

## 2011 First Special Session

**CHAPTER 2—S.F.No. 3**

*An act relating to state government; appropriating money for environment, natural resources, commerce, and energy; creating accounts; modifying disposition of certain receipts; creating an advisory committee; modifying fees; modifying feedlot provisions; modifying reporting requirements; modifying requirements for department use of silencers; modifying definitions; modifying Petroleum Tank Release Cleanup Act; modifying Mississippi River Management Plan; modifying aquaculture provisions; modifying compensation and assistance provisions for crop damage by elk; modifying requirements for fish and wildlife management plans; modifying provisions for taking, possessing, and transporting wild animals; modifying penalty and license provisions; modifying duties of the Board of Water and Soil Resources; modifying certain immunities from liability; limiting landowner liability for state walk-in access program; requiring reports; providing criminal penalties; requiring rulemaking; amending Minnesota Statutes 2010, sections 3.7371; 16C.055, subdivision 2; 17.4982, subdivisions 8, 12, 13, by adding a subdivision; 17.4991, subdivision 3; 17.4992, subdivision 4; 17.4994; 84.942, subdivision 1; 84.95, subdivision 2; 84D.03, subdivision 4, as amended; 84D.11, subdivision 2a, as amended; 84D.15, subdivision 2, as amended; 85.052, subdivision 4, as amended; 89.039, subdivision 1; 89.21; 93.481, subdivision 7; 97A.015, subdivisions 24, 45, 49, 52, 55; 97A.028, subdivision 3; 97A.055, by adding a subdivision; 97A.071, subdivision 2; 97A.075; 97A.101, subdivision 3; 97A.311, subdivision 5; 97A.321, subdivision 1; 97A.331, by adding a subdivision; 97A.405, subdivision 2; 97A.415, subdivision 2; 97A.425, subdivision 3; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.445, subdivision 1a; 97A.465, subdivision 5; 97A.475, subdivision 7; 97A.502; 97A.505, subdivision 2; 97A.545, subdivision 5; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.041; 97B.045, subdivision 3; 97B.055, subdivision 3; 97B.075; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.325; 97B.405; 97B.425; 97B.515, by adding a subdivision; 97B.645, subdivision 9; 97B.667; 97B.803; 97C.005, subdivision 3; 97C.081, subdivision 3, by adding a subdivision; 97C.087, subdivision 2; 97C.205; 97C.211, subdivision 5; 97C.341; 103B.101, subdivision 9; 103G.271, subdivision 6; 103G.301, by adding a subdivision; 103G.615, subdivision 2; 115A.1314; 115A.1320, subdivision 1; 115C.09, subdivision 3c; 115C.13; 116.07, subdivisions 7c, 7d; 116P.05, subdivision 2; 290.431; 290.432; 299C.40, subdivision 1; 357.021, subdivision 7; 604A.12; 604A.24; 609.66, subdivision 1h; Laws 2005, chapter 156, article 2, section 45, as amended; proposing coding for new law in Minnesota Statutes, chapters 16E; 17; 84; 89; 97A; 97B; 97C; 103G; 348; repealing Minnesota Statutes 2010, sections 84.027, subdivision 11; 84.942, subdivisions 2, 3, 4; 97A.015, subdivisions 26b, 27b, 27c; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; 97C.081, subdivision 2; 116P.14.*

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

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**ARTICLE 1****ENVIRONMENT AND NATURAL RESOURCES FINANCE****Section 1. SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	\$ <u>77,630,000</u>	\$ <u>77,525,000</u>	<u>155,155,000</u>
<u>State Government Special Revenue</u>	<u>75,000</u>	<u>75,000</u>	<u>150,000</u>
<u>Environmental</u>	<u>63,703,000</u>	<u>63,797,000</u>	<u>127,500,000</u>
<u>Natural Resources</u>	<u>90,375,000</u>	<u>90,759,000</u>	<u>181,134,000</u>
<u>Game and Fish</u>	<u>89,592,000</u>	<u>88,895,000</u>	<u>178,487,000</u>
<u>Remediation</u>	<u>10,596,000</u>	<u>10,596,000</u>	<u>21,192,000</u>
<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>	<u>400,000</u>
<b><u>Total</u></b>	<b>\$ <u>332,171,000</u></b>	<b>\$ <u>331,847,000</u></b>	<b><u>664,018,000</u></b>

**Sec. 2. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

**APPROPRIATIONS**  
**Available for the Year**  
**Ending June 30**  
2012                      2013

**Sec. 3. POLLUTION CONTROL AGENCY**

<u>Subdivision 1. Total Appropriation</u>	\$	<u>79,343,000</u>	\$	<u>79,437,000</u>
<u>Appropriations by Fund</u>				
	<u>2012</u>		<u>2013</u>	
<u>General</u>	<u>5,069,000</u>		<u>5,069,000</u>	

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<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>63,703,000</u>	<u>63,797,000</u>
<u>Remediation</u>	<u>10,496,000</u>	<u>10,496,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

<u>Subd. 2. Water</u>	<u>23,167,000</u>	<u>23,092,000</u>
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Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>3,737,000</u>	<u>3,737,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>19,355,000</u>	<u>19,280,000</u>

\$1,378,000 the first year and \$1,378,000 the second year are for water program operations.

\$1,959,000 the first year and \$1,959,000 the second year are for grants to delegated counties to administer the county feedlot program under Minnesota Statutes, section 116.0711, subdivisions 2 and 3. Money remaining after the first year is available for the second year.

\$740,000 the first year and \$740,000 the second year are from the environmental fund to address the need for continued increased activity in the areas of new technology review, technical assistance for local governments, and enforcement under Minnesota Statutes, sections 115.55 to 115.58, and to complete the requirements of Laws 2003, chapter 128, article 1, section 165.

\$75,000 the first year from the environmental fund is for the water management evaluation required in article 4. This is a onetime appropriation.

\$400,000 the first year and \$400,000 the second year are for the clean water partnership program. Priority shall be

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given to projects preventing impairments and degradation of lakes, rivers, streams, and groundwater according to Minnesota Statutes, section 114D.20, subdivision 2, clause (4).

\$289,000 the first year and \$289,000 the second year are from the environmental fund for community technical assistance and education, including grants and technical assistance to communities for local and basinwide water quality protection.

\$375,000 the first year and \$375,000 the second year are from the environmental fund for subsurface sewage treatment system (SSTS) administration and grants. Of this amount, \$80,000 each year is for assistance to counties through grants for SSTS program administration. Any unexpended balance in the first year does not cancel but is available in the second year.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2013, as grants or contracts for SSTS's, surface water and groundwater assessments, total maximum daily loads, storm water, and local basinwide water quality protection in this subdivision are available until June 30, 2016.

<u>Subd. 3. Air</u>	<u>12,297,000</u>	<u>12,466,000</u>
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Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>Environmental</u>	<u>12,297,000</u>	<u>12,466,000</u>

\$200,000 the first year and \$200,000 the second year are from the environmental fund for a monitoring program under Minnesota Statutes, section 116.454.

Up to \$150,000 the first year and \$150,000 the second year may be transferred from the environmental fund to the small business environmental improvement loan account established in Minnesota Statutes, section 116.993.

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\$125,000 the first year and \$125,000 the second year are from the environmental fund for monitoring ambient air for hazardous pollutants in the metropolitan area.

Subd. 4. **Land**

17,680,000

17,680,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>Environmental</u>	<u>6,916,000</u>	<u>6,916,000</u>
<u>Remediation</u>	<u>10,496,000</u>	<u>10,496,000</u>
<u>General</u>	<u>268,000</u>	<u>268,000</u>

All money for environmental response, compensation, and compliance in the remediation fund not otherwise appropriated is appropriated to the commissioners of the Pollution Control Agency and agriculture for purposes of Minnesota Statutes, section 115B.20, subdivision 2, clauses (1), (2), (3), (6), and (7). At the beginning of each fiscal year, the two commissioners shall jointly submit an annual spending plan to the commissioner of management and budget that maximizes the utilization of resources and appropriately allocates the money between the two departments. This appropriation is available until June 30, 2013.

\$3,616,000 the first year and \$3,616,000 the second year are from the petroleum tank fund to be transferred to the remediation fund for purposes of the leaking underground storage tank program to protect the land.

\$252,000 the first year and \$252,000 the second year are from the remediation fund for transfer to the commissioner of health for private water supply monitoring and health assessment costs in areas contaminated by unpermitted mixed municipal solid waste disposal facilities and drinking water advisories and public information activities for areas contaminated by hazardous releases.

\$268,000 the first year and \$268,000 the second year are for transfer to the Department of Health to complete the environmental health tracking and biomonitoring analysis related to perfluorochemicals and mercury

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monitoring in Lake Superior and disseminate the results. This is a onetime appropriation.

**Subd. 5. Environmental Assistance and Cross-Media**

25,824,000

25,824,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>Environmental</u>	<u>25,135,000</u>	<u>25,135,000</u>
<u>General</u>	<u>689,000</u>	<u>689,000</u>

\$14,250,000 the first year and \$14,250,000 the second year are from the environmental fund for SCORE block grants to counties.

\$119,000 the first year and \$119,000 the second year are from the environmental fund for environmental assistance grants or loans under Minnesota Statutes, section 115A.0716. Any unencumbered grant and loan balances in the first year do not cancel but are available for grants and loans in the second year.

\$89,000 the first year and \$89,000 the second year are from the environmental fund for duties related to harmful chemicals in products under Minnesota Statutes, section 116.9401 to 116.9407. Of this amount, \$57,000 each year is transferred to the commissioner of health.

\$315,000 the first year and \$315,000 the second year are from the environmental fund for the electronics waste program under Minnesota Statutes, sections 115A.1310 to 115A.1330.

\$350,000 the first year and \$350,000 the second year are from the environmental fund for the costs of implementing general operating permits for feedlots over 1,000 animal units. Of this amount, \$150,000 each year is a onetime appropriation.

All money deposited in the environmental fund for the metropolitan solid waste landfill fee in accordance with Minnesota Statutes, section 473.843, and not otherwise appropriated, is appropriated for the purposes of Minnesota Statutes, section 473.844.

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Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2013, as contracts or grants for surface water and groundwater assessments; environmental assistance awarded under Minnesota Statutes, section 115A.0716; technical and research assistance under Minnesota Statutes, section 115A.152; technical assistance under Minnesota Statutes, section 115A.52; and pollution prevention assistance under Minnesota Statutes, section 115D.04, are available until June 30, 2015.

Subd. 6. **Administrative Support** 375,000 375,000

Subd. 7. **Remediation Fund**

The commissioner shall transfer up to \$42,000,000 from the environmental fund to the remediation fund for the purposes of the remediation fund under Minnesota Statutes, section 116.155, subdivision 2.

Sec. 4. **NATURAL RESOURCES**

Subdivision 1. **Total Appropriation** \$ 225,289,000 \$ 224,971,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>51,342,000</u>	<u>51,337,000</u>
<u>Natural Resources</u>	<u>84,055,000</u>	<u>84,439,000</u>
<u>Game and Fish</u>	<u>89,592,000</u>	<u>88,895,000</u>
<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Land and Mineral Resources Management** 7,772,000 7,772,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
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<u>General</u>	<u>2,711,000</u>	<u>2,711,000</u>
<u>Natural Resources</u>	<u>3,459,000</u>	<u>3,459,000</u>
<u>Game and Fish</u>	<u>1,402,000</u>	<u>1,402,000</u>
<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

\$2,696,000 the first year and \$2,696,000 the second year are from the minerals management account in the natural resources fund for use as provided in Minnesota Statutes, section 93.2236, paragraph (c), for mineral resource management, projects to enhance future mineral income, and projects to promote new mineral resource opportunities.

\$68,000 the first year and \$68,000 the second year are for minerals cooperative environmental research, of which \$34,000 the first year and \$34,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. The match may be cash or in-kind.

\$251,000 the first year and \$251,000 the second year are for iron ore cooperative research. Of this amount, \$200,000 each year is from the minerals management account in the natural resources fund. \$175,000 the first year and \$175,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. The match may be cash or in-kind. Any unencumbered balance from the first year does not cancel and is available in the second year.

\$630,000 the first year and \$630,000 the second year are from the dedicated receipts account in the natural resources fund to cover the costs associated with issuing licenses for land and water crossings and road easements.

\$200,000 the first year and \$200,000 the second year are from the state forest suspense account in the permanent school fund to accelerate land exchanges, land sales, and commercial leasing of school trust lands and to identify, evaluate, and lease construction aggregate located on school trust lands. This appropriation is to be used for securing maximum long-term economic return from the school trust lands consistent with



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fiduciary responsibilities and sound natural resources conservation and management principles.

The appropriations in Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by Laws 2009, chapter 37, article 1, section 60, for support of the land records management system are available until June 30, 2013.

**Subd. 3. Ecological and Water Resources**24,158,00024,158,000Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>9,179,000</u>	<u>9,179,000</u>
<u>Natural Resources</u>	<u>10,280,000</u>	<u>10,280,000</u>
<u>Game and Fish</u>	<u>4,699,000</u>	<u>4,699,000</u>

\$2,742,000 the first year and \$2,742,000 the second year are from the invasive species account in the natural resources fund and \$1,674,000 the first year and \$1,674,000 the second year are from the general fund for management, public awareness, assessment and monitoring research, law enforcement, and water access inspection to prevent the spread of invasive species; management of invasive plants in public waters; and management of terrestrial invasive species on state-administered lands.

\$5,000,000 the first year, and \$5,000,000 the second year are from the water management account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 103G.27, subdivision 2.

\$264,000 the first year and \$264,000 the second year are for grants for up to 50 percent of the cost of implementation of the Red River mediation agreement. The commissioner shall submit a report to the chairs of the legislative committees having primary jurisdiction over environment and natural resources policy and finance on the accomplishments achieved with the grants by January 15, 2014.

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\$1,636,000 the first year and \$1,636,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).

\$1,223,000 the first year and \$1,223,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management. Notwithstanding Minnesota Statutes, section 290.431, \$100,000 the first year and \$100,000 the second year may be used for nongame wildlife information, education, and promotion.

\$1,000,000 the first year and \$1,000,000 the second year from the heritage enhancement account in the game and fish fund is for law enforcement and water access inspection to prevent the spread of aquatic invasive species. This is a onetime appropriation.

\$53,000 the first year and \$53,000 the second year are for a grant to the Mississippi Headwaters Board for up to 50 percent of the cost of implementing the comprehensive plan for the upper Mississippi within areas under the board's jurisdiction.

\$5,000 the first year and \$5,000 the second year are for payment to the Leech Lake Band of Chippewa Indians to implement the band's portion of the comprehensive plan for the upper Mississippi.

**Subd. 4. Forest Management**33,887,00033,887,000Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>19,030,000</u>	<u>19,030,000</u>
<u>Natural Resources</u>	<u>13,593,000</u>	<u>13,593,000</u>
<u>Game and Fish</u>	<u>1,264,000</u>	<u>1,264,000</u>

\$7,145,000 the first year and \$7,145,000 the second year are for prevention, presuppression, and suppression costs of emergency firefighting and other costs incurred under Minnesota Statutes, section

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88.12. The amount necessary to pay for presuppression and suppression costs during the biennium is appropriated from the general fund.

By January 15 of each year, the commissioner of natural resources shall submit a report to the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over environment and natural resources finance, identifying all firefighting costs incurred and reimbursements received in the prior fiscal year. These appropriations may not be transferred. Any reimbursement of firefighting expenditures made to the commissioner from any source other than federal mobilizations shall be deposited into the general fund.

\$13,593,000 the first year and \$13,593,000 the second year are from the forest management investment account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 89.039, subdivision 2.

\$580,000 the first year and \$580,000 the second year are for the Forest Resources Council for implementation of the Sustainable Forest Resources Act.

\$250,000 in the first year and \$250,000 in the second year are for the FORIST system.

\$1,000,000 the first year and \$1,000,000 the second year are from the heritage enhancement account in the game and fish fund to maintain and expand the ecological classification system program. This is a onetime appropriation.

**Subd. 5. Parks and Trails Management**

64,795,000

64,465,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>17,126,000</u>	<u>17,121,000</u>
<u>Natural Resources</u>	<u>45,475,000</u>	<u>45,150,000</u>
<u>Game and Fish</u>	<u>2,194,000</u>	<u>2,194,000</u>

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\$1,075,000 the first year and \$1,075,000 the second year are from the water recreation account in the natural resources fund for enhancing public water access facilities.

The appropriation in Laws 2003, chapter 128, article 1, section 5, subdivision 6, from the water recreation account in the natural resources fund for a cooperative project with the United States Army Corps of Engineers to develop the Mississippi Whitewater Park is available until June 30, 2013. The project must be designed to prevent the spread of aquatic invasive species.

\$5,731,000 the first year and \$5,731,000 the second year are from the natural resources fund for state trail, park, and recreation area operations. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (2).

\$8,424,000 the first year and \$8,424,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for the snowmobile grants-in-aid program. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$1,360,000 the first year and \$1,360,000 the second year are from the natural resources fund for the off-highway vehicle grants-in-aid program. Of this amount, \$1,110,000 each year is from the all-terrain vehicle account; \$150,000 each year is from the off-highway motorcycle account; and \$100,000 each year is from the off-road vehicle account. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$805,000 the first year and \$805,000 the second year are from the natural resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grants. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (4).

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\$200,000 the first year from the off-highway vehicle damage account in the natural resources fund is for the all-terrain vehicle grants-in-aid program.

\$100,000 the first year is from the all-terrain vehicle account in the natural resources fund for a pass-through grant to Lake County for completion of the Lake County Regional All-Terrain Vehicle Trail. This is a onetime appropriation and is available until spent.

\$400,000 each year is from the all-terrain vehicle account in the natural resources fund. Of this amount, \$100,000 the first year and \$100,000 the second year are for the all-terrain vehicle grant-in-aid trails program. \$200,000 the first year and \$200,000 the second year are for the creation and development of all-terrain vehicle trails. \$100,000 each year is to provide downloadable trail maps on the Internet and is a onetime appropriation. By January 1, 2013, the commissioner shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over natural resources policy and finance. The report must indicate where and how many miles of new all-terrain vehicle trails were created and designated with appropriations under this paragraph.

**Subd. 6. Fish and Wildlife Management**60,761,00060,161,000Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>199,000</u>	<u>199,000</u>
<u>Natural Resources</u>	<u>1,899,000</u>	<u>1,899,000</u>
<u>Game and Fish</u>	<u>58,663,000</u>	<u>58,063,000</u>

\$100,000 the first year and \$100,000 the second year are from the nongame wildlife account in the natural resources fund for gray wolf research.

\$120,000 the first year and \$120,000 the second year are from the game and fish fund for gray wolf management.

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\$8,167,000 the first year and \$8,167,000 the second year are from the heritage enhancement account in the game and fish fund only for activities specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1). Notwithstanding Minnesota Statutes, section 297A.94, five percent of this appropriation may be used for expanding hunter and angler recruitment and retention.

Notwithstanding Minnesota Statutes, section 84.943, \$13,000 the first year and \$13,000 the second year from the critical habitat private sector matching account may be used to publicize the critical habitat license plate match program.

\$199,000 the first year and \$199,000 the second year are for preserving, restoring, and enhancing grassland and wetland complexes on public or private lands.

\$600,000 the first year is from the game and fish fund for land acquisition.

Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2013, for aquatic restoration grants and wildlife habitat grants are available until June 30, 2014.

**Subd. 7. Enforcement**31,613,00032,225,000Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>2,216,000</u>	<u>2,216,000</u>
<u>Natural Resources</u>	<u>8,868,000</u>	<u>9,577,000</u>
<u>Game and Fish</u>	<u>20,429,000</u>	<u>20,332,000</u>
<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

\$1,204,000 the first year and \$1,307,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).

\$240,000 the first year and \$143,000 the second year are from the heritage

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enhancement account in the game and fish fund for a conservation officer academy.

\$315,000 the first year and \$315,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for grants to local law enforcement agencies for snowmobile enforcement activities. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$250,000 the first year and \$250,000 the second year are from the all-terrain vehicle account for grants to qualifying organizations to assist in safety and environmental education and monitoring trails on public lands under Minnesota Statutes, section 84.9011. Grants issued under this paragraph: (1) must be issued through a formal agreement with the organization; and (2) must not be used as a substitute for traditional spending by the organization. By December 15 each year, an organization receiving a grant under this paragraph shall report to the commissioner with details on expenditures and outcomes from the grant. By January 15, 2013, the commissioner shall report on the expenditures and outcomes of the grants to the chairs and ranking minority members of the legislative committees and divisions having jurisdiction over natural resources policy and finance. Of this appropriation, \$25,000 each year is for administration of these grants. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$510,000 the first year and \$510,000 the second year are from the natural resources fund for grants to county law enforcement agencies for off-highway vehicle enforcement and public education activities based on off-highway vehicle use in the county. Of this amount, \$498,000 each year is from the all-terrain vehicle account; \$11,000 each year is from the off-highway motorcycle account; and \$1,000 each year is from the off-road vehicle account. The county enforcement agencies may use money received under this appropriation

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to make grants to other local enforcement agencies within the county that have a high concentration of off-highway vehicle use. Of this appropriation, \$25,000 each year is for administration of these grants. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$1,082,000 the first year and \$1,082,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

**Subd. 8. Operations Support**

2,303,000

2,303,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>881,000</u>	<u>881,000</u>
<u>Natural Resources</u>	<u>481,000</u>	<u>481,000</u>
<u>Game and Fish</u>	<u>941,000</u>	<u>941,000</u>

\$320,000 the first year and \$320,000 the second year are from the natural resources fund for grants to be divided equally between the city of St. Paul for the Como Park Zoo and Conservatory and the city of Duluth for the Duluth Zoo. This appropriation is from the revenue deposited to the fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (5).

**Sec. 5. BOARD OF WATER AND SOIL RESOURCES**

\$

12,562,000

\$

12,562,000

\$3,423,000 the first year and \$3,423,000 the second year are for natural resources block grants to local governments. The board may reduce the amount of the natural resources block grant to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district from the county's previous year allocation when the board determines that the reduction was disproportionate. Grants must be matched with a combination of local



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cash or in-kind contributions. The base grant portion related to water planning must be matched by an amount as specified by Minnesota Statutes, section 103B.3369.

\$3,116,000 the first year and \$3,116,000 the second year are for grants requested by soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota reserve program. Upon approval of the board, expenditures may be made from these appropriations for supplies and services benefiting soil and water conservation districts. Any district requesting a grant under this paragraph shall maintain a Web page that publishes, at a minimum, its annual plan, annual report, annual audit, annual budget, including membership dues, and meeting notices and minutes.

\$1,560,000 the first year and \$1,560,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control, water quality management, feedlot water quality projects.

\$386,000 the first year and \$386,000 the second year are for implementation and enforcement of the Wetland Conservation Act.

\$166,000 the first year and \$166,000 the second year are to provide assistance to local drainage management officials and for the costs of the Drainage Work Group.

\$100,000 the first year and \$100,000 the second year are for a grant to the Red River Basin Commission for water quality and floodplain management, including administration of programs. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.

\$120,000 the first year and \$120,000 the second year are for grants to Area II Minnesota River Basin Projects for floodplain management.

\$42,000 each year is to the Minnesota River Board for operating expenses to measure and







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years 2014 and 2015 only. The enhanced unclaimed property compliance program shall sunset June 30, 2015.

Subd. 5. Telecommunications 1,010,000 1,010,000

Subd. 6. Market Assurance 6,915,000 6,919,000

Appropriations by Fund

	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>6,164,000</u>	<u>6,168,000</u>
<u>Workers' Compensation</u>	<u>751,000</u>	<u>751,000</u>

Subd. 7. Energy Resources 3,166,000 3,166,000

**Sec. 4. TELECOMMUNICATIONS ACCESS MINNESOTA TRANSFERS**

(a) The transfers in this section are from the telecommunications access Minnesota fund.

(b) \$300,000 the first year and \$300,000 the second year and each year thereafter are for transfer to the commissioner of human services to supplement the ongoing operational expenses of the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans.

(c) In addition to the appropriations and transfers authorized in Minnesota Statutes, section 237.52, \$400,000 the first year and \$400,000 the second year are onetime transfers for the following purposes:

(1) \$230,000 each year is to the Office of Enterprise Technology for coordinating technology accessibility and usability;

(2) \$20,000 each year is to the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans to provide information on their Web site in American Sign Language and to provide technical assistance to state agencies; and

(3) \$150,000 each year is to the Legislative Coordinating Commission to provide captioning of live streaming of legislative

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activity on the commission's Web site and for a consolidated access fund for other state agencies.

(d) These transfers are subject to Minnesota Statutes, sections 16A.28 and 16A.281.

Sec. 5. <b><u>PUBLIC UTILITIES COMMISSION</u></b>	<b><u>\$</u></b>	<b><u>6,182,000</u></b>	<b><u>\$</u></b>	<b><u>6,182,000</u></b>
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Sec. 6. **TRANSFERS**

(a) By June 30, 2013, the commissioner of management and budget shall transfer \$3,400,000 from the special revenue fund to the general fund. The transfers must be from the following appropriation reductions and accounts with the special revenue fund:

(1) \$1,100,000 is from the telecommunications access Minnesota fund established in Minnesota Statutes, section 237.52;

(2) \$1,300,000 is from the energy and conservation account established in Minnesota Statutes, section 216B.241; and

(3) the commissioner of management and budget shall transfer \$500,000 the first year and \$500,000 the second year to the general fund from the telephone assistance program established in Minnesota Statutes, section 237.69.

Sec. 7. **TRANSFER; ASSIGNED RISK PLAN**

By June 30, 2012, the commissioner of management and budget shall transfer \$13,742,000 in assets of the workers' compensation assigned risk plan created under Minnesota Statutes, section 79.252, to the general fund.

Sec. 8. **TRANSFERS IN**

(a) The remaining balance in the second year of the appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, for biogas recovery facilities, estimated to be \$420,000, is canceled to the general fund.

(b) The remaining balance of the appropriation in Laws 2007, chapter 57,

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article 2, section 3, subdivision 6, clause (7), as amended by Laws 2008, chapter 340, section 5, for the Greenhouse Gas Advisory Group, estimated to be \$7,000, is canceled to the general fund.

(c) In the first year, the remaining balance of the appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, clause (5), for the hydrogen roadmap project, estimated to be \$280,000, is canceled to the general fund.

(d) The remaining balance of the appropriation in Laws 2008, chapter 363, article 6, section 3, subdivision 4, for renewable grants, estimated to be \$368,000, is canceled to the general fund.

(e) The remaining balance of the appropriation in Laws 2008, chapter 363, article 6, section 3, subdivision 4, for the green economy projects, estimated to be \$59,000, is canceled to the general fund.

(f) The remaining balance of the appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, clause (4), for automotive technology projects, estimated to be \$22,000, is canceled to the general fund.

(g) The remaining balance of the appropriation in Laws 2009, chapter 37, article 2, section 13, paragraph (b), clauses (1) and (2), for renewable energy and energy efficiency projects, estimated to be \$600,000, is canceled to the general fund.

**Sec. 9. CANCELLATION.**

By August 30, 2011, the commissioner of management and budget shall cancel the remaining balance of the appropriation in Laws 2007, chapter 57, article 2, section 3, subdivision 6, for a grant to the St. Paul Port Authority, estimated to be \$700,000, to the general fund.

**Sec. 10. COMMUNITY ENERGY ACTIVITIES; ASSESSMENT AND GRANT.**

The commissioner of commerce shall grant \$500,000 in the fiscal year ending June 30, 2012, from assessments made under Minnesota Statutes, section 216B.241, subdivision 1e, for the purpose of community energy technical assistance and outreach on renewable energy and energy efficiency as described in Minnesota Statutes, section 216C.385.

**Sec. 11. EFFECTIVE DATE; RELATIONSHIP TO OTHER APPROPRIATIONS.**





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

(b) "State land and water conservation account (LAWCON)" means the state land and water conservation account in the natural resources fund referred to in Minnesota Statutes, section 116P.14.

**Subd. 3. Natural Resource Data and Information**

4,387,000

5,388,000

**(a) Minnesota County Biological Survey**

\$1,125,000 the first year and \$1,125,000 the second year are from the trust fund to the commissioner of natural resources for continuation of the Minnesota county biological survey to provide a foundation for conserving biological diversity by systematically collecting, interpreting, and delivering data on plant and animal distribution and ecology, native plant communities, and functional landscapes.

**(b) County Geologic Atlases for Sustainable Water Management**

\$900,000 the first year and \$900,000 the second year are from the trust fund to accelerate the production of county geologic atlases to provide information essential to sustainable management of ground water resources by defining aquifer boundaries and the connection of aquifers to the land surface and surface water resources. Of this appropriation, \$600,000 each year is to the Board of Regents of the University of Minnesota for the Geologic Survey and \$300,000 each year is to the commissioner of natural resources. This appropriation is available until June 30, 2015, by which time the project must be completed and final products delivered.

**(c) Completion of Statewide Digital Soil Survey**

\$250,000 the first year and \$250,000 the second year are from the trust fund to the Board of Water and Soil Resources

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to accelerate the completion of county soil survey mapping and Web-based data delivery. The soil surveys must be done on a cost-share basis with local and federal funds.

**(d) Updating National Wetlands Inventory for Minnesota - Phase III**

\$1,500,000 the second year is from the trust fund to the commissioner of natural resources to continue the update of wetland inventory maps for Minnesota. This appropriation is available until June 30, 2015, by which time the project must be completed and final products delivered.

**(e) Golden Eagle Survey**

\$30,000 the first year and \$30,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the National Eagle Center to increase the understanding of golden eagles in Minnesota through surveys and education. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(f) Determining Causes of Mortality in Moose Populations**

\$300,000 the first year and \$300,000 the second year are from the trust fund to the commissioner of natural resources to determine specific causes of moose mortality and population decline in Minnesota and to develop specific management actions to prevent further population decline. This appropriation is available until June 30, 2015, by which time the project must be completed and final products delivered.

**(g) Prairie Management for Wildlife and Bioenergy - Phase II**

\$300,000 the first year and \$300,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to research and evaluate methods of managing diverse working prairies for wildlife and renewable bioenergy production. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

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**(h) Evaluation of Biomass Harvesting Impacts on Minnesota's Forests**

\$175,000 the first year and \$175,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to assess the impacts biomass harvests for energy have on soil nutrients, native forest vegetation, invasive species spread, and long-term tree productivity within Minnesota's forests. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(i) Change and Resilience in Boreal Forests in Northern Minnesota**

\$75,000 the first year and \$75,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to assess the potential response of northern Minnesota's boreal forests to observed and predicted changes in climate conditions and develop related management guidelines and adaptation strategies. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(j) Information System for Wildlife and Aquatic Management Areas**

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources to develop an information system to facilitate improved management of wildlife and fish habitat and facilities. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(k) Strengthening Natural Resource Management with LiDAR Training**

\$90,000 the first year and \$90,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to provide workshops and Web-based training and information on the use of LiDAR elevation data in planning for and managing natural resources.

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**(l) Measuring Conservation Practice Outcomes**

\$170,000 the first year and \$170,000 the second year are from the trust fund to the Board of Water and Soil Resources to improve measurement of impacts of conservation practices through refinement of existing and development of new pollution estimators and by providing local government training.

**(m) Conservation-Based Approach for Assessing Public Drainage Benefits**

\$75,000 the first year and \$75,000 the second year are from the trust fund to the Board of Water and Soil Resources to develop an alternative framework to assess drainage benefits on public systems to enhance water conservation. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(n) Mississippi River Central Minnesota Conservation Planning**

\$87,000 the first year and \$88,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Stearns County Soil and Water Conservation District to develop and adopt river protection strategies in cooperation with local jurisdictions in the communities of the 26 miles of the Mississippi River between Benton and Stearns Counties. This appropriation must be matched by \$175,000 of nonstate cash or qualifying in-kind funds.

**(o) St. Croix Basin Conservation Planning and Protection**

\$60,000 the first year and \$60,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the St. Croix River Association to develop an interagency plan to identify and prioritize critical areas for project implementation to improve watershed health. This appropriation must be matched by \$120,000 of nonstate cash or qualifying

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in-kind funds. Up to \$10,000 may be retained by the Department of Natural Resources at the request of the St. Croix River Association to provide technical and mapping assistance. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(p) Species of Concern; Investigations**

\$500,000 the first year is from the trust fund to the commissioner of natural resources for investigating species of concern.

**Subd. 4. Land, Habitat, and Recreation**14,629,00013,755,000Summary by Fund

Environment and  
natural resources  
trust fund

13,879,00013,755,000

State land and  
water conservation  
account (LAWCON)

750,000-0-**(a) State Park and Recreation Area Operations and Improvements**

\$1,877,000 the first year and \$1,750,000 the second year are from the trust fund to the commissioner of natural resources for state park and recreation area operations and improvements, including activities directly related to and necessary for this appropriation. This appropriation is not subject to Minnesota Statutes, sections 116P.05, subdivision 2, paragraph (b), and 116P.09, subdivision 4.

**(b) State Parks and Trails Land Acquisition**

\$1,500,000 the first year and \$1,500,000 the second year are from the trust fund to the commissioner of natural resources to acquire state trails and critical parcels within the statutory boundaries of state parks. State park land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. A list of proposed acquisitions

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must be provided as part of the required work program. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(c) Metropolitan Regional Park System Acquisition**

\$1,125,000 the first year and \$1,125,000 the second year are from the trust fund to the Metropolitan Council for grants for the acquisition of lands within the approved park unit boundaries of the metropolitan regional park system. This appropriation may not be used for the purchase of residential structures. A list of proposed fee title and easement acquisitions must be provided as part of the required work program. This appropriation must be matched by at least 40 percent of nonstate money and must be committed by December 31, 2011, or the appropriation cancels. This appropriation is available until June 30, 2014, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

**(d) Regional Park, Trail, and Connection Acquisition and Development Grants**

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants to local units of government for acquisition and development of regional parks, regional trails, and trail connections. The local match required for a grant to acquire a regional park or regional outdoor recreation area is two dollars of nonstate money for each three dollars of state money. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(e) Scientific and Natural Area Acquisition and Restoration**

\$820,000 the first year and \$820,000 the second year are from the trust fund to the commissioner of natural resources to acquire lands with high-quality native plant communities and rare features to be

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established as scientific and natural areas as provided in Minnesota Statutes, section 86A.05, subdivision 5, restore parts of scientific and natural areas, and provide technical assistance and outreach. A list of proposed acquisitions must be provided as part of the required work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(f) LaSalle Lake State Recreation Area Acquisition**

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with The Trust for Public Land to acquire approximately 190 acres to be designated as a state recreation area as provided in Minnesota Statutes, section 86A.05, subdivision 3, on LaSalle Lake adjacent to the upper Mississippi River. If this acquisition is not completed by July 15, 2012, then the appropriation is available to the Department of Natural Resources for other state park and recreation area acquisitions on the priority list. Up to \$10,000 may be retained by the Department of Natural Resources at the request of The Trust for Public Land for transaction costs, associated professional services, and restoration needs.

**(g) Minnesota River Valley Green Corridor Scientific and Natural Area Acquisition**

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Redwood Area Communities Foundation to acquire lands with high-quality native plant communities and rare features to be established as scientific and natural areas as provided in Minnesota Statutes, section 86A.05, subdivision 5. A list

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of proposed acquisitions must be provided as part of the required work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Up to \$54,000 may be retained by the Department of Natural Resources at the request of the Redwood Area Communities Foundation for transaction costs, associated professional services, and restoration needs. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(h) Native Prairie Stewardship and Native Prairie Bank Acquisition**

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources to acquire native prairie bank easements, prepare baseline property assessments, restore and enhance native prairie sites, and provide technical assistance to landowners. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(i) Metropolitan Conservation Corridors (MeCC) - Phase VI**

\$1,737,000 the first year and \$1,738,000 the second year are from the trust fund to the commissioner of natural resources for the acceleration of agency programs and cooperative agreements. Of this appropriation, \$150,000 the first year and \$150,000 the second year are to the commissioner of natural resources for agency programs and \$3,175,000 is for the agreements as follows: \$100,000 the first year and \$100,000 the second year with Friends of the Mississippi River; \$517,000 the first year and \$518,000 the second year with Dakota County; \$200,000 the first year and \$200,000 the second year with Great River Greening; \$220,000 the first year and \$220,000 the second year with Minnesota Land Trust; \$300,000 the first year and \$300,000 the second year with Minnesota Valley National Wildlife Refuge Trust, Inc.;



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and \$250,000 the first year and \$250,000 the second year with The Trust for Public Land for planning, restoring, and protecting priority natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through contracted services, technical assistance, conservation easements, and fee title acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work program. This appropriation may not be used for the purchase of habitable residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. An entity that acquires a conservation easement with appropriations from the trust fund must have a long-term stewardship plan for the easement and a fund established for monitoring and enforcing the agreement. Money appropriated from the trust fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the work program. An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(j) Habitat Conservation Partnership (HCP) - Phase VII**

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\$1,737,000 the first year and \$1,738,000 the second year are from the trust fund to the commissioner of natural resources for the acceleration of agency programs and cooperative agreements. Of this appropriation, \$125,000 the first year and \$125,000 the second year are to the commissioner of natural resources for agency programs and \$3,225,000 is for agreements as follows: \$637,000 the first year and \$638,000 the second year with Ducks Unlimited, Inc.; \$38,000 the first year and \$37,000 the second year with Friends of Detroit Lakes Wetland Management District; \$25,000 the first year and \$25,000 the second year with Leech Lake Band of Ojibwe; \$225,000 the first year and \$225,000 the second year with Minnesota Land Trust; \$200,000 the first year and \$200,000 the second year with Minnesota Valley National Wildlife Refuge Trust, Inc.; \$242,000 the first year and \$243,000 the second year with Pheasants Forever, Inc.; and \$245,000 the first year and \$245,000 the second year with The Trust for Public Land to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. The United States Department of Agriculture, Natural Resources Conservation Service, is an authorized cooperating partner in the appropriation. Expenditures are limited to the project corridor areas as defined in the work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum habitat and facility management standards, as determined by the commissioner of natural resources. This appropriation may not be used for the purchase of habitable residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A

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list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. An entity who acquires a conservation easement with appropriations from the trust fund must have a long-term stewardship plan for the easement and a fund established for monitoring and enforcing the agreement. Money appropriated from the trust fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the work program. An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(k) Natural and Scenic Area Acquisition Grants**

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants to local governments for acquisition of natural and scenic areas, as provided in Minnesota Statutes, section 85.019, subdivision 4a. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(l) Acceleration of Minnesota Conservation Assistance**

\$313,000 the first year and \$312,000 the second year are from the trust fund to the Board of Water and Soil Resources to provide grants to soil and water conservation districts to provide technical assistance to secure enrollment and retention of private lands in federal and state programs for conservation.

**(m) Conservation Easement Stewardship and Enforcement Program - Phase II**

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources to accelerate the implementation of the Phase I Conservation Easement Stewardship Plan

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being developed with an appropriation from Laws 2008, chapter 367, section 2, subdivision 5, paragraph (h).

**(n) Recovery of At-Risk Native Prairie Species**

\$73,000 the first year and \$74,000 the second year are from the trust fund to the Board of Water and Soil Resources for an agreement with the Martin County Soil and Water Conservation District to collect, propagate, and plant declining, at-risk native species on protected habitat and to enhance private market sources for local ecotype native seed. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(o) Understanding Threats, Genetic Diversity, and Conservation Options for Wild Rice**

\$97,000 the first year and \$98,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to research the genetic diversity of wild rice population throughout Minnesota for use in related conservation and restoration efforts. This appropriation is contingent upon demonstration of review and cooperation with the Native American tribal nations in Minnesota. Equipment purchased with this appropriation must be available for future publicly funded projects at no charge except for typical operating expenses. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(p) Southeast Minnesota Stream Restoration**

\$125,000 the first year and \$125,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Trout Unlimited to restore at least four miles of riparian corridor for trout and nongame species in southeast Minnesota and increase local capacities to implement stream restoration through training and technical assistance. This appropriation is available until June 30, 2014, by which time

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the project must be completed and final products delivered.

**(q) Restoration Strategies for Ditched Peatland Scientific and Natural Areas**

\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources to evaluate the hydrology and habitat of the Winter Road Lake peatland watershed protection area to determine the effects of ditch abandonment and examine the potential for restoration of patterned peatlands. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(r) Northeast Minnesota White Cedar Plant Community Restoration**

\$125,000 for the first year and \$125,000 the second year are from the trust fund to the Board of Water and Soil Resources to assess the decline of northern white cedar plant communities in northeast Minnesota, prioritize cedar sites for restoration, and provide cedar restoration training to local units of government.

**(s) Land and Water Conservation Account (LAWCON) Federal Reimbursement**

\$750,000 is from the state land and water conservation account (LAWCON) in the natural resources fund to the commissioner of natural resources for priorities established by the commissioner for eligible state projects and administrative and planning activities consistent with Minnesota Statutes, section 116P.14, and the federal Land and Water Conservation Fund Act. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**Subd. 5. Water Resources**

778,000

779,000

**(a) Itasca County Sensitive Lakeshore Identification**

\$80,000 the first year and \$80,000 the second year are from the trust fund to the commissioner of natural resources for an

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agreement with Itasca County Soil and Water Conservation District to identify sensitive lakeshore and restorable shoreline in Itasca County. Up to \$130,000 may be retained by the Department of Natural Resources at the request of Itasca County to provide technical assistance.

**(b) Trout Stream Springshed Mapping in Southeast Minnesota - Phase III**

\$250,000 the first year and \$250,000 the second year are from the trust fund to continue to identify and delineate water supply areas and springsheds for springs serving as cold water sources for trout streams and to assess the impacts from development and water appropriations. Of this appropriation, \$140,000 each year is to the Board of Regents of the University of Minnesota and \$110,000 each year is to the commissioner of natural resources.

**(c) Mississippi River Water Quality Assessment**

\$278,000 the first year and \$279,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota to assess water quality in the Mississippi River using DNA sequencing approaches and chemical analyses. The assessments shall be incorporated into a Web-based educational tool for use in classrooms and public exhibits. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(d) Zumbro River Watershed Restoration Prioritization**

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Zumbro Watershed Partnership, Inc. to identify sources of erosion and runoff in the Zumbro River Watershed in order to prioritize restoration and protection projects.

**(e) Assessment of Minnesota River Antibiotic Concentrations**

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\$95,000 the first year and \$95,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Saint Thomas University in cooperation with Gustavus Adolphus College and the University of Minnesota to measure antibiotic concentrations and antibiotic resistance levels at sites on the Minnesota River.

**Subd. 6. Aquatic and Terrestrial Invasive Species**

435,000

435,000

**(a) Improved Detection of Harmful Microbes in Ballast Water**

\$125,000 the first year and \$125,000 the second year are from the trust fund to the Board of Regents of the University of Minnesota for the University of Minnesota Duluth to identify and analyze potentially harmful bacteria transported into Lake Superior through ship ballast water discharge. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(b) Emerald Ash Borer Biocontrol Research and Implementation**

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of agriculture to assess a biocontrol method for suppressing emerald ash borers by testing bioagent winter survival potential, developing release and monitoring methods, and piloting implementation of emerald ash borer biocontrol. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(c) Evaluation of Switchgrass as Biofuel Crop**

\$60,000 the first year and \$60,000 the second year are from the trust fund to the Minnesota State Colleges and Universities System for Central Lakes College in cooperation with the University of Minnesota to determine the invasion risk of selectively bred native grasses for biofuel production and

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develop strategies to minimize the invasion potential and impacts on biodiversity. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**Subd. 7. Renewable Energy and Air Quality**75,00075,000**Supporting Community-Driven Sustainable Bioenergy Projects**

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Dovetail Partners, Inc., in cooperation with the University of Minnesota to assess feasibility, impacts, and management needs of community-scale forest bioenergy systems through pilot studies in Ely and Cook County and to disseminate findings to inform related efforts in other communities.

**Subd. 8. Environmental Education**688,000123,000**(a) Youth-Led Renewable Energy and Energy Conservation in West Central and Southwest Minnesota**

\$123,000 the first year and \$123,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Prairie Woods Environmental Learning Center to initiate youth-led renewable energy and conservation projects in over thirty communities in west central and southwest Minnesota.

**(b) Minnesota Junior Master Naturalist Program**

\$365,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to expand the junior naturalist after-school programs. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**(c) Experiential Environmental Education for Urban Youth**



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\$200,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Hennepin County in cooperation with community partners to initiate new environmental education programs targeting inner-city youth that provide hands-on, experiential outdoor learning opportunities. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

**Subd. 9. Emerging Issues**4,522,0004,213,000**(a) Minnesota Conservation Apprentice Academy**

\$100,000 the first year and \$100,000 the second year are from the trust fund to the Board of Water and Soil Resources in cooperation with Conservation Corps Minnesota to train and mentor future conservation professionals by providing apprenticeship service opportunities to soil and water conservation districts. This appropriation is available until June 30, 2014, by which time the project must be completed and the final products delivered.

**(b) Chronic Wasting Disease and Animal Health**

\$600,000 the first year and \$600,000 the second year are from the trust fund to the commissioner of natural resources to address chronic wasting disease and accelerate wildlife health programs, including activities directly related to and necessary for this appropriation.

**(c) Aquatic Invasive Species**

\$2,177,000 the first year and \$3,513,000 the second year are from the trust fund to the commissioner of natural resources to accelerate aquatic invasive species programs, including the development and implementation of best management practices for public water access facilities to implement aquatic invasive species prevention strategies, including activities directly related to and necessary for this appropriation. \$50,000 is for a grant

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to develop and produce a documentary identifying the challenges presented by aquatic invasive species. The documentary shall be available to the Department of Natural Resources to distribute to watercraft license purchasers and the general public through online and other media.

**(d) Reinvest in Minnesota Wetlands Reserve Acquisition and Restoration Program Partnership**

\$1,645,000 the first year is to the Board of Water and Soil Resources to acquire permanent conservation easements and restore wetlands and associated upland habitat in cooperation with the United States Department of Agriculture Wetlands Reserve Program. A list of proposed land acquisitions must be provided as part of the required work program.

**(e) Limitation**

Appropriations in paragraphs (b) and (c) are not subject to Minnesota Statutes, sections 116P.05, subdivision 2, paragraph (b), and 116P.09, subdivision 4.

**Subd. 10. Administration and Contract Management**

564,000

560,000

**(a) Legislative-Citizen Commission on Minnesota Resources (LCCMR)**

\$473,000 the first year and \$473,000 the second year are from the trust fund to the LCCMR for administration as provided in Minnesota Statutes, section 116P.09, subdivision 5.

**(b) Contract Management**

\$88,000 the first year and \$87,000 the second year are from the trust fund to the commissioner of natural resources for expenses incurred for contract fiscal services for the agreements specified in this section. The commissioner shall provide documentation to the Legislative-Citizen Commission on Minnesota Resources on the expenditure of these funds. This appropriation is available until June 30, 2014.

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**(c) LCC Web Site**

\$3,000 in the first year is appropriated to the Legislative Coordinating Commission for the Web site required in Minnesota Statutes, section 3.303, subdivision 10.

**Subd. 11. Availability of Appropriations**

Money appropriated in this section may not be spent on activities unless they are directly related to the specific appropriation and are specified in the approved work program. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges. Unless otherwise provided, the amounts in this section are available until June 30, 2014, when projects must be completed and final products delivered. For acquisition of real property, the amounts in this section are available until June 30, 2014, if a binding contract is entered into by June 30, 2013, and closed not later than June 30, 2014. If a project receives a federal grant, the time period of the appropriation is extended to equal the federal grant period.

**Subd. 12. Data Availability Requirements**

Data collected by the projects funded under this section must conform to guidelines and standards adopted by the Office of Enterprise Technology. Spatial data also must conform to additional guidelines and standards designed to support data coordination and distribution that have been published by the Minnesota Geospatial Information Office. Descriptions of spatial data must be prepared as specified in the state's geographic metadata guideline and must be submitted to the Minnesota Geospatial Information Office. All data must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet

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and identified as an environment and natural resources trust fund project.

**Subd. 13. Project Requirements**

(a) As a condition of accepting an appropriation under this section, any agency or entity receiving an appropriation or a party to an agreement from an appropriation must comply with paragraphs (b) to (k) and Minnesota Statutes, chapter 116P, and must submit a work program and semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources for any project funded in whole or in part with funds from the appropriation.

(b) For all restorations conducted with money appropriated under this section, a recipient must prepare an ecological restoration and management plan that, to the degree practicable, is consistent with the highest quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success of the restoration projects. The plan must include the proposed timetable for implementing the restoration, including site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and take advantage of the best available science and include innovative techniques to achieve the best restoration.

(c) Any entity receiving an appropriation in this section for restoration activities must provide an initial restoration evaluation at the completion of the appropriation and an evaluation three years beyond the completion of the expenditure. Restorations must be evaluated relative to the stated goals and standards in the restoration plan, current science, and, when applicable, the Board of Water and Soil Resources' native

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vegetation establishment and enhancement guidelines. The evaluation shall determine whether the restorations are meeting planned goals, identify any problems with the implementation of the restorations, and, if necessary, give recommendations on improving restorations. The evaluation shall be focused on improving future restorations.

(d) Except as otherwise provided in this section, all restoration and enhancement projects funded with money appropriated in this section must be on land permanently protected by a conservation easement or public ownership or in public waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

(e) A recipient of money from an appropriation under this section must give consideration to contracting with Conservation Corps Minnesota or its successor for contract restoration and enhancement services.

(f) All conservation easements acquired with money appropriated under this section must:

(1) be perpetual;

(2) specify the parties to an easement in the easement;

(3) specify all of the provisions of an agreement that are perpetual;

(4) be sent to the Office of the Legislative-Citizen Commission on Minnesota Resources in an electronic format;

(5) include a long-term monitoring and enforcement plan and funding for monitoring and enforcing the easement agreement; and

(6) include requirements in the easement document to address specific water quality protection activities such as keeping water on the landscape, reducing nutrient and contaminant loading, protecting groundwater, and not permitting artificial hydrological modifications.

(g) For any acquisition of land or interest in land, a recipient of money appropriated under this section must give priority to high quality

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natural resources or conservation lands that provide natural buffers to water resources.

(h) For new lands acquired with money appropriated under this section, a recipient must prepare a restoration and management plan in compliance with paragraph (b), including sufficient funding for implementation unless the work program addresses why a portion of the money is not necessary to achieve a high quality restoration.

(i) To the extent an appropriation is used to acquire an interest in real property, a recipient of an appropriation under this section must provide to the Legislative-Citizen Commission on Minnesota Resources and the commissioner of management and budget an analysis of increased operations and maintenance costs likely to be incurred by public entities as a result of the acquisition and how these costs are to be paid.

(j) To ensure public accountability for the use of public funds, a recipient of money appropriated under this section must provide to the Legislative-Citizen Commission on Minnesota Resources documentation of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient must also report to the Legislative-Citizen Commission on Minnesota Resources any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal, if a state-certified or state-reviewed appraisal was conducted. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to Minnesota Statutes, chapter 13. The Legislative-Citizen Commission on Minnesota Resources shall review the requirement in this paragraph and provide a recommendation on whether to continue or modify the requirement in

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future years. The commission may waive the application of this paragraph for specific projects.

(k) A recipient of an appropriation from the trust fund under this section must acknowledge financial support from the Minnesota environment and natural resources trust fund in project publications, signage, and other public communications and outreach related to work completed using the appropriation. Acknowledgment may occur, as appropriate, through use of the trust fund logo or inclusion of language attributing support from the trust fund.

**Subd. 14. Payment Conditions and Capital Equipment Expenditures**

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2011, or the date the work program is approved, whichever is later, are eligible for reimbursement unless otherwise provided in this section. Periodic payment must be made upon receiving documentation that the deliverable items articulated in the approved work program have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or match federal money. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

**Subd. 15. Purchase of Recycled and Recyclable Materials**

A political subdivision, public or private corporation, or other entity that receives an appropriation under this section must use the appropriation in compliance with Minnesota Statutes, section 16B.121, regarding purchase of recycled, repairable, and durable

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materials; and Minnesota Statutes, section 16B.122, regarding purchase and use of paper stock and printing.

**Subd. 16. Energy Conservation and Sustainable Building Guidelines**

A recipient to whom an appropriation is made under this section for a capital improvement project must ensure that the project complies with the applicable energy conservation and sustainable building guidelines and standards contained in law, including Minnesota Statutes, sections 16B.325, 216C.19, and 216C.20, and rules adopted under those sections. The recipient may use the energy planning, advocacy, and State Energy Office units of the Department of Commerce to obtain information and technical assistance on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

**Subd. 17. Accessibility**

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

**Subd. 18. Carryforward**

(a) The availability of the appropriation for the following projects is extended to June 30, 2012:

(1) Laws 2008, chapter 367, section 2, subdivision 3, paragraph (g), State Land Acquisition Consolidation;

(2) Laws 2008, chapter 367, section 2, subdivision 4, paragraph (f), Native Shoreland Buffer Incentives Program;

(3) Laws 2008, chapter 367, section 2, subdivision 4, paragraph (g), Southeast Minnesota Stream Restoration Projects;

(4) Laws 2009, chapter 143, section 2, subdivision 4, paragraph (a), State Park Acquisition;



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(5) Laws 2009, chapter 143, section 2, subdivision 4, paragraph (b), State Trail Acquisition;

(6) Laws 2009, chapter 143, section 2, subdivision 6, paragraph (c), Improving Emerging Fish Disease Surveillance in Minnesota;

(7) Laws 2009, chapter 143, section 2, subdivision 8, paragraph (a), Contract Management; and

(8) Laws 2009, chapter 143, section 2, subdivision 8, paragraph (b), Legislative-Citizen Commission on Minnesota Resources (LCCMR) for purposes provided under Minnesota Statutes, section 16A.281.

(b) The availability of the appropriation for the following project is extended to June 30, 2013:

(1) Laws 2010, chapter 362, section 2, subdivision 8, paragraph (f), Expanding Outdoor Classrooms at Minnesota Schools; and

(2) Laws 2010, chapter 362, section 2, subdivision 8, paragraph (g), Integrating Environmental and Outdoor Education in Grades 7-12.

**Subd. 19. Easement Monitoring and Enforcement Requirements**

Money appropriated under this section and adjustments made under subdivision 20 for easement monitoring and enforcement may be spent only on activities included in an easement monitoring and enforcement plan contained within the work program. Money received for monitoring and enforcement, including earnings on the money received, shall be kept in a monitoring and enforcement fund held by the organization and dedicated to monitoring and enforcing conservation easements within Minnesota. Within 120 days after the close of the entity's fiscal year, an entity receiving appropriations for easement monitoring and enforcement must provide an annual financial report

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to the Legislative-Citizen Commission on Minnesota Resources on the easement monitoring and enforcement fund as specified in the work program. Money appropriated under this section for monitoring and enforcement of easements and earnings on the money appropriated shall revert to the state if: (1) the easement transfers to the state; (2) the holder of the easement fails to file an annual report and then fails to cure that default within 30 days of notification of the default by the state; or (3) the holder of the easement fails to comply with the terms of the monitoring and enforcement plan contained within the work program and fails to cure that default within 90 days of notification of the default by the state.

**Subd. 20. Appropriations Adjustment****(a) Metropolitan Conservation Corridors**

(1) Of the amount appropriated in Laws 2003, chapter 128, article 1, section 9, subdivision 5, paragraph (b), up to \$48,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(2) Of the amount appropriated in Laws 2005, First Special Session, chapter 1, article 2, section 11, subdivision 5, paragraph (b), up to \$49,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(3) Of the amount appropriated in Laws 2007, chapter 30, section 2, subdivision 4, paragraph (c), up to \$59,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(4) Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3, paragraph (a), up to \$42,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(5) Of the amount appropriated in Laws 2009, chapter 143, section 2, subdivision 4, paragraph (f), up to \$80,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

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(6) Of the amount appropriated in Laws 2010, chapter 362, section 2, subdivision 4, paragraph (g), up to \$10,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

**(b) Habitat Conservation Partnership**

(1) Of the amount appropriated in Laws 2001, First Special Session chapter 2, section 14, subdivision 4, paragraph (e), up to \$288,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(2) Of the amount appropriated in Laws 2003, chapter 128, article 1, section 9, subdivision 5, paragraph (a), up to \$78,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(3) Of the amount appropriated in Laws 2005, First Special Session chapter 1, section 11, subdivision 5, paragraph (a), up to \$55,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(4) Of the amount appropriated in Laws 2007, chapter 30, section 2, subdivision 4, paragraph (b), up to \$123,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(5) Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3, paragraph (c), up to \$120,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(6) Of the amount appropriated in Laws 2009, chapter 143, section 2, subdivision 4, paragraph (e), up to \$60,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

(7) Of the amount appropriated in Laws 2010, chapter 362, section 2, subdivision 4, paragraph (f), up to \$30,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

**(c) Preserving the Avon Hills Landscape**

Of the amount appropriated in Laws 2008, chapter 367, section 2, subdivision 3,

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paragraph (d), up to \$120,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

**(d) New Models for Land-Use Planning**

Of the amount appropriated in Laws 1997, chapter 216, section 15, subdivision 9, paragraph (d), up to \$33,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

**(e) Conservation-Based Development Program**

Of the amount appropriated in Laws 1999, chapter 231, section 16, subdivision 8, paragraph (e), up to \$5,000 is for deposit in a monitoring and enforcement account as authorized in subdivision 19.

**Sec. 3. EFFECTIVE DATE; RELATIONSHIP TO OTHER APPROPRIATIONS.**

Unless otherwise specified, this article is effective retroactively from July 1, 2011, and supersedes and replaces funding authorized by order of the Second Judicial District Court in Case No. 62-CV-11-5203. Section 2, subdivision 18, is effective retroactively from June 29, 2011.

**ARTICLE 4****STATUTORY CHANGES****Section 1. [16E.0475] ADVISORY COMMITTEE FOR TECHNOLOGY STANDARDS FOR ACCESSIBILITY AND USABILITY.**

Subdivision 1. **Membership.** (a) The Advisory Committee for Technology Standards for Accessibility and Usability consists of ten members, appointed as follows:

- (1) the state chief information officer, or the state chief information officer's designee;
- (2) a representative from State Services for the Blind, appointed by the commissioner of employment and economic development;
- (3) the commissioner of administration, or the commissioner's designee;
- (4) a representative selected by the Minnesota system of technology to achieve results program;
- (5) a representative selected by the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans;
- (6) the commissioner of education, or the commissioner's designee;
- (7) the commissioner of health, or the commissioner's designee;
- (8) the commissioner of human services, or the commissioner's designee;

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(9) one representative from the Minnesota judicial system designated by the chief justice; and

(10) one staff member from the legislature, appointed by the chair of the Legislative Coordinating Commission.

(b) The appointing authorities under this subdivision must use their best efforts to ensure that the membership of the advisory committee includes at least one representative who is deaf, hard-of-hearing, or deafblind and at least one representative who is blind.

(c) The advisory committee shall elect a chair from its membership.

Subd. 2. **Duties.** (a) The advisory committee shall:

(1) review processes to be used for the evaluation or certification of accessibility of technology against accessibility standards;

(2) review the exception process and thresholds for any deviation from the accessibility standards;

(3) identify, in consultation with state agencies serving Minnesotans with disabilities, resources for training and technical assistance for state agency staff, including instruction regarding compliance with accessibility standards;

(4) convene customer groups composed of individuals with disabilities to assist in implementation of accessibility standards;

(5) review customer comments about accessibility and usability issues collected by State Services for the Blind;

(6) develop proposals for funding captioning of live videoconferencing, live Webcasts, Web streaming, podcasts, and other emerging technologies;

(7) provide advice and recommendations regarding the technology accessibility program operation and objectives;

(8) review and make recommendations regarding individual agency accessibility plans;

(9) review and make recommendations regarding new or amended accessibility standards and policies;

(10) review and make recommendations regarding assessments of progress in implementing accessibility standards; and

(11) consult with the chief information officer, if the chief information officer determines that any accessibility standard poses an undue burden to the state.

(b) The advisory committee shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over state technology systems by January 15 each year regarding the findings, progress, and recommendations made by the advisory committee under this subdivision. The report shall include any draft legislation necessary to implement the committee's recommendations.

Subd. 3. **Terms, compensation, and removal.** The terms, compensation, and removal of members are governed by section 15.059.

Subd. 4. **Expiration.** This section expires June 30, 2013.

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Sec. 2. [84.0264] FEDERAL LAND AND WATER CONSERVATION FUNDS.

Subdivision 1. **Designated agency.** The Department of Natural Resources is designated as the state agency to apply for, accept, receive, and disburse federal reimbursement funds and private funds that are granted to the state of Minnesota from section 6 of the federal Land and Water Conservation Fund Act.

Subd. 2. **State land and water conservation account.** A state land and water conservation account is created in the natural resources fund. All of the money made available to the state from funds granted under subdivision 1 shall be deposited in the state land and water conservation account.

Subd. 3. **Local share.** Fifty percent of all money made available to the state from funds granted under subdivision 1 shall be distributed for projects to be acquired, developed, and maintained by local units of government, provided that any project approved is consistent with a statewide or a county or regional recreational plan and compatible with the statewide recreational plan. All money received by the commissioner for local units of government is appropriated annually to carry out the purposes for which the funds are received.

Subd. 4. **State share.** Fifty percent of the money made available to the state from funds granted under subdivision 1 shall be used for state land acquisition and development for the state outdoor recreation system under chapter 86A and the administrative expenses necessary to maintain eligibility for the federal land and water conservation fund.

Sec. 3. Minnesota Statutes 2010, section 84D.15, subdivision 2, as amended by Laws 2011, chapter 107, section 35, is amended to read:

Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section 86B.415, subdivision 7, civil penalties under section 84D.13, and service provider permits under section 84D.108, shall be deposited in the invasive species account. Each year, the commissioner of management and budget shall transfer from the game and fish fund to the invasive species account, the annual surcharge collected on nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b). ~~In fiscal years 2010 and 2011~~ Each fiscal year, the commissioner of management and budget shall transfer ~~\$725,000~~ \$750,000 from the water recreation account under section 86B.706 to the invasive species account.

Sec. 4. Minnesota Statutes 2010, section 85.052, subdivision 4, as amended by Laws 2011, chapter 98, section 1, is amended to read:

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

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the state parks working capital account. ~~The appropriation under section 85.22 for revenue deposited in this section is limited to \$25,000 per fiscal year.~~

(c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle Recreation Area shall be deposited in the dedicated accounts in the natural resources fund

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from which the purchase of the stockpile material was made. Notwithstanding paragraph (b), the payments made under section 93.22, subdivision 1, paragraph (c), pursuant to a state mineral lease on lands and mineral rights purchased for and within the Iron Range Off-Highway Vehicle Recreation Area shall be deposited in the dedicated accounts in the natural resources fund from which the purchase of the lands was made.

Sec. 5. **[89.0385] FOREST MANAGEMENT INVESTMENT ACCOUNT; COST CERTIFICATION.**

(a) After each fiscal year, the commissioner shall certify the total costs incurred for forest management, forest improvement, and road improvement on state-managed lands during that year. The commissioner shall distribute forest management receipts credited to various accounts according to this section.

(b) The amount of the certified costs incurred for forest management activities on state lands shall be transferred from the account where receipts are deposited to the forest management investment account in the natural resources fund, except for those costs certified under section 16A.125. Transfers in a fiscal year cannot exceed receipts credited to the account.

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

Sec. 6. Minnesota Statutes 2010, section 89.039, subdivision 1, is amended to read:

Subdivision 1. **Account established; sources.** The forest management investment account is created in the natural resources fund in the state treasury and money in the account may be spent only for the purposes provided in subdivision 2. The following revenue shall be deposited in the forest management investment account:

- (1) timber sales receipts transferred from the consolidated conservation areas account as provided in section 84A.51, subdivision 2;
- (2) timber sales receipts from forest lands as provided in section 89.035;
- (3) money transferred from the forest suspense account according to section 16A.125, subdivision 5; ~~and~~
- (4) interest accruing from investment of the account; and
- (5) money transferred from other accounts according to section 89.0385.

Sec. 7. Minnesota Statutes 2010, section 89.21, is amended to read:

**89.21 CAMPGROUNDS, ESTABLISHMENT AND FEES.**

(a) The commissioner is authorized to establish and develop state forest campgrounds and may establish minimum standards not inconsistent with the laws of the state for the care and use of such campgrounds and charge fees for such uses as specified by the commissioner of natural resources.

(b) Notwithstanding section 16A.1283, the commissioner shall, by written order, establish fees providing for the use of state forest campgrounds. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(c) All fees shall be deposited in ~~the general fund~~ an account in the natural resources fund and are appropriated annually to the commissioner.

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Sec. 8. Minnesota Statutes 2010, section 93.481, subdivision 7, is amended to read:

Subd. 7. **Mining administration account.** The mining administration account is established as an account in the natural resources fund. Fees charged to owners, operators, or managers of mines under this section and section 93.482 shall be credited to the account and ~~may be~~ are appropriated to the commissioner to cover the costs of providing and monitoring permits to mine. Earnings accruing from investment of the account remain with the account until appropriated.

Sec. 9. **97A.052] PEACE OFFICER TRAINING ACCOUNT.**

Subdivision 1. **Account established; sources.** The peace officer training account is created in the game and fish fund in the state treasury. Revenue from the portion of the surcharges assessed to criminal and traffic offenders in section 357.021, subdivision 7, clause (1), shall be deposited in the account. Money in the account may be spent only for the purposes provided in subdivision 2.

Subd. 2. **Purposes of account.** Money in the peace officer training account may only be spent by the commissioner for peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863 to enforce game and fish laws.

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

Sec. 10. Minnesota Statutes 2010, section 97A.055, is amended by adding a subdivision to read:

Subd. 2b. **Certified costs.** Money for the certified costs under section 89.0385 is transferred annually for reimbursement of certified costs on state lands acquired by purchase or gift for game and fish purposes.

Sec. 11. Minnesota Statutes 2010, section 97A.071, subdivision 2, is amended to read:

Subd. 2. **Revenue from small game license surcharge and lifetime licenses.** Revenue from the small game surcharge and \$6.50 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under sections 97A.473, subdivisions 3 and 5, and 97A.474, subdivision 3, shall be credited to the wildlife acquisition account and is appropriated to the commissioner. The money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

Sec. 12. Minnesota Statutes 2010, section 97A.075, is amended to read:

**97A.075 USE OF LICENSE REVENUES.**

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), (13), (14), and (15), and 3, clauses (2), (3), (4), (10), (11), and (12), 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



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~~shall be used~~ is appropriated to the commissioner 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~~ is appropriated to the commissioner 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. 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.

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.

Subd. 2. **Minnesota migratory waterfowl stamp.** (a) Ninety percent of the revenue from the Minnesota migratory waterfowl stamps must be credited to the waterfowl habitat improvement account. ~~Money in the account may be used~~ and is appropriated to the commissioner only for:

(1) development of wetlands and lakes in the state and designated waterfowl management lakes for maximum migratory waterfowl production including habitat evaluation, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the designation of waters under section 97A.101;

(2) management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) the promotion of waterfowl habitat development and maintenance, including promotion and evaluation of government farm program benefits for waterfowl habitat.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or to specific management activities under paragraph (a), clause (2).

Subd. 3. **Trout and salmon stamp.** (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. ~~Money in the account may be used~~ and is appropriated to the commissioner only for:

(1) the development, restoration, maintenance, improvement, protection, and preservation of habitat for trout and salmon in trout streams and lakes, including, but not limited to, evaluating habitat; stabilizing eroding stream banks; adding fish cover;

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modifying stream channels; managing vegetation to protect, shade, or reduce runoff on stream banks; and purchasing equipment to accomplish these tasks;

(2) rearing trout and salmon, including utility and service costs associated with coldwater hatchery buildings and systems; stocking trout and salmon in streams and lakes and Lake Superior; and monitoring and evaluating stocked trout and salmon;

(3) acquisition of easements and fee title along trout waters;

(4) identifying easement and fee title areas along trout waters; and

(5) research and special management projects on trout streams, trout lakes, and Lake Superior and portions of its tributaries.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), to specific fish rearing activities under paragraph (a), clause (2), or for costs associated with supplies and equipment to implement trout and salmon management activities under paragraph (a).

Subd. 4. **Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. ~~Money in the account may be used~~ and is appropriated to the commissioner only for:

(1) the development, restoration, and maintenance of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

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

(4) the promotion of pheasant habitat development and maintenance, including promotion and evaluation of government farm program benefits for pheasant habitat; and

(5) the acquisition of lands suitable for pheasant habitat management and public hunting.

(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), clause (1), (3), or (5), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs, except that prior to July 1, 2019, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

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~~ and is appropriated to the commissioner 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;

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

(4) trapping and transplanted 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.

Subd. 6. **Walleye stamp.** (a) Revenue from walleye stamps must be credited to the walleye stamp account. ~~Money in the account must be used and is appropriated to the commissioner only for stocking walleye in waters of the state and related activities.~~

(b) Money in the account may not be used for costs unless they are directly related to a specific body of water under paragraph (a), or for costs associated with supplies and equipment to implement walleye stocking activities under paragraph (a).

Sec. 13. **[103G.27] WATER MANAGEMENT ACCOUNT.**

Subdivision 1. **Account established; sources.** The water management account is created in the natural resources fund in the state treasury. Revenues collected from permit application fees, water use fees, field inspection fees, penalties, and other receipts according to sections 103G.271 and 103G.301 shall be deposited in the account. Interest earned on money in the account accrues to the account.

Subd. 2. **Purposes of account.** Money in the water management account may be spent only for the costs associated with administering this chapter.

Sec. 14. Minnesota Statutes 2010, section 103G.271, subdivision 6, is amended to read:

Subd. 6. **Water use permit processing fee.** (a) Except as described in paragraphs (b) to (f), a water use permit processing fee must be prescribed by the commissioner in accordance with the schedule of fees in this subdivision for each water use permit in force at any time during the year. Fees collected under this paragraph are credited to the water management account in the natural resources fund. The schedule is as follows, with the stated fee in each clause applied to the total amount appropriated:

(1) \$140 for amounts not exceeding 50,000,000 gallons per year;

(2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;

(3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year;

(4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less than 200,000,000 gallons per year;

(5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than 250,000,000 gallons per year;

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(6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less than 300,000,000 gallons per year;

(7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than 350,000,000 gallons per year;

(8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less than 400,000,000 gallons per year;

(9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than 450,000,000 gallons per year;

(10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less than 500,000,000 gallons per year; and

(11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

(b) For once-through cooling systems, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

(2) for all other users, \$420 per 1,000,000 gallons.

(c) The fee is payable based on the amount of water appropriated during the year and, except as provided in paragraph (f), the minimum fee is \$100.

(d) For water use processing fees other than once-through cooling systems:

(1) the fee for a city of the first class may not exceed \$250,000 per year;

(2) the fee for other entities for any permitted use may not exceed:

(i) \$60,000 per year for an entity holding three or fewer permits;

(ii) \$90,000 per year for an entity holding four or five permits; or

(iii) \$300,000 per year for an entity holding more than five permits;

(3) the fee for agricultural irrigation may not exceed \$750 per year;

(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed \$10,000 for its permit for water use related to the cogeneration of electricity and steam; and

(5) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water use processing fee for a permit issued for irrigation of agricultural land is \$20 for years in which:

(1) there is no appropriation of water under the permit; or

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(2) the permit is suspended for more than seven consecutive days between May 1 and October 1.

(g) A surcharge of \$30 per million gallons in addition to the fee prescribed in paragraph (a) shall be applied to the volume of water used in each of the months of June, July, and August that exceeds the volume of water used in January for municipal water use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities with more than one permit shall be determined based on the total appropriations from all permits that supply a common distribution system.

Sec. 15. Minnesota Statutes 2010, section 103G.301, is amended by adding a subdivision to read:

Subd. 8. **Deposit of fees.** Fees collected under this section must be credited to the water management account in the natural resources fund.

Sec. 16. Minnesota Statutes 2010, section 103G.615, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The fees must be set by rule, and section 16A.1283 does not apply, but the rule must not take effect until 45 legislative days after it has been reported to the legislature. The fees shall not exceed \$2,500 per permit and shall be based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements.

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

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

(d) A fee for a permit for the control of rooted aquatic vegetation in a public water basin that is 20 acres or less in size shall be one-half of the fee established under paragraph (a).

(e) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the water recreation account.

Sec. 17. Minnesota Statutes 2010, section 115A.1314, is amended to read:

**115A.1314 MANUFACTURER'S REGISTRATION FEE; ~~CREATION OF ACCOUNT.~~**

Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section 115A.1312 must, by September 1, 2007, and each year thereafter, pay to the commissioner of revenue an annual registration fee. The commissioner of revenue must deposit the fee in the ~~account established in subdivision 2~~ state treasury and credit the fee to the environmental fund.

(b) ~~The registration fee for the initial program year during which a manufacturer's video display devices are sold to households is \$5,000. Each year thereafter, The~~

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registration fee is equal to a base fee of \$2,500, plus a variable recycling fee calculated according to the formula:

$((A \times B) - (C + D)) \times E$ , where:

(1) A = the number of pounds of a manufacturer's video display devices sold to households during the previous program year, as reported to the department under section 115A.1316, subdivision 1;

(2) B = the proportion of sales of video display devices required to be recycled, set at 0.6 for the first program year and 0.8 for the second program year and every year thereafter;

(3) C = the number of pounds of covered electronic devices recycled by a manufacturer from households during the previous program year, as reported to the department under section 115A.1316, subdivision 1;

(4) D = the number of recycling credits a manufacturer elects to use to calculate the variable recycling fee, as reported to the department under section 115A.1316, subdivision 1; and

(5) E = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for manufacturers who recycle less than 50 percent of the product (A x B); \$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the product (A x B); and \$0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the product (A x B).

(c) If, as specified in paragraph (b), the term  $C - (A \times B)$  equals a positive number of pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer may retain recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's obligation (A x B) for any program year may be met with recycling credits generated in a prior program year. A manufacturer may sell any portion or all of its recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(d) For the purpose of calculating a manufacturer's variable recycling fee under paragraph (b), the weight of covered electronic devices collected from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (c), is calculated at 1.5 times their actual weight.

(e) The registration fee for the initial program year and the base registration fee thereafter for a manufacturer who produces fewer than 100 video display devices for sale annually to households is \$1,250.

Subd. 2. ~~Creation of account; appropriations Use of registration fees.~~ (a) ~~The electronic waste account is established in the environmental fund. The commissioner of revenue must deposit receipts from the fee established in subdivision 1 in the account. Any interest earned on the account must be credited to the account. Money from other sources may be credited to the account. Beginning in the second program year and continuing each program year thereafter, as of the last day of each program year, the commissioner shall determine the total amount of the variable fees that were collected. To the extent that the total fees collected by the commissioner in connection with this section exceed the amount the commissioner determines necessary to operate the program for the new program year, the commissioner shall refund on a pro rata basis, to all manufacturers who paid any fees for the previous program year, the amount of fees collected by the~~

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~~commissioner in excess of the amount necessary to operate the program for the new program year. No individual refund is required of amounts of \$100 or less for a fiscal year. Manufacturers who report collections less than 50 percent of their obligation for the previous program year are not eligible for a refund.~~

~~(b) Until June 30, 2011, money in the account is annually appropriated to the Pollution Control Agency. (a) Registration fees may be used by the commissioner for:~~

~~(1) for the purpose of implementing sections 115A.1312 to 115A.1330, including transfer to the commissioner of revenue to carry out the department's duties under section 115A.1320, subdivision 2, and transfer to the commissioner of administration for responsibilities under section 115A.1324; and~~

~~(2) to the commissioner of the Pollution Control Agency to be distributed on a competitive basis through contracts with grants to counties outside the 11-county metropolitan area, as defined in paragraph ~~(c)~~ (b), and with to private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312 to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.~~

~~(c) (b) The 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.~~

Sec. 18. Minnesota Statutes 2010, section 115A.1320, subdivision 1, is amended to read:

Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections 115A.1310 to 115A.1330.

(b) The agency shall establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the agency under section 115A.1312; and

(2) making the statements and certifications easily available to manufacturers, retailers, and members of the public.

(c) The agency shall annually review the value of the following variables that are part of the formula used to calculate a manufacturer's annual registration fee under section 115A.1314, subdivision 1:

(1) the proportion of sales of video display devices sold to households that manufacturers are required to recycle;

(2) the estimated per-pound price of recycling covered electronic devices sold to households;

(3) the base registration fee; and

(4) the multiplier established for the weight of covered electronic devices collected in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of these values must be changed in order to improve the efficiency or effectiveness of the activities regulated under sections 115A.1312 to 115A.1330 ~~or if the revenues in the~~

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~~account exceed the amount that the agency determines is necessary, the agency shall submit recommended changes and the reasons for them to the chairs of the senate and house of representatives committees with jurisdiction over solid waste policy.~~

(d) By January 15 each year, beginning in 2008, the agency shall calculate estimated sales of video display devices sold to households by each manufacturer during the preceding program year, based on national sales data, and forward the estimates to the department.

~~(e) The agency shall manage the account established in section 115A.1314, subdivision 2. If the revenues in the account exceed the amount that the agency determines is necessary for efficient and effective administration of the program, including any amount for contingencies, the agency must recommend to the legislature that the base registration fee, the proportion of sales of video display devices required to be recycled, or the estimated per pound cost of recycling established under section 115A.1314, subdivision 1, paragraph (b), or any combination thereof, be lowered in order to reduce revenues collected in the subsequent program year by the estimated amount of the excess.~~

~~(f)~~ (e) On or before December 1, 2010, and each year thereafter, the agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330.

~~(g)~~ (f) The agency shall promote public participation in the activities regulated under sections 115A.1312 to 115A.1330 through public education and outreach efforts.

~~(h)~~ (g) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those provisions enforced by the department, as provided in subdivision 2. The agency may revoke a registration of a collector or recycler found to have violated sections 115A.1310 to 115A.1330.

~~(i)~~ (h) The agency shall facilitate communication between counties, collection and recycling centers, and manufacturers to ensure that manufacturers are aware of video display devices available for recycling.

~~(j)~~ (i) The agency shall develop a form retailers must use to report information to manufacturers under section 115A.1318 and post it on the agency's Web site.

~~(k)~~ (j) The agency shall post on its Web site the contact information provided by each manufacturer under section 115A.1318, paragraph (e).

Sec. 19. Minnesota Statutes 2010, section 115C.09, subdivision 3c, is amended to read:

Subd. 3c. **Release at refineries and tank facilities not eligible for reimbursement.**  
(a) Reimbursement may not be made under this chapter for costs associated with a release:



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- (1) from a tank located at a petroleum refinery; or
- (2) from a tank facility, including a pipeline terminal, with more than 1,000,000 gallons of total petroleum storage capacity at the tank facility.
- (b) Paragraph (a), clause (2), does not apply to reimbursement for costs associated with a release from a tank facility:
- (1) owned or operated by a person engaged in the business of mining iron ore or taconite;
- (2) owned by a political subdivision, a housing and redevelopment authority, an economic development authority, or a port authority that acquired the tank facility prior to May 23, 1989; ~~or~~
- (3) owned by a person:
- (i) who acquired the tank facility prior to May 23, 1989;
- (ii) who did not use the tank facility for the bulk storage of petroleum; and
- (iii) who is not affiliated with the party who used the tank facility for the bulk storage of petroleum; ~~or~~
- (4) that is not a petroleum refinery or pipeline terminal and is owned by a person engaged in the business of storing used oil primarily for sales to end users.

Sec. 20. Minnesota Statutes 2010, section 115C.13, is amended to read:

**115C.13 REPEALER.**

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.093, 115C.094, 115C.10, 115C.11, 115C.111, 115C.112, 115C.113, 115C.12, and 115C.13, are repealed effective June 30, ~~2012~~ 2017.

Sec. 21. Minnesota Statutes 2010, section 116.07, subdivision 7c, is amended to read:

Subd. 7c. **NPDES feedlot permitting requirements.** (a) The agency must issue national pollutant discharge elimination system permits for feedlots ~~with 1,000 animal units or more and that meet the definition of a "concentrated animal feeding operation" in Code of Federal Regulations, title 40, section 122.23,~~ only as required by federal law. ~~The issuance of national pollutant discharge elimination system permits for feedlots must be based on the following:~~

- (1) a permit for a newly constructed or expanded animal feedlot that is identified as a priority by the commissioner, using criteria ~~established under paragraph (d)~~ in effect on January 1, 2010, must be issued as an individual permit;
- (2) ~~after January 1, 2001,~~ an existing feedlot that is identified as a priority by the commissioner, using criteria ~~established under paragraph (e)~~ in effect on January 1, 2010, must be issued as an individual permit; and
- (3) the agency must issue a general national pollutant discharge elimination system permit, if required, for animal feedlots that are not identified under clause (1) or (2).

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(b) Prior to the issuance of a general national pollutant discharge elimination system permit for a category of animal feedlot facility permittees, the agency must hold at least one public hearing on the permit issuance.

(c) To the extent practicable, the agency must include a public notice and comment period for an individual national pollutant discharge elimination system permit concurrent with any public notice and comment for:

(1) the purpose of environmental review of the same facility under chapter 116D; or

(2) the purpose of obtaining a conditional use permit from a local unit of government where the local government unit is the responsible governmental unit for purposes of environmental review under chapter 116D.

~~(d) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual national pollutant discharge elimination system permit is required under paragraph (a), clause (1). The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors.~~

~~(e) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual national pollutant discharge elimination system permit is required for an existing animal feedlot, under paragraph (a), clause (2). The criteria must be based on violations and other compliance problems at the facility.~~

~~(f) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining when an individual national pollutant discharge elimination system permit is transferred from individual to general permit status.~~

~~(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the commissioner may issue an individual national pollutant discharge elimination system permit for an animal feedlot. After the general permit is issued and the criteria under paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph that do not fit the criteria for an individual permit under the applicable provisions of paragraph (d) or (e) must be transferred to general permit status.~~

~~(h) The commissioner, in consultation with the Feedlot and Manure Management Advisory Committee, created under section 17.136, and other interested parties must develop criteria for determining which feedlots are required to apply for and obtain a national pollutant discharge elimination system permit and which feedlots are required to apply for and obtain a state disposal system permit based upon the actual or potential to discharge. A feedlot owner may choose to apply for a national pollutant discharge elimination system permit even if the feedlot is not required by federal law to have a national pollutant discharge elimination system permit.~~

Sec. 22. Minnesota Statutes 2010, section 116.07, subdivision 7d, is amended to read:

Subd. 7d. **Exemption.** (a) Notwithstanding subdivision 7 or Minnesota Rules, chapter 7020, to the contrary, and notwithstanding the proximity to public or private waters, an owner or resident of agricultural land on which livestock have been allowed to

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pasture ~~as defined by Minnesota Rules, chapter 7020,~~ at any time during the ten-year period beginning January 1, ~~1990~~ 2010, is permanently exempt from requirements related to feedlot or manure management on that land for so long as the property remains in pasture.

(b) For the purposes of this subdivision, "pasture" means areas where livestock graze on grass or other growing plants. Pasture also means agricultural land where livestock are allowed to forage during the winter time and which land is used for cropping purposes in the growing season. In either case, the concentration of animals must be such that a vegetative cover, whether of grass, growing plants, or crops, is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

Sec. 23. Minnesota Statutes 2010, section 116P.05, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The commission shall recommend an annual or biennial legislative bill for appropriations from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. Approval of the recommended legislative bill requires an affirmative vote of at least 12 members of the commission.

~~(b) The commission shall recommend expenditures to the legislature from the state land and water conservation account in the natural resources fund.~~

~~(c)~~ It is a condition of acceptance of the appropriations made from the Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources, and comply with applicable reporting requirements under section 116P.16. None of the money provided may be spent unless the commission has approved the pertinent work program.

~~(d)~~ (c) The peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.

~~(e)~~ (d) The commission may adopt operating procedures to fulfill its duties under this chapter.

~~(f)~~ (e) As part of the operating procedures, the commission shall:

(1) ensure that members' expectations are to participate in all meetings related to funding decision recommendations;

(2) recommend adequate funding for increased citizen outreach and communications for trust fund expenditure planning;

(3) allow administrative expenses as part of individual project expenditures based on need;

(4) provide for project outcome evaluation;

(5) keep the grant application, administration, and review process as simple as possible; and

(6) define and emphasize the leveraging of additional sources of money that project proposers should consider when making trust fund proposals.

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Sec. 24. Minnesota Statutes 2010, section 290.431, is amended to read:

**290.431 NONGAME WILDLIFE CHECKOFF.**

Every individual who files an income tax return or property tax refund claim form may designate on their original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into an account to be established for the management of nongame wildlife. The commissioner of revenue shall, on the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the nongame wildlife management account. The sum of the amounts so designated to be paid shall be credited to the nongame wildlife management account for use by the nongame program in the Department of Natural Resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. ~~The commissioner of natural resources shall submit a work program for each fiscal year and semiannual progress reports to the Legislative-Citizen Commission on Minnesota Resources in the form determined by the commission.~~

The state pledges and agrees with all contributors to the nongame wildlife management account to use the funds contributed solely for the management of nongame wildlife projects and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of nongame wildlife. The commissioner may use funds appropriated for nongame wildlife programs for the purpose of developing, preserving, restoring, and maintaining wintering habitat for neotropical migrant birds in Latin America and the Caribbean under agreement or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of such projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. Under this authority, the commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit neotropical migrant birds that breed in or migrate through the state.

Sec. 25. Minnesota Statutes 2010, section 290.432, is amended to read:

**290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.**

A corporation that files an income tax return may designate on its original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that corporation and paid into the nongame wildlife management account established by section 290.431 for use by the Department of Natural Resources for its nongame wildlife program. The commissioner of revenue shall, on the corporate tax return, notify filers of their right to designate that a portion of their tax return be paid into the nongame wildlife management account for the protection of endangered natural resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or

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geographic areas shall be handled according to section 84.085, subdivision 1. ~~The commissioner of natural resources shall submit a work program for each fiscal year to the Legislative-Citizen Commission on Minnesota Resources in the form determined by the commission.~~

The state pledges and agrees with all corporate contributors to the nongame wildlife account to use the funds contributed solely for the nongame wildlife program and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of those programs.

Sec. 26. Minnesota Statutes 2010, section 299C.40, subdivision 1, is amended to read:

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

(b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located in the Department of Public Safety and managed by the Bureau of Criminal Apprehension. A reference in this section to "CIBRS" includes the Bureau of Criminal Apprehension.

(c) "Law enforcement agency" means a Minnesota municipal police department, the Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a Minnesota county sheriff's department, the Enforcement Division of the Department of Natural Resources, the Bureau of Criminal Apprehension, or the Minnesota State Patrol.

Sec. 27. Minnesota Statutes 2010, section 357.021, subdivision 7, is amended to read:

Subd. 7. **Disbursement of surcharges by commissioner of management and budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of management and budget shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the peace officer training account in the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit \$47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated

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to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

Sec. 28. Minnesota Statutes 2010, section 609.66, subdivision 1h, is amended to read:

Subd. 1h. **Silencers; authorized for law enforcement and wildlife control purposes.** (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices.

(b) Notwithstanding subdivision 1a, paragraph (a), clause (1), ~~until July 1, 2011,~~ an enforcement officer, as defined in section 97A.015, subdivision 18, a wildlife area manager, an employee designated under section 84.0835, or a person acting under contract with the commissioner of natural resources, at specific times and locations that are authorized by the commissioner of natural resources may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations that require stealth. If the commissioner determines that the use of silencing devices is necessary under this paragraph, the commissioner must:

~~(1) establish and enforce a written policy governing the use, possession, and transportation of the devices;~~

~~(2) limit the number of the silencing devices maintained by the Department of Natural Resources to no more than ten, and~~

~~(3) keep direct custody and control of the devices when the devices are not specifically authorized for use.~~

Sec. 29. Laws 2005, chapter 156, article 2, section 45, as amended by Laws 2007, chapter 148, article 2, section 73, and Laws 2009, chapter 37, article 1, section 59, is amended to read:

Sec. 45. **SALE OF STATE LAND.**

Subdivision 1. **State land sales.** The commissioner of administration shall coordinate with the head of each department or agency having control of state-owned land to identify and sell at least \$6,440,000 of state-owned land. Sales should be completed according to law and as provided in this section as soon as practicable but no later than June 30, ~~2011~~ 2013. Notwithstanding Minnesota Statutes, sections 16B.281 and 16B.282, 94.09 and 94.10, or any other law to the contrary, the commissioner may offer land for public sale by only providing notice of lands or an offer of sale of lands to state departments or agencies, the University of Minnesota, cities, counties, towns, school districts, or other public entities.

Subd. 2. **Anticipated savings.** Notwithstanding Minnesota Statutes, section 94.16, subdivision 3, or other law to the contrary, the amount of the proceeds from the sale of land under this section that exceeds the actual expenses of selling the land must be deposited in the general fund, except as otherwise provided by the commissioner of finance. Notwithstanding Minnesota Statutes, section 94.11 or 16B.283, the commissioner of finance may establish the timing of payments for land purchased under this section. If the total of all money deposited into the general fund from the proceeds of the sale of land

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under this section is anticipated to be less than \$6,440,000, the governor must allocate the amount of the difference as reductions to general fund operating expenditures for other executive agencies for the biennium ending June 30, ~~2011~~ 2013.

Subd. 3. **Sale of state lands revolving loan fund.** \$290,000 is appropriated from the general fund in fiscal year 2006 to the commissioner of administration for purposes of paying the actual expenses of selling state-owned lands to achieve the anticipated savings required in this section. From the gross proceeds of land sales under this section, the commissioner of administration must cancel the amount of the appropriation in this subdivision to the general fund by June 30, ~~2011~~ 2013.

Sec. 30. **STATE TREE NURSERY PROGRAM RESTRUCTURING; REPORT REQUIRED.**

(a) Beginning July 1, 2011, the commissioner of natural resources shall limit all new plantings at the Badoura State Nursery to the planting of stock for research or use on public lands or private conservation lands with permanent protection. Excess plant material may be sold or traded to private wholesale nurseries.

(b) By January 15, 2012, the commissioner of natural resources shall submit a budget and financial plan for the state nurseries to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources policy and finance. The plan shall include a long-term business plan to operate the Badoura State Nursery in a manner that is self-sufficient. The plan shall also include options for the General C.C. Andrews State Nursery.

Sec. 31. **COORDINATION OF MINNESOTA AND WISCONSIN PHOSPHORUS STANDARD; LAKE PEPIN.**

The commissioner of the Pollution Control Agency shall coordinate with the Wisconsin Department of Natural Resources in establishing a phosphorus standard for Lake Pepin and shall advocate implementation of a phosphorus standard that considers nutrient impacts on algal growth applicable during the June to September growing season only. If necessary, the commissioner may engage in a conference with the Wisconsin Department of Natural Resources according to section 103 of the Clean Water Act, United States Code, title 33, section 1253, to resolve any discrepancies in the states' respective standards.

Sec. 32. **WILD RICE RULEMAKING AND RESEARCH.**

(a) Upon completion of the research referenced in paragraph (d), the commissioner of the Pollution Control Agency shall initiate a process to amend Minnesota Rules, chapter 7050. The amended rule shall:

(1) address water quality standards for waters containing natural beds of wild rice, as well as for irrigation waters used for the production of wild rice;

(2) designate each body of water, or specific portion thereof, to which wild rice water quality standards apply; and

(3) designate the specific times of year during which the standard applies.

Nothing in this paragraph shall prevent the Pollution Control Agency from applying the narrative standard for all class 2 waters established in Minnesota Rules, part 7050.0150, subpart 3.

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(b) "Waters containing natural beds of wild rice" means waters where wild rice occurs naturally. Before designating waters containing natural beds of wild rice as waters subject to a standard, the commissioner of the Pollution Control Agency shall establish criteria for the waters after consultation with the Department of Natural Resources, Minnesota Indian tribes, and other interested parties and after public notice and comment. The criteria shall include, but not be limited to, history of wild rice harvests, minimum acreage, and wild rice density.

(c) Within 30 days of the effective date of this section, the commissioner of the Pollution Control Agency must create an advisory group to provide input to the commissioner on a protocol for scientific research to assess the impacts of sulfates and other substances on the growth of wild rice, review research results, and provide other advice on the development of future rule amendments to protect wild rice. The group must include representatives of tribal governments, municipal wastewater treatment facilities, industrial dischargers, wild rice harvesters, wild rice research experts, and citizen organizations.

(d) After receiving the advice of the advisory group under paragraph (c), consultation with the commissioner of natural resources, and review of all reasonably available and applicable scientific research on water quality and other environmental impacts on the growth of wild rice, the commissioner of the Pollution Control Agency shall adopt and implement a wild rice research plan using the money appropriated to contract with appropriate scientific experts. The commissioner shall periodically review the results of the research with the commissioner of natural resources and the advisory group.

(e) From the date of enactment until the rule amendment under paragraph (a) is finally adopted, to the extent allowable under the federal Clean Water Act or other federal laws, the Pollution Control Agency shall exercise its authority under federal and state laws and regulations to ensure, to the fullest extent possible, that no permittee is required to expend funds for design and implementation of sulfate treatment technologies. Nothing shall prevent the Pollution Control Agency from including in a schedule of compliance a requirement to monitor sulfate concentrations in discharges and, if appropriate, based on site-specific conditions, a requirement to implement a sulfate minimization plan to avoid or minimize sulfate concentrations during periods when wild rice may be susceptible to damage.

(f) If the commissioner of the Pollution Control Agency determines that amendments to Minnesota Rules are necessary to ensure that no permittee is required to expend funds for design and implementation of sulfate treatment technologies until after the rule amendment described in paragraph (a) is complete, the commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules necessary to implement this section, and Minnesota Statutes, section 14.386, does not apply, except as provided in Minnesota Statutes, section 14.388.

(g) Upon completion of the rule amendment described in paragraph (a), the Pollution Control Agency shall, if necessary, modify the discharge limits in the affected wastewater discharge permits to reflect the new standards in accordance with state and federal regulations and shall exercise its powers to enter into schedules of compliance in the permits.

(h) By December 15, 2011, the commissioner of the Pollution Control Agency shall submit a report to the chairs and ranking minority members of the environment and natural resources committees of the house of representatives and senate on the status



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of implementation of this section. The report must include an estimated timeline for completion of the wild rice research plan and initiation and completion of the formal rulemaking process under Minnesota Statutes, chapter 14.

**Sec. 33. EVALUATION REQUIRED.**

(a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management.

(b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013.

**Sec. 34. MISSISSIPPI RIVER MANAGEMENT PLAN.**

Notwithstanding Minnesota Rules, part 6105.0870, subpart 7, development in the area commonly known as the historic village of Dayton shall conform to the general development standards of Minnesota Rules, parts 6120.2600 to 6120.3900, except that marinas shall not be allowed and the provisions and administrative procedures of Minnesota Rules, parts 6105.0010 to 6105.0070 and 6105.0150 to 6105.0250, shall still apply.

**Sec. 35. REPORT ON PAYMENT IN LIEU OF TAXES FOR STATE NATURAL RESOURCE LANDS.**

By December 1, 2012, the commissioner of natural resources, in cooperation with the commissioners of revenue and management and budget, and stakeholders, including representatives from affected local units of government and other interested parties, shall report to the chairs and ranking minority caucus members of the senate and house of representatives natural resources and tax policy and finance committees with recommended changes to payment in lieu of taxes for natural resource lands under Minnesota Statutes, sections 97A.061 and 477A.11 to 477A.145. The report shall include an analysis of the current payment and distribution system and any recommended changes to:

- (1) the purpose of the payment system and the criteria for payments;
- (2) the rate of payments for specific classes of natural resource lands;
- (3) the adequacy of current funding for payments and the impact of additional land acquisition on the funding;
- (4) alternative methods of reimbursing local units of governments for state natural resource lands; and
- (5) the formula for distribution of the payments to local units of government.

**Sec. 36. REPEALER.**

Minnesota Statutes 2010, sections 84.027, subdivision 11; and 116P.14, are repealed.

**Sec. 37. EFFECTIVE DATE; RELATIONSHIP TO OTHER APPROPRIATIONS.**

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Unless otherwise specified, this article is effective retroactively from July 1, 2011, and supersedes and replaces funding authorized by order of the Second Judicial District Court in Case No. 62-CV-11-5203.

**ARTICLE 5****GAME AND FISH POLICY**

Section 1. Minnesota Statutes 2010, section 3.7371, is amended to read:

**3.7371 COMPENSATION FOR CROP OR FENCE DAMAGE CAUSED BY ELK.**

Subdivision 1. **Authorization.** Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a person who owns an agricultural crop or pasture shall be compensated by the commissioner of agriculture for an agricultural crop, or fence surrounding the crop or pasture, that is damaged or destroyed by elk as provided in this section.

Subd. 2. **Claim form.** The crop or pasture owner must prepare a claim on forms provided by the commissioner and available at the county extension agent's office. The claim form must be filed with the commissioner. ~~A claim form may not be filed for crop damage or destruction that occurs before June 3, 1987.~~

Subd. 3. **Compensation.** The crop owner is entitled to the target price or the market price, whichever is greater, of the damaged or destroyed crop plus adjustments for yield loss determined according to agricultural stabilization and conservation service programs for individual farms, adjusted annually, as determined by the commissioner, upon recommendation of the county extension agent for the owner's county. Verification of fence damage or destruction by elk may be provided by submitting photographs or other evidence and documentation together with a statement from an independent witness using forms prescribed by the commissioner. The commissioner, upon recommendation of the agent, shall determine whether the crop damage or destruction or damage to or destruction of a fence surrounding a crop or pasture is caused by elk and, if so, the amount of the crop or fence that is damaged or destroyed. In any fiscal year, ~~a crop~~ an owner may not be compensated for a damaged or destroyed crop or fence surrounding a crop or pasture that is less than \$100 in value and may be compensated up to \$20,000, as determined under this section, if normal harvest procedures for the area are followed. In any fiscal year, the commissioner may provide compensation for claims filed under this section up to the amount expressly appropriated for this purpose.

Subd. 4. **Insurance deduction.** Payments authorized by this section must be reduced by amounts received by the owner as proceeds from an insurance policy covering crop losses or damage to or destruction of a fence surrounding a crop or pasture, or from any other source for the same purpose including, but not limited to, a federal program.

Subd. 5. **Decision on claims; opening land to hunting.** If the commissioner finds that the crop or pasture owner has shown that the damage or destruction of the owner's crop or damage to or destruction of a fence surrounding a crop or pasture was caused more probably than not by elk, the commissioner shall pay compensation as provided in this section and the rules of the commissioner. ~~Total compensation to all claimants shall not exceed the amount of funds appropriated for Laws 1987, chapter 373.~~ A crop owner who

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receives compensation under this section may, by written permission, permit hunting on the land at the landowner's discretion.

Subd. 6. **Denial of claim; appeal.** (a) If the commissioner denies compensation claimed by a crop or pasture owner under this section, the commissioner shall issue a written decision based upon the available evidence including a statement of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision must be mailed to the crop or pasture owner.

(b) A decision denying compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but a crop or pasture owner may have the claim reviewed in a trial de novo in a court in the county where the loss occurred. The decision of the court may be appealed as in other civil cases. Review in court may be obtained by filing a petition for review with the administrator of the court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator shall mail a copy to the commissioner and set a time for hearing within 90 days after the filing.

Subd. 7. **Rules.** The commissioner shall adopt rules and may ~~adopt emergency rules and~~ amend rules to carry out this section. The commissioner may use the expedited rulemaking process in section 14.389 to adopt and amend rules authorized in this section. The rules must include:

- (1) methods of valuation of crops damaged or destroyed;
- (2) criteria for determination of the cause of the crop damage or destruction;
- (3) notice requirements by the owner of the damaged or destroyed crop; ~~and~~
- (4) compensation rates for fence damage or destruction that shall include a minimum claim of \$75.00 per incident and a maximum of \$1,800 per claimant per fiscal year; and
- (5) any other matters determined necessary by the commissioner to carry out this section.

Sec. 2. Minnesota Statutes 2010, section 16C.055, subdivision 2, is amended to read:

Subd. 2. **Restriction.** After July 1, 2002, an agency may not enter into a contract or otherwise agree with a nongovernmental entity to receive total nonmonetary consideration valued at more than \$100,000 annually in exchange for the agency providing nonmonetary consideration, unless such an agreement is specifically authorized by law. This subdivision does not apply to the State Lottery or private aquaculture businesses involved in state stocking contracts.

Sec. 3. Minnesota Statutes 2010, section 17.4982, subdivision 8, is amended to read:

Subd. 8. **Containment facility.** "Containment facility" means a licensed facility for salmonids ~~or~~ catfish, or species on the viral hemorrhagic septicemia (VHS) susceptible list published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, that complies with clauses (1), (3), and (4), or clauses (2), (3), and (4):

- (1) disinfects its effluent to the standards in section 17.4991 before the effluent is discharged to public waters;
- (2) does not discharge to public waters or to waters of the state directly connected to public waters;

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(3) raises aquatic life that is prohibited from being released into the wild and must be kept in a facility approved by the commissioner unless processed for food consumption;

(4) contains aquatic life requiring a fish health inspection prior to transportation.

Sec. 4. Minnesota Statutes 2010, section 17.4982, is amended by adding a subdivision to read:

Subd. 10a. **Fish collector.** "Fish collector" means an individual who has been certified under section 17.4989 to oversee the collection of fish samples from a facility or a water body for disease testing by a certified laboratory.

Sec. 5. Minnesota Statutes 2010, section 17.4982, subdivision 12, is amended to read:

Subd. 12. **Fish health inspection.** (a) "Fish health inspection" means an on-site, statistically based sampling, collection, and testing of fish in accordance with processes in the Fish Health Blue Book for all lots of fish in a facility or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE) to test for causative pathogens. The samples for inspection must be collected by a fish health inspector or a fish collector in cooperation with the producer. Testing of samples must be done by an approved laboratory.

(b) The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in nonsalmonids must include at least a minimum viral testing of ovarian fluids at the 95 percent confidence level of detecting two percent incidence of disease (ovarian fluids must be sampled for certification of viral hemorrhagic septicemia and infectious hematopoietic necrosis). Bacterial diseases must be sampled at the 95 percent confidence level with a five percent incidence of disease. The inspection must be performed by a fish health inspector in cooperation with the producer with subsequent examination of the collected tissues and fluids for the detection of certifiable diseases.

(c) The inspection for certifiable diseases for wild fish must follow the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases.

Sec. 6. Minnesota Statutes 2010, section 17.4982, subdivision 13, is amended to read:

Subd. 13. **Fish health inspector.** "Fish health inspector" means an individual certified as a fish health inspector or an aquatic animal health inspector by the American Fisheries Society or state, federal, or provincial resource management agency, except that a certification may not be made by an inspector who has a conflict of interest in connection with the outcome of the certification.

Sec. 7. [17.4989] FISH SAMPLE COLLECTING.

Subdivision 1. **Training.** Fish collector training may be offered by any organization or agency that has had its class and practicum syllabus approved by the commissioner. The class and practicum must include the following components:

(1) accurate identification of licensed water bodies listed according to section 17.4984 and ensuring that collection is taking place at the correct site;

(2) identification of fish internal organs;

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(3) fish dissection and sample preparation as identified by the Department of Natural Resources based on specific testing requirements or as outlined in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE);

(4) recording and reporting data;

(5) sample preparation and shipping;

(6) a field collection site test to demonstrate mastery of the necessary skills, overseen by a certified fish health inspector; and

(7) a certificate of successful completion signed by a certified fish health inspector on a form provided by the commissioner.

**Subd. 2. Certification time period.** Fish collector certification is valid for five years and is not transferable. A person may renew certification only by successfully completing certification training. Certification shall be revoked if the certified person is convicted of violating any of the statutes or rules governing testing for aquatic species diseases. Certification may be suspended during an investigation associated with misconduct or violations of fish health testing and collection. The commissioner shall notify the person that certification is being revoked or suspended.

**Subd. 3. Conflict of interest.** A fish collector may not oversee the collection of fish from a facility or a water body when the collector has a conflict of interest in connection with the outcome of the testing.

Sec. 8. Minnesota Statutes 2010, section 17.4991, subdivision 3, is amended to read:

**Subd. 3. Fish health inspection.** (a) An aquatic farm propagating ~~trout, salmon,~~ ~~or salmonids, catfish,~~ or species on the viral hemorrhagic septicemia (VHS) susceptible list published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, and having an effluent discharge from the aquatic farm into public waters must have a fish health inspection conducted at least once every 12 months by a certified fish health inspector. Testing must be conducted according to ~~approved~~ laboratory methods of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE).

(b) An aquatic farm propagating any species on the VHS susceptible list and having an effluent discharge from the aquatic farm into public waters must test for VHS virus using the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases. The commissioner may, by written order published in the State Register, prescribe alternative testing time periods and methods from those prescribed in the Fish Health Blue Book or the OIE Diagnostic Manual if the commissioner determines that biosecurity measures will not be compromised. These alternatives are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner must provide reasonable notice to affected parties of any changes in testing requirements.

(c) Results of fish health inspections must be provided to the commissioner for all fish that remain in the state. All data used to prepare and issue a fish health certificate must be maintained for three years by the issuing fish health inspector, approved laboratory, or accredited veterinarian.

(d) A health inspection fee must be charged based on each lot of fish sampled. The fee by check or money order payable to the Department of Natural Resources must be

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prepaid or paid at the time a bill or notice is received from the commissioner that the inspection and processing of samples is completed.

~~(e)~~ (e) Upon receipt of payment and completion of inspection, the commissioner shall notify the operator and issue a fish health certificate. The certification must be made according to the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases by a person certified as a fish health inspector.

~~(f)~~ (f) All aquatic life in transit or held at transfer stations within the state may be inspected by the commissioner. This inspection may include the collection of stock for purposes of pathological analysis. Sample size necessary for analysis will follow guidelines listed in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases.

~~(g)~~ (g) Salmonids ~~and~~ catfish, or species on the VHS susceptible list must have a fish health inspection before being transported from a containment facility, unless the fish are being transported directly to an outlet for processing or other food purposes or unless the commissioner determines that an inspection is not needed. A fish health inspection conducted for this purpose need only be done on the lot or lots of fish that will be transported. The commissioner must conduct a fish health inspection requested for this purpose within five working days of receiving written notice. Salmonids and catfish may be immediately transported from a containment facility to another containment facility once a sample has been obtained for a health inspection or once the five-day notice period has expired.

Sec. 9. Minnesota Statutes 2010, section 17.4992, subdivision 4, is amended to read:

Subd. 4. **Sale of eggs by the state.** The commissioner may offer for sale or barter as eggs or fry up to two percent of from the department's annual game fish egg harvest. Additional eggs or fry may be sold if they are surplus to this state's program needs.

Sec. 10. Minnesota Statutes 2010, section 17.4994, is amended to read:

**17.4994 SUCKER EGGS.**

Sucker eggs may be taken from public waters with a sucker egg license endorsement; which authorizes sucker eggs to be taken at a rate of one quart of eggs for each 1-1/2 acres of licensed surface waters except that for intensive culture systems, sucker eggs may be taken at a rate of two quarts per 1,000 muskellunge fry being reared for the fee prescribed in section 97A.475, subdivision 29. The Taking of sucker eggs from public waters is subject to chapter 97C and may be supervised by the commissioner. The commissioner may limit the amount of sucker eggs that a person with a sucker egg license endorsement may take based on the number of sucker eggs taken historically by the licensee, new requests for eggs, and the condition of the spawning runs at those historical streams and rivers that have produced previous annual quotas.

Sec. 11. Minnesota Statutes 2010, section 84.942, subdivision 1, is amended to read:

Subdivision 1. **Preparation.** The commissioner of natural resources shall prepare a comprehensive fish and wildlife management plan plans designed to accomplish the policy of section 84.941. The comprehensive fish and wildlife management plan shall include a strategic plan as outlined in subdivision 2. The strategic plan must be completed by July 1, 1986. The management plan must also include the long-range and operational

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~~plans as described in subdivisions 3 and 4. The management plan must be completed by July 1, 1988.~~

Sec. 12. Minnesota Statutes 2010, section 84.95, subdivision 2, is amended to read:

Subd. 2. **Purposes and expenditures.** Money from the reinvest in Minnesota resources fund may only be spent for the following fish and wildlife conservation enhancement purposes:

(1) development and implementation of the ~~comprehensive~~ fish and wildlife management ~~plan plans~~ under section 84.942;

(2) implementation of the reinvest in Minnesota reserve program established by section 103F.515;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;

(4) enhancement or restoration of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;

(5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;

(6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;

(7) research and surveys of fish and wildlife species and habitat;

(8) enforcement of natural resource laws and rules;

(9) information and education;

(10) implementing the aspen recycling program under section 88.80 and for other forest wildlife management projects; and

(11) necessary support services to carry out these purposes.

Sec. 13. Minnesota Statutes 2010, section 84D.03, subdivision 4, as amended by Laws 2011, chapter 107, section 22, is amended to read:

Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If a commercial licensee operates in an infested water designated because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in waters designated as infested with invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit. This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.

(b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is designated solely because it contains Eurasian water milfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this

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paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an infested water designated solely because it contains Eurasian water milfoil and before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is designated as infested solely because it contains Eurasian water milfoil.

(c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment when the nets and equipment are removed from waters of the state.

(d) The commissioner shall provide a commercial licensee with a current listing of designated infested waters at the time that a license or permit is issued.

~~(e) A person harvesting aquatic life from waters of the state for the purpose of transporting and stocking shall transport the aquatic life to a holding facility. The aquatic life shall remain in the holding facility for at least ten hours and be examined for the presence of invasive species.~~

~~(f) This subdivision applies to the state and its departments and agencies.~~

Sec. 14. Minnesota Statutes 2010, section 84D.11, subdivision 2a, as amended by Laws 2011, chapter 107, section 29, is amended to read:

Subd. 2a. **Harvest of bait from infested waters.** (a) The commissioner may issue a permit to allow the harvest of bait:

(1) from waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish or certifiable diseases of fish as defined in section 17.4982, subdivision 6; and

(2) from infested waters as allowed under section 97C.341, paragraph (c).

The permit shall include conditions necessary to avoid spreading aquatic invasive species.

(b) Before receiving a permit, or working for a permittee, a person annually must satisfactorily complete aquatic invasive species-related training provided by the commissioner.

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

Sec. 15. Minnesota Statutes 2010, section 97A.015, subdivision 24, is amended to read:

Subd. 24. **Game birds.** "Game birds" means migratory waterfowl, ring-necked pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bobwhite quail, wild turkeys, coots, gallinules, sora and Virginia rails, mourning dove, sandhill crane, American woodcock, and common snipe.

Sec. 16. Minnesota Statutes 2010, section 97A.015, subdivision 45, is amended to read:

Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, gray wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.



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Sec. 17. Minnesota Statutes 2010, section 97A.015, subdivision 49, is amended to read:

Subd. 49. **Undressed bird.** "Undressed bird" means:

(1) a bird, excluding ~~migratory waterfowl, pheasant, Hungarian partridge, turkey, or grouse~~ ducks, with ~~feet and a fully feathered head~~ wing intact;

(2) a ~~migratory waterfowl, excluding geese,~~ duck with a fully feathered wing and head attached; or

(3) a pheasant, Hungarian partridge, or wild turkey, ~~or grouse~~ with one leg and foot ~~or the fully feathered head or wing intact; or~~

~~(4) a goose with a fully feathered wing attached.~~

Sec. 18. Minnesota Statutes 2010, section 97A.015, subdivision 52, is amended to read:

Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, Eurasian collared dove, chukar partridge, quail other than bobwhite quail, and mute swan.

Sec. 19. Minnesota Statutes 2010, section 97A.015, subdivision 55, is amended to read:

Subd. 55. **Wild animals.** "Wild animals" means all living creatures, whether dead or alive, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

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

Sec. 20. Minnesota Statutes 2010, section 97A.028, subdivision 3, is amended to read:

Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, ~~or~~ destruction of agricultural crops by flightless Canada geese, or destruction of agricultural crops or pasture by elk within the native elk range, as determined by the commissioner.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, ~~or~~ destruction of agricultural crops by flightless Canada geese, or destruction of agricultural crops or pasture by elk within the native elk range, as determined by the commissioner. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials when the commissioner determines that:

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

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

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed ~~\$3,000~~ \$5,000 for specialty crops, ~~\$750~~ \$1,500 for protecting stored forage crops other than silage or grain, \$3,000 for stored

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silage or grain, or \$500 \$1,000 for agricultural crops damaged by flightless Canada geese. The value of deterrent materials provided to a person to help protect stored forage crops, agricultural crops, or pasture from damage by elk may not exceed \$5,000. If a person is a co-owner or cotenant with respect to the ~~specialty~~ crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

Sec. 21. Minnesota Statutes 2010, section 97A.075, subdivision 6, is amended to read:

Subd. 6. **Walleye stamp.** ~~(a)~~ Revenue from walleye stamps must be credited to the walleye stamp account. Money in the account must be used only for stocking ~~walleye walleyes purchased from the private sector~~ in waters of the state ~~and related activities~~.

~~(b) Money in the account may not be used for costs unless they are directly related to a specific body of water under paragraph (a), or for costs associated with supplies and equipment to implement walleye stocking activities under paragraph (a).~~

Sec. 22. Minnesota Statutes 2010, section 97A.101, subdivision 3, is amended to read:

Subd. 3. **Fishing may not be restricted.** Seasons or methods of taking fish other than minnows may not be restricted under this section.

Sec. 23. Minnesota Statutes 2010, section 97A.311, subdivision 5, is amended to read:

Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not including any issuing fees paid under section 97A.485, subdivision 6, if the request is received within 90 days of the original license purchase and:

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

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

(3) the licensee purchased two licenses for the same license season in error; ~~or~~

(4) the licensee was not legally required to purchase the license to participate in the activity.

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

Sec. 24. Minnesota Statutes 2010, section 97A.321, subdivision 1, is amended to read:

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

Sec. 25. Minnesota Statutes 2010, section 97A.331, is amended by adding a subdivision to read:

Subd. 4a. **Hunting big game while under revocation.** Notwithstanding section 97A.421, subdivision 7, a person who takes big game during the time the person is prohibited from obtaining a license to take big game under section 97A.421 is guilty of a gross misdemeanor.

Sec. 26. Minnesota Statutes 2010, section 97A.405, subdivision 2, is amended to read:

Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received. A person charged with violating the license possession requirement shall not be convicted if the person produces in court or the office of the arresting officer, the actual license previously issued to that person, which was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person was validly licensed. Upon request of a conservation officer or peace officer, a licensee shall write the licensee's name in the presence of the officer to determine the identity of the licensee.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial migratory waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional ~~\$2~~ fee that covers the costs of producing and mailing a pictorial stamp. A pictorial turkey stamp may be purchased for a ~~\$2~~ fee: that covers the costs of producing and mailing the pictorial stamp. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for providing the pictorial stamps. The fees must be set in an amount that does not recover significantly more or less than the cost of producing and mailing the stamps. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply.

Sec. 27. Minnesota Statutes 2010, section 97A.415, subdivision 2, is amended to read:

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Subd. 2. **Transfer prohibited.** A person may not lend, transfer, borrow, or solicit a license or permit, license identification number, application for a license or permit, coupon, tag, or seal, or use a license, permit, license identification number, coupon, tag, or seal not issued to the person unless otherwise expressly authorized. A person may transfer a license, as prescribed by the commissioner, for use by a person with a severe disability or critical illness who is participating in a hunting or fishing program sponsored by a nonprofit organization.

Sec. 28. Minnesota Statutes 2010, section 97A.425, subdivision 3, is amended to read:

Subd. 3. **Reports.** Except for persons licensed to mount specimens of wild animals, an annual report covering the preceding license year must be submitted to the commissioner by March 15. The commissioner may require other reports for statistical purposes. The reports must be on forms supplied or approved by the commissioner.

Sec. 29. Minnesota Statutes 2010, section 97A.433, is amended by adding a subdivision to read:

Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate selection for 20 percent of the elk licenses to be issued each year. Only individuals who have applied at least ten times for an elk license and who have never received a license are eligible for this separate selection.

Sec. 30. Minnesota Statutes 2010, section 97A.435, subdivision 1, is amended to read:

Subdivision 1. ~~Number of licenses to be issued~~ **License issuance.** The commissioner shall include in ~~a rule setting the dates for a turkey season the number of licenses to be issued~~ rules setting turkey seasons the methods for issuing licenses for those seasons.

Sec. 31. Minnesota Statutes 2010, section 97A.445, subdivision 1a, is amended to read:

Subd. 1a. **Angling in a state park.** (a) A resident may take fish by angling without an angling license;

(1) when shore fishing or wading on state-owned land within a state park; or

(2) when angling from a boat or float, ~~this subdivision applies only to those or through the ice on~~ water bodies completely encompassed within the statutory boundary of the state park.

(b) The exemption from an angling license does not apply to waters where a trout stamp is required.

Sec. 32. Minnesota Statutes 2010, section 97A.465, subdivision 5, is amended to read:

Subd. 5. **Preference to service members.** (a) For purposes of this subdivision:

(1) "qualified service member or veteran" means a Minnesota resident who;

(i) is currently serving, or has served at any time during the past 24 months, in active service as a member of the United States armed forces, including the National Guard or other military reserves;

(ii) has received a Purple Heart medal for qualifying military service, as shown by official military records; or

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(iii) has a service-connected disability rated at 100 percent as defined by the United States Department of Veterans Affairs; and

(2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

(b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or administrative rules, the commissioner may give first preference to qualified service members or veterans in any drawing or lottery involving the selection of applicants for hunting or fishing licenses, permits, and special permits. This subdivision does not apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the commissioner under this subdivision are not rules under the Administrative Procedure Act and section 14.386 does not apply.

Sec. 33. Minnesota Statutes 2010, 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;

(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), and licenses purchased at the resident fee by nonresidents under age 16 under section 97A.451, subdivision 5, paragraph (b). An additional commission may not be assessed on this surcharge.

Sec. 34. Minnesota Statutes 2010, section 97A.502, is amended to read:

**97A.502 DEER KILLED BY MOTOR VEHICLES.**

(a) Deer killed by a motor vehicle on a public road must be removed by the road authority, as defined by section 160.02, subdivision 25, unless the driver of the motor vehicle is allowed to possess the deer under paragraph (b). The commissioner of natural resources must provide to all road authorities standard forms for statistical purposes and the tracking of wild animals.

(b) The driver of a motor vehicle that has collided with and killed a deer on a public road has priority for a possession permit for the entire deer if the facts indicate that the deer was not taken illegally.

Sec. 35. Minnesota Statutes 2010, section 97A.505, subdivision 2, is amended to read:

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Subd. 2. **Possession of unlawful animals brought into state prohibited.** (a) A person may not possess a wild animal that has been unlawfully taken, bought, sold, or possessed outside the state, or unlawfully shipped into the state.

(b) When entering the state from Canada, a person who possesses fish that were unlawfully taken or possessed under paragraph (a) may be charged in the same manner as for possessing fish that were unlawfully taken or possessed in the state.

Sec. 36. Minnesota Statutes 2010, section 97A.545, subdivision 5, is amended to read:

Subd. 5. **Birds must be in undressed condition; exceptions.** (a) Except as provided in paragraph (b), a person may ship or otherwise transport game birds in an undressed condition only.

(b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

(1) were taken on a shooting preserve and are marked or identified in accordance with section 97A.121, subdivision 5;

(2) were taken, dressed, and lawfully shipped or otherwise transported in another state; ~~or~~

(3) are migratory game birds that were lawfully tagged and packed by a federally permitted migratory bird preservation facility; or

(4) are doves shipped or transported in accordance with federal law.

Sec. 37. **[97B.0215] PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.**

A parent or legal guardian of a minor may not knowingly direct, allow, or permit the minor to hunt without the required license, permit, training, or certification, or in violation of the game and fish laws.

Sec. 38. Minnesota Statutes 2010, section 97B.022, subdivision 2, is amended to read:

Subd. 2. **Apprentice hunter validation requirements.** A resident born after December 31, 1979, who is age 12 or ~~older~~ over and who does not possess a hunter education firearms safety certificate may be issued an apprentice hunter validation. An apprentice hunter validation ~~is valid for only one~~ may be purchased two license ~~year~~ years in a lifetime and used to obtain hunting licenses during the same license year that the validation is purchased. An individual in possession of an apprentice hunter validation may hunt small game ~~and~~ deer, and bear only when accompanied by an adult licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps.

Sec. 39. Minnesota Statutes 2010, section 97B.031, subdivision 5, is amended to read:

Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by

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(1) a licensed physician; or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision 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 subdivision is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

Sec. 40. Minnesota Statutes 2010, section 97B.041, is amended to read:

**97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.**

(a) A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

(b) This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during ~~that~~ the muzzleloader season. While muzzleloader hunting, a person with a valid license to take deer by muzzleloader may not possess a firearm other than:

(1) a muzzleloader that is legal for taking deer under section 97B.031, subdivision 1; and

(2) a firearm as described in paragraph (a), clauses (2) to (5).

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Sec. 41. Minnesota Statutes 2010, section 97B.045, subdivision 3, is amended 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) (2) within the boundaries of a home rule charter or statutory city with a population of 2,500 or more;~~

~~(4) (3) on school grounds; or~~

~~(5) (4) 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. 42. Minnesota Statutes 2010, 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, or certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility for the permit. Notwithstanding section



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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, certified nurse practitioner, certified physician assistant, 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 2010, section 97B.075, is amended to read:

**97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

(a) A person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except as provided in this section.

(b) Big game may be taken from one-half hour before sunrise until one-half hour after sunset.

(c) Except as otherwise prescribed by the commissioner on or before the Saturday nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner. ~~On the opening day of the duck season, shooting hours for migratory game birds, except woodcock, begin at 9:00 a.m.~~

Sec. 44. Minnesota Statutes 2010, section 97B.106, subdivision 1, is amended to read:

Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may issue a special permit, without a fee, to take big game, small game, or rough fish with a crossbow to a person that is unable to hunt or take rough fish by archery because of a permanent or temporary physical disability. A crossbow permit issued under this section also allows the permittee to use a bow with a mechanical device that draws, releases, or holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

(b) To qualify for a crossbow permit under this section, a temporary disability must render the person unable to hunt or fish by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability must be established by medical evidence, and the inability to hunt or fish by archery for the

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required period of time must be verified in writing by (1) a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; or (2) a licensed chiropractor. A person who has received a special permit under this section because of a permanent disability is eligible for subsequent special permits without providing medical evidence and verification of the disability.

(c) The person must obtain the appropriate license.

Sec. 45. Minnesota Statutes 2010, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. **Possession of firearms prohibited.** (a) A person may not take deer by archery while in possession of a firearm.

(b) Paragraph (a) does not apply to a person carrying a handgun in compliance with section 624.714.

Sec. 46. Minnesota Statutes 2010, section 97B.325, is amended to read:

**97B.325 DEER STAND RESTRICTIONS.**

A person may not take deer from a constructed platform or other structure that is located within the right-of-way of an improved public highway ~~or is higher than 16 feet above the ground.~~ ~~The height restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.~~

Sec. 47. Minnesota Statutes 2010, section 97B.405, is amended to read:

**97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

~~(b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area. A person selected through a drawing must purchase a license by August 1. Any remaining available licenses not purchased shall be issued to any eligible person as prescribed by the commissioner on a first-come, first-served basis beginning three business days after August 1.~~

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

Sec. 48. Minnesota Statutes 2010, section 97B.425, is amended to read:

**97B.425 BAITING BEARS.**

Notwithstanding section 609.68, a person may place bait to take bear and must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. The tag displayed at each site where bait is placed must contain ~~identification information:~~ (1) the licensee's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#" license identification number issued to the licensee for a licensed bear hunter or a licensed bear outfitter. A person must have the license identification number of the person with the bear

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license in their possession or be a licensed bear outfitter while attending a bear bait station. To attract bear a person may not use a bait with:

- (1) a carcass from a mammal, if the carcass contains more than 25 percent of the intact carcass;
- (2) meat from mammals, if the meat contains bones;
- (3) bones of mammals;
- (4) solid waste containing bottles, cans, plastic, paper, or metal;
- (5) materials that are not readily biodegradable; or
- (6) any part of a swine, except cured pork.

Sec. 49. **97B.426] BAITING BEAR; USE OF DRUM.**

Notwithstanding section 97B.425, a private landowner or person authorized by the private landowner may use a drum to bait bear on the person's private land. The drum must be securely chained or cabled to a tree so that it cannot be moved from the site by a bear and the drum may not include a mechanical device for dispensing feed. The drum must be marked as provided in section 97B.425. For purposes of this section, "drum" means a 30 gallon or larger drum.

Sec. 50. Minnesota Statutes 2010, section 97B.515, is amended by adding a subdivision to read:

Subd. 4. **Taking elk causing damage or nuisance.** The commissioner may authorize licensed hunters to take elk that are causing damage or nuisance from August 15 to March 1 under rules prescribed by the commissioner. The commissioner may issue licenses to hunters impartially selected from a list of elk hunt applicants who indicated on their application that they would be interested and available to respond to an elk damage or nuisance situation. Notwithstanding section 97A.433, subdivision 2, clause (2), a person receiving a license to hunt elk under this subdivision does not lose eligibility for future elk hunts.

Sec. 51. Minnesota Statutes 2010, section 97B.645, subdivision 9, is amended to read:

Subd. 9. **Open season.** There shall be no open season for gray wolves ~~for five years until~~ after the gray wolf is delisted under the federal Endangered Species Act of 1973. After that time, the commissioner may prescribe open seasons and restrictions for taking gray wolves but must provide opportunity for public comment.

Sec. 52. Minnesota Statutes 2010, section 97B.667, is amended to read:

**97B.667 REMOVAL OF BEAVERS, BEAVER DAMS, AND LODGES BY ROAD AUTHORITIES.**

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 25, may remove the impairment and any associated beaver lodge within 300 feet of the road. Notwithstanding any law to the contrary, the road authority may kill or arrange to have killed by any lawful means a beaver associated with the lodge. Before killing or arranging to kill a beaver under this section, the road authority must contact a conservation officer for a special beaver permit. The conservation officer must issue the

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permit for any beaver subject to this section. A road authority that kills or arranges to have killed a beaver under this section must notify a conservation officer or the officer's designee as specified in the permit within ten days after the animal is killed. A road authority may, after consultation with the Wildlife Division and the Board of Water and Soil Resources, implement a local beaver control program designed to reduce the number of incidents of beaver interfering with or damaging a public road. The local control program may include the offering of a bounty for the lawful taking of beaver.

Sec. 53. Minnesota Statutes 2010, section 97B.803, is amended to read:

**97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.**

~~(a)~~ The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

~~(b) The regular duck season may not open before the Saturday closest to October 1.~~

Sec. 54. Minnesota Statutes 2010, section 97C.005, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters. The commissioner may, by written order published in the State Register, amend daily, possession, or size limits to make midseason adjustments based on available harvest, angling pressure, and population data to manage the fisheries in the 1837 Ceded Territory in compliance with the court orders in Mille Lacs Band of Chippewa v. Minnesota, 119 S. Ct. 1187 (1999). The midseason adjustments in daily, possession, or size limits are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. Before the written order is effective, the commissioner shall attempt to notify persons or groups of persons affected by the written order by public announcement, posting, and other appropriate means as determined by the commissioner.

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

Sec. 55. **[97C.007] NORTHERN PIKE EXPERIMENTAL AND SPECIAL MANAGEMENT WATERS.**

The combined number of lakes designated for northern pike under sections 97C.001 and 97C.005 may not exceed 100 at one time. Until November 1, 2021, the designated lakes must be selected from the lakes identified in rules adopted under sections 97C.001 and 97C.005 with northern pike slot limits effective on January 1, 2011. A designation under this section must continue for at least ten years, at which time the commissioner shall determine, based on scientific studies, whether the designation should be discontinued.

**EFFECTIVE DATE.** This section is effective November 1, 2011.

Sec. 56. Minnesota Statutes 2010, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **Contests requiring a permit.** (a) Unless subdivision 3a applies, a person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2: if:

(1) there are more than 25 boats for open water contests, more than 150 participants for ice fishing contests, or more than 100 participants for shore fishing contests;

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(2) entry fees are more than \$25 per person; or

(3) the contest is limited to trout species.

(b) 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. 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)~~ (c) The commissioner may require the applicant to furnish evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000 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)~~ (d) The permit fee for any individual contest may not exceed the following amounts:

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

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

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

(4) \$500 for an open water contest with more than 50 boats with off-site weigh-in; or

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

Sec. 57. Minnesota Statutes 2010, section 97C.081, is amended by adding a subdivision to read:

Subd. 3a. **Contests without a permit.** A person may conduct a fishing contest without a permit from the commissioner if:

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

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

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

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

Sec. 58. Minnesota Statutes 2010, section 97C.087, subdivision 2, is amended to read:

Subd. 2. **Application for tag.** Application for special fish management tags must be accompanied by a \$5, nonrefundable application fee for each tag. A person may not make more than one tag application each calendar year. If a person makes more than one application, the person is ineligible for a special fish management tag for that ~~season~~ calendar year after determination by the commissioner, without a hearing.

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Sec. 59. Minnesota Statutes 2010, section 97C.205, is amended to read:

**97C.205 TRANSPORTING AND STOCKING FISH.**

(a) Except on the water body where taken, a person may not transport a live fish in a quantity of water sufficient to keep the fish alive, unless the fish:

(1) is being transported under an aquaculture license as authorized under sections 17.4985 and 17.4986;

(2) is being transported for a fishing contest weigh-in under section 97C.081;

(3) is a minnow being transported under section 97C.505 or 97C.515;

(4) is being transported by a commercial fishing license holder under section 97C.821; or

(5) is being transported as otherwise authorized in this section or as prescribed for certifiable diseases under sections 17.46 to 17.4999.

(b) The commissioner may adopt rules to allow and regulate:

(1) the transportation of fish and fish eggs; and

(2) the stocking of waters with fish or fish eggs.

(c) The commissioner must allow the possession of fish on special management or experimental waters to be prepared as a meal on the ice or on the shore of that water body if the fish:

(1) were lawfully taken;

(2) have been packaged by a licensed fish packer; and

(3) do not otherwise exceed the statewide possession limits.

(d) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:

(1) prescribe methods to acquire brood stock for the ponds by seining public waters;

(2) allow the sporting organizations to own and use seines and other necessary equipment; and

(3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.

(e) A person age 16 or under may, for purposes of display in a home aquarium, transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow, and brown bullheads taken by angling, except as otherwise ordered by the commissioner upon documentation of an emergency fish disease in Minnesota waters, as defined in section 17.4982, subdivision 9. No more than four of each species may be transported at any one time, and any individual fish can be no longer than ten inches in total length. The commissioner may, by written order published in the State Register, prohibit transportation of live fish under this paragraph to help prevent spread of an emergency fish disease documented to occur in Minnesota waters. The order is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

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Sec. 60. Minnesota Statutes 2010, section 97C.211, subdivision 5, is amended to read:

Subd. 5. **Price of walleye game fish fry and eggs.** ~~The commissioner may not sell walleye or barter game fish fry or eggs for not less than fair market value, defined as the average price charged by private walleye fry wholesalers located in Minnesota the cost associated with the production of eggs or fry.~~

Sec. 61. Minnesota Statutes 2010, section 97C.341, is amended to read:

**97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

(a) A person may not use live minnows imported from outside of the state, game fish, goldfish, or carp for bait. The commissioner may, by written order published in the State Register, authorize use of game fish eggs as bait and prescribe restrictions on their use. The order is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(b) A person may not import or possess live, frozen, or processed bait from known waters where viral hemorrhagic septicemia has been identified as being present, except as provided in paragraph (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians, invertebrates, and insects used for angling taking wild animals in waters of the state.

(c) Cisco and rainbow smelt taken under rules adopted by the commissioner may be used as:

(1) fresh or frozen bait only on Lake Superior; or

(2) bait that has been processed to inactivate viral hemorrhagic septicemia in a manner prescribed by rules adopted by the commissioner.

(d) To ensure that frozen or dead fish being brought into the state are not in violation of paragraph (b), the following paperwork must accompany the shipment. Documents must be open for inspection by the commissioner at any reasonable time. All documents must be available to purchasers of these bait items. Each container or package of frozen or dead fish must have the following information:

(1) water body source;

(2) lot number;

(3) company contact including name, phone, and address;

(4) date of packaging and labeling; and

(5) valid negative fish health certification from the source water body.

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

Sec. 62. **[97C.342] CERTIFICATION THAT FROZEN OR DEAD FISH BAIT ARE DISEASE FREE.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "Water body" means waters identified by a unique Department of Natural Resources public water identification number; a body of water that has defined boundaries and that has no Department of Natural Resources public water identification number; or

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a section of stream designated by a Kittle number, lock and dam numbering system, or to the upstream and downstream barrier.

(2) "Commercial license" means a license issued under section 97A.475, subdivision 26, 27, 29, or 30.

Subd. 2. **Bait restrictions.** Frozen or dead fish on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services; cisco (all Coregonus, including lake herring and tullibee); and smelt (all Osmerus, Spirincus, Hypomesus, and Allosmerus) being used as bait in waters of the state must originate from water bodies certified disease free. Certification for these water bodies is valid for one year from the date of test results.

Subd. 3. **Testing requests.** As a part of commercial licensing procedures, a list of water bodies requiring a fish health certification for commercial bait harvest must be provided to the commissioner no later than March 1 of each year, except in 2011 the list must be provided by August 1.

Subd. 4. **Certification fees.** Notwithstanding section 16A.1283, the commissioner may by written order published in the State Register, establish fees for the services and testing required to issue health certifications for a water body. The fees must be set in an amount that does not recover significantly more or less than the costs of providing services to health-certify a water body. The fees are not subject to the rulemaking provisions of chapter 14 and sections 14.125 and 14.386 do not apply. The services covered under this subdivision include:

(1) cost of collecting the species for testing;

(2) fish health inspection and certification, including initial tissue sample collection, basic fish health assessment, and fish disease testing; and

(3) administrative overhead for tracking and documentation of testing.

Subd. 5. **Transportation permit requirements.** A commercial licensee harvesting from a certified disease-free water body must obtain a live fish importation, transportation, and stocking permit to move fish from that source. A live fish importation, transportation, and stocking permit may be used for multiple shipments within a 30-day term period if the source and destination remain the same. The commercial licensee must contact the department within 24 hours of exercising the permit. Permits may be issued through the department's regional offices or St. Paul office and must be obtained prior to moving fish as approved for movement from these certified disease-free water bodies.

Subd. 6. **Reporting requirements.** A commercial licensee harvesting bait under this section must maintain records on forms provided by the commissioner for each lot of frozen or dead fish for sale as bait. The records must include the lot number for each batch of frozen or dead fish, water body health certification documentation, transportation permit number, and other information as specified on the reporting form. The commercial licensee must enter required records onto forms within 24 hours of packaging and labeling each lot of fish. The commercial licensee must retain records for three years following the year of creation. All records required to be retained must be open to inspection by the commissioner at any reasonable time.

Subd. 7. **Labeling requirements.** Frozen or dead fish from certified disease-free water bodies that are being sold as bait must be labeled. The seller of the product is



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responsible for making sure the items are labeled according to this section. Each container or package of frozen or dead fish bait must have the following information:

- (1) Department of Natural Resources certified water body number;
- (2) Department of Natural Resources transportation permit number;
- (3) lot number;
- (4) date of harvest from water body;
- (5) date of packaging and labeling;
- (6) bait store or vendor name where purchased; and
- (7) disease-free certification date.

Subd. 8. **Persons using frozen or dead fish bait.** A person on, or taking wild animals in, waters of the state with frozen or dead fish bait must possess all labeling as prescribed under subdivision 7. The person must retain the labeling until the bait is used and no longer in the person's possession.

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

Sec. 63. Minnesota Statutes 2010, section 103B.101, subdivision 9, is amended to read:

Subd. 9. **Powers and duties.** In addition to the powers and duties prescribed elsewhere, the board shall:

(1) coordinate the water and soil resources planning and implementation activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, contracts and easements, and by other means as may be appropriate;

(2) facilitate communication and coordination among state agencies in cooperation with the Environmental Quality Board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible;

(3) coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009;

(4) develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them;

(5) provide a forum for the discussion of local issues and opportunities relating to water and soil resources management;

(6) adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law; and

(7) report to the governor and the legislature by October 15 of each even-numbered year with an assessment of board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management.

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The board may accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other source to achieve an authorized or delegated purpose. The board may enter into a contract or agreement necessary or appropriate to accomplish the transfer. The board may conduct or participate in local, state, or federal programs or projects that have as one purpose or effect the preservation or enhancement of water and soil resources and may enter into and administer agreements with local governments or landowners or their designated agents as part of those programs or projects. The board may receive and expend money to acquire conservation easements, as defined in chapter 84C, on behalf of the state and federal government consistent with the Camp Ripley's Army Compatible Use Buffer Project.

Any money received is hereby deposited in an account in a fund other than the general fund and appropriated and dedicated for the purpose for which it is granted.

Sec. 64. **[348.125] COYOTE CONFLICT MANAGEMENT OPTION.**

A county or town board may, by resolution, offer a bounty for the taking of coyotes (Canis latrans) by all legal methods. The resolution may be made applicable to the whole or any part of the county or town. The bounty must apply during the months specified in the resolution and be in an amount determined by the board.

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

Sec. 65. Minnesota Statutes 2010, section 604A.12, is amended to read:

**604A.12 LIVESTOCK ACTIVITIES; IMMUNITY FROM LIABILITY.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Inherent risks of livestock activities" means dangers or conditions that are an integral part of livestock activities, including:

(1) the propensity of livestock to behave in ways that may result in death or injury to persons on or around them, such as kicking, biting, ~~or~~ bucking, or charging;

(2) the unpredictability of livestock's reaction to things like sound, sudden movement, unfamiliar objects, persons, or other animals;

(3) natural hazards such as surface or subsurface conditions; or

(4) collisions with other livestock or objects.

(c) "Livestock" means cattle, sheep, swine, horses, ponies, donkeys, mules, hinnies, goats, buffalo, llamas, or poultry.

(d) "Livestock activity" means an activity involving the maintenance or use of livestock, regardless of whether the activity is open to the general public, and, except in the case of livestock grazing under clause (7), provided the activity is not performed for profit. Livestock activity includes:

(1) livestock production;

(2) loading, unloading, or transporting livestock;

(3) livestock shows, fairs, competitions, performances, races, rodeos, or parades;

(4) livestock training or teaching activities;

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(5) boarding, shoeing, or grooming livestock; ~~or~~

(6) riding or inspecting livestock or livestock equipment; or

(7) the use of state property for livestock grazing, pursuant to an agreement with the commissioner of natural resources.

(e) "Livestock activity sponsor" means a person who sponsors, organizes, or provides the facilities for a livestock activity that is open to the general public.

(f) "Participant" means a person who directly and intentionally engages in a livestock activity. Participant does not include a spectator who is in an authorized area.

Subd. 2. **Immunity from liability; livestock events.** ~~Except as provided in subdivision 3,~~ A nonprofit corporation, association, or organization, or a person or other entity donating services, livestock, facilities, or equipment for the use of a nonprofit corporation, association, or organization, is not liable for the death of or an injury to a participant resulting from the inherent risks of livestock activities.

Subd. 3. **Exceptions; livestock events.** Subdivision 2 does not apply if any of the following exist:

(1) the person provided livestock for the participant and failed to make reasonable efforts to determine the ability of the participant to safely engage in the livestock activity or to determine the ability of the participant to safely manage the particular livestock based on the participant's representations of the participant's ability;

(2) the person provided equipment or tack for the livestock and knew or should have known that it was faulty to the extent that it caused the injury or death;

(3) the person owns or leases the land upon which a participant was injured or died because of a human-made dangerous latent condition and failed to use reasonable care to protect the participant;

(4) the person is a livestock activity sponsor and fails to comply with the notice requirement of subdivision 4; or

(5) the act or omission of the person was willful or negligent.

Subd. 3a. **Immunity from liability; grazing on public lands.** (a) Any person or entity grazing livestock on state lands under an agreement with the commissioner of natural resources is not liable for damage to property or the death of or an injury to a person due to the inherent risks of livestock activities.

(b) This subdivision does not apply if the person or entity grazing the livestock:

(1) fails to exercise reasonable care in using the land for grazing or in managing the livestock; or

(2) maintains a condition in material violation of an agreement with the commissioner of natural resources for use of the land, and the condition contributed to the damage, death, or injury.

Subd. 4. **Posting notice.** (a) A livestock activity sponsor shall post plainly visible signs at one or more prominent locations in the premises where the livestock activity takes place that include a warning of the inherent risks of livestock activity and the limitation of liability under this section.

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(b) The commissioner of natural resources shall post plainly visible signs at one or more prominent locations on any state property being used for grazing purposes pursuant to an agreement with the commissioner. The signs shall include a warning of the inherent risks of livestock activity, and the limitations of liability provided in this section and any other applicable law.

**EFFECTIVE DATE; APPLICABILITY.** This section is effective the day following final enactment and applies to causes of action arising on or after that date. The commissioner shall post notice as required by subdivision 4 on any property subject to a livestock grazing agreement on the effective date of this section within 60 days of that date.

Sec. 66. Minnesota Statutes 2010, section 604A.24, is amended to read:

**604A.24 LIABILITY; LEASED LAND, WATER-FILLED MINE PITS; MUNICIPAL POWER AGENCY LAND.**

Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to the duties and liability of an owner of the following land:

- (1) land leased to the state or any political subdivision for recreational purpose; or
- (2) idled or abandoned, water-filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity; ~~or~~
- (3) land of which a municipal power agency is an owner and that is used for recreational trail purposes, and other land of a municipal power agency which is within 300 feet of such land if the entry onto such land was from land that is dedicated for recreational purposes or recreational trail use; or
- (4) land leased to the state or otherwise subject to an agreement or contract for purposes of a state-sponsored walk-in access program.

Sec. 67. **RULEMAKING; GAME FARMS.**

(a) The commissioner of natural resources shall amend Minnesota Rules, parts 6242.0900, subpart 1, and 6242.1000, subpart 1, to allow an option for game farm licensees to use approved report and sales receipt formats.

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

Sec. 68. **RULEMAKING; SPEARING ON CASS LAKE.**

The commissioner of natural resources shall amend Minnesota Rules, part 6264.0400, subpart 69, to allow a person to take fish by spearing on Cass Lake. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388. Until July 1, 2016, the commissioner shall not adopt restrictions on spearing northern pike on Cass Lake under Minnesota Statutes, section 97C.001 or 97C.005.

Sec. 69. **DEER HUNTING RULES.**

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(a) If the commissioner of natural resources adopts a rule applicable for the Series 300 deer permit areas that imposes an antler point restriction for taking antlered deer, other than that imposed under Minnesota Rules, part 6232.0200, subpart 6, the rule must expire after the 2012 deer hunting season.

(b) The commissioner of natural resources may not reinstate an antler point restriction for the Series 300 deer permit areas, other than that imposed under Minnesota Rules, part 6232.0200, subpart 6, after the 2012 deer hunting season unless the legislature approves the antler point restriction.

(c) The commissioner of natural resources shall amend Minnesota Rules, part 6232.1300, subpart 3, item B, to allow legal bucks to be taken in season option A for a nine-day period beginning the Saturday nearest November 6. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

Sec. 70. **REPEALER.**

Minnesota Statutes 2010, sections 84.942, subdivisions 2, 3, and 4; 97A.015, subdivisions 26b, 27b, and 27c; 97A.435, subdivision 5; 97B.511; 97B.515, subdivision 3; and 97C.081, subdivision 2, are repealed.

Sec. 71. **EFFECTIVE DATE; RELATIONSHIP TO OTHER APPROPRIATIONS.**

Unless otherwise specified, this article is effective retroactively from July 1, 2011, and supersedes and replaces funding authorized by order of the Second Judicial District Court in Case No. 62-CV-11-5203.

Presented to the governor July 19, 2011

Signed by the governor July 20, 2011, 9:05 a.m.