

CHAPTER 176—H.F.No. 1237

An act relating to natural resources; modifying certain definitions; modifying wild rice provisions; providing for off-highway vehicle forfeiture; modifying off-highway motorcycle, all-terrain vehicle, and watercraft operating provisions; modifying state park permit requirements; eliminating liquor service at John A. Latsch State Park; modifying cost-share program; modifying commissioner's authority; modifying state trails and establishing a new state trail; providing for certain public hearings; providing for placement of a veterans cemetery; providing for establishment of boater waysides; providing for appeals and enforcement of certain civil penalties; modifying Water Law; providing certain exemptions from local ordinances; approving consumptive use of water for certain uses; classifying data; modifying refund provisions; modifying publication requirements; modifying restrictions in migratory feeding and resting areas; modifying game and fish laws; modifying wild animal and fish taking, possession, and licensing requirements; authorizing certain fees; modifying certain fees and accounts; authorizing acquisition of and granting of certain easements; modifying management authority for and apportionment of proceeds from the sale of tax-forfeited lands; adding to and deleting from certain state parks; authorizing public and private sales and exchanges of state land; modifying previously enacted land descriptions and sales authorization; requiring wind energy lease; requiring increase in appraised estimates for timber sales; requiring forest lease pilot project; requiring rulemaking and modifying rulemaking authority; providing criminal penalties; appropriating money; amending Minnesota Statutes 2008, sections 13.7931, by adding a subdivision; 17.4981; 17.4988, subdivision 3; 84.027, subdivision 13; 84.0273; 84.105; 84.66, subdivision 2; 84.788, subdivision 11; 84.793, subdivision 1; 84.798, subdivision 10; 84.82, subdivision 11; 84.83, subdivision 3; 84.92, subdivision 8; 84.922, subdivision 12; 84.928, subdivision 1a; 85.0115; 85.015, subdivisions 2, 13, by adding a subdivision; 85.053, subdivision 3; 85.054, by adding subdivisions; 85.055, subdivision 1; 86A.05, by adding a subdivision; 86A.08, subdivision 1; 86A.09, subdivision 1; 86B.311, by adding a subdivision; 86B.415, subdivision 11; 97A.015, by adding a subdivision; 97A.051, subdivision 2; 97A.075, subdivisions 1, 5; 97A.095, subdivision 2; 97A.137, by adding subdivisions; 97A.321; 97A.331, subdivision 2; 97A.405, subdivision 4; 97A.421, subdivision 1; 97A.441, subdivision 7; 97A.445, subdivision 1, by adding a subdivision; 97A.451, subdivision 2, by adding a subdivision; 97A.465, subdivision 1b; 97A.473, subdivision 1, by adding subdivisions; 97A.4742, subdivision 1; 97A.475, subdivisions 2, 3, 7, 11, 12, 29; 97A.525, subdivision 1; 97B.035, subdivision 2; 97B.045, subdivision 2, by adding a subdivision; 97B.051; 97B.055, subdivision 3; 97B.081; 97B.086; 97B.111, subdivision 1; 97B.328, subdivision 3; 97B.651; 97B.811, subdivisions 2, 3; 97B.931, subdivision 1; 97C.081, subdivisions 2, 3, 4, 6, 9; 97C.335; 97C.345, subdivision 2; 97C.355, subdivision 2; 97C.371, by adding a subdivision; 97C.375; 97C.395, subdivision

1; 103B.101, subdivisions 1, 2; 103B.3355; 103B.3369, subdivision 5; 103C.501, subdivisions 2, 4, 5, 6; 103F.321, by adding a subdivision; 103F.505; 103F.511, subdivisions 5, 8a, by adding a subdivision; 103F.515, subdivisions 1, 4, 5, 6; 103F.521, subdivision 1; 103F.525; 103F.526; 103F.531; 103F.535, subdivision 5; 103G.201; 282.04, subdivision 1; Laws 1996, chapter 407, section 32, subdivision 3; Laws 2007, chapter 131, article 2, section 38; Laws 2008, chapter 368, article 1, sections 21, subdivisions 4, 5; 34; article 2, section 25; proposing coding for new law in Minnesota Statutes, chapters 84; 97B; 97C; repealing Minnesota Statutes 2008, sections 84.796; 84.805; 84.929; 85.0505, subdivision 2; 97A.525, subdivision 2; 97B.301, subdivisions 7, 8; 97C.405; 103B.101, subdivision 11; 103F.511, subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts 8400.3130; 8400.3160; 8400.3200; 8400.3230; 8400.3330; 8400.3360; 8400.3390; 8400.3500; 8400.3530; 8400.3560.

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

ARTICLE 1

NATURAL RESOURCE POLICY

Section 1. Minnesota Statutes 2008, section 84.027, subdivision 13, is amended to read:

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, to open or close bodies of water or portions of bodies of water for night bow fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The emergency conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

- (1) the commissioner of natural resources determines that an emergency exists;
- (2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 2. Minnesota Statutes 2008, section 84.105, is amended to read:

84.105 WILD RICE SEASON.

Ripe wild rice may be harvested from ~~July~~ August 15 to September 30.

Sec. 3. Minnesota Statutes 2008, section 84.66, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purpose of this section, the following terms have the meanings given:

- (1) "forest land" has the meaning given under section 89.001, subdivision 4;
- (2) "forest resources" has the meaning given under section 89.001, subdivision 8;
- (3) "guidelines" has the meaning given under section 89A.01, subdivision 8;
- (4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~ 8b; and
- (5) "working forest land" means land that provides a broad range of goods and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration.

Sec. 4. **[84.774] OFF-HIGHWAY VEHICLE CRIMINAL PENALTIES.**

(a) Except as provided in paragraph (b), a person who violates a provision of sections 84.773; 84.777; 84.788 to 84.795; 84.798 to 84.804; 84.90; or 84.922 to 84.928 or rules of the commissioner relating to off-highway vehicle use is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor if the person violates section 84.773, subdivision 2, clause (2), and the person recklessly upsets the natural and ecological balance of a wetland or public waters wetland.

(c) A person is prohibited from operating an off-highway vehicle for a period of one year if the person is:

(1) convicted of a gross misdemeanor under paragraph (b);

(2) convicted of or subject to a final order under section 84.775 for a violation of the prohibition on the intentional operation on unfrozen public water, in a state park, in a scientific and natural area, or in a wildlife management area under section 84.773, subdivision 1, clause (3);

(3) convicted of or is subject to a final order under section 84.775 for a violation of the prohibition on the willful, wanton, or reckless disregard for the safety of persons or property under section 84.773, subdivision 2, clause (1); or

(4) convicted of or subject to a final order under section 84.775 for a violation of the prohibition on carelessly upsetting the natural and ecological balance of a wetland or public waters wetland under section 84.773, subdivision 2, clause (2).

The commissioner shall notify the person of the time period during which the person is prohibited from operating an off-highway vehicle.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 5. [84.7741] OFF-HIGHWAY VEHICLE FORFEITURE.

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings given them.

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense.

(c) "Claimant" means an owner of an off-highway vehicle or a person claiming a leasehold or security interest in an off-highway vehicle.

(d) "Designated offense" means a second gross misdemeanor violation under section 84.774, paragraph (b).

(e) "Family or household member" means:

(1) a parent, stepparent, or guardian;

(2) any of the following persons related by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, or great-aunt; or

(3) persons residing together or persons who regularly associate and communicate with one another outside of a workplace setting.

(f) "Off-highway vehicle" and "vehicle" do not include an off-highway vehicle that is stolen or taken in violation of the law.

(g) "Owner" means a person legally entitled to possession, use, and control of an off-highway vehicle, including a lessee of an off-highway vehicle if the lease agreement has a term of 180 days or more. There is a rebuttable presumption that a person registered as the owner of an off-highway vehicle according to the records of the Department of Public Safety or the Department of Natural Resources is the legal owner. For purposes

of this section, if an off-highway vehicle is owned jointly by two or more people, each owner's interest extends to the whole of the vehicle and is not subject to apportionment.

(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred, or a designee, who is responsible for prosecuting violations of a designated offense. If a state agency initiated the forfeiture and the attorney responsible for prosecuting the designated offense declines to pursue forfeiture, the attorney general's office, or its designee, may initiate forfeiture under this section.

(i) "Security interest" means a bona fide security interest perfected according to section 168A.17, subdivision 2, based on a loan or other financing that, if an off-highway vehicle is required to be registered under chapter 168, is listed on the vehicle's title.

Subd. 2. Seizure. (a) An off-highway vehicle subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the vehicle.

(b) Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the vehicle. If property is seized without process under this clause, the prosecuting authority must institute a forfeiture action under this section as soon as is reasonably possible by serving a notice of seizure and intent to forfeit at the address of the owner as listed in the records of the Department of Public Safety or Department of Natural Resources.

Subd. 3. Right to possession vests immediately; custody. All right, title, and interest in an off-highway vehicle subject to forfeiture under this section vests in the appropriate agency upon commission of the conduct resulting in the designated offense giving rise to the forfeiture. Any vehicle seized under this section is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When an off-highway vehicle is seized under this section, the appropriate agency may:

(1) place the vehicle under seal;

(2) remove the vehicle to a place designated by the agency;

(3) place a disabling device on the vehicle; and

(4) take other steps reasonable and necessary to secure the vehicle and prevent waste.

Subd. 4. Bond by owner for possession. If the owner of an off-highway vehicle that has been seized under this section seeks possession of the vehicle before the forfeiture action is determined, the owner may, subject to the approval of the appropriate agency, give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized vehicle. On posting the security or bond, the seized vehicle may be returned to the owner. The forfeiture action must proceed against the security as if it were the seized vehicle.

Subd. 5. Evidence. Certified copies of court records and off-highway vehicle and driver's records concerning prior incidents are admissible as substantive evidence where necessary to prove the commission of a designated offense.

Subd. 6. Vehicle subject to forfeiture. An off-highway vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense.

Subd. 7. Presumptions; limitations on vehicle forfeiture. (a) An off-highway vehicle is presumed subject to forfeiture under this section if the driver:

(1) is convicted of the designated offense upon which the forfeiture is based; or

(2) fails to appear for a scheduled court appearance with respect to the designated offense charged and fails to voluntarily surrender within 48 hours after the time required for appearance.

(b) An off-highway vehicle encumbered by a security interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor unless the party or lessor had knowledge of or consented to the act upon which the forfeiture is based. However, when the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency shall remit all proceeds of the sale to the secured party after deducting the agency's costs for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the sale of the vehicle is conducted in a commercially reasonable manner consistent with section 336.9-610, the agency is not liable to the secured party for any amount owed on the loan in excess of the sale proceeds. The validity and amount of a nonperfected security interest must be established by its holder by clear and convincing evidence.

(c) Notwithstanding paragraph (b), the secured party's or lessor's interest in an off-highway vehicle is not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act or omission upon which the forfeiture is based if the secured party or lessor demonstrates by clear and convincing evidence that the party or lessor took reasonable steps to terminate use of the vehicle by the offender.

(d) An off-highway vehicle is not subject to forfeiture under this section if its owner can demonstrate by clear and convincing evidence that the owner did not have actual or constructive knowledge that the vehicle would be used or operated in any manner contrary to law or that the owner took reasonable steps to prevent use of the vehicle by the offender. If the offender is a family or household member of the owner and has three or more prior off-highway vehicle convictions, the owner is presumed to know of any vehicle use by the offender that is contrary to law.

Subd. 8. Administrative forfeiture procedure. (a) An off-highway vehicle used to commit a designated offense is subject to administrative forfeiture under this subdivision.

(b) When an off-highway vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when an off-highway vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under

chapter 168 and the interest is listed on the vehicle's title. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the vehicle. For off-highway vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of the seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially, the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 84.7741, SUBDIVISION 8, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE-DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500."

(d) Within 30 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is \$7,500 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court statement of claim must be served personally or by mail on the prosecuting authority having jurisdiction over the forfeiture within 30 days following service of the notice of seizure and forfeiture under this subdivision. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. Pleadings, filings, and methods of service are governed by the Rules of Civil Procedure.

(e) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to the contrary, an action for the return of an off-highway vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(f) If the claimant makes a timely demand for a judicial determination under this subdivision, the forfeiture proceedings must be conducted according to subdivision 9.

Subd. 9. Judicial forfeiture procedure. (a) This subdivision governs judicial determinations of the forfeiture of an off-highway vehicle used to commit a designated offense. An action for forfeiture is a civil *in rem* action and is independent of any criminal prosecution. All proceedings are governed by the Rules of Civil Procedure.

(b) If no demand for judicial determination of the forfeiture is pending, the prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a separate complaint against the vehicle, describing it, specifying that it was used in the commission of a designated offense, and specifying the time and place of its unlawful use.

(c) The prosecuting authority may file an answer to a properly served demand for judicial determination, including an affirmative counterclaim for forfeiture. The prosecuting authority is not required to file an answer.

(d) A judicial determination under this subdivision must not precede adjudication in the criminal prosecution of the designated offense without the consent of the prosecuting authority. The district court administrator shall schedule the hearing as soon as practicable after adjudication in the criminal prosecution. The district court administrator shall establish procedures to ensure efficient compliance with this subdivision. The hearing is to the court without a jury.

(e) There is a presumption that an off-highway vehicle seized under this section is subject to forfeiture if the prosecuting authority establishes that the vehicle was used in the commission of a designated offense. A claimant bears the burden of proving any affirmative defense raised.

(f) If the forfeiture is based on the commission of a designated offense and the person charged with the designated offense appears in court as required and is not convicted of the offense, the court shall order the property returned to the person legally entitled to it upon that person's compliance with the redemption requirements of subdivision 12.

(g) If the lawful ownership of the vehicle used in the commission of a designated offense can be determined and the owner makes the demonstration required under subdivision 7, paragraph (d), the vehicle must be returned immediately upon the owner's compliance with the redemption requirements of subdivision 12.

(h) If the court orders the return of a seized vehicle under this subdivision, it must order that filing fees be reimbursed to the person who filed the demand for judicial determination. In addition, the court may order sanctions under section 549.211. Any reimbursement fees or sanctions must be paid from other forfeiture proceeds of the law enforcement agency and prosecuting authority involved and in the same proportion as distributed under subdivision 10, paragraph (b).

Subd. 10. Disposition of forfeited vehicle. (a) If the vehicle is administratively forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

(1) sell the vehicle and distribute the proceeds under paragraph (b); or

(2) keep the vehicle for official use. If the agency keeps a forfeited off-highway vehicle for official use, the agency shall make reasonable efforts to ensure that the off-highway vehicle is available for use by the agency's officers who participate in off-highway vehicle enforcement or education programs.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the property, must be distributed as follows:

(1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the state or local agency's operating fund or similar fund for use in purchasing equipment for off-highway vehicle enforcement, training, and education; and

(2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.

Subd. 11. **Sale of forfeited vehicle by secured party.** (a) A financial institution with a valid security interest in or a valid lease covering a forfeited off-highway vehicle may choose to dispose of the vehicle under this subdivision, in lieu of the appropriate agency disposing of the vehicle under subdivision 10. A financial institution wishing to dispose of an off-highway vehicle under this subdivision shall notify the appropriate agency of its intent, in writing, within 30 days after receiving notice of the seizure and forfeiture. The appropriate agency shall release the vehicle to the financial institution or its agent after the financial institution presents proof of its valid security agreement or of its lease agreement and the financial institution agrees not to sell the vehicle to a family or household member of the violator, unless the violator is not convicted of the offense on which the forfeiture is based. The financial institution shall dispose of the vehicle in a commercially reasonable manner as defined in section 336.9-610.

(b) After disposing of the forfeited vehicle, the financial institution shall reimburse the appropriate agency for its seizure, storage, and forfeiture costs. The financial institution may then apply the proceeds of the sale to its storage costs, to its sale expenses, and to satisfy the lien or the lease on the vehicle. If any proceeds remain, the financial institution shall forward the proceeds to the state treasury, which shall credit the appropriate fund as specified in subdivision 10.

Subd. 12. **Redemption requirements.** (a) If an off-highway vehicle is seized by a peace officer for a designated offense, the seized vehicle must be released only:

(1) to the registered owner, a person authorized by the registered owner, a lienholder of record, or a person who has purchased the vehicle from the registered owner who provides proof of ownership of the vehicle;

(2) if the vehicle is subject to a rental or lease agreement, to a renter or lessee who provides a copy of the rental or lease agreement; or

(3) to an agent of a towing company authorized by a registered owner if the owner provides proof of ownership of the vehicle.

(b) The proof of ownership or, if applicable, the copy of the rental or lease agreement required under paragraph (a) must be provided to the law enforcement agency seizing the vehicle or to a person or entity designated by the law enforcement agency to receive the information.

(c) No law enforcement agency, local unit of government, or state agency is responsible or financially liable for any storage fees incurred due to a seizure under this section.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2008, section 84.793, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) After January 1, 1995, a person less than 16 years of age operating an off-highway motorcycle on public lands or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

(b) Except for operation on public road rights-of-way that is permitted under section 84.795, subdivision 1, a driver's license issued by the state or another state is required to operate an off-highway motorcycle along or on a public road right-of-way.

(c) A person under 12 years of age may not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an off-highway motorcycle on a public road right-of-way in the state; or

(3) operate an off-highway motorcycle on public lands or waters unless accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older or participating in an event for which the commissioner has issued a special use permit.

(d) Except for public road rights-of-way of interstate highways, a person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway only if that person is accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older who holds a valid driver's license.

(e) A person less than 16 years of age may operate an off-highway motorcycle on public road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if that person is accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older who holds a valid driver's license.

Sec. 7. Minnesota Statutes 2008, section 84.83, subdivision 3, is amended to read:

Subd. 3. **Purposes for the account.** The money deposited in the account and interest earned on that money may be expended only as appropriated by law for the following purposes:

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails, including maintenance of trails on lands and waters of Voyageurs National Park; on Lake of the Woods; on Rainy Lake, and on the following lakes in St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion; and on the following lakes in Cook County: Devil Track and Hungry Jack;

(2) for acquisition, development, and maintenance of state recreational snowmobile trails;

(3) for snowmobile safety programs; and

(4) for the administration and enforcement of sections 84.81 to 84.91 and appropriated grants to local law enforcement agencies.

Sec. 8. Minnesota Statutes 2008, section 84.92, subdivision 8, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than ~~800~~ 960 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

Sec. 9. Minnesota Statutes 2008, section 84.928, subdivision 1a, is amended to read:

Subd. 1a. **Crossing a public road right-of-way.** (a) An all-terrain vehicle may make a direct crossing of a public road right-of-way provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing;

(2) the vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the road;

(3) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(4) in crossing a divided road, the crossing is made only at an intersection of the road with another public road; and

(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

(b) An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main-traveled lanes of an interstate highway, or roadway shoulder or inside bank of a public road right-of-way when required for the purpose of avoiding obstructions to travel or environmentally sensitive areas when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge ~~or~~ obstacle, or sensitive area, and the crossing is made without undue delay.

(c) A person shall not operate an all-terrain vehicle upon a public street or highway unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.

(d) An all-terrain vehicle may be operated upon a public road right-of-way other than as provided by paragraph (b) in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.

(e) Chapters 169 and 169A apply to the operation of all-terrain vehicles upon streets and highways, except for those provisions relating to required equipment and except those provisions which by their nature have no application.

(f) A sled, trailer, or other device being towed by an all-terrain vehicle must be equipped with reflective materials as required by rule of the commissioner.

(g) A driver's license is not required to operate an all-terrain vehicle along or on a public road right-of-way if the right-of-way encompasses a trail administered by the commissioner and designated for all-terrain vehicle use or multiple use.

(h) A road authority as defined in section 160.02, subdivision 25, may by permit designate corridor access trails on public road rights-of-way for purposes of accessing

established all-terrain vehicle trails. A driver's license is not required to operate an all-terrain vehicle on a designated corridor access trail.

Sec. 10. Minnesota Statutes 2008, section 85.015, subdivision 2, is amended to read:

Subd. 2. **Casey Jones Trail, Murray, Redwood, and Pipestone, and Rock Counties.** (a) The trail shall originate in Lake Shetek State Park in Murray County and include the six-mile loop between Currie in Murray County and Lake Shetek State Park. From there, the first half of the trail shall trail southwesterly to Slayton in Murray County; thence westerly to the point of intersection with the most easterly terminus of the state-owned abandoned railroad right-of-way, commonly known as the Casey Jones unit; thence westerly along said Casey Jones unit to Pipestone in Pipestone County; thence southwesterly to Split Rock Creek State Park in Pipestone County; thence southeasterly to Blue Mounds State Park in Rock County; thence southerly to Luverne and Schoneman Park in Rock County, and there terminate. The second half of the trail shall commence in Lake Shetek State Park in Murray County and trail northeasterly to Walnut Grove in Redwood County; thence northeasterly to Redwood Falls in Redwood County to join with the Minnesota River State Trail.

(b) The trail shall be developed as a multiuse, multiseasonal, dual treadway trail. Nothing herein shall abrogate the purpose for which the Casey Jones unit was originally established, and the use thereof shall be concurrent.

Sec. 11. Minnesota Statutes 2008, section 85.015, is amended by adding a subdivision to read:

Subd. 27. **Des Moines River Valley Trail, Jackson, Cottonwood, and Murray Counties.** The trail shall originate in Jackson County at the Minnesota-Iowa border and connect with the Dickinson Trail in Mini-Wakan State Park in Iowa. To the greatest extent possible, the trail shall follow the Des Moines River Valley, extending northwesterly through Jackson County to Kilen Woods State Park, through Cottonwood County, and into Murray County. The trail shall terminate at Casey Jones Trail in Murray County.

Sec. 12. Minnesota Statutes 2008, section 85.053, subdivision 3, is amended to read:

Subd. 3. **Second-vehicle Multiple-vehicle permits.** The commissioner shall prescribe and issue second-vehicle multiple-vehicle state park permits for persons who own more than one motor vehicle and who request a second the permit for the second vehicle additional vehicles on a form prescribed by the commissioner. The commissioner may issue an applicant only one second vehicle permit.

Sec. 13. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

Subd. 15. **John A. Latsch State Park.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the parking lot located adjacent to John Latsch Road and Trunk Highway 61 at John A. Latsch State Park.

Sec. 14. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

Subd. 16. Greenleaf Lake State Recreation Area. A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at Greenleaf Lake State Recreation Area.

Sec. 15. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

Subd. 17. School-sanctioned activities. A state park permit is not required and a fee may not be charged for vehicles transporting K-12 students engaged in school-sanctioned activities at state parks.

Sec. 16. Minnesota Statutes 2008, section 85.055, subdivision 1, is amended to read:

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

- (1) an annual use of state parks is \$25;
- (2) a second or subsequent vehicle state park permit is \$18;
- (3) a state park permit valid for one day is \$5;
- (4) a daily vehicle state park permit for groups is \$3;
- (5) an annual permit for motorcycles is \$20;
- (6) an employee's state park permit is without charge; and
- (7) a state park permit for disabled persons under section 85.053, subdivision 7, clauses (1) and (2), is \$12.

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

Sec. 17. Minnesota Statutes 2008, section 86A.05, is amended by adding a subdivision to read:

Subd. 15. State boater wayside. (a) Boater waysides may be established to provide for public use.

(b) No unit shall be authorized as a state boater wayside unless its proposed location substantially satisfies the following criteria:

- (1) contains resources that are desirable for use by boaters;
- (2) is accessible by persons traveling by boat, canoe, or kayak; and
- (3) may be near, associated with, or located within a unit of the outdoor recreation system under this section.

(c) State boater waysides shall be administered by the commissioner of natural resources in a manner that is consistent with the purpose of this subdivision. Facilities for sanitation, picnicking, overnight mooring, camping, fishing, and swimming may be provided when the commissioner determines that these activities are justifiable and compatible with the resources and the natural environment.

Sec. 18. Minnesota Statutes 2008, section 86A.08, subdivision 1, is amended to read:

Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor recreation system may be authorized wholly or partially within the boundaries of another

unit only when the authorization is consistent with the purposes and objectives of the respective units, and only in the instances permitted below:

(a) The following units may be authorized wholly or partially within a state park, historic site, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(b) The following units may be authorized wholly or partially within a state recreation area, historic site, scientific and natural area, wild, scenic, and recreational river, trail, rest area, aquatic management area, wildlife management area, and water access site.

(c) The following units may be authorized wholly or partially within a state forest, state park, state recreation area, historic site, wildlife management area, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(d) The following units may be authorized wholly or partially within a state historic site, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.

(e) The following units may be authorized wholly or partially within a state wildlife management area, state water access site and aquatic management area.

(f) The following units may be authorized wholly or partially within a state wild, scenic, or recreational river, state park, historic site, scientific and natural area, wilderness area, trail, rest area, aquatic management area, and water access site.

(g) The following units may be authorized wholly or partially within a state rest area, historic site, trail, wild, scenic, and recreational river, aquatic management area, and water access site.

(h) The following units may be authorized wholly or partially within an aquatic management area, historic site, scientific and natural area, wild, scenic, and recreational river, and water access site.

Sec. 19. Minnesota Statutes 2008, section 86A.09, subdivision 1, is amended to read:

Subdivision 1. **Master plan required.** No construction of new facilities or other development of an authorized unit, other than repairs and maintenance, shall commence until the managing agency has prepared and submitted to the commissioner of natural resources and the commissioner has reviewed, pursuant to this section, a master plan for administration of the unit in conformity with this section. No master plan is required for wildlife management areas that do not have resident managers, for water access sites, for aquatic management areas, or for rest areas, or for boater waysides.

Sec. 20. Minnesota Statutes 2008, section 86B.311, is amended by adding a subdivision to read:

Subd. 6. Law enforcement watercraft displaying emergency lights. When approaching and passing a law enforcement watercraft with its emergency lights activated, the operator of a watercraft must safely move the watercraft away from the law enforcement watercraft and maintain a slow-no wake speed while within 150 feet of the law enforcement watercraft.

Sec. 21. Minnesota Statutes 2008, section 97A.321, is amended to read:

97A.321 DOGS PURSUING OR KILLING BIG GAME.

Subdivision 1. Owner responsibility; penalty amount. The owner of a dog that pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills a big game animal is subject to a civil penalty of \$500 for each violation.

Subd. 2. Appeals. Civil penalties under this section may be appealed according to procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the civil penalty becomes a final order not subject to further review.

Subd. 3. Enforcement. Civil penalties under this section may be enforced according to section 116.072, subdivisions 9 and 10.

Subd. 4. Payment of penalty. Penalty amounts shall be remitted to the commissioner within 30 days of issuance of the penalty notice and shall be deposited in the game and fish fund.

Sec. 22. [97B.657] TAKING WILD ANIMALS TO PROTECT PUBLIC SAFETY.

A licensed peace officer may, at any time, take any protected wild animal that is posing an immediate threat to public safety. A peace officer who destroys a protected wild animal under this section must protect all evidence and report the taking to a conservation officer as soon as practicable, but no later than 48 hours after the animal is destroyed.

Sec. 23. Minnesota Statutes 2008, section 103B.101, subdivision 1, is amended to read:

Subdivision 1. Membership. The Board of Water and Soil Resources is composed of ~~+2~~ 15 appointed members knowledgeable of water and soil problems and conditions within the state and five ex officio members.

Sec. 24. Minnesota Statutes 2008, section 103B.101, subdivision 2, is amended to read:

Subd. 2. Voting members. (a) The members are:

(1) three county commissioners;

(2) three soil and water conservation district supervisors;

(3) three watershed district or watershed management organization representatives;

(4) three citizens who are not employed by, or the appointed or elected officials of, a governmental office, board, or agency;

(5) one township officer;

(6) two elected city officials, one of whom must be from a city located in the metropolitan area, as defined under section 473.121, subdivision 2;

~~(5)~~ (7) the commissioner of agriculture;

~~(6)~~ (8) the commissioner of health;

~~(7)~~ (9) the commissioner of natural resources;

- ~~(8)~~(10) the commissioner of the Pollution Control Agency; and
~~(9)~~(11) the director of the University of Minnesota Extension Service.

(b) Members in paragraph (a), clauses (1) to ~~(4)~~(6), must be distributed across the state with at least ~~three~~ four members but not more than ~~five~~ six members from the metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the current soil and water conservation administrative regions.

(c) Members in paragraph (a), clauses (1) to ~~(4)~~(6), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the Association of Minnesota Counties, ~~the Minnesota Association of Townships, the League of Minnesota Cities,~~ the Minnesota Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for members in paragraph (a), clauses (1) to ~~(4)~~(6), are as provided in section 15.0575.

Sec. 25. Minnesota Statutes 2008, section 103B.3355, is amended to read:

103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC VALUES.

(a) The public values of wetlands must be determined based upon the functions of wetlands for:

(1) water quality, including filtering of pollutants to surface and groundwater, utilization of nutrients that would otherwise pollute public waters, trapping of sediments, shoreline protection, and utilization of the wetland as a recharge area for groundwater;

(2) floodwater and stormwater retention, including the potential for flooding in the watershed, the value of property subject to flooding, and the reduction in potential flooding by the wetland;

(3) public recreation and education, including hunting and fishing areas, wildlife viewing areas, and nature areas;

(4) commercial uses, including wild rice and cranberry growing and harvesting and aquaculture;

(5) fish, wildlife, native plant habitats;

(6) low-flow augmentation; ~~and~~

(7) carbon sequestration; and

(8) other public uses.

(b) The Board of Water and Soil Resources, in consultation with the commissioners of natural resources and agriculture and local government units, shall adopt rules establishing:

(1) scientific methodologies for determining the functions of wetlands; and

(2) criteria for determining the resulting public values of wetlands.

(c) The methodologies and criteria established under this section or other methodologies and criteria that include the functions in paragraph (a) and are approved by the board, in consultation with the commissioners of natural resources and agriculture and local government units, must be used to determine the functions and resulting public values of wetlands in the state. The functions listed in paragraph (a) are not listed in order of priority.

(d) Public value criteria established or approved by the board under this section do not apply in areas subject to local comprehensive wetland protection and management plans established under section 103G.2243.

(e) The Board of Water and Soil Resources, in consultation with the commissioners of natural resources and agriculture and local government units, may identify regions of the state where preservation, enhancement, restoration, and establishment of wetlands would have high public value. The board, in consultation with the commissioners, may identify high priority wetland regions using available information relating to the factors listed in paragraph (a). The board shall notify local units of government with water planning authority of these high priority regions.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to rulemaking that begins after that date.

Sec. 26. Minnesota Statutes 2008, section 103B.3369, subdivision 5, is amended to read:

Subd. 5. **Financial assistance.** A base grant may be awarded to a county that ~~levies provides a match utilizing a water implementation tax or other local source.~~ A water implementation tax ~~that a county intends to use as a match to the base grant must be levied at a rate, which shall be~~ determined by the board. The minimum amount of the water implementation tax shall be a tax rate times the adjusted net tax capacity of the county for the preceding year. The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The base grant will be in an amount equal to \$37,500 less the amount raised by ~~that levy the local match.~~ If the amount necessary to implement the local water plan for the county is less than \$37,500, the amount of the base grant shall be the amount that, when added to the ~~levy match~~ amount, equals the amount required to implement the plan. For counties where the tax rate generates an amount equal to or greater than \$18,750, the base grant shall be in an amount equal to \$18,750.

Sec. 27. Minnesota Statutes 2008, section 103C.501, subdivision 2, is amended to read:

Subd. 2. **Request by district board.** ~~(a)~~ A district board requesting funds of the state board must submit an application in a form prescribed by the board containing:

- (1) a comprehensive plan;
- (2) an annual work plan; and
- (3) an application for cost-sharing funds.

~~(b) The comprehensive and annual work plans must be completed as provided in section 103C.331, subdivision 11. After review of the district's comprehensive plan, the state board must approve the comprehensive plan with necessary amendments or reject the plan.~~

Sec. 28. Minnesota Statutes 2008, section 103C.501, subdivision 4, is amended to read:

Subd. 4. **Cost-sharing funds.** (a) The state board shall allocate at least 70 percent of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality problems or water quantity problems due to altered hydrology. The areas must be selected based on the statewide priorities established by the state board. The allocated funds must be used for conservation practices for high priority problems identified in the comprehensive and annual work plans of the districts.

(b) The remaining cost-sharing funds may be allocated to districts as follows:

(1) for technical and administrative assistance, not more than 20 percent of the funds; and

(2) for conservation practices for lower priority erosion, sedimentation, or water quality problems.

Sec. 29. Minnesota Statutes 2008, section 103C.501, subdivision 5, is amended to read:

Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share basis to furnish financial aid to a land occupier or to a state agency for permanent systems for erosion or sedimentation control or water quality improvement or water quantity improvements that are consistent with the district's comprehensive and annual work plans.

(b) The duration of the contract must, at a minimum, be the time required to complete the planned systems. A contract must specify that the land occupier is liable for monetary damages and penalties in an amount up to 150 percent of the financial assistance received from the district, for failure to complete the systems or practices in a timely manner or maintain the systems or practices as specified in the contract.

(c) A contract may provide for cooperation or funding with federal agencies. A land occupier or state agency may provide the cost-sharing portion of the contract through services in kind.

(d) The state board or the district board may not furnish any financial aid for practices designed only to increase land productivity.

(e) When a district board determines that long-term maintenance of a system or practice is desirable, the board may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

Sec. 30. Minnesota Statutes 2008, section 103C.501, subdivision 6, is amended to read:

Subd. 6. **Policies and rules.** (a) The state board may adopt rules and shall adopt rules policies prescribing:

(1) procedures and criteria for allocating funds for cost-sharing contracts;

(2) standards and guidelines for cost-sharing contracts;

(3) the scope and content of district comprehensive plans, plan amendments, and annual work plans;

(4) standards and methods necessary to plan and implement a priority cost-sharing program, including guidelines to identify high priority erosion, sedimentation, and water quality problems and water quantity problems due to altered hydrology;

(5) the share of the cost of conservation practices to be paid from cost-sharing funds; and

(6) requirements for districts to document their efforts to identify and contact land occupiers with high priority ~~erosion~~ problems.

(b) The rules may provide that cost-sharing may be used for ~~farmstead~~ windbreaks and shelterbelts for the purposes of energy conservation and snow protection.

Sec. 31. Minnesota Statutes 2008, section 103F.505, is amended to read:

103F.505 PURPOSE AND POLICY.

It is the purpose of sections 103F.505 to 103F.531 to keep restore certain marginal agricultural land out of crop production and protect environmentally sensitive areas to protect enhance soil and water quality, minimize damage to flood-prone areas, sequester carbon, and support native plant, fish, and wildlife habitat habitats. It is state policy to encourage the restoration of wetlands and riparian lands and promote the retirement of marginal, highly erodible land, particularly land adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, from crop production and to reestablish a cover of perennial vegetation.

Sec. 32. Minnesota Statutes 2008, section 103F.511, subdivision 5, is amended to read:

Subd. 5. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to render the land suitable for agricultural crop production. The alteration must have occurred before December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources.

Sec. 33. Minnesota Statutes 2008, section 103F.511, is amended by adding a subdivision to read:

Subd. 8a. **Reinvest in Minnesota reserve program.** "Reinvest in Minnesota reserve program" means the program established under section 103F.515.

Sec. 34. Minnesota Statutes 2008, section 103F.511, subdivision 8a, is amended to read:

Subd. 8a 8b. **Riparian land.** "Riparian land" means lands adjacent to public waters, drainage systems, wetlands, or locally designated priority waters identified in a comprehensive local water plan, as defined in section 103B.3363, subdivision 3.

Sec. 35. Minnesota Statutes 2008, section 103F.515, subdivision 1, is amended to read:

Subdivision 1. **Establishment of program.** The board, in consultation with the commissioner of agriculture and the commissioner of natural resources, shall establish and administer a conservation the reinvest in Minnesota reserve program. The board shall implement sections 103F.505 to 103F.531. Selection of land for the conservation reinvest in Minnesota reserve program must be based on its enhancement potential for fish and wildlife production, and native plant habitats, reducing erosion, and protecting water quality.

Sec. 36. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must prohibit:

(1) alteration of wildlife habitat and other natural features, unless specifically approved by the board;

(2) agricultural crop production and livestock grazing, unless specifically approved by the board for wildlife conservation management purposes or extreme drought; and

(3) grazing of livestock except, for agreements entered before the effective date of Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the board after consultation with the commissioner of natural resources, in the case of severe drought, or a local emergency declared under section 12.29, and

(4) (3) spraying with chemicals or mowing, except:

(i) as necessary to comply with noxious weed control laws or,

(ii) for emergency control of pests necessary to protect public health; or

(iii) as approved by the board for conservation management purposes.

(b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.

(c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.

(d) Notwithstanding paragraph (a), the board must permit the harvest of native grasses for use in seed production or bioenergy on wellhead protection lands eligible under subdivision 2, paragraph (d).

Sec. 37. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must prohibit:

(1) alteration of wildlife habitat and other natural features, unless specifically approved by the board;

(2) agricultural crop production and livestock grazing, unless specifically approved by the board for wildlife conservation management purposes or extreme drought; and

(3) grazing of livestock except, for agreements entered before the effective date of Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the board after consultation with the commissioner of natural resources, in the case of severe drought, or a local emergency declared under section 12.29, and

(4) spraying with chemicals or mowing, except as necessary to comply with noxious weed control laws or, for emergency control of pests necessary to protect public health, or as approved by the board for conservation management purposes.

(b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.

(c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.

Sec. 38. Minnesota Statutes 2008, section 103F.515, subdivision 5, is amended to read:

Subd. 5. Agreements by landowner. The board may enroll eligible land in the ~~conservation reinvest in Minnesota~~ reserve program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the board; or to plant trees or carry out other long-term capital improvements approved by the board for soil and water conservation or wildlife management;

(3) to convey to the state a permanent easement for the wetland restoration;

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if it supports natural vegetation ~~or and~~ has not been used in agricultural crop production, will not be converted to agricultural crop production or pasture; and

(5) that the easement duration may be lengthened through mutual agreement with the board in consultation with the commissioners of agriculture and natural resources if they determine that the changes effectuate the purpose of the program or facilitate its administration.

Sec. 39. Minnesota Statutes 2008, section 103F.515, subdivision 6, is amended to read:

Subd. 6. Payments for conservation easements and establishment of ~~cover conservation practices~~. (a) The board ~~must make the following shall establish rates for payments to the landowner for the conservation easement and agreement related practices. The board shall consider market factors, including the township average equalized estimated market value of property as established by the commissioner of revenue at the time of easement application.~~

~~(1) to establish the perennial cover or other improvements required by the agreement.~~

~~(i) except as provided in items (ii) and (iii), up to 75 percent of the total eligible cost not to exceed \$125 per acre for limited duration easements and 100 percent of the total eligible cost not to exceed \$150 per acre for perpetual easements,~~

~~(ii) for native species restoration, 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements and 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements, and~~

~~(iii) 100 percent of the total eligible cost of wetland restoration not to exceed \$600 per acre;~~

~~(2) for the cost of planting trees required by the agreement, up to 75 percent of the total eligible cost not to exceed \$250 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$400 per acre for perpetual easements,~~

~~(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time of easement application;~~

~~(4) for an easement of limited duration, 90 percent of the present value of the average of the accepted bids for the federal conservation reserve program, as contained in Public Law 99-198, in the relevant geographic area and on bids accepted at the time of easement application; or~~

~~(5) an alternative payment system for easements based on cash rent or a similar system as may be determined by the board.~~

~~(b) For hillside pasture conservation easements, the payments to the landowner in paragraph (a) for the conservation easement and agreement must be reduced to reflect the value of similar property.~~

~~(c) (b)~~ The board may establish a payment system for flowage easements acquired under this section.

~~(d) (c)~~ For wetland restoration projects involving more than one conservation easement, state payments for restoration costs may exceed the limits set forth in this section by the board for an individual easement provided the total payment for the restoration project does not exceed the amount payable for the total number of acres involved.

~~(e) (d)~~ The board may use available nonstate funds to exceed the payment limits in this section.

Sec. 40. Minnesota Statutes 2008, section 103F.521, subdivision 1, is amended to read:

Subdivision 1. **Cooperation.** In implementing sections 103F.505 to 103F.531, the board must share information and cooperate with the Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency, the United States Fish and Wildlife Service, the Agricultural Stabilization and Conservation Service and Soil Conservation Service of the United States Department of Agriculture, the Minnesota Extension Service, the University of Minnesota, county boards, soil and water conservation districts, watershed districts, and interested private organizations and individuals.

Sec. 41. Minnesota Statutes 2008, section 103F.525, is amended to read:

103F.525 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE CONSERVATION PROGRAMS.

The board may supplement payments made under federal land retirement programs to the extent of available appropriations other than bond proceeds. The supplemental payments must be used to establish perennial cover on land enrolled or increase payments for land enrollment in programs approved by the board, including the federal conservation reserve program and federal and state water bank program.

Sec. 42. Minnesota Statutes 2008, section 103F.526, is amended to read:

103F.526 FOOD PLOTS IN WINDBREAKS.

The board, in cooperation with the commissioner of natural resources, may authorize wildlife food plots on land with windbreaks enrolled in a conservation easement under section 103F.515.

Sec. 43. Minnesota Statutes 2008, section 103F.531, is amended to read:

103F.531 RULEMAKING.

The board may adopt rules or policy to implement sections 103F.505 to 103F.531. ~~The rules must include standards for tree planting so that planting does not conflict with existing electrical lines, telephone lines, rights-of-way, or drainage ditches.~~

Sec. 44. Minnesota Statutes 2008, section 103F.535, subdivision 5, is amended to read:

Subd. 5. **Release and alteration of conservation easements.** Conservation easements ~~existing under this section, as of April 30, 1992~~, may be altered, released, or terminated by the board ~~of Water and Soil Resources~~ after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate a conservation easement only if the board determines that the public interest and general welfare are better served by the alteration, release, or termination.

Sec. 45. Minnesota Statutes 2008, section 103G.201, is amended to read:

103G.201 PUBLIC WATERS INVENTORY.

(a) The commissioner shall prepare maintain a public waters inventory map of each county that shows the waters of this state that are designated as public waters under the public waters inventory and classification procedures prescribed under Laws 1979, chapter 199, and shall provide access to a copy of the maps and lists. The As county public waters inventory map for each county must be filed with maps and lists are revised according to this section, the commissioner shall send a notification or a copy of the maps and lists to the auditor of the each affected county.

(b) The commissioner is authorized to revise the list of public waters established under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify public waters wetlands as public waters if:

(1) they are assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221;

(2) they are classified as lacustrine wetlands or deepwater habitats according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition); or

(3) the state or federal government has become titleholder to any of the beds or shores of the public waters wetlands, subsequent to the preparation of the public waters inventory map filed with the auditor of the county, pursuant to paragraph (a), and the responsible state or federal agency declares that the water is necessary for the purposes of the public ownership.

(c) The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party required to receive the notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.

(d) The commissioner shall give priority to the reclassification of public waters wetlands that are or have the potential to be affected by public works projects.

(e) The commissioner may revise the public waters inventory map and list of each county:

(1) to reflect the changes authorized in paragraph (b); and

(2) as needed, to:

(i) correct errors in the original inventory;

(ii) add or subtract trout stream tributaries within sections that contain a designated trout stream following written notice to the landowner;

(iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50 acres and the shoreland has been zoned for residential development; and

(iv) add or subtract public waters that have been created or eliminated as a requirement of a permit authorized by the commissioner under section 103G.245.

Sec. 46. CONSUMPTIVE USE OF WATER.

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves of the consumptive use of water under a permit of more than 2,000,000 gallons per day average in a 30-day period in St. Louis County, in connection with snowmaking, subject to the commissioner of natural resources making a determination that the water remaining in the basin of origin will be adequate to meet the basin's need for water and approval by the commissioner of natural resources of all applicable permits.

Sec. 47. PLANNING AND DEVELOPMENT.

The commissioner of natural resources shall work with Friends of the Casey Jones Trail in planning and developing the extension of the Casey Jones Trail.

Sec. 48. TRAIL PLANNING AND DEVELOPMENT.

The commissioner of natural resources shall work with Friends of the Jackson County Trails in planning and developing the Des Moines River Valley Trail.

Sec. 49. WILD RICE HARVEST AUTHORITY.

Notwithstanding Minnesota Statutes, section 84.15, subdivision 1, until December 31, 2009, the commissioner of natural resources may, by posting, restrict or prohibit the harvesting of wild rice on public waters based on the stage of ripeness of the wild rice stands in the waters.

Sec. 50. REVISOR'S INSTRUCTION.

(a) The revisor of statutes shall change the term "conservation reserve program" to "reinvest in Minnesota reserve program" where it appears in Minnesota Statutes, sections 84.95, subdivision 2; 92.70, subdivision 1; and 103H.105.

(b) In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>84.777</u>	<u>84.805</u>	<u>84.804</u>
<u>84.777</u>	<u>84.929</u>	<u>84.928</u>
<u>84.787, subd. 1</u>	<u>84.796</u>	<u>84.795</u>
<u>84.788, subd. 9</u>	<u>84.796</u>	<u>84.795</u>
<u>84.791, subd. 4</u>	<u>84.796</u>	<u>84.795</u>
<u>84.794, subd. 2</u>	<u>84.796</u>	<u>84.795</u>
<u>84.795, subd. 8</u>	<u>84.796</u>	<u>84.795</u>
<u>84.797, subd. 1</u>	<u>84.805</u>	<u>84.804</u>
<u>84.798, subd. 8</u>	<u>84.805</u>	<u>84.804</u>
<u>84.804, subd. 6</u>	<u>84.805</u>	<u>84.804</u>
<u>84.92, subd. 1</u>	<u>84.929</u>	<u>84.928</u>
<u>84.922, subd. 9</u>	<u>84.929</u>	<u>84.928</u>
<u>84.925, subd. 3</u>	<u>84.929</u>	<u>84.928</u>
<u>84.9256, subd. 4</u>	<u>84.929</u>	<u>84.928</u>
<u>84.927, subd. 2</u>	<u>84.929</u>	<u>84.928</u>
<u>84.928, subd. 1</u>	<u>84.929</u>	<u>84.928</u>
<u>84.928, subd. 6</u>	<u>84.929</u>	<u>84.928</u>

Sec. 51. APPROPRIATION.

\$20,000 is appropriated from the natural resources fund to the commissioner of natural resources for the start-up costs of the off-highway vehicle administrative forfeiture processes. Of this amount, \$15,000 is from the all-terrain vehicle account; \$3,000 is from the off-highway motorcycle account; and \$2,000 is from the off-road vehicle account. This is a onetime appropriation.

Sec. 52. REPEALER.

(a) Minnesota Statutes 2008, sections 84.796; 84.805; 84.929; 85.0505, subdivision 2; 103B.101, subdivision 11; 103F.511, subdivision 4; and 103F.521, subdivision 2, are repealed.

(b) Minnesota Rules, parts 8400.3130; 8400.3160; 8400.3200; 8400.3230; 8400.3330; 8400.3360; 8400.3390; 8400.3500; 8400.3530; and 8400.3560, are repealed.

ARTICLE 2
GAME AND FISH POLICY

Section 1. Minnesota Statutes 2008, section 13.7931, is amended by adding a subdivision to read:

Subd. 6. Electronic licensing system data. Data on individuals created, collected, stored, or maintained by the department for the purposes of obtaining a noncommercial game and fish license, cross-country ski pass, horse trail pass, or snowmobile trail sticker; registering a recreational motor vehicle; or any other electronic licensing transaction are classified under section 84.0874.

EFFECTIVE DATE. This section is effective March 1, 2010.

Sec. 2. Minnesota Statutes 2008, section 17.4981, is amended to read:

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife. Aquatic farms must be licensed and given classifications to prevent or minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

- (1) prevent public aquatic life from entering an aquatic farm;
- (2) prevent release of nonindigenous or exotic species into public waters without approval of the commissioner;
- (3) protect against release of disease pathogens to public waters;
- (4) protect existing natural aquatic habitats and the wildlife dependent on them; and
- (5) protect private aquatic life from unauthorized taking or harvest.

(b) Private aquatic life that is legally acquired and possessed is an article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall establish license and other fees as provided in section 16A.1285, subdivision 2, that would make aquaculture licensing and enforcement self-sustaining. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the fees required by this section. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. The commissioner shall develop best management practices for aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for aquaculture, including, but not limited to, fish farming in man-made ponds.

Sec. 3. Minnesota Statutes 2008, section 17.4988, subdivision 3, is amended to read:

Subd. 3. Inspection and additional fees. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for the services listed in clauses (1) to (3) and the additional fee required under subdivision 2, paragraph (a). The fees must be set in an amount that does not recover significantly more or less than the cost of providing the service. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The services covered under this provision include:

- (1) initial inspection of each water to be licensed;
- (2) fish health inspection and certification, including initial tissue sample collection, basic fish health assessment, viral pathogen testing, and bacteriological testing; and
- (3) initial inspection for containment and quarantine facility inspections.

Sec. 4. [84.0874] ELECTRONIC LICENSING SYSTEM DATA.

The following data created, collected, stored, or maintained by the department for purposes of obtaining a noncommercial game and fish license, cross-country ski pass, horse trail pass, or snowmobile trail sticker; registering a recreational motor vehicle; or any other electronic licensing transaction are private data on individuals as defined in section 13.02, subdivision 12: name, addresses, driver's license number, and date of birth. The data may be disclosed for law enforcement purposes. The data, other than the driver's license number, may be disclosed to a government entity and for natural resources management purposes, including recruitment, retention, and training certification and verification.

EFFECTIVE DATE. This section is effective March 1, 2010.

Sec. 5. Minnesota Statutes 2008, section 84.788, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~+2 months~~ 60 days of the original registration, the registration is not used or transferred, and:

- (1) the off-highway motorcycle was registered incorrectly ~~by the commissioner or the deputy registrar~~; or
- (2) the off-highway motorcycle was registered twice, once by the dealer and once by the customer.

Sec. 6. Minnesota Statutes 2008, section 84.798, subdivision 10, is amended to read:

Subd. 10. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (b), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~+2 months~~ 60 days of the original registration and the vehicle was registered incorrectly by the commissioner or the deputy registrar, the registration is not used or transferred, and:

- (1) the off-road vehicle was registered incorrectly; or
- (2) the off-road vehicle was registered twice, once by the dealer and once by the customer.

Sec. 7. Minnesota Statutes 2008, section 84.82, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~+2 months~~ 60 days of the original registration, the registration is not used or transferred, and:

- (1) the snowmobile was registered incorrectly ~~by the commissioner or the deputy registrar~~; or
- (2) the snowmobile was registered twice, once by the dealer and once by the customer.

Sec. 8. Minnesota Statutes 2008, section 84.922, subdivision 12, is amended to read:

Subd. 12. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~60 days of the original registration, the registration is not used or transferred, and:

- (1) the vehicle was registered incorrectly by the commissioner or the deputy registrar; or
- (2) the vehicle was registered twice, once by the dealer and once by the customer.

Sec. 9. Minnesota Statutes 2008, section 86B.415, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a license or title, not including any issuing fees paid under subdivision 8 or section 84.027, subdivision 15, paragraph (a), clause (3), or 86B.870, subdivision 1, paragraph (b), if the refund request is received within ~~12 months~~60 days of the original license or title, the license or title is not used or transferred, and:

- (1) the watercraft was licensed or titled incorrectly by the commissioner or the deputy registrar;
- (2) the customer was incorrectly charged a title fee; or
- (3) the watercraft was licensed or titled twice, once by the dealer and once by the customer.

Sec. 10. Minnesota Statutes 2008, section 97A.015, is amended by adding a subdivision to read:

Subd. 3b. **Bow fishing.** "Bow fishing" means taking rough fish by archery where the arrows are tethered or controlled by an attached line.

Sec. 11. Minnesota Statutes 2008, section 97A.051, subdivision 2, is amended to read:

Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a summary of the hunting and fishing laws and rules and deliver a sufficient supply to ~~county auditors~~license vendors to furnish one copy to each person obtaining a hunting, fishing, or trapping license.

(b) At the beginning of the summary, under the heading "Trespass," the commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that conservation officers and peace officers must enforce the trespass laws, and state the penalties for trespassing.

(c) In the summary the commissioner shall, under the heading "Duty to Render Aid," summarize the requirements under section 609.662 and state the penalties for failure to render aid to a person injured by gunshot.

Sec. 12. Minnesota Statutes 2008, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5), (6), (7), ~~(11)~~, (13), (14), and (15), ~~(16)~~, and ~~(17)~~, and 3, clauses (2), (3), (4), ~~(9)~~(10), (11), and (12), and (13), and licenses issued under section 97B.301, subdivision 4.

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and shall be used for deer habitat improvement or deer management programs.

(c) \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account and shall be used for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

Thereafter, when the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Sec. 13. Minnesota Statutes 2008, section 97A.075, subdivision 5, is amended to read:

Subd. 5. **Turkey account.** (a) \$4.50 from each turkey license sold, except youth licenses under section 97A.475, subdivision 2, clause (4), and subdivision 3, clause (7), must be credited to the wild turkey management account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for wild turkeys on public and private land including forest stand improvement and establishment of nesting cover, winter roost area, and reliable food sources;

(2) acquisitions of, or easements on, critical wild turkey habitat;

(3) reimbursement of expenditures to provide wild turkey habitat on public and private land;

(4) trapping and transplantation of wild turkeys; and

(5) the promotion of turkey habitat development and maintenance, population surveys and monitoring, and research.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or to specific promotional or evaluative activities under paragraph (a), clause (5); or

(2) any permanent personnel costs.

Sec. 14. Minnesota Statutes 2008, section 97A.095, subdivision 2, is amended to read:

Subd. 2. Waterfowl feeding and resting areas. The commissioner may, by rule, designate any part of a lake as a migratory feeding and resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during a period when hunting of migratory waterfowl is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor ~~of less than 30 pounds thrust with battery power of 12 volts or less~~. The commissioner may, by rule, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

Sec. 15. Minnesota Statutes 2008, section 97A.137, is amended by adding a subdivision to read:

Subd. 4. Exemption from certain local ordinances. (a) Except as provided in paragraphs (c) and (d), wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and 160 contiguous acres or larger are exempt from local ordinances that limit the taking of game and fish or vegetation management in the unit as authorized by state law.

(b) Except as provided in paragraphs (c) and (d), wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and at least 40 contiguous acres and less than 160 contiguous acres are exempt from local ordinances that:

- (1) restrict trapping;
- (2) restrict the discharge of archery equipment;
- (3) restrict the discharge of shotguns with shot sizes of F or .22 inch diameter or smaller shot;
- (4) restrict noise;
- (5) require dogs on a leash; or
- (6) would in any manner restrict the management of vegetation in the unit as authorized by state law.

Sec. 16. Minnesota Statutes 2008, section 97A.137, is amended by adding a subdivision to read:

Subd. 5. Portable stands. Prior to the Saturday on or nearest September 16, a portable stand may be left overnight in a wildlife management area by a person with a valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged and registered as prescribed under section 97B.425. Any person leaving a portable stand overnight under this subdivision must affix the person's name and address to the stand in such a manner that it can be read from the ground.

Sec. 17. Minnesota Statutes 2008, section 97A.331, subdivision 2, is amended to read:

Subd. 2. **Shining.** A person that violates section 97B.081, subdivision 1, relating to the use of an artificial light to locate wild animals while in possession of a firearm, bow, or other implement capable of killing big game is guilty of a gross misdemeanor.

Sec. 18. Minnesota Statutes 2008, section 97A.405, subdivision 4, is amended to read:

Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer hunters to change zone, license, or season options. The commissioner may issue a replacement license if the applicant submits the original deer license and unused tags that are being replaced and the applicant pays any increase in cost between the original and the replacement license. A refund of the difference in fees may be issued when a person changes from a regular deer license to a youth deer license. ~~When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.~~

(b) A replacement license may be issued only if the applicant has not used any tag from the original license or licenses and meets the conditions of paragraph (c). The original license or licenses and all unused tags for the licenses being replaced must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

(1) when the season for the license being surrendered has not yet opened; or

(2) when the person is upgrading from a regular firearms or archery deer license to an all season deer license;

(3) when the person is upgrading from a regular firearms license to a multizone deer license; or

(4) when the person is changing from a regular firearms deer license to a youth deer license.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

Sec. 19. Minnesota Statutes 2008, section 97A.421, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to trap fur-bearing animals, take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records;

(4) two or more misdemeanor convictions occur within a three-year period under a private fish hatchery license;

(5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for a violation of section 97A.425 not described in clause (3); or

(6) the conviction is related to assisting a person in the illegal taking, transportation, or possession of wild animals, when acting as a hunting or angling guide.

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

Sec. 20. Minnesota Statutes 2008, section 97A.441, subdivision 7, is amended to read:

Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a resident who is an owner or tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13), clause (5).

Sec. 21. Minnesota Statutes 2008, section 97A.445, subdivision 1, is amended to read:

Subdivision 1. **Angling; Take a Kid Fishing Weekends.** A resident ~~over age 18~~ ~~age 16 years or older~~ may take fish by angling without an angling or fish house license during one three-day consecutive period of the open water angling season and one three-day consecutive period of the ice angling season designated by rule of the commissioner if accompanied by a child who is under age 16. The commissioner shall publicize the three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and "Take a Kid Ice Fishing Weekend" for the ice angling season.

Sec. 22. Minnesota Statutes 2008, section 97A.445, is amended by adding a subdivision to read:

Subd. 1a. **Angling in a state park.** A resident may take fish by angling without an angling license when shore fishing or wading on state-owned land within a state park. When angling from a boat or float, this subdivision applies only to those water bodies completely encompassed within the statutory boundary of the state park. The exemption from an angling license does not apply to waters where a trout stamp is required.

Sec. 23. Minnesota Statutes 2008, section 97A.451, subdivision 2, is amended to read:

Subd. 2. **Residents under age 16; fishing.** (a) A resident under the age of 16 years may take fish without a license.

(b) A resident under the age of 16 may net ciscoes and whitefish for personal consumption without the license required under section 97A.475, subdivision 13. A resident netting ciscoes and whitefish under this paragraph must follow all other applicable requirements for netting ciscoes and whitefish for personal consumption.

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

Sec. 24. Minnesota Statutes 2008, section 97A.451, is amended by adding a subdivision to read:

Subd. 8. Residents 90 years of age or older; fishing. A resident age 90 or older may take fish without a license.

Sec. 25. Minnesota Statutes 2008, section 97A.465, subdivision 1b, is amended to read:

Subd. 1b. **Residents discharged from active service.** (a) A resident who has served at any time during the preceding 24 months in federal active service, as defined in section 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as a reserve component or active duty member of the United States armed forces and has been discharged from active service may take small game and fish without a license if the resident possesses official military discharge papers. The resident must obtain the seals, tags, and coupons required of a licensee, which must be furnished without charge.

(b) The commissioner shall issue, without fee, a deer license, valid for a deer of either sex, to a resident who has served at any time during the preceding 24 months in federal active service, as defined in section 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as a reserve component or active duty member of the United States armed forces and has been discharged from active service. Eligibility under this paragraph is limited to one license per resident.

Sec. 26. Minnesota Statutes 2008, 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 spearing license, a lifetime angling and spearing license, a lifetime small game hunting license, a lifetime firearm or archery deer hunting license, or a lifetime sporting license or a lifetime sporting with spearing option 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. 27. Minnesota Statutes 2008, section 97A.473, is amended by adding a subdivision to read:

Subd. 2a. Lifetime spearing license; fee. (a) A resident lifetime spearing license authorizes a person to take fish by spearing in the state. The license authorizes those activities authorized by the annual resident spearing license.

(b) The fees for a resident lifetime spearing license are:

- (1) age 3 and under, \$258;
- (2) age 4 to age 15, \$320;
- (3) age 16 to age 50, \$372; and
- (4) age 51 and over, \$173.

Sec. 28. Minnesota Statutes 2008, section 97A.473, is amended by adding a subdivision to read:

Subd. 2b. Lifetime angling and spearing license; fee. (a) A resident lifetime angling and spearing license authorizes a person to take fish by angling or spearing in the state. The license authorizes those activities authorized by the annual resident angling and spearing licenses.

(b) The fees for a resident lifetime angling and spearing license are:

- (1) age 3 and under, \$485;
- (2) age 4 to age 15, \$620;
- (3) age 16 to age 50, \$755; and
- (4) age 51 and over, \$376.

Sec. 29. Minnesota Statutes 2008, section 97A.473, is amended by adding a subdivision to read:

Subd. 5a. Lifetime sporting with spearing option license; fee. (a) A resident lifetime sporting with spearing option license authorizes a person to take fish by angling or spearing and hunt and trap small game in the state. The license authorizes those activities authorized by the annual resident angling, spearing, resident small game hunting, and resident trapping licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting with spearing option license are:

- (1) age 3 and under, \$615;
- (2) age 4 to age 15, \$800;
- (3) age 16 to age 50, \$985; and
- (4) age 51 and over, \$586.

Sec. 30. Minnesota Statutes 2008, 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, spearing, angling and spearing, small game hunting, deer hunting, and sporting, and sporting with spearing option licenses and earnings on the fund shall be credited to the lifetime fish and wildlife trust fund.

Sec. 31. Minnesota Statutes 2008, 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 age 18 or over and under age 65 to take small game, \$12.50;
- (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- (3) for persons age 18 or over to take turkey, \$23;
- (4) for persons under age 18 to take turkey, \$12;
- (5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26;
- (6) for persons age 18 or over to take deer by archery, \$26;
- (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$26;
- (8) to take moose, for a party of not more than six persons, \$310;
- (9) to take bear, \$38;
- (10) to take elk, for a party of not more than two persons, \$250;
- (11) ~~multizone license to take antlered deer in more than one zone, \$52;~~
- (12) to take Canada geese during a special season, \$4;
- ~~(13) all season license to take three deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;~~
- ~~(14) (12) to take prairie chickens, \$20;~~
- ~~(15) (13) for persons under age 18 to take deer with firearms during the regular firearms season, \$13;~~
- ~~(16) (14) for persons under age 18 to take deer by archery, \$13; and~~
- ~~(17) (15) for persons under age 18 to take deer by muzzleloader during the muzzleloader season, \$13.~~

Sec. 32. Minnesota Statutes 2008, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to nonresidents, are:

- (1) for persons age 18 or over to take small game, \$73;
- (2) for persons age 18 or over to take deer with firearms during the regular firearms season, \$135;
- (3) for persons age 18 or over to take deer by archery, \$135;
- (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$135;
- (5) to take bear, \$195;
- (6) for persons age 18 and older to take turkey, \$78;
- (7) for persons under age 18 to take turkey, \$12;

- (8) to take raccoon or bobcat, \$155;
- (9) ~~multizone license to take antlered deer in more than one zone, \$270;~~
- ~~(10)~~ to take Canada geese during a special season, \$4;
- ~~(11) (10)~~ for persons under age 18 to take deer with firearms during the regular firearms season in any open season option or time period, \$13;
- ~~(12) (11)~~ for persons under age 18 to take deer by archery, \$13; and
- ~~(13) (12)~~ for persons under age 18 to take deer during the muzzleloader season, \$13.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to ~~(9)~~ (8). An additional commission may not be assessed on this surcharge.

Sec. 33. Minnesota Statutes 2008, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, \$37.50;
- (2) to take fish by angling limited to seven consecutive days selected by the licensee, \$26.50;
- (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;
- (4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$50.50;
- (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$38.50; ~~and~~
- (7) to take fish by spearing from a dark house, \$37.50.

(b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clause (5). An additional commission may not be assessed on this surcharge.

Sec. 34. Minnesota Statutes 2008, section 97A.475, subdivision 11, is amended to read:

Subd. 11. **Fish houses ~~and~~, dark houses, and shelters; residents.** Fees for the following licenses are:

- (1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;
- (2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;
- (3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and
- (4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

Sec. 35. Minnesota Statutes 2008, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **Fish houses, dark houses, and shelters; nonresident.** Fees for fish house, dark house, and shelter licenses for a nonresident are:

- (1) annual, \$33;
- (2) seven consecutive days, \$19; and
- (3) three-year, \$99.

Sec. 36. Minnesota Statutes 2008, section 97A.475, subdivision 29, is amended to read:

Subd. 29. **Private fish hatcheries.** The fees for the following licenses to be issued to residents and nonresidents are:

- (1) for a private fish hatchery, with annual sales under \$200, \$70;

(2) for a private fish hatchery, with annual sales of \$200 or more, \$210 for the base license. The commissioner must establish an additional fee based on the acreage of the operation. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the additional fee required by this subdivision. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply; and

(3) to take sucker eggs from public waters for a private fish hatchery, \$400, plus \$6 for each quart in excess of 100 quarts.

Sec. 37. Minnesota Statutes 2008, section 97A.525, subdivision 1, is amended to read:

Subdivision 1. **Residents Generally.** A resident person may transport wild animals within the state by common carrier without being in the vehicle if the resident person has the license required to take the animals and they are shipped to the resident. The wild animals that may be transported by common carrier are: person or to a licensed taxidermist, tanner, or fur buyer.

- (1) deer, bear, elk, and moose;
- (2) undressed game birds, and
- (3) fish.

Sec. 38. Minnesota Statutes 2008, section 97B.035, subdivision 2, is amended to read:

Subd. 2. **Possession of crossbows.** A person may not possess a crossbow outdoors or in a motor vehicle during the open season for any game, unless the crossbow is unstrung, and in a case or in a closed trunk of a motor vehicle not armed with a bolt or arrow.

Sec. 39. Minnesota Statutes 2008, section 97B.045, subdivision 2, is amended to read:

Subd. 2. **Exception for disabled persons.** The restrictions in subdivision 1 do not apply to a disabled person if:

- (1) the person possesses a permit under section 97B.055, subdivision 3; and
- (2) the person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person, and
- (3) (2) the firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

Sec. 40. Minnesota Statutes 2008, section 97B.045, is amended by adding a subdivision to read:

Subd. 3. Exceptions; hunting and shooting ranges. (a) Notwithstanding provisions to the contrary under this chapter, a person may transport an unloaded, uncased firearm, excluding a pistol as defined in paragraph (b), in a motor vehicle while at a shooting range, as defined under section 87A.01, subdivision 3, where the person has received permission from the lawful owner or possessor to discharge firearms; lawfully hunting on private or public land; or travelling to or from a site the person intends to hunt lawfully that day or has hunted lawfully that day, unless:

- (1) within Anoka, Hennepin, or Ramsey county;
- (2) within an area where the discharge of a firearm has been prohibited under section 471.633;
- (3) within the boundaries of a home rule charter or statutory city with a population of 2,500 or more;
- (4) on school grounds; or
- (5) otherwise restricted under section 97A.091, 97B.081, or 97B.086.

(b) For the purposes of this section, a "pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle:

- (1) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or
- (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

Pistol does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun, or nail gun used in the construction industry or children's pop guns or toys.

Sec. 41. Minnesota Statutes 2008, section 97B.051, is amended to read:

97B.051 TRANSPORTATION OF ARCHERY BOWS.

Except as specified under section 97B.055, subdivision 2, a person may not transport an archery bow in a motor vehicle unless the bow is not armed with a bolt or arrow.

- (1) unstrung,
- (2) completely contained in a case, or
- (3) in the closed trunk or rear-most enclosed portion of a motor vehicle that is not accessible from the passenger compartment.

Sec. 42. Minnesota Statutes 2008, section 97B.055, subdivision 3, is amended to read:

Subd. 3. Hunting from vehicle by disabled hunters. (a) The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a person who obtains the required licenses and who has a permanent physical disability that is more substantial than discomfort from walking. The permit recipient must be:

(1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic device; or

(2) unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

(b) The permanent physical disability must be established by medical evidence verified in writing by a licensed physician or chiropractor. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this section. In addition to providing the medical evidence of a permanent disability, the applicant must possess a valid disability parking certificate authorized by section 169.345 or license plates issued under section 168.021.

(c) A person issued a special permit under this subdivision and hunting deer may take a deer of either sex, except in those antlerless permit areas and seasons where no antlerless permits are offered. This subdivision does not authorize another member of a party to take an antlerless deer under section 97B.301, subdivision 3.

(d) A permit issued under this subdivision is valid for five years.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this section for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this section is guilty of a misdemeanor. A physician or chiropractor who fraudulently certifies to the commissioner that a person is permanently disabled as described in this section is guilty of a misdemeanor.

(g) Notwithstanding paragraph (d), the commissioner may issue a permit valid for the entire life of the applicant if the commissioner determines that there is no chance that an applicant will become ineligible for a permit under this section and the applicant requests a lifetime permit.

Sec. 43. Minnesota Statutes 2008, section 97B.081, is amended to read:

97B.081 USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.

Subdivision 1. With firearms and bows implements to take wild animals. (a)

Except as provided in subdivision 3, a person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, except while taking raccoons in accordance with section 97B.621, subdivision 3, or tending traps in accordance with section 97B.931, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill take big game, small game, or unprotected wild animals.

(b) This subdivision does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This subdivision does not apply to a bow that is:

- (1) completely encased or unstrung, and
- (2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This subdivision does not apply to persons taking raccoons under section 97B.621, subdivision 3.

(f) This subdivision does not apply to a person hunting fox or coyote from January 1 to March 15 while using a handheld artificial light, provided that the person:

- (1) is on foot;
- (2) is using a shotgun;
- (3) is not within a public road right-of-way;
- (4) is using a handheld or electronic calling device, and
- (5) is not within 200 feet of a motor vehicle.

Subd. 2. **Without firearms implements to take wild animals.** (a) Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, Except as provided in subdivision 3, from two hours after sunset until sunrise, a person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest to spot, or 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, Except as provided in subdivision 3, 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 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. (c) Except as provided in subdivision 3, a person may not project a spotlight or handheld cast an artificial light onto residential property or building sites from a moving motor vehicle being operated on land, except for the following purposes:

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

(d) Except as provided in subdivision 3, a person may not at any time cast the rays of a spotlight, headlight, or other artificial light onto property posted with signs prohibiting the shining of lights onto the property. When signs are posted, the signs shall display letters that are at least two inches in height and state "no shining" or similar terms and shall be placed at intervals of 500 feet or less along the boundary of the property.

Subd. 3. Exceptions. (a) It is not a violation of this section for a person to:

(1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

(2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial light, provided that the person is:

- (i) on foot;
- (ii) using a shotgun;
- (iii) not within a public road right-of-way;
- (iv) using a handheld or electronic calling device; and
- (v) not within 200 feet of a motor vehicle; or

(3) cast the rays of a handheld artificial light to retrieve wounded or dead big game animals, provided that the person is:

- (i) on foot; and
- (ii) not in possession of a firearm or bow.

(b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight, headlight, or other artificial light to:

- (1) carry out any agricultural, safety, emergency response, normal vehicle operation, or occupational-related activities that do not involve taking wild animals; or
- (2) carry out outdoor recreation as defined in section 97B.001 that is not related to spotting, locating, or taking a wild animal.

Sec. 44. Minnesota Statutes 2008, section 97B.086, is amended to read:

97B.086 POSSESSION OF NIGHT VISION EQUIPMENT.

(a) A person may not possess night vision goggle equipment while taking wild animals or while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to take wild animals.

(b) This section does not apply to a firearm that is:

- (1) unloaded;
 - (2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and
 - (3) in the closed trunk of a motor vehicle.
- (c) This section does not apply to a bow that is:
- (1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This section does not apply to night vision ~~goggle~~ equipment possessed by peace officers or military personnel while exercising their duties.

Sec. 45. Minnesota Statutes 2008, section 97B.111, subdivision 1, is amended to read:

Subdivision 1. **Establishment; requirements.** The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. Notwithstanding section 97B.055, subdivision 3, the commissioner may authorize hunt participants to shoot from a stationary motor vehicle. A license is not required for a person to assist a physically disabled person hunting during a special season under this section.

Sec. 46. Minnesota Statutes 2008, section 97B.328, subdivision 3, is amended to read:

Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and that has been placed by a person. Liquid scents, salt, and minerals, and bird feeders containing grains or nuts that are at least six feet above the ground are not bait or feed. Food that has not been placed by a person and resulting from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar land management activities is not bait or feed.

Sec. 47. Minnesota Statutes 2008, section 97B.651, is amended to read:

97B.651 UNPROTECTED MAMMALS AND BIRDS.

Subdivision 1. **Taking unprotected mammals and birds.** Mammals that are unprotected wild animals and unprotected birds may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 97B.091. Poison may not be used to take unprotected mammals or unprotected birds unless the safety of humans and domestic livestock is ensured. Unprotected mammals and unprotected birds may be possessed, bought, sold, or transported in any quantity, except importation or exportation is restricted as provided in subdivision 2.

Subd. 2. **Importing and exporting live coyotes.** A person may not export a live coyote out of the state or import a live coyote into the state unless authorized under a permit from the commissioner.

Sec. 48. Minnesota Statutes 2008, section 97B.811, subdivision 2, is amended to read:

Subd. 2. **Hours for placing decoys.** Except as provided in subdivisions 3 and 4, a person may not place decoys in public waters or on public lands more than one hour two hours before lawful shooting hours for waterfowl.

Sec. 49. Minnesota Statutes 2008, section 97B.811, subdivision 3, is amended to read:

Subd. 3. **Restrictions on leaving decoys unattended.** During the open season for waterfowl, a person may not leave decoys in public waters between sunset and ~~one hour two hours~~ before lawful shooting hours or leave decoys unattended during other times for more than ~~four~~ three consecutive hours unless:

- (1) the decoys are in waters adjacent to private land under the control of the hunter; and
- (2) there is not natural vegetation growing in water sufficient to partially conceal a hunter.

Sec. 50. Minnesota Statutes 2008, section 97B.931, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** A person may not tend a trap set for wild animals between 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 10:00 p.m. a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun or rifle capable of firing only rimfire cartridges of .17 or .22 caliber including .22 magnum.

Sec. 51. Minnesota Statutes 2008, section 97C.081, subdivision 2, is amended to read:

Subd. 2. **Contests without a permit.** A person may conduct a fishing contest without a permit from the commissioner provided:

(1) the following criteria are met:

(i) there are ~~30 participants~~ 25 boats or less for open water contests and 150 participants or less for ice fishing contests;

(ii) the entry fee is \$25 per person or less;

(iii) the total prize value is \$25,000 or less; and

(iv) the contest is not limited to trout species only;

(2) the following criteria are met:

(i) the contest is not limited to specifically named waters; and

(ii) the contest is not limited to trout species only; ~~or~~

(3) all the contest participants are age 18 years or under;

(4) the contest is limited to rough fish; or

(5) the total prize value is \$500 or less.

Sec. 52. Minnesota Statutes 2008, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2. The commissioner shall charge a fee for the permit that recovers the costs of issuing the permit and of monitoring the activities allowed by the permit. ~~The commissioner may waive the fee under this subdivision for a charitable organization.~~ Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(b) If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision; or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000.

(c) The permit fee for any individual contest may not exceed the following amounts:

(1) ~~\$120~~ \$60 for an open water contest not exceeding ~~100~~ participants ~~50~~ boats and without off-site weigh-in;

(2) ~~\$400~~ \$200 for an open water contest with more than ~~100~~ participants ~~50~~ boats and without off-site weigh-in;

(3) ~~\$500~~ \$250 for an open water contest not exceeding ~~100~~ participants ~~50~~ boats with off-site weigh-in;

(4) ~~\$1,000~~ \$500 for an open water contest with more than ~~100~~ participants ~~50~~ boats with off-site weigh-in; or

(5) \$120 for an ice fishing contest with more than 150 participants.

Sec. 53. Minnesota Statutes 2008, section 97C.081, subdivision 4, is amended to read:

Subd. 4. **Restrictions.** (a) The commissioner may by rule establish restrictions on fishing contests to protect fish and fish habitat, to restrict activities during high use periods, to restrict activities that affect research or management work, to restrict the number of boats, and for the safety of contest participants.

(b) By March 1, 2011, the commissioner shall develop a best practices certification program for fishing contest organizers to ensure the proper handling and release of fish.

Sec. 54. Minnesota Statutes 2008, section 97C.081, subdivision 6, is amended to read:

Subd. 6. **Permit application process.** (a) Beginning August 1 each year, the commissioner shall accept permit applications for fishing contests to be held in the following year.

(b) If the number of permit applications received by the commissioner from August 1 through the last Friday in September exceeds the limits specified in subdivisions 7 and 8, the commissioner shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the commissioner shall allow the affected applicants a minimum of seven days to change the location or time period requested on their applications, provided that the change is not to a location or time period for which applications are already at or above the limits specified in subdivisions 7 and 8.

(c) After the applicants have been given at least seven days to change their applications, the commissioner shall conduct a drawing for all locations and time periods for which applications exceed limits. First preference in the drawings shall be given to applicants for established or traditional fishing contests, and second preference to applicants for contests that are not established as traditional fishing contests based on the number of times they have been unsuccessful in previous drawings. Except for applicants

of established or traditional fishing contests, an applicant who is successful in a drawing loses all accumulated preference. "Established or traditional fishing contest" means a fishing contest that was issued permits in 1999 and 2000 or was issued permits four out of five years from 1996 to 2000 for the same lake and time period. Beginning with 2001, established or traditional fishing contests must continue to be conducted at least four out of five years for the same lake and time period to remain established or traditional.

(d) The commissioner has until November 7 to approve or deny permit applications that are submitted by 4:30 p.m. on the last Friday in September. The commissioner may approve a permit application that is received after 4:30 p.m. on the last Friday in September if approving the application would not result in exceeding the limits in subdivisions 7 and 8.

(e) The commissioner shall develop an online Web-based fishing contest permit application process.

Sec. 55. Minnesota Statutes 2008, section 97C.081, subdivision 9, is amended to read:

Subd. 9. **Permit restrictions.** (a) The commissioner may require fishing contest permittees to limit prefishing to week days only as a condition of a fishing contest permit. The commissioner may require proof from permittees that prefishing restrictions on the permit are communicated to fishing contest participants and enforced.

(b) The commissioner may require permit restrictions on the hours that a permitted fishing contest is conducted, including, but not limited to, starting and ending times.

(c) The commissioner may require permit restrictions on the number of parking spaces that may be used on a state-owned public water access site. The commissioner may require proof from permittees that parking restrictions on the permit are communicated to fishing contest participants and enforced.

(d) To prevent undue mortality of released fish, the commissioner may require restrictions for off-site weigh-ins and live releases on a fishing contest permit or may deny permits requesting an off-site weigh-in or live release. The commissioner may allow for live release weigh-ins at public accesses.

(e) A person may not transfer a fishing contest permit to another person.

(f) Failure to comply with fishing contest permit restrictions may be considered grounds for denial of future permit applications.

Sec. 56. Minnesota Statutes 2008, section 97C.335, is amended to read:

97C.335 USE OF ARTIFICIAL LIGHTS TO TAKE FISH PROHIBITED.

(a) A person may not use artificial lights to lure or attract fish or to see fish in the water while spearing, except that while angling or spearing, a person may:

- (1) affix a lighted artificial bait with hooks attached to the end of a fishing line; or
- (2) use a lighted decoy for spearing.

Any (b) A battery that is used in lighted fishing lures cannot must not contain any intentionally introduced mercury.

(c) The restrictions in paragraph (a) do not apply to bow fishing.

Sec. 57. Minnesota Statutes 2008, section 97C.345, subdivision 2, is amended to read:

Subd. 2. **Possession.** (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, ~~bows and arrows~~, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset from May 1 to the last Sunday in February, or as otherwise prescribed by the commissioner.

Sec. 58. **[97C.346] PROHIBITION ON RETURNING CERTAIN NETTED ROUGH FISH TO WATERS.**

A person may not release carp or buffalo taken by netting back into the water.

Sec. 59. Minnesota Statutes 2008, section 97C.355, subdivision 2, is amended to read:

Subd. 2. **License required.** A person may not leave a dark house ~~or~~, fish house, or shelter unattended on the ice at any time between midnight and one hour before sunrise unless the house or shelter is licensed and has ~~a~~ the license tag attached to the exterior in a readily visible location, except as provided in this subdivision. The commissioner must issue a tag with a dark house ~~or~~, fish house, or shelter license, marked with a number to correspond with the license and the year of issue. A dark house ~~or~~, fish house, or shelter license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

Sec. 60. Minnesota Statutes 2008, section 97C.371, is amended by adding a subdivision to read:

Subd. 5. **Nonresidents.** Nonresidents may spear from a fish house or dark house.

Sec. 61. Minnesota Statutes 2008, section 97C.375, is amended to read:

97C.375 TAKING ROUGH FISH BY SPEARING OR ARCHERY.

A resident or nonresident may take rough fish by spearing ~~or archery~~ during the times, in waters, and in the manner prescribed by the commissioner.

Sec. 62. **[97C.376] BOW FISHING.**

Subdivision 1. **Season.** The bow fishing season for residents and nonresidents is from May 1 to the last Sunday in February at any time of the day.

Subd. 2. **Possession of bows and arrows.** A person may possess bows and arrows for the purposes of bow fishing on or within 100 feet of waters at any time from May 1 to the last Sunday in February, subject to local ordinances. A person must take reasonable measures to retrieve arrows and wounded fish.

Subd. 3. **Nighttime restrictions on motors.** From sunset to sunrise, a person bow fishing with the assistance of a gasoline-powered motor must use a four-stroke engine powered generator. The noise limits for total noise while bow fishing from sunset to sunrise shall not exceed a noise level of 65 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 67 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. The noise levels under section 86B.321 apply to persons traveling to and from bow fishing sites from sunset to sunrise.

Subd. 4. Nighttime structure and campground setback requirements. A person shall not discharge an arrow while bow fishing within 150 feet of an occupied structure or within 300 feet of a campsite from sunset to sunrise.

Subd. 5. Prohibition on returning rough fish to waters. Rough fish taken by bow fishing shall not be returned to the water and rough fish may not be left on the banks of any water of the state.

Sec. 63. Minnesota Statutes 2008, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for the winter season for lake trout on all lakes located outside or partially within the Boundary Waters Canoe Area, from January 15 to March 31;

(4) for the winter season for lake trout on all lakes located entirely within the Boundary Waters Canoe Area, from January 1 to March 31;

(5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2;

~~(5)~~ (6) for the winter season for brown trout, brook trout, rainbow trout, and splake on all lakes, from January 15 to March 31; and

~~(6)~~ (7) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 64. Laws 2008, chapter 368, article 2, section 25, the effective date, is amended to read:

EFFECTIVE DATE. The amendments to paragraph (a) are effective March 1, 2009 2010.

EFFECTIVE DATE. This section is effective retroactively from March 1, 2009.

Sec. 65. **ELK MANAGEMENT PLAN.**

Within 180 days of the effective date of this section, the commissioner of natural resources shall:

(1) develop an elk management plan consistent with the requirements under Minnesota Statutes, section 97B.516;

(2) present the elk management plan to the Kittson, Marshall, and Roseau County Boards; and

(3) begin implementing the plan.

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

Sec. 66. RULEMAKING.

(a) The commissioner of natural resources shall adopt or amend rules to establish minimum size limits for muskellunge on inland waters consistent with the provisions of this section. The commissioner must:

(1) establish a 48-inch statewide minimum size restriction for muskellunge and muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause (2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties; and

(2) establish a 40-inch minimum size restriction for muskellunge-northern pike hybrids in the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties:

<u>LAKE</u>	<u>COUNTY</u>
<u>Bryant</u>	<u>Hennepin</u>
<u>Bush</u>	<u>Hennepin</u>
<u>Calhoun</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Scott</u>
<u>Clear</u>	<u>Washington</u>
<u>Crystal</u>	<u>Dakota</u>
<u>Crystal</u>	<u>Hennepin</u>
<u>Eagle</u>	<u>Carver</u>
<u>Elmo</u>	<u>Washington</u>
<u>Gervais</u>	<u>Ramsey</u>
<u>Island</u>	<u>Ramsey</u>
<u>Isles</u>	<u>Hennepin</u>
<u>Johanna</u>	<u>Ramsey</u>
<u>Nokomis</u>	<u>Hennepin</u>
<u>Orchard</u>	<u>Dakota</u>
<u>Phalen</u>	<u>Ramsey</u>
<u>Pierson</u>	<u>Carver</u>
<u>Silver</u>	<u>Ramsey</u>

WassermanCarverWeaverHennepin

(b) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

Sec. 67. TEMPORARY WARNING REQUIREMENTS; SHINING WITHOUT IMPLEMENTS TO TAKE WILD ANIMALS.

A violation prior to August 1, 2010, of Minnesota Statutes, section 97B.081, subdivision 2, shall not result in a penalty, but is punishable only by a warning.

Sec. 68. ZONE 3 DEER SEASON AND RESTRICTIONS; 2009.

For the 2009 deer season, notwithstanding rules of the commissioner of natural resources under Minnesota Statutes, section 97B.311, paragraph (a), the commissioner shall allow a nine-day early A season in Zone 3 beginning the Saturday nearest November 6 and a nine-day late B season in Zone 3 beginning the Saturday nearest November 20. During the last two days of the 2009 early A season in Zone 3, a person may not take antlered deer unless the deer has at least four points on one side, or the person has taken an antlerless deer prior to taking the antlered deer during the early A season in Zone 3. Party hunting for antlered deer under Minnesota Statutes, section 97B.301, subdivision 3, is not allowed in the last two days of the 2009 early A season in Zone 3. Zone 3 is defined in Minnesota Rules, part 6232.1400, subpart 3.

Sec. 69. APPROPRIATION.

\$15,000 in fiscal year 2010 is appropriated from the game and fish fund to the commissioner for the development of an on-line fishing contest permit application process. This is a onetime appropriation.

Sec. 70. LET'S GO FISHING; APPROPRIATION.

(a) \$150,000 in fiscal year 2010 and \$150,000 in fiscal year 2011 are appropriated from the game and fish fund to the commissioner of natural resources for grants to Let's Go Fishing of Minnesota to provide community outreach to senior citizens, youth, and veterans and for the costs associated with the establishment and recruitment of new chapters. The grants must be matched with cash or in-kind contributions from nonstate sources. It is a condition of acceptance of grants under this section that Let's Go Fishing of Minnesota must submit a work program and annual progress reports in the form and manner determined by the commissioner of natural resources to the house of representatives and senate committees having budgetary oversight.

(b) The work program must include measurable outcomes and a plan for measuring and evaluating the results. The measurement and evaluation of outcomes must be supported with electronic data, including names of volunteers and guests, served in a meaningful format with each reimbursement request. For the purposes of this paragraph, "measurable outcomes" mean outcomes, indicators, or other performance measures that may be quantified or otherwise measured in order to measure the effectiveness of a project or program in meeting its intended goal or purpose.

(c) This appropriation may not be used to reimburse costs for lobbying or fundraising activities. Funds may be used, as approved in the work program, to reimburse salaries of individuals assigned responsibility for creating fundraising plans to be followed by chapters, but not for direct participation by Let's Go Fishing staff in any fundraising activity or costs associated with such activity. Administrative costs of delivering the program may not exceed 2.5 percent of the grant.

(d) All reimbursed costs must comply with the Department of Administration's Office of Grant Management policies as described in Minnesota Statutes, section 16B.98. Written contracts must be developed for all financial-related activity, such as rent, leases, sponsorships, manufacturer agreements, in excess of \$500 as prescribed in state policy.

(e) The work program must identify capital expenditures and leases over \$2,000 and annual reports must describe the use of that capital equipment throughout its useful life.

(f) The commissioner must approve the work program before making a grant to Let's Go Fishing of Minnesota. This is a onetime appropriation.

Sec. 71. **REPEALER.**

Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.301, subdivisions 7 and 8; and 97C.405, are repealed.

ARTICLE 3
STATE LAND ADMINISTRATION

Section 1. Minnesota Statutes 2008, section 84.0273, is amended to read:

84.0273 ESTABLISHMENT OF BOUNDARY LINES RELATING TO CERTAIN STATE LANDHOLDINGS.

(a) In order to resolve boundary line issues affecting the ownership interests of the state and adjacent landowners, the commissioner of natural resources may, in the name of the state upon terms the commissioner deems appropriate, convey, by a boundary line agreement, quitclaim deed, or management agreement in such form as the attorney general approves, such rights, titles, and interests of the state in state lands for such rights, titles and interests in adjacent lands as are necessary for the purpose of establishing boundaries. A notice of the proposed conveyance and a brief statement of the reason therefor shall be published once in the State Register by the commissioner between 15 and 30 days prior to conveyance. The provisions of this ~~section~~ paragraph are not intended to replace or supersede laws relating to land exchange or disposal of surplus state property.

(b) In order to resolve trespass issues affecting the ownership interests of the state and adjacent landowners, the commissioner of natural resources, in the name of the state, may sell surplus lands not needed for natural resource purposes at private sale to adjoining property owners and leaseholders. The conveyance must be by quitclaim in a form approved by the attorney general for a consideration not less than the value determined according to section 94.10, subdivision 1.

(c) Paragraph (b) applies to all state-owned lands managed by the commissioner of natural resources, except school trust land as defined in section 92.025. For acquired lands, the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding the offering to public entities, public sale, and related notice and publication requirements

of sections 94.09 to 94.165. For consolidated conservation lands, the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding the classification and public sale provisions of chapters 84A and 282.

Sec. 2. **[84.0277] CAMP RIPLEY BUFFER EASEMENTS.**

Subdivision 1. Acquisition authorized. The commissioner may acquire, from willing sellers, perpetual conservation easements on behalf of the state and federal government consistent with Camp Ripley's Army compatible use buffer project. This project is geographically defined as a three-mile zone around Camp Ripley in central Minnesota.

Subd. 2. Payments; terms. Notwithstanding sections 84.0272, subdivision 1, and 84.0274, subdivision 5, paragraph (b), the commissioner may make payments to a landowner under this subdivision to acquire a perpetual conservation easement according to subdivision 1. The onetime payment may be based on the following:

(1) if the easement prohibits the construction of any new buildings or permanent structures upon the land, the commissioner may pay 60 percent of the most recent assessed market value of the land as determined by the county assessor of the county in which the land is located; or

(2) if the easement prohibits the construction of any new buildings or permanent structures upon the land and grants the public the right to access the land for natural resource-based outdoor recreation, the commissioner may pay 70 percent of the most recent assessed market value of the land as determined by the county assessor of the county in which the land is located.

Sec. 3. Minnesota Statutes 2008, section 85.0115, is amended to read:

85.0115 NOTICE OF ADDITIONS AND DELETIONS.

(a) The commissioner of natural resources shall publish a notice and description of proposed additions to and deletions from legislatively designated boundaries of state parks in a legal newspaper of general circulation in each county that is affected, and shall mail a copy of such notice and description to the chair of the affected county board or boards and to each affected landowner.

(b) When an addition to a legislatively designated boundary of a state park is proposed, the affected county board or boards or an affected city or township board may petition the commissioner of natural resources to attend a public hearing to discuss the proposed addition. The petition must be signed by the majority of the board members and include the time, date, and reason for the hearing, and be submitted to the commissioner of natural resources 30 days prior to the public hearing. The commissioner of natural resources or the commissioner's designee shall attend the public hearing when petitioned under this section.

Sec. 4. Minnesota Statutes 2008, section 85.015, subdivision 13, is amended to read:

Subd. 13. Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties. (a)(1) The Taconite Trail shall originate at Ely in St. Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in Itasca County and there terminate;

(2) The ~~Northshore C. J. Ramstad/Northshore~~ Trail shall originate in Duluth in St. Louis County and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand Marais in Cook County, thence northeasterly to the international boundary in the vicinity of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St. Louis County to International Falls in Koochiching County, and there terminate.

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

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the governor. The governor shall consult with the Legislative Advisory Commission before granting approval. Recommendations of the Legislative Advisory Commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 5. Minnesota Statutes 2008, section 103F.321, is amended by adding a subdivision to read:

Subd. 3. Home-based business; conditional use. A local unit of government may issue a conditional use permit in a wild and scenic river district designated pursuant to sections 103F.301 to 103F.351 to a home-based business that:

(1) is located on property that includes the primary residence of the business owner;

(2) is conducted within the primary residence or residential accessory structure and the residence and accessory structures were constructed prior to the effective date of this section;

(3) does not necessitate creation of additional impervious surface for vehicular parking on the property;

(4) satisfies all other requirements in a conditional use permit issued by the local unit of government; and

(5) satisfies all other state and local requirements applicable to the type of business.

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

Sec. 6. Minnesota Statutes 2008, 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. The 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 the 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 the time as the county board may withdraw the 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 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 contract 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. If payment is provided as specified in this paragraph as security under paragraph (a) and no cutting has taken place on the contract, the county auditor may credit the security provided, less any down payment required for an auction sale under this paragraph, to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited, provided the request and transfer is made within the same calendar year as the security was received.

(c) The county board may sell any timber, including biomass, as appraised or scaled. 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 under paragraph (a), in which case the notice shall contain a description of the parcels, a statement of the estimated quantity of each species of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per piece, as the case may be. In those 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 the 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 the sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of the 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 the 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 a 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 of the 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 sale, and at the prices and under the terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumps, sand, gravel, clay, rock, marl, and black dirt from the land, 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 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 the 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 sale, at the prices and under the 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, or to use for facilities needed to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed for a mining operation, upon the conditions and for the consideration and for the period of time, not exceeding ~~25~~ 25 years, as the county board may determine. The permits, licenses, or leases are 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 and for the production or removal of farm-grown closed-loop biomass as defined in section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands upon the terms and conditions as the county board may prescribe. Any lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops 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, farm-grown closed-loop biomass, or short-rotation woody crops 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.

(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.

(j) In lieu of any payment or deposit required in paragraph (b), as directed by the county board and under terms set by the county board, the county auditor may accept an irrevocable bank letter of credit in the amount equal to the amount otherwise determined in paragraph (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written request of the purchaser, the county may periodically allow the bank letter of credit to be reduced by an amount proportionate to the value of timber that has been harvested and for which the county has received payment. The remaining amount of the bank letter of credit after a reduction under this paragraph must not be less than 20 percent of the value of the timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the down payment required in paragraph (b), and no cutting of timber has taken place on the contract for which a letter of credit has been provided, the county may allow the transfer of the letter of credit to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited.

Sec. 7. Laws 1996, chapter 407, section 32, subdivision 3, is amended to read:

Subd. 3. **Acquisition and management.** The commissioner of natural resources is authorized to acquire by gift, lease, or purchase the lands for the Iron Range off-highway vehicle recreation area. Any lease with local government units shall be for at least ten years and may be paid up front at the request of either party. The commissioner shall manage the unit as a state recreation area as provided by Minnesota Statutes, section 86A.05, subdivision 3. The commissioner or the commissioner's designee in the trails and waterways division of the department of natural resources shall develop and manage the area for off-highway vehicle recreational use.

Sec. 8. Laws 2008, chapter 368, article 1, section 21, subdivision 4, is amended to read:

Subd. 4. **[85.012] [Subd. 38.] Lake Shetek State Park, Murray County.** The following areas are deleted from Lake Shetek State Park:

(1) Blocks 3 and 4 of Forman Acres according to the plat on file and of record in the Office of the Recorder for Murray County;

(2) the Hudson Acres subdivision according to the plat on file and of record in the Office of the Recorder for Murray County; and

(3) that part of Government Lot 6 ~~and~~, that part of Government Lot 7, ~~and that part of Government Lot 8~~ of Section 6, Township 107 North, Range 40 West, and that part of Government Lot 1 and that part of Government Lot 2 of Section 7, Township 107 North, Range 40 West, Murray County, Minnesota, described as follows:

Commencing at the East Quarter Corner of said Section 6; thence on a bearing based on the 1983 Murray County Coordinate System (1996 Adjustment), of South 00 degrees ~~22 minutes 05 seconds East 1405.16~~ ~~17 minutes 23 seconds East 1247.75~~ feet along the

east line of said Section 6; thence ~~North 89 degrees 07 minutes 01 second West 1942.39~~
~~South 88 degrees 39 minutes 00 seconds West 1942.74~~ feet; thence South 03 degrees 33 minutes 00 seconds West 94.92 feet to the northeast corner of Block 5 of FORMAN ACRES, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office; thence South 14 degrees 34 minutes 00 seconds West 525.30 feet along the easterly line of said Block 5 and along the easterly line of the Private Roadway of FORMAN ACRES to the southeasterly corner of said Private Roadway and the POINT OF BEGINNING; thence North 82 degrees 15 minutes 00 seconds West 796.30 feet along the southerly line of said Private Roadway to an angle point on said line and an existing 1/2 inch diameter rebar; thence South 64 degrees 28 minutes 26 seconds West 100.06 feet along the southerly line of said Private Roadway to an angle point on said line and an existing 1/2 inch diameter rebar; thence South 33 degrees 01 minute 32 seconds West 279.60 feet along the southerly line of said Private Roadway to an angle point on said line; thence South 76 degrees 04 minutes 52 seconds West 766.53 feet along the southerly line of said Private Roadway to a 3/4 inch diameter rebar with a plastic cap stamped "MN DNR LS 17003" (DNR MON); thence South 16 degrees 24 minutes 50 seconds West 470.40 feet to a DNR MON; thence South 24 degrees 09 minutes 57 seconds West 262.69 feet to a DNR MON; thence South 08 degrees 07 minutes 09 seconds West 332.26 feet to a DNR MON; thence North 51 degrees 40 minutes 02 seconds West 341.79 feet to the east line of Lot A of Lot 1 of LOT A OF GOV. LOT 8, OF SEC. 6 AND LOT A OF GOV. LOT 1, OF SEC 7 TP. 107 RANGE 40, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office and a DNR MON; thence South 14 degrees 28 minutes 55 seconds West 71.98 feet along the east line of said Lot A to the northerly most corner of Lot 36 of HUDSON ACRES, according to the record plat thereof on file and of record in the Murray County Recorder's Office and an existing steel fence post; thence South 51 degrees 37 minutes 05 seconds East 418.97 feet along the northeasterly line of said Lot 36 and along the northeasterly line of Lots 35, 34, 33, 32 of HUDSON ACRES to an existing 1 inch inside diameter iron pipe marking the easterly most corner of Lot 32 and the most northerly corner of Lot 31A of HUDSON ACRES; thence South 48 degrees 33 minutes 10 seconds East 298.26 feet along the northeasterly line of said Lot 31A to an existing 1 1/2 inch inside diameter iron pipe marking the easterly most corner thereof and the most northerly corner of Lot 31 of HUDSON ACRES; thence South 33 degrees 53 minutes 30 seconds East 224.96 feet along the northeasterly line of said Lot 31 and along the northeasterly line of Lots 30 and 29 of HUDSON ACRES to an existing 1 1/2 inch inside diameter iron pipe marking the easterly most corner of said Lot 29 and the most northerly corner of Lot 28 of ~~HUDSONS~~ ~~HUDSON~~ ACRES; thence South 45 degrees 23 minutes 54 seconds East 375.07 feet along the northeasterly line of said Lot 28 and along the northeasterly line of Lots 27, 26, 25, 24 of HUDSON ACRES to an existing 1 1/2 inch inside diameter iron pipe marking the easterly most corner of said Lot 24 and the most northerly corner of Lot 23 of HUDSON ACRES; thence South 64 degrees 39 minutes 53 seconds East 226.80 feet along the northeasterly line of said Lot 23 and along the northeasterly line of Lots 22 and 21 of HUDSON ACRES to an existing 1 1/2 inch inside diameter iron pipe marking the easterly most corner of said Lot 21 and the most northerly corner of Lot 20 of HUDSON ACRES; thence South 39 degrees 49 minutes 49 seconds East 524.75 feet along the northeasterly line of said Lot 20 and along the northeasterly line of Lots 19, 18, 17, 16, 15, 14 of HUDSON ACRES to an existing 1 1/2 inch inside diameter iron pipe marking the easterly most corner of said Lot 14 and the most northerly corner of Lot 13 of HUDSON ACRES; thence South 55 degrees 31 minutes 43 seconds East 225.11 feet along the northeasterly line of said Lot 13 and along the northeasterly line of Lots 12 and 11 of HUDSON ACRES to an existing 1 1/2 inch inside diameter iron

pipe marking the easterly most corner of said Lot 11 and the northwest corner of Lot 10 of HUDSON ACRES; thence South 88 degrees 03 minutes 49 seconds East 224.90 feet along the north line of said Lot 10 and along the north line of Lots 9 and 8 of HUDSON ACRES to an existing 1 1/2 inch inside diameter iron pipe marking the northeast corner of said Lot 8 and the northwest corner of Lot 7 of HUDSON ACRES; thence North 84 degrees 07 minutes 37 seconds East 525.01 feet along the north line of said Lot 7 and along the north line of Lots 6, 5, 4, 3, 2, 1 of HUDSON ACRES to an existing 1 1/2 inch inside diameter iron pipe marking the northeast corner of said Lot 1 of HUDSON ACRES; thence southeasterly, easterly and northerly along a non-tangential curve concave to the north having a radius of 50.00 feet, central angle 138 degrees ~~41 minutes 58 seconds~~ ~~42 minutes 00 seconds~~, a distance of 121.04 feet, chord bears North 63 degrees 30 minutes 12 seconds East; thence continuing northwesterly and westerly along the previously described curve concave to the south having a radius of 50.00 feet, central angle 138 degrees 42 minutes 00 seconds, a distance of 121.04 feet, chord bears North 75 degrees 11 minutes 47 seconds West and a DNR MON; thence South 84 degrees 09 minutes 13 seconds West not tangent to said curve 520.52 feet to a DNR MON; thence North 88 degrees 07 minutes 40 seconds West 201.13 feet to a DNR MON; thence North 55 degrees 32 minutes 12 seconds West 196.66 feet to a DNR MON; thence North 39 degrees 49 minutes 59 seconds West 530.34 feet to a DNR MON; thence North 64 degrees 41 minutes 41 seconds West 230.01 feet to a DNR MON; thence North 45 degrees 23 minutes 00 seconds West 357.33 feet to a DNR MON; thence North 33 degrees 53 minutes ~~32~~ ~~30~~ seconds West 226.66 feet to a DNR MON; thence North 48 degrees 30 minutes 31 seconds West 341.45 feet to a DNR MON; thence North 08 degrees 07 minutes 09 seconds East 359.28 feet to a DNR MON; thence North 24 degrees 09 minutes ~~58~~ ~~57~~ seconds East 257.86 feet to a DNR MON; thence North 16 degrees 24 minutes 50 seconds East 483.36 feet to a DNR MON; thence North 76 degrees 04 minutes ~~53~~ ~~52~~ seconds East 715.53 feet to a DNR MON; thence North 33 degrees 01 minute 32 seconds East 282.54 feet to a DNR MON; thence North 64 degrees 28 minutes ~~25~~ ~~26~~ seconds East 84.97 feet to a DNR MON; thence South 82 degrees 15 minutes 00 seconds East 788.53 feet to a DNR MON; thence North 07 degrees 45 minutes 07 seconds East 26.00 feet to the point of beginning; containing 7.55 acres.

Sec. 9. Laws 2008, chapter 368, article 1, section 21, subdivision 5, is amended to read:

Subd. 5. [85.012] [Subd. 44a.] **Moose Lake State Park, Carlton County.** The following areas are deleted from Moose Lake State Park, all in Township 46 North, Range 19 West, Carlton County:

(1) Parcel A: the West 660.00 feet of the Southwest Quarter of the Northeast Quarter of Section 28;

(2) Parcel B: the West 660.00 feet of the Northwest Quarter of the Southeast Quarter of Section 28 lying northerly of a line 75.00 feet northerly of and parallel with the centerline of State Trunk Highway 73, and subject to a taking for highway purposes of a 100.00-foot wide strip for access and also subject to highway and road easements;

(3) Parcel C: the West 660.00 feet of the Southwest Quarter of the Southeast Quarter of Section 28 lying northerly of a line 75.00 feet northerly of and parallel with the centerline of State Trunk Highway 73, and subject to taking for highway purposes of a road access under S.P. 0919 (311-311) 901 from State Trunk Highway 73 to old County Road 21, said access being 100.00 feet in width with triangular strips of land adjoining it at the northerly line of State Trunk Highway 73, and subject to highway and road easements;

(4) Parcel G: that part of Government Lot + 2 of Section 28, which lies northerly of the westerly extension of the northerly line of the Southwest Quarter of the Northeast Quarter of said Section 28, and southerly of the westerly extension of the northerly line of the South 660.00 feet of the Northwest Quarter of the Northeast Quarter of said Section 28;

(5) Parcel H: the South 660.00 feet of the Northwest Quarter of the Northeast Quarter of Section 28;

(6) Parcel I: the Southwest Quarter of the Northeast Quarter of Section 28, except the West 660.00 feet of said Southwest Quarter; and

(7) Parcel J: that part of the North One-Half of the Southeast Quarter of Section 28, described as follows: Commencing at the northwest corner of said North One-Half of the Southeast Quarter; thence South 89 degrees 57 minutes 36 seconds East along the north line of said North One-Half of the Southeast Quarter a distance of 660.01 feet to the east line of the West 660.00 feet of said North One-Half of the Southeast Quarter and the actual point of beginning; thence continue South 89 degrees 57 minutes 36 seconds East along the north line of said North One-Half of the Southeast Quarter a distance of 657.40 feet to the southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 28; thence South 00 degrees 19 minutes 17 seconds West, parallel to the west line of said North One-Half of the Southeast Quarter a distance of 715.12 feet to the westerly right-of-way of US Interstate Highway 35; thence along said westerly right-of-way of US Interstate Highway 35 a distance of 457.86 feet on a nontangential curve, concave to the southeast, having a radius of 1,0 54.93 feet, a central angle of 24 degrees 52 minutes 03 seconds, and a chord bearing of South 39 degrees 00 minutes 37 seconds West; thence South 46 degrees 44 minutes 11 seconds West along said westerly right-of-way of US Interstate Highway 35 a distance of 295.30 feet to the northerly right-of-way of Minnesota Trunk Highway 73; thence 163.55 feet along said northerly right-of-way of Minnesota Trunk Highway 73 on a nontangential curve, concave to the south, having a radius of 1, 984.88 feet, a central angle of 4 degrees 43 minutes 16 seconds, and a chord bearing of South 77 degrees 39 minutes 40 seconds West to the east line of the West 660.00 feet of said North One-Half of the Southeast Quarter; thence North 00 degrees 19 minutes 17 seconds East a distance of 1, 305.90 feet, more or less, to the point of beginning and there terminating.

Sec. 10. ADDITIONS TO STATE PARKS.

Subdivision 1. [85.012] [Subd. 18.] Fort Snelling State Park, Ramsey, Hennepin and Dakota Counties. The following area is added to Fort Snelling State Park, Hennepin County: that part of Section 20, Township 29 North, Range 23 West, described as follows: From monument number 2, located on the westerly extension of the south boundary of the U.S. Department of the Interior, Bureau of Mines; thence South 89 degrees 52 minutes 00 seconds East along said south boundary of the Bureau of Mines, 478.97 feet to reference point 1 on the easterly right-of-line of Trunk Highway No. 55 and the point of beginning; thence South 48 degrees 48 minutes 53 seconds East, 458.74 feet along the easterly right-of-way line of said Trunk Highway No. 55; thence North 23 degrees 48 minutes 00 seconds East, 329.00 feet to the south boundary of the Bureau of Mines; thence North 89 degrees 52 minutes 00 seconds West, 478.07 feet along said south boundary of the Bureau of Mines to the point of beginning.

Subd. 2. [85.012] [Subd. 42.] Mille Lacs Kathio State Park, Mille Lacs County. The following areas are added to Mille Lacs Kathio State Park, Mille Lacs County:

(1) Government Lot 4 of the Northwest Quarter of the Northwest Quarter; all in Section 25, Township 42, Range 27, less a tract to highway described as follows: Commencing at a point approximately 270.0 feet East of the southwest corner of Government Lot 4, Section 25, Township 42 North, Range 27 West, Engineers Station 71+00; thence North 26 degrees 56 minutes West to the west line of Section 25 at Engineers Station 77+07.4 a distance of 607.4 feet and there terminating. The above describes the center line of an 82.5-foot right-of-way for the reconstruction of County State-Aid Highway No. 26 and contains 0.23 acres in addition to the present 66-foot right-of-way, Mille Lacs County, Minnesota;

(2) Government Lot 5, Section 25, Township 42, Range 27;

(3) that part of Government Lot 1, Section 26, Township 42 North, Range 27 West, Mille Lacs County, Minnesota, EXCEPT that part of Government Lot 1, Section 26, Township 42 North, Range 27 West, Mille Lacs County, Minnesota, described as follows: Beginning at the northeast corner of said Government Lot 1; thence North 89 degrees 09 minutes 54 seconds West, bearing based on Mille Lacs County Coordinate System, along the north line of said Government Lot 1 a distance of 665.82 feet to a 3/4 inch iron rod with survey cap stamped "MN DNR LS 16098" (DNR monument); thence South 00 degrees 00 minutes 00 seconds West a distance of 241.73 feet to a DNR monument; thence continuing South 00 degrees 00 minutes 00 seconds West a distance of 42.18 feet to a P.K. nail in the centerline of County Road 26; thence southeasterly along the centerline of County Road 26 a distance of 860 feet, more or less, to the east line of said Government Lot 1; thence North 00 degrees 22 minutes 38 seconds East along the east line of said Government Lot 1 a distance of 763 feet, more or less, to the point of beginning, containing 6.6 acres, more or less. AND EXCEPT, that part of Government Lot 1, Section 26, Township 42 North, Range 27 West, described as follows: Commencing at a point where the west line of the Northwest Quarter of the Northwest Quarter, Section 25, Township 42, Range 27, intersects the meander line of lake commonly known and designated as "Warren Lake"; thence North along the west line of said forty a distance of 20 rods; thence West at right angles to the meander line of said Warren Lake; thence in a southeasterly direction to the point of beginning; and

(4) Government Lot 2, Section 26, Township 42 North, Range 27 West, Mille Lacs County, Minnesota.

Sec. 11. **DELETIONS FROM STATE PARKS.**

Subdivision 1. [85.012] [Subd. 33.] **Lake Bemidji State Park, Beltrami County.** The following area is deleted from Lake Bemidji State Park, all in Beltrami County: that part of Government Lot 5, Section 24, Township 147 North, Range 33 West, Beltrami County, Minnesota described as follows: Commencing at the most easterly corner of Lot 2, Block 1, Shady Cove, according to the recorded plat thereof; thence northeasterly along the northeasterly extension of the line between Lots 1 and 2, Block 1 in said plat, a distance of 66.00 feet, to the point of beginning of the land to be described; thence continuing along last described course a distance of 150.00 feet; thence deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 607.70 feet; thence westerly along a line perpendicular to the westerly boundary of said Government Lot 5 to the west line of said Government Lot 5; thence South along the westerly boundary of said Government Lot 5 to intersect a line 66.00 feet northeasterly of, as measured at a right angle to and parallel with the northeasterly line of Block 1, said Shady Cove; thence southeasterly along said parallel line to the point of beginning.

Subd. 2. [85.012] [Subd. 24a.] Great River Bluffs State Park, Winona County.

The following areas are deleted from Great River Bluffs State Park, Winona County:

(1) beginning at a point 200 feet West from the southeast corner of Lot 2, Section 26, Township 106 North, Range 5 West; thence West on lot line between Lots 2 and 3, 380 feet; thence North 58 degrees East, 320 feet; thence South 32 degrees East, 205 feet to place of beginning, containing 85/100 of an acre, more or less, Winona County, Minnesota;

(2) commencing at a point 200 feet West from the northeast corner of Lot 3, Section 26, Township 106 North, Range 5 West; thence South 33 degrees East 300 feet; thence South 58 degrees West 290 feet; thence North 32 degrees West, 490 feet to the lot line between Lots 2 and 3; thence East 350 feet to the place of beginning, containing 3 acres, more or less, Winona County, Minnesota;

(3) that part of the recorded plat of East Richmond, Winona County, Minnesota, lying within Section 27, Township 106 North, Range 5 West, that lies northwesterly of the southeasterly line of Jefferson Street, as dedicated in said plat and that lies southwesterly of the southwesterly right-of-way line of U.S. Highway No. 61;

(4) Lots 7 and 8, Block B, of Fern Glen Acres, the same being located upon and forming a part of Government Lot 1, Section 35; Lot 9 in Block B of Fern Glen Acres, township of Richmond, according to the recorded plat thereof; beginning at the southeast corner of Lot 9, Block B, Fern Glen Acres, South 33 degrees East 140 feet; thence South 70 degrees West 208 feet; thence North 33 degrees West 140 feet to the southwest line of Lot 9, Block B, Fern Glen Acres; thence North 57 degrees East on the southwest line of Lot 9, Block B, Fern Glen Acres, to place of beginning, all in Government Lot 1, Section 35, Township 106 North, Range 5 West, containing 3/4 acre more or less;

(5) that part of Government Lot 1, Section 35, Township 106, Range 5, Winona County, Minnesota, which is more particularly bounded and described as follows, to wit: Commencing at the southwest corner of Lot 9 of Block "B" of the Plat of Fern Glen Acres; thence in a northeasterly direction and along the southerly line of said Lot 9 for a distance of 36.0 feet; thence deflect to the right 90 degrees 00 minutes, for a distance of 107.81 feet to an iron pipe which marks the point of beginning; thence continue in a southeasterly direction along the last described course for a distance of 73.78 feet; thence deflect to the left 9 degrees 04 minutes, for a distance of 32.62 feet; thence deflect to the right 90 degrees 00 minutes, for a distance of 73.23 feet; thence deflect to the right 89 degrees 20 minutes, for a distance of 104.04 feet; thence deflect to the right 9 degrees 44 minutes, for a distance of 35.00 feet; thence deflect to the right 90 degrees 00 minutes, for a distance of 64.75 feet; thence deflect to the right on a curve (Delta angle 90 degrees 00 minutes, radius 20.00 minutes) for an arc distance of 31.42 feet, more or less, to the point of beginning;

(6) that part of Government Lot 1, Section 35, Township 106, Range 5, Winona County, Minnesota, which is more particularly bounded and described as follows: Commencing at the southwest corner of Lot 9 of Block "B" of Fern Glen Acres; thence in a northeasterly direction along the southerly line of said Lot 9, a distance of 56.00 feet; thence at a deflection angle to the right of 90 degrees 00 minutes a distance of 180.00 feet to an iron pipe monument which marks the point of beginning; thence at a deflection angle to the left of 80 degrees 56 minutes 00 seconds a distance of 113.20 feet to the southerly right-of-way of U.S. Highway No. 61; thence at a deflection angle to the right of 84 degrees 18 minutes 00 seconds and southeasterly along the southerly right-of-way line of said U.S. Highway No. 61 a distance of 147.73 feet; thence at a deflection angle to the right of 87 degrees 12 minutes 30 seconds a distance of 193.87 feet; thence at a deflection

angle to the right of 88 degrees 45 minutes 30 seconds a distance of 132.18 feet; thence at a deflection angle to the right of 90 degrees 40 minutes 00 seconds a distance of 93.23 feet; thence at a deflection angle to the left of 90 degrees 00 minutes 00 seconds a distance of 30.35 feet, more or less, to the point of beginning;

(7) that part of Government Lot 1, Section 35, Township 106 North, Range 5 West, Winona County, Minnesota, which is more particularly bounded and described as follows: Commencing at the southwest corner of Lot 9 of Block "B" of the Plat of Fern Glen Acres; thence in a northeasterly direction along the southerly line of said Lot 9 a distance of 56.00 feet; thence at a deflection angle to the right of 90 degrees 00 minutes a distance of 180.00 feet; thence at a deflection angle to the left of 9 degrees 04 minutes 00 seconds a distance of 164.29 feet to an iron pipe monument which marks the point of beginning; thence at a deflection angle to the left of 89 degrees 25 minutes 30 seconds a distance of 102.19 feet to the southerly right-of-way line of U.S. Highway No. 61; thence at a deflection angle to the right of 92 degrees 47 minutes 30 seconds and southeasterly along the southerly right-of-way line of said U.S. highway a distance of 85.10 feet; thence at a deflection angle to the right of 87 degrees 12 minutes 30 seconds a distance of 187.89 feet; thence at a deflection angle to the right of 88 degrees 45 minutes 30 seconds a distance of 85.02 feet; thence at a deflection angle to the right of 91 degrees 14 minutes 30 seconds a distance of 91.68 feet, more or less, to the point of beginning;

(8) that part of Government Lots 1 and 2, Section 35, Township 106, Range 5, Winona County, Minnesota, described as follows: Commencing at the southwest corner of Lot 8 of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66 feet to an iron pipe in place; thence South 42 degrees 04 minutes East 296.1 feet to an iron pipe and the point of beginning; thence South 48 degrees 30 minutes 30 seconds West 107.35 feet to an iron pipe; thence continuing South 48 degrees 30 minutes 30 seconds West 12.11 feet; thence South 40 degrees 29 minutes 30 seconds East 100.7 feet; thence North 48 degrees 30 minutes 30 seconds East 17.83 feet to an iron pipe; thence continuing North 48 degrees 30 minutes 30 seconds East 111.83 feet to an iron pipe; thence continuing North 48 degrees 30 minutes 30 seconds East 70.61 feet to an iron pipe at a point on the southerly boundary line of Minnesota Trunk Highway No. 61 right-of-way; thence along said southerly boundary line a chord distance of 100.7 feet on a bearing North 40 degrees 29 minutes 30 seconds West to an iron pipe; thence South 48 degrees 30 minutes 30 seconds West 80.54 feet to the point of beginning;

(9) that part of Government Lots 1 and 2, Section 35, Township 106 North, Range 5 West, Winona County, Minnesota, described as follows: Commencing at the southwest corner of Lot 8 of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66 feet to an iron pipe in place; thence South 42 degrees 04 minutes East 296.1 feet to an iron pipe; thence South 46 degrees 06 minutes 30 seconds East 101.05 feet to an iron pipe being the point of beginning; thence South 48 degrees 30 minutes 30 seconds West 111.83 feet to an iron pipe; thence continuing South 48 degrees 30 minutes 30 seconds West 17.56 feet; thence South 41 degrees 53 minutes East 192.4 feet; thence North 48 degrees 30 minutes 30 seconds East 94.05 feet to an iron pipe; thence continuing North 48 degrees 30 minutes 30 seconds East 105.95 feet to an iron pipe at a point on the southerly boundary line of U.S. Highway No. 61 right-of-way; thence along said southerly boundary line a chord distance of 192.4 feet on a bearing of North 41 degrees 53 minutes West to an iron pipe; thence South 48 degrees 30 minutes 30 seconds West 70.61 feet to the point of beginning;

(10) that part of Government Lot 2, Section 35, Township 106 North, Range 5 West, Winona County, Minnesota described as follows: Commencing at the southwest corner of Lot 8 of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66 feet to an iron pipe in place; thence South 42 degrees 04 minutes East 296.1 feet; thence South 46 degrees 06 minutes 30 seconds East 371.05 feet to an iron pipe, the point of beginning; thence North 48 degrees 30 minutes 30 seconds East 52.45 feet to an iron pipe at a point on the southerly boundary line of Minnesota Trunk Highway No. 61 right-of-way; thence along said southerly boundary line a chord distance of 76.80 feet on a bearing of North 43 degrees 09 minutes 30 seconds West to an iron pipe; thence South 48 degrees 30 minutes 30 seconds West 105.95 feet to an iron pipe; thence continuing South 48 degrees 30 minutes 30 seconds West 94.05 feet; thence South 43 degrees 09 minutes 30 seconds East 76.80 feet; thence North 48 degrees 30 minutes 30 seconds East 55.93 feet to an iron pipe; thence continuing North 48 degrees 30 minutes 30 seconds East 91.62 feet to the point of beginning;

(11) that part of Government Lot 2, Section 35, Township 106 North, Range 5 West, Winona County, Minnesota described as follows: Commencing at the southwest corner of Lot 8 of the Plat of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66 feet to an iron pipe; thence South 42 degrees 04 minutes East 296.1 feet to an iron pipe; thence South 46 degrees 06 minutes 30 seconds East 371.05 feet to an iron pipe which is the point of beginning; thence South 48 degrees 30 minutes 30 seconds West and along the south line of the property heretofore conveyed by Deed in Book 237 of Deeds on Page 693, for a distance of 147.55 feet; thence South 44 degrees 33 minutes 19 seconds East 127.91 feet; thence North 43 degrees 53 minutes 30 seconds East and along the northerly line of the property heretofore conveyed by Deed to Vincent Zanon in Book 252 of Deeds on page 663, for a distance of 200 feet, more or less, to the southerly right-of-way line of U.S. Highway No. 61; thence North 44 degrees 38 minutes 48 seconds West and along said southerly right-of-way line of U.S. Highway No. 61 for a distance of 111.94 feet to an iron pipe in place at the southeast corner of the property heretofore conveyed by Deed in Book 237 of Deeds on page 693; thence South 48 degrees 30 minutes 30 seconds West 52.45 feet, more or less, to the point of beginning;

(12) that part of Government Lot 2, Section 35, Township 106 North, Range 5 West, Winona County, Minnesota, described as follows: Commencing at the southwest corner of Lot 8 of the Plat of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66 feet to an iron pipe; thence South 42 degrees 04 minutes East 296.1 feet to an iron pipe; thence South 46 degrees 06 minutes 30 seconds East 371.05 feet to an iron pipe; thence South 48 degrees 30 minutes 30 seconds West and along the south line of the property heretofore conveyed by Deed in Book 237 of Deeds on page 693, for a distance of 147.55 feet; thence South 44 degrees 33 minutes 19 seconds East 127.91 feet to the point of beginning; thence continuing South 44 degrees 33 minutes 19 seconds East 112 feet; thence North 43 degrees 53 minutes 30 seconds East and along the north line of the property heretofore conveyed by Deed in Book 240 of Deeds on page 367, for a distance of 200 feet to the southerly right-of-way line of U.S. Highway No. 61; thence North 44 degrees 38 minutes 48 seconds West and along the said southerly right-of-way line of U.S. Highway No. 61 for a distance of 112 feet; thence South 43 degrees 53 minutes 30 seconds West for a distance of 200 feet, more or less, to the point of beginning; and

(13) that part of Government Lot 2, Section 35, Township 106 North, Range 5 West, Winona County, Minnesota, described as follows: Commencing at the southwest corner of Lot 8, Block "B" of Fern Glen Acres; thence South 33 degrees East 82.5 feet; thence North 57 degrees East 24.4 feet; thence South 43 degrees 47 minutes 30 seconds East 217.66 feet to an iron pipe; thence South 42 degrees 04 minutes East 296.1 feet to an iron pipe; thence South 46 degrees 06 minutes 30 seconds East 599.10 feet to an iron pipe, the point of beginning; thence North 43 degrees 53 minutes 30 seconds East 46.54 feet to a point on the southerly boundary line of Trunk Highway No. 61 right-of-way; thence along said southerly boundary line a chord distance of 73.05 feet, bearing South 46 degrees 00 minutes East; thence continuing along said southerly boundary line South 43 degrees 33 minutes West 10.0 feet; thence continuing along said southerly boundary line a chord distance of 28.50 feet bearing South 46 degrees 30 minutes East; thence South 45 degrees 00 minutes West 41.95 feet to an iron pipe in place; thence South 33 degrees 32 minutes West 255.0 feet; thence North 43 degrees 30 minutes 22 seconds West 146.84 feet; thence North 43 degrees 53 minutes 30 seconds East 184.1 feet to an iron pipe; thence North 43 degrees 53 minutes 30 seconds East 65.9 feet to the point of beginning.

Sec. 12. WIND ENERGY LEASE.

By August 30, 2009, the commissioner of natural resources must enter a 30-year lease of state land, according to Minnesota Statutes, section 92.502, paragraph (b), with the Mountain Iron Economic Development Authority for installation of up to four wind turbines and access roads. The land covered by the lease is located in St. Louis County and is described as: the South Half of Section 16, Township 59 North, Range 15 West.

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

Sec. 13. LAKE VERMILION EASEMENTS.

By July 30, 2009, the commissioner of natural resources shall grant easements across state land administered by the commissioner to private landowners on Bass Bay on the north shore of Lake Vermilion to access Mud Creek Road (County Highway 408). Prior to granting an easement under this section, the commissioner shall comply with any applicable environmental review requirements in effect on the effective date of this section. If the commissioner has already prepared an environmental assessment worksheet for a proposed easement to which this section applies, further environmental review is not required by this section. A landowner granted an easement under this section shall grant a reciprocal easement to the state.

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

Sec. 14. VETERANS CEMETERY.

The commissioner of natural resources shall work with the commissioner of veterans affairs to locate sites throughout the state that would be appropriate for a new veterans cemetery.

Sec. 15. SIGNS.

The commissioner of natural resources shall adopt a suitable marking design to mark the C. J. Ramstad/Northshore Trail and shall erect the appropriate signs after the

commissioner has been assured of the availability of funds from nonstate sources sufficient to pay all costs related to designing, erecting, and maintaining the signs.

ARTICLE 4

LAND SALES

Section 1. Laws 2007, chapter 131, article 2, section 38, is amended to read:

Sec. 38. **PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by public or private sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. If sold by private sale, the commissioner may only sell the land to a governmental subdivision of the state. If sold by private sale, the conveyance may be for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land be used for the public and reverts to the state if the governmental subdivision fails to provide for public use or abandons the public use of the land.

(c) The land that may be sold is located in Washington County and is described as follows, Parcels A and B containing altogether 31.55 acres, more or less:

(1) Parcel A: all that part of the North Half of the Southeast Quarter, Section 30, Township 30 North, Range 20 West, bounded by the following described lines: commencing at the east quarter corner of said Section 30; thence on an assumed bearing of North 88 degrees 13 minutes 48 seconds West, 399.98 feet on and along the east-west quarter line of said Section 30 to the point of beginning; thence North 88 degrees 13 minutes 48 seconds West, 504.57 feet on and along the said east-west quarter line; thence South 17 degrees 54 minutes 26 seconds West, 1377.65 feet to a point on the south 1/16 line of said Section 30; thence South 88 degrees 10 minutes 45 seconds East, 504.44 feet on and along the south 1/16 line of said Section 30; thence North 17 degrees 54 minutes 26 seconds East, 1378.11 feet to the point of beginning; and

(2) Parcel B: all that part of the North Half of the Southeast Quarter, Section 30, Township 30 North, Range 20 West, bounded by the following described lines: commencing at the east quarter corner of said Section 30; thence on an assumed bearing of North 88 degrees 13 minutes 48 seconds West, 904.55 feet along the east-west quarter line of said Section 30 to the point of beginning; thence South 17 degrees 54 minutes 26 seconds West, 1377.65 feet to a point on the south 1/16 line of said Section 30; thence North 88 degrees 10 minutes 45 seconds West, 369.30 feet along said south 1/16 line; thence North 42 degrees 24 minutes 47 seconds West, 248.00 feet; thence North 02 degrees 59 minutes 30 seconds East, 488.11 feet; thence North 47 degrees 41 minutes 19 seconds East, 944.68 feet to a point on the east-west quarter line of said Section 30; thence South 88 degrees 13 minutes 48 seconds East, 236.03 feet along said east-west quarter line to the point of beginning.

(d) The land borders Long Lake and is not contiguous to other state lands. The land was donated to the state with the understanding that the land would be used as a

wildlife sanctuary. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 2. Laws 2008, chapter 368, article 1, section 34, is amended to read:

Sec. 34. **PRIVATE SALE OF SURPLUS STATE LAND; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10 to 94.16, the commissioner of natural resources ~~may sell by private sale~~ shall sell to the city of Wayzata the surplus land that is described in paragraph (c) upon verification that the city has acquired the adjacent parcel, currently occupied by a gas station.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell ~~the land described in paragraph (c)~~ to the city of Wayzata, for ~~less than the value of the land as determined by the commissioner up to \$75,000 plus transaction costs~~, but the conveyance must provide that the land described in paragraph (c) be used for ~~the~~ a public road and reverts to the state if the city of Wayzata fails to provide for public use ~~of the land as a road~~ or abandons the public use of the land.

(c) The land that may be sold is located in Hennepin County and is described as: Tract F, Registered Land Survey No. 1168.

(d) The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to the city of Wayzata.

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

Sec. 3. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; AITKIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Aitkin County and is described as:

(1) parts of Government Lot 3, Section 33, and the Southeast Quarter of the Southwest Quarter, Section 28, all in Township 50 North, Range 23 West, Aitkin County, Minnesota, described as follows:

Commencing at the north quarter corner of said Section 33; thence South 88 degrees 07 minutes 19 seconds West, assumed bearing, along the northerly line of said Government Lot 3, a distance of 1020.00 feet to the point of beginning of the tract to herein be described; thence North 1 degree 52 minutes 41 seconds West 660.00 feet; thence South 88 degrees 07 minutes 19 seconds West 300 feet; thence South 1 degree 52 minutes 41 seconds East 660.00 feet to the northerly line of said Government Lot 3; thence South 88 degrees 07 minutes 19 seconds West 15.08 feet to the northwest corner of said Government Lot 3; thence South 1 degree 08 minutes 57 seconds East 326.00 feet, more or less, to the shoreline of Big Sandy Lake Reservoir; thence

easterly along the said shoreline to a point which bears South 1 degree 52 minutes 41 seconds East from the point of beginning; thence North 1 degree 52 minutes 41 seconds West 330.00 feet, more or less, to the point of beginning of the tract to herein be described and there terminating, containing 3.89 acres, more or less; and

(2) those parts of Government Lot 3, Section 33 and the Southeast Quarter of the Southwest Quarter, Section 28, all in Township 50 North, Range 23 West, described as follows:

Commencing at the north quarter corner of said Section 33; thence South 88 degrees 07 minutes 19 seconds West, assumed bearing, along the northerly line of said Government Lot 3, a distance of 920.00 feet to the point of beginning of the tract to herein be described; thence North 1 degree 52 minutes 41 seconds West 660.00 feet; thence South 88 degrees 07 minutes 19 seconds West 100.00 feet; thence South 1 degree 52 minutes 41 seconds East 990.00 feet, more or less, to the shoreline of Big Sandy Lake Reservoir; thence easterly along the said shoreline to a point which bears South 1 degree 52 minutes 41 seconds East from the point of beginning; thence North 1 degree 52 minutes 41 seconds West 341.60 feet, more or less, to the point of beginning of the tract to herein be described and there terminating.

(d) The land borders Big Sandy Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 4. **PRIVATE SALE OF SURPLUS STATE LAND; ANOKA COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to the city of Ham Lake the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Anoka County and is described as:

That part of Government Lot 1, Section 20, Township 32 North, Range 23 West, described as follows: beginning at the quarter corner on the east line of Section 20, thence northerly along the east line of said Section 20, a distance of 1,250 feet; thence westerly and parallel to the east and west quarter line of Section 20, a distance of 400 feet; thence southerly and parallel to the east line of Section 20, a distance of 750 feet; thence westerly and parallel to the east and west quarter line of Section 20, a distance of 750 feet; thence southerly and parallel to the east line of Section 20, a distance of 500 feet, to the east and west quarter line of Section 20; thence easterly along the quarter line a distance of 1,150 feet to the point of beginning, containing 20 acres, more or less.

(d) The city of Ham Lake currently leases the state land for a hiking trail in connection with Anoka County's management of adjacent public lands used for a county park. The Department of Natural Resources has determined that the state's land management interests would best be served if the land was conveyed to the city of Ham Lake.

(e) The city will use the land for the purpose of a public park.

Sec. 5. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; BELTRAMI COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Beltrami County and is described as: Government Lot 7, Section 25, Township 149 North, Range 33 West, containing 22 acres, more or less.

(d) The land borders Bass Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 6. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; BELTRAMI COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Beltrami County and is described as: the West Half of the Northwest Quarter, Section 29, Township 147 North, Range 34 West, containing 80 acres, more or less.

(d) The land borders Grant Creek. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 7. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Cass County and is described as: Lot 21 of Longwood Point, according to the map or plat thereof on file and of record in the Office of the County Recorder in and for Cass County, Minnesota, in Section 5, Township 139 North, Range 26 West, containing 3.03 acres, more or less.

(d) The land borders Washburn Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 8. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Cass County and is described as: Government Lots 5 and 6, Section 3, Township 141 North, Range 27 West, containing 81.15 acres, more or less.

(d) The land borders Mable Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 9. **PRIVATE SALE OF SURPLUS LAND; CLEARWATER COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell the land to the White Earth Band of Ojibwe for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land be used for the public and reverts to the state if the band fails to provide for public use or abandons the public use of the land. The conveyance may reserve an easement for ingress and egress.

(c) The land that may be sold is located in Clearwater County and is described as: the West 400 feet of the South 750 feet of Government Lot 3, Section 31, Township 145 North, Range 38 West, containing 6.89 acres, more or less.

(d) The Department of Natural Resources has determined that the land and building are no longer needed for natural resource purposes.

Sec. 10. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CROW WING COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Crow Wing County and is described as:

(1) Government Lot 3, Section 9, Township 136 North, Range 28 West, containing 39.25 acres, more or less; and

(2) Government Lot 2, Section 9, Township 136 North, Range 28 West, containing 25.3 acres, more or less.

(d) The land borders Shaffer Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 11. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CROW WING COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Crow Wing County and is described as: the North 1,000 feet of Government Lot 3, Section 25, Township 136 North, Range 27 West, excepting that portion which lies North and East of F.A.S #11, containing 32 acres, more or less.

(d) The land borders the Pine River. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 12. CITY OF EAGAN; AUTHORITY TO EXCHANGE LAND; DAKOTA COUNTY.

The portion of land conveyed to the city of Eagan under Laws 1995, chapter 159, now described as Parcel No. 10-30601-090-00, Outlot I, Gopher Eagan Industrial Park 2nd Addition, may be used for a colocation facility that provides secured space for public and private Internet and telecommunications network equipment and servers, notwithstanding the provision that the land reverts to the state if it is not used for public park or open space purposes. The commissioner of revenue is authorized to issue a state deed that provides for the land described above to be used for this purpose. The colocation facility must not be used by the municipality to provide voice, video, or Internet access services to the residents or businesses located in the city of Eagan. Nothing in this section is intended to restrict or limit the city of Eagan from communicating with its residents and businesses regarding governmental information and providing for the delivery of electronic services.

Sec. 13. PRIVATE SALE OF SURPLUS LAND; FILLMORE COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Fillmore County and is described as:

That part of the Northwest Quarter of the Northwest Quarter of Section 2, Township 103 North, Range 10 West, described as follows: commencing at the northeast

corner of the North Half of the Northwest Quarter of said Section 2; thence on an assumed bearing of South 89 degrees 22 minutes 48 seconds West, along the north line of said North Half of the Northwest Quarter, 500.09 feet; thence South 33 degrees 21 minutes 11 seconds West, 1,520.38 feet; thence North 00 degrees 37 minutes 12 seconds West, 540.85 feet; thence south 89 degrees 22 minutes 48 seconds West, 630.00 feet to the point of beginning of the land to be described; thence North 00 degrees 37 minutes 12 seconds West, 551.74 feet to the center line of Goodview Drive; thence North 89 degrees 03 minutes 27 seconds West, along said center line 77.26 feet; thence South 89 degrees 52 minutes 18 seconds West, along said center line, 162.78 feet; thence South 25 degrees 32 minutes 45 seconds West, 82.13 feet; thence South 20 degrees 17 minutes 19 seconds West, 169.57 feet; thence South 18 degrees 48 minutes 07 seconds West, 143.54 feet; thence South 26 degrees 31 minutes 49 seconds West, 211.00 feet; thence North 89 degrees 22 minutes 48 seconds East, 480.75 feet to the point of beginning. Subject to the right-of-way of said Goodview Drive. Containing 4.53 acres, more or less.

(d) The sale would be to the Eagle Bluff Environmental Learning Center for installation of a geothermal heating system for the center's adjacent educational facilities. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 14. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; HENNEPIN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale to the city of St. Louis Park the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell to the city of St. Louis Park for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the city of St. Louis Park fails to provide for public use or abandons the public use of the land.

(c) The land that may be sold is located in Hennepin County and is described as:

A strip of land 130 feet wide in the Southeast Quarter of the Northwest Quarter of Section 20, Township 117 North, Range 21 West, the center line of which strip has its beginning at a point on the west boundary of said Southeast Quarter of the Northwest Quarter, and 753.8 feet distant from the south boundary line of said Southeast Quarter of the Northwest Quarter, and continued thence east on a line parallel with the south boundary line of said Southeast Quarter of the Northwest Quarter for a distance of 1,012 feet, containing 3.02 acres, more or less.

(d) The land is adjacent to Minnehaha Creek and adjacent to other lands managed by the city of St. Louis Park. The Department of Natural Resources has determined that the state's land management interest would best be served if the land were conveyed to the city of St. Louis Park.

Sec. 15. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; HUBBARD COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Hubbard County and is described as: those parts of Government Lot 4 and the Southwest Quarter of the Southwest Quarter, Section 16, Township 143 North, Range 34 West, Hubbard County, Minnesota, lying southerly and easterly of Minnesota Department of Transportation Right-of-Way Plat Numbered 29-18 and Minnesota Department of Transportation Right-of-Way Plat Numbered 29-2 as the same is on file and of record in the Office of the County Recorder for Hubbard County, Minnesota, and lying westerly of the East 600 feet of said Government Lot 4, containing 14.6 acres, more or less.

(d) The land borders Lake Paine. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 16. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ITASCA COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Itasca County and is described as: Lot 23, Eagle Point Plat, Section 11, Township 59 North, Range 25 West, containing 0.31 acres, more or less.

(d) The land borders Eagle Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 17. APPORTIONMENT OF PROCEEDS; TAX-FORFEITED LANDS; ITASCA COUNTY.

Notwithstanding the provisions of Minnesota Statutes, chapter 282, and any other law relating to the apportionment of proceeds from the sale of tax-forfeited land, Itasca County may deposit proceeds from the sale of tax-forfeited lands into a tax-forfeited land replacement trust fund created in Laws 2006, chapter 236, article 1, section 43, as amended by Laws 2008, chapter 368, article 1, section 18. The principal and interest from these proceeds may be spent only on the purchase of lands to replace the tax-forfeited lands sold to Minnesota Steel Industries or for lands better suited for retention by Itasca County. Lands purchased with the land replacement fund must:

(1) become subject to a trust in favor of the governmental subdivision wherein they lie and all laws related to tax-forfeited lands; and

(2) be for forest management purposes and dedicated as memorial forest under Minnesota Statutes, section 459.06, subdivision 2.

Sec. 18. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; KITTSON COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Kittson County may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Kittson County and is described as: that certain parcel situate in the Southwest Quarter of Section 10; Township 163 North, Range 48 West, described as follows: beginning at the southeast corner of said Southwest Quarter of said Section 10; thence West along the south boundary line of said Southwest Quarter a distance of 1,900 feet; thence North and parallel to the east boundary line of said Southwest Quarter a distance of 1,050 feet; thence East and parallel to the south boundary line of said Southwest Quarter a distance of 750 feet; thence southeasterly in a straight line to the point of beginning.

Sec. 19. PRIVATE SALE OF SURPLUS STATE LAND; MURRAY COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to the township of Murray the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and may be for consideration less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Murray County and is described as: that part of Government Lot 6, that part of Government Lot 7, and that part of Government Lot 8 of Section 6, Township 107 North, Range 40 West, and that part of Government Lot 1 and that part of Government Lot 2 of Section 7, Township 107 North, Range 40 West, Murray County, Minnesota, described as follows: Commencing at the east quarter corner of said Section 6; thence on a bearing based on the 1983 Murray County Coordinate System (1996 Adjustment), of South 00 degrees 17 minutes 23 seconds East 1247.75 feet along the east line of said Section 6; thence South 88 degrees 39 minutes 00 seconds West 1942.74 feet; thence South 03 degrees 33 minutes 00 seconds West 94.92 feet to the northeast corner of Block 5 of FORMAN ACRES, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office; thence South 14 degrees 34 minutes 00 seconds West 525.30 feet along the easterly line of said Block 5 and along the easterly line of the private roadway of FORMAN ACRES to the southeasterly corner of said private roadway and the POINT OF BEGINNING; thence North 82 degrees 15 minutes 00 seconds West 796.30 feet along the southerly line of said private roadway to an angle point on said line and an existing 1/2 inch diameter rebar; thence South 64 degrees 28 minutes 26 seconds West 100.06 feet along the southerly line of said private roadway to an angle point on said line and an existing 1/2 inch diameter rebar; thence South 33 degrees 01 minute 32 seconds West 279.60 feet along the southerly line of said private roadway to an angle point on said line; thence South 76 degrees 04 minutes 52 seconds West 766.53 feet along the southerly line of said private roadway to a 3/4 inch diameter rebar with a plastic cap stamped "MN

DNR LS 17003" (DNR MON); thence South 16 degrees 24 minutes 50 seconds West 470.40 feet to a DNR MON; thence South 24 degrees 09 minutes 57 seconds West 262.69 feet to a DNR MON; thence South 08 degrees 07 minutes 09 seconds West 332.26 feet to a DNR MON; thence North 51 degrees 40 minutes 02 seconds West 341.79 feet to the east line of Lot A of Lot 1 of LOT A OF GOVERNMENT LOT 8, OF SECTION 6 AND LOT A OF GOVERNMENT LOT 1, OF SECTION 7, TOWNSHIP 107, RANGE 40, according to the recorded plat thereof on file and of record in the Murray County Recorder's Office and a DNR MON; thence South 14 degrees 28 minutes 55 seconds West 71.98 feet along the east line of said Lot A to the northerly most corner of Lot 36 of HUDSON ACRES, according to the record plat thereof on file and of record in the Murray County Recorder's Office and an existing steel fence post; thence South 51 degrees 37 minutes 05 seconds East 418.97 feet along the northeasterly line of said Lot 36 and along the northeasterly line of Lots 35, 34, 33, 32 of HUDSON ACRES to an existing 1-inch inside diameter iron pipe marking the easterly most corner of Lot 32 and the most northerly corner of Lot 31A of HUDSON ACRES; thence South 48 degrees 33 minutes 10 seconds East 298.26 feet along the northeasterly line of said Lot 31A to an existing 1 1/2-inch inside diameter iron pipe marking the easterly most corner thereof and the most northerly corner of Lot 31 of HUDSON ACRES; thence South 33 degrees 53 minute 30 seconds East 224.96 feet along the northeasterly line of said Lot 31 and along the northeasterly line of Lots 30 and 29 of HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the easterly most corner of said Lot 29 and the most northerly corner of Lot 28 of HUDSON ACRES; thence South 45 degrees 23 minutes 54 seconds East 375.07 feet along the northeasterly line of said Lot 28 and along the northeasterly line of Lots 27, 26, 25, 24 of HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the easterly most corner of said Lot 24 and the most northerly corner of Lot 23 of HUDSON ACRES; thence South 64 degrees 39 minutes 53 seconds East 226.80 feet along the northeasterly line of said Lot 23 and along the northeasterly line of Lots 22 and 21 of HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the easterly most corner of said Lot 21 and the most northerly corner of Lot 20 of HUDSON ACRES; thence South 39 degrees 49 minutes 49 seconds East 524.75 feet along the northeasterly line of said Lot 20 and along the northeasterly line of Lots 19, 18, 17, 16, 15, 14 of HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the easterly most corner of said Lot 14 and the most northerly corner of Lot 13 of HUDSON ACRES; thence South 55 degrees 31 minutes 43 seconds East 225.11 feet along the northeasterly line of said Lot 13 and along the northeasterly line of Lots 12 and 11 of HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the easterly most corner of said Lot 11 and the northwest corner of Lot 10 of HUDSON ACRES; thence South 88 degrees 03 minutes 49 seconds East 224.90 feet along the north line of said Lot 10 and along the north line of Lots 9 and 8 of HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the northeast corner of said Lot 8 and the northwest corner of Lot 7 of HUDSON ACRES; thence North 84 degrees 07 minutes 37 seconds East 525.01 feet along the north line of said Lot 7 and along the north line of Lots 6, 5, 4, 3, 2, 1 of HUDSON ACRES to an existing 1 1/2-inch inside diameter iron pipe marking the northeast corner of said Lot 1 of HUDSON ACRES; thence southeasterly, easterly, and northerly along a nontangential curve concave to the North having a radius of 50.00 feet, central angle 138 degrees 42 minutes 00 seconds, a distance of 121.04 feet, chord bears North 63 degrees 30 minutes 12 seconds East; thence continuing northwesterly and westerly along the previously described curve concave to the South having a radius of 50.00 feet, central angle 138 degrees 42 minutes 00 seconds, a distance of 121.04 feet, chord bears North 75 degrees 11 minutes 47 seconds West and a DNR MON; thence South 84 degrees 09 minutes 13 seconds West not

tangent to said curve 520.52 feet to a DNR MON; thence North 88 degrees 07 minutes 40 seconds West 201.13 feet to a DNR MON; thence North 55 degrees 32 minutes 12 seconds West 196.66 feet to a DNR MON; thence North 39 degrees 49 minutes 59 seconds West 530.34 feet to a DNR MON; thence North 64 degrees 41 minutes 41 seconds West 230.01 feet to a DNR MON; thence North 45 degrees 23 minutes 00 seconds West 357.33 feet to a DNR MON; thence North 33 degrees 53 minutes 30 seconds West 226.66 feet to a DNR MON; thence North 48 degrees 30 minutes 31 seconds West 341.45 feet to a DNR MON; thence North 08 degrees 07 minutes 09 seconds East 359.28 feet to a DNR MON; thence North 24 degrees 09 minutes 57 seconds East 257.86 feet to a DNR MON; thence North 16 degrees 24 minutes 50 seconds East 483.36 feet to a DNR MON; thence North 76 degrees 04 minutes 52 seconds East 715.53 feet to a DNR MON; thence North 33 degrees 01 minute 32 seconds East 282.54 feet to a DNR MON; thence North 64 degrees 28 minutes 26 seconds East 84.97 feet to a DNR MON; thence South 82 degrees 15 minutes 00 seconds East 788.53 feet to a DNR MON; thence North 07 degrees 45 minutes 07 seconds East 26.00 feet to the point of beginning; containing 7.55 acres.

(d) The Department of Natural Resources has determined that the state's land management interests would best be served if the lands were conveyed to the township of Murray.

Sec. 20. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; RED LAKE COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Red Lake County may convey to the city of Red Lake Falls for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Red Lake Falls fails to provide for the public use described in paragraph (d) or abandons the public use of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be conveyed is located in Red Lake County and is described as follows: all that part of Block 5 which lies North of Block 6 and West of a line which is a projection northerly of the west line of Lot 11 of said Block 6, all in Mill Reserve Addition, containing approximately 500 feet frontage on the Clearwater River.

(d) The city will use the land to establish a public park.

Sec. 21. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in St. Louis County and is described as: Government Lot 4, Section 36, Township 58 North, Range 16 West, St. Louis County, Minnesota, EXCEPTING therefrom that part platted as SILVER LAKE SHORES

according to the plat on file and of record in the Office of the Recorder for St. Louis County, Minnesota, containing 7.88 acres, more or less.

(d) The land borders Silver Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 22. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may not sell any part of the land described in paragraph (c) that is being used for airport purposes by the city of Eveleth or is proposed to be used for airport purposes by the city of Eveleth.

(c) The land that may be sold is located in St. Louis County and is described as: the Northeast Quarter of the Northwest Quarter, Section 16, Township 57 North, Range 17 West, St. Louis County, Minnesota, except that part of the North 10 feet thereof lying East of St. Mary's Lake and also except that part lying East of County State-Aid Highway 132, containing 26.5 acres, more or less.

(d) The land borders St. Mary's Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 23. PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County shall sell by private sale the tax-forfeited land described in paragraph (c) to the nearest private landowner who has owned proximate land for at least 70 years.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis County and is described as: Lots 150 and 151, NE NA MIK KA TA, town of Breitung, Section 6, Township 62 North, Range 15 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 24. PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis County may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure

accuracy. The conveyances must include any easements or deed restrictions specified in paragraph (c).

(c) The lands to be sold are located in St. Louis County and are described as:

(1) the East Half of the East Half of the Southwest Quarter of the Southwest Quarter, Section 5, Township 50 North, Range 14 West. Conveyance of this land must provide, for no consideration, an easement to the state that is 75 feet in width on each side of the centerline of East Branch Chester Creek, to provide riparian protection and angler access;

(2) the East Half of the East Half of the Southeast Quarter of the Southwest Quarter, Section 5, Township 50 North, Range 14 West. Conveyance of this land must provide, for no consideration, an easement to the state that is 75 feet in width on each side of the centerline of East Branch Chester Creek, to provide riparian protection and angler access;

(3) the West Half of the East Half of the Southeast Quarter of the Southwest Quarter, Section 5, Township 50 North, Range 14 West. Conveyance of this land must provide, for no consideration, an easement to the state that is 75 feet in width on each side of the centerline of East Branch Chester Creek, to provide riparian protection and angler access;

(4) the West Half of the East Half of the Northwest Quarter of the Southwest Quarter and the West Half of the East Half of the Southwest Quarter of the Southwest Quarter, Section 4, Township 51 North, Range 17 West;

(5) all that part or strip lying North of the Savanna River, about 3 to 4 acres of the Southeast Quarter of the Northeast Quarter, Section 7, Township 51 North, Range 20 West;

(6) Government Lot 1, Section 18, Township 53 North, Range 18 West;

(7) the Southwest Quarter of the Southeast Quarter, Section 34, Township 53 North, Range 19 West;

(8) Lot 2, Jingwak Beach 1st Addition, town of Cotton, Section 20, Township 54 North, Range 16 West;

(9) Lot 4, Jingwak Beach 1st Addition, town of Cotton, Section 20, Township 54 North, Range 16 West;

(10) Lots 1, 2, 3, and 4, 1st Addition to Strand Lake, Section 20, Township 54 North, Range 16 West;

(11) the Southeast Quarter of the Southwest Quarter, Section 1, Township 55 North, Range 20 East. Conveyance of this land must provide, for no consideration, an easement to the state that is 75 feet in width on each side of the centerline of East Swan River, to provide riparian protection and angler access;

(12) that part of the Northeast Quarter of the Northwest Quarter beginning at the intersection of the east line of Highway 4 with the north line of the Northeast Quarter of the Northwest Quarter; thence South 500 feet; thence East 350 feet; thence North 500 feet; thence West 350 feet to the point of beginning, Section 19, Township 57 North, Range 15 West. Conveyance of this land must provide, for no consideration, an easement to the state that is 75 feet in width on each side of the centerline of the unnamed stream, to provide riparian protection and angler access. Where there is less than 75 feet from the centerline of the stream channel to the north property line, the easement shall be granted to the north property line;

(13) the West Half of Lot 1, Section 22, Township 58 North, Range 16 West. Conveyance of this land must provide, for no consideration, a 33-foot road easement to the state for access to Black Lake. The conveyance must include a deed restriction prohibiting buildings, structures, tree cutting, removal of vegetation, and shoreland alterations across a 75-foot strip from the ordinary high water mark, except a 15-foot strip is allowed for lake access and a dock; and

(14) the South Half of the Northwest Quarter of the Northwest Quarter, except the North Half of the Southwest Quarter, Section 32, Township 62 North, Range 18 West. Conveyance of this land must provide, for no consideration, an easement to the state that is 105 feet in width on each side of the centerline of Rice River, to provide riparian protection and angler access.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 25. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County shall sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis County and is described as: the easterly 200 feet of the Northwest Quarter of the Southeast Quarter, Section 21, Township 58 North, Range 15 West, except that part North of the St. Louis River.

(d) The county shall sell the land to the adjoining landowner to remedy an inadvertent trespass.

Sec. 26. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy. The conveyances must include any easements or deed restrictions specified in paragraph (c).

(c) The lands to be sold are located in St. Louis County and are described as:

(1) an undivided 1369/68040 interest, Lot 8, Section 16, Township 50 North, Range 17 West;

(2) an undivided 1470/10080 interest, Lot 5, Section 17, Township 50 North, Range 17 West;

(3) an undivided 23/288 interest, Northeast Quarter of the Northeast Quarter, Section 21, Township 50 North, Range 17 West;

(4) an undivided 23/288 interest, Northwest Quarter of the Northeast Quarter, Section 21, Township 50 North, Range 17 West; and

(5) that part of Lot 7 beginning at a point 530 feet East of the southwest corner; thence North 30 degrees East 208 feet; thence North 55 degrees East 198 feet; thence 10 feet more or less on the same line to the waters edge; thence South along the waters edge to the south boundary line of Lot 7; thence 10 feet West; thence West on the same line 198 feet to the point of beginning, Section 5, Township 62 North, Range 16 West. The conveyance must include a deed restriction prohibiting buildings, structures, tree cutting, removal of vegetation, and shoreland alterations across a 75-foot strip from the ordinary high water mark.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 27. PUBLIC OR PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis County may sell by public or private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis County and is described as: Lot 5, Block 1, Williams Lakeview, town of Great Scott, Section 34, Township 60 North, Range 19 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 28. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; SHERBURNE COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Sherburne County and is described as: the Northeast Quarter of the Southwest Quarter, Section 16, Township 33 North, Range 27 West, containing 40 acres, more or less.

(d) The land borders Elk River and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 29. **PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; TODD COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c). Notwithstanding Minnesota Statutes, section 97A.135, subdivision 2a, the surplus land described in paragraph (c) is vacated from the Grey Eagle Wildlife Management Area upon sale.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Todd County and is described as: the East 50.00 feet of the South 165.00 feet of Government Lot 3, Section 16, Township 127 North, Range 33 West, Todd County, Minnesota, containing 0.19 acres, more or less.

(d) The sale would resolve an unintentional trespass by the adjacent owner. While Lot 3 of Section 16, Township 127 North, Range 33 West, borders Bunker Lake, the portion of Lot 3 to be sold does not border public waters. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 30. **PRIVATE SALE OF SURPLUS STATE LAND; WASHINGTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to Afton Alps the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and may be for consideration less than the appraised value of the land. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Washington County and is described as:

(1) that part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 27, Range 20, Washington County, Minnesota that lies South of the North 800 feet thereof and North of the following described line: Commencing at a point 800 feet South of the northwest corner of said Southwest Quarter of the Southeast Quarter; thence 154 feet East; thence 228 feet East; thence South 430 feet; thence East 930.58 feet; thence North 430 feet, to the point of beginning of the line to be described; thence West to the point of commencement and said line there terminating; and

(2) that part of the North 208 feet of the South 866 feet of the East 208 feet of the Southeast Quarter of the Southeast Quarter of Section 3, Township 27, Range 20, Washington County, Minnesota that lies northwesterly of the following described line: Commencing at the northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 3; thence South along the west line of said Southeast Quarter of the Southeast Quarter, a distance of 900 feet; thence easterly, at a right angle, a distance of 660 feet, to the point of beginning of the line to be described; thence northeasterly to a point on the east line of said Southeast Quarter of the Southeast Quarter distant 275 feet South of the northeast corner thereof, and said line there terminating.

(d) The Department of Natural Resources has determined that the state's land management interests would best be served if the land were conveyed to the adjacent landowner.

Sec. 31. EFFECTIVE DATE.

Sections 1 to 30 are effective the day following final enactment.

ARTICLE 5
FOREST AND TIMBER MANAGEMENT

Section 1. APPRAISED VALUE TIMBER SALES; FISCAL YEARS 2010 AND 2011.

(a) During fiscal years 2010 and 2011, the commissioner of natural resources shall increase the amount of timber products sold from state lands under permits based solely on the appraiser's estimate of the timber volume described in the permit, as provided in Minnesota Statutes, section 90.14, paragraph (c).

(b) The commissioner shall evaluate sales of timber under paragraph (a) and other methods used to sell cut forest products from state lands to identify the method, or combination of methods, that is most efficient and effective in protecting the fiduciary interest of the state, including the permanent school fund.

(c) By January 15, 2011, the commissioner shall report to the house and senate natural resources policy and finance committees and divisions on the findings of the evaluation process completed under paragraph (b).

Sec. 2. [88.795] FOREST MANAGEMENT LEASE-PILOT PROJECT.

(a) Notwithstanding the permit procedures of chapter 90, the commissioner of natural resources may lease up to 10,000 acres of state-owned forest lands for forest management purposes for a term not to exceed 21 years. No person or entity may lease more than 3,000 acres. The lease shall provide:

(1) that the lessee must comply with timber harvesting and forest management guidelines developed under section 89A.05, and landscape-level plans under section 89A.06, that have been adopted by the Minnesota Forest Resources Council, and in effect at the time of any management activity; and

(2) for public access for hunting, fishing, and motorized and nonmotorized recreation to the leased land that is the same as would be available under state management.

(b) For the purposes of this section, the term "state-owned forest lands" may include school trust lands as defined in section 92.025, or university land granted to the state by Acts of Congress.

(c) By December 15, 2009, the commissioner of natural resources shall provide a report to the house and senate natural resources policy and finance committees and divisions on the pilot project. The report will detail a plan for the implementation of the pilot project with a starting date that is no later than July 1, 2010.

(d) Upon implementation of the pilot project, the commissioner shall provide an annual report to the house and senate natural resources policy and finance committees and divisions on the progress of the project, including the acres leased, a breakdown of the

types of forest land, and amounts harvested by species. The report shall include a net revenue analysis comparing the lease revenue with the estimated net revenue that would be obtained through state management and silvicultural practices cost savings the state realizes through leasing.

(e) Nothing in this section supersedes the duties of the commissioner of natural resources to properly manage forest lands under the authority of the commissioner, as defined in section 89.001, subdivision 13.

Presented to the governor May 21, 2009

Signed by the governor May 22, 2009, 7:54 a.m.