronic licensing system a commission of ~~four~~ 4.7 percent of all license fees collected by ~~the auditor and the auditor's subagents,~~ excluding:

- (1) the small game surcharge;
- (2) all issuing fees; and
- (3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6, clauses (1), (3), and (5), 7, 8, 12, and 13; and
- ~~(4) the license to take fish by angling for persons age 65 and over. In addition, the auditor shall collect the issuing fees on licenses sold by the auditor to a licensee.~~

Sec. 37. Minnesota Statutes 2002, section 97A.485, subdivision 11, is amended to read:

Subd. 11. **RULES FOR ACCOUNTING AND PROCEDURES.** The commissioner shall prescribe rules for the accounting and procedural requirements necessary to assure the efficient handling of licenses and license fees. The commissioner may, by rule, establish standards for the appointment and revocation of subagents ~~agents~~ to assure the efficient distribution of licenses throughout the state.

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

Sec. 38. Minnesota Statutes 2002, section 97B.721, as amended by Laws 2004, chapter 215, section 26, if enacted, is amended to read:

**97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.**

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license and a turkey stamp validation.

(b) The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18. An unlicensed adult age 18 or older may assist a licensed wild turkey hunter under the age of 46. The unlicensed adult may not shoot or possess a firearm or bow while assisting a youth hunter under this paragraph and may not charge a fee for the assistance.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

Sec. 39. Minnesota Statutes 2002, section 97C.501, subdivision 4, is amended to read:

**Subd. 4. NONRESIDENT EXPORTING MINNOW HAULERS DEALERS.**

(a) ~~A nonresident may not transport minnows in a motor vehicle without an exporting minnow hauler license.~~

(b) A nonresident must obtain an exporting minnow hauler's dealer's vehicle license for the motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(e) (b) ~~Only one nonresident motor exporting minnow dealer vehicle license may be issued to an a nonresident exporting minnow hauler dealer.~~

Sec. 40. Minnesota Statutes 2002, section 97C.525, subdivision 3, is amended to read:

**Subd. 3. MINNOW DEALERS AND HAULERS.** A resident minnow dealer or a nonresident exporting minnow hauler dealer may transport minnows out of the state. A nonresident exporting minnow hauler dealer must possess a bill of lading issued by a resident minnow dealer with an exporting minnow dealer's license. The bill of lading must be on a form furnished by the commissioner and must state the nonresident exporting minnow hauler's dealer's name and address, the route through the state, number and species of minnows, and the time it was issued.

Sec. 41. Minnesota Statutes 2002, section 97C.525, subdivision 5, is amended to read:

**Subd. 5. OUT-OF-STATE VEHICLES.** The nonresident exporting minnow hauler dealer must transport the minnows out of the state within 24 hours of the time

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of issuance stated on the bill of lading. A person may not transport minnows in a motor vehicle licensed in another state without an exporting minnow hauler's dealer's vehicle license.

Sec. 42. Minnesota Statutes 2003 Supplement, section 103G.615, subdivision 2, is amended to read:

Subd. 2. **FEES.** (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice, by order, after holding a public hearing. The fees must be set by rule, and section 16A.1283 does not apply. The fees may not exceed \$750 per permit based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements.

(b) The fee for a permit for the destruction control of rooted aquatic vegetation is \$35 for each contiguous parcel of shoreline owned by an owner. This fee may not be charged for permits issued in connection with purple loosestrife control or lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game and fish fund.

Sec. 43. Minnesota Statutes 2002, section 103B.611, subdivision 3, is amended to read:

Subd. 3. **POWERS.** Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected to the lake:

(1) to regulate the types of boats permitted to use the lake and set service fees;

(2) to regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities, provided that a municipality may supersede the district's action under this clause by adopting an ordinance specifically referring to the district's action by one year after the district's action;

(3) to limit by rule the use of the lake at various times and the use of various parts of the lake;

(4) to regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;

(5) to contract with other law enforcement agencies to police the lake and its shore;

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(6) to regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;

(7) to regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate mechanical and chemical means of removal of weeds and algae from the lake;

(8) to regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where the marinas are located;

(9) to contract with other governmental bodies to perform any of the functions of the district;

(10) to undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities, and to develop a comprehensive program to eliminate pollution;

(11) to receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them; and

(12) to petition the board of managers of a watershed district in which the lake conservation district is located for improvements under section 103D.705; a bond is not required of the lake conservation district.

For purposes of this subdivision “watercourses connected to the lake” does not include channels connecting portions of the lake to one another.

Sec. 44. Minnesota Statutes 2003 Supplement, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

(b) Replacement must be guided by the following principles in descending order of priority:

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- (1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- (2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;
- (5) compensating for the impact by restoring a wetland; and
- (6) compensating for the impact by replacing or providing substitute wetland resources or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

(e) Except as provided in paragraph (f), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(f) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

(g) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

(h) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

(i) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop

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wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

(j) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

(k) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph.

(l) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

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Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

(m) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

(n) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

(o) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph (n) or provide a reason why the petition is denied.

#### Sec. 45. **ABOLISHMENT OF ACCOUNT; TRANSFER OF FUNDS.**

The cross-country ski account in the special revenue fund is abolished. All amounts remaining in the cross-country ski account in the special revenue fund are transferred to the cross-country ski account in the natural resources fund.

#### Sec. 46. **LCMR PARKS STUDY.**

Subdivision 1. REGIONAL PARKS. The Legislative Commission on Minnesota Resources shall continue studying park issues, including the study of funding for operation and maintenance costs at regional parks within the seven-county metropolitan area and outside the seven-county metropolitan area. The commission may make additional recommendations on park issues to the 2005 legislature.

Subd. 2. FUNDING AUTHORIZATION. To begin implementing the recommendations in the Legislative Commission on Minnesota Resources February 2004 parks report, up to \$6,000 of the appropriation in Laws 2003, chapter 128, article 1, section 9, subdivision 3, paragraph (b), is for an agreement with the Association of Minnesota Counties to identify and develop a comprehensive list of regional parks outside of the seven-county metropolitan area, including an inventory of park facilities.

EFFECTIVE DATE. This section is effective the day following final enactment.

New language is indicated by underline, deletions by strikeout.

**Sec. 47. MINNESOTA FUTURE RESOURCES FUND; ENVIRONMENT AND NATURAL RESOURCES TRUST FUND; APPROPRIATIONS CARRY-FORWARD.**

(a) The availability of the appropriations for the following projects is extended to June 30, 2005, or for the period of any federal money received for the project: Laws 1999, chapter 231, section 16, subdivision 4, paragraph (b), as extended by Laws 2001, First Special Session chapter 2, section 14, subdivision 18, paragraph (b), Mesabi trail land acquisition and development-continuation; and Laws 2001, First Special Session chapter 2, section 14, subdivision 5, paragraph (i), as extended by Laws 2003, chapter 128, article 1, section 9, subdivision 20, paragraph (a), Gateway Trail Bridge.

(b) The availability of the appropriation for the following project is extended to June 30, 2006: Laws 2003, chapter 128, article 1, section 9, subdivision 11, paragraph (b), bucks and buckthorn: engaging young hunters in restoration.

(c) The availability of the appropriation for the following project is extended to June 30, 2006: Laws 2001, First Special Session chapter 2, section 14, subdivision 4, paragraph (e), restoring Minnesota's fish and wildlife habitat corridors, and after June 30, 2004, the appropriation may be spent as provided in Laws 2003, chapter 128, article 1, section 9, subdivision 5, paragraph (a), restoring Minnesota's fish and wildlife habitat corridors-phase II.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

**Sec. 48. OPEN SPACE SYSTEM.**

(a) For purposes of Minnesota Statutes, section 473.351, Columbia Parkway, Ridgeway Parkway, and Stinson Boulevard are considered to be part of the metropolitan regional recreation open space system.

(b) This section expires August 1, 2007.

**Sec. 49. REPORT.**

By January 31, 2005, the commissioner of natural resources shall report to the chairs of the house Environment and Natural Resources Finance Committee and the senate Environment, Agriculture and Economic Development Budget Division on the amounts appropriated for the electronic licensing system under Minnesota Statutes, section 84.027, subdivision 15, paragraph (c), for fiscal years 2005, 2006, and 2007. The report shall identify estimated receipts for each individual fee and commission and estimated spending for transaction costs, system modifications costs, and any other costs for which the money is planned to be spent.

**Sec. 50. RULE AMENDMENT.**

The commissioner of natural resources shall amend Minnesota Rules, part 6280.0450, subpart 4, to conform with section 30 and according to Minnesota Statutes, section 14.388, clause (3). Except as provided in Minnesota Statutes, section 14.388, Minnesota Statutes, section 14.386 does not apply.

New language is indicated by underline, deletions by strikeout.

**Sec. 51. REPEALER.**

(a) Minnesota Statutes 2002, sections 84.862, subdivision 2; 84.95, subdivision 3; 85.34, subdivision 4; and 97A.485, subdivisions 2, 8, and 10; and Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 28, are repealed.

(b) If enacted in the 2004 legislative session, chapter 215, sections 15, 23, and 29, is repealed.

**Sec. 52. EFFECTIVE DATE.**

Sections 24 and 51, paragraph (b), are effective the day following final enactment. The remainder of this act is effective July 1, 2004.

Presented to the governor May 18, 2004

Signed by the governor May 28, 2004, 4:35 p.m.

**CHAPTER 256—H.F.No. 2166**

*An act relating to the military; reserving a military family's position under the child care assistance fund; prohibiting potential employers from inquiring about National Guard or reserve status; transferring responsibility for the veterans training program and general responsibility for veterans educational benefits to the commissioner of veterans affairs; requiring payment of a salary differential to school district employees who have reported to active military duty; requiring the commissioner of veterans affairs to provide information needed to implement a Global War on Terrorism bonus to veterans; changing certain veterans benefit provisions; amending Minnesota Statutes 2002, sections 119B.09, by adding a subdivision; 197.03; 197.75, subdivision 3; Minnesota Statutes 2003 Supplement, sections 192.501, subdivision 2; 197.05; 197.75, subdivision 1; 197.78, subdivision 1; 471.975; proposing coding for new law in Minnesota Statutes, chapters 181; 197; repealing Minnesota Statutes 2002, sections 124D.97; 197.23, subdivision 2; 197.236, subdivision 4; 197.59.*

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

**ARTICLE 1**

Section 1. Minnesota Statutes 2002, section 119B.09, is amended by adding a subdivision to read:

**Subd. 4a. TEMPORARY INELIGIBILITY OF MILITARY PERSONNEL.** Counties must reserve a family's position under the child care assistance fund if a family has been receiving child care assistance but is temporarily ineligible for assistance due to increased income from active military service. Activated military personnel may be temporarily ineligible until deactivation. A county must reserve a

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