

CHAPTER 90--S.F.No. 2904

An act relating to natural resources; providing for new electronic licensing system; providing for native rough fish and making conforming changes to provisions for aquatic farm licenses and taking and possessing fish; modifying provisions for watersheds, soil and water conservation districts, and wetland management; modifying wetland banking program and conservation easement programs; clarifying jurisdiction for riparian protection and water quality; extending provisions to apportion drainage repair costs; eliminating grants to control beaver damage; modifying authority and duties of Board of Water and Soil Resources; modifying provisions for native prairie bank; providing for Fish and Wildlife Advisory Committee; modifying feral swine provisions; authorizing rulemaking; requiring reports; amending Minnesota Statutes 2022, sections 14.386; 17.4983, subdivision 2; 17.4984, subdivision 2; 17.4988, subdivision 4; 17.4992, subdivisions 1, 3; 17.4996; 41A.02, subdivision 6; 84.027, subdivision 15; 84.0874; 84.152, subdivision 3; 84.788, subdivision 11; 84.798, subdivision 10; 84.8035, subdivision 1; 84.82, subdivisions 2a, 11; 84.8205; 84.83, subdivision 2; 84.922, subdivision 12; 84.96, subdivisions 2, 3, 5; 84B.061; 85.41, subdivisions 1, 4; 85.45, subdivision 1; 85.46, subdivision 3; 86B.415, subdivision 11; 97A.015, subdivisions 3a, 3b, 39, 43, by adding a subdivision; 97A.055, subdivision 4b; 97A.075, subdivision 2; 97A.215, by adding a subdivision; 97A.255, subdivision 5; 97A.341, subdivision 1; 97A.405, subdivisions 3, 4, 4a; 97A.420, as amended; 97A.421, subdivision 2; 97A.445, by adding a subdivision; 97A.473, subdivisions 1, 3, 4, 5, 5a; 97A.474, subdivision 3; 97A.475, subdivision 39; 97A.481; 97A.485, subdivision 6; 97A.535, subdivisions 1, 2, 2a, 4; 97A.551, subdivisions 2, 6; 97A.56, subdivision 1; 97B.055, subdivision 2; 97B.106; 97B.303; 97B.401; 97B.603; 97B.716, subdivision 2; 97B.721; 97C.025; 97C.035, subdivision 3; 97C.045; 97C.081, subdivision 3a; 97C.087; 97C.211, subdivision 5; 97C.301, subdivision 2a; 97C.355, subdivision 2; 97C.375; 97C.376, subdivisions 1, 5; 97C.381; 97C.385; 97C.391, subdivision 1; 97C.395, subdivision 2; 97C.505, subdivision 8; 97C.801, subdivision 2; 97C.805, subdivisions 1, 4; 97C.811, subdivision 2; 97C.831, subdivision 1; 97C.835, subdivisions 2, 3; 97C.865, subdivision 1; 103B.101, subdivision 13; 103C.005; 103C.221; 103C.331, subdivisions 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, by adding subdivisions; 103D.011, subdivision 10; 103D.201, subdivision 2; 103D.205, subdivision 4; 103D.251, subdivisions 5, 6; 103D.255; 103D.261, subdivisions 1, 2; 103D.271, subdivision 7; 103D.301, subdivisions 1, 3; 103D.305, subdivisions 2, 5; 103D.311, subdivision 4; 103D.315, subdivisions 9, 10; 103D.321, subdivision 1; 103D.331, subdivision 2; 103D.335, subdivision 11; 103D.341, subdivision 1; 103D.345, subdivision 4; 103D.355, subdivision 1; 103D.401; 103D.405, subdivision 1; 103D.535, subdivision 3; 103D.701; 103D.705, subdivision 1, by adding a subdivision; 103D.711, subdivisions 3, 4, 6; 103D.715, subdivision 1; 103D.729, subdivisions 1, 2; 103D.731; 103D.745, subdivision 3; 103D.805; 103D.811, subdivision 3; 103D.901, subdivision 2; 103E.729, subdivision 9; 103F.48, subdivision 1; 103F.511, by adding subdivisions; 103F.515; 103F.535, subdivision 5; 103G.005, subdivisions 14d, 17b; 103G.222, subdivision 1; 103G.2241, subdivisions 1, 2, 6, 9; 103G.2242, subdivisions 2, 2a, 3; 116.0711, subdivision 1; Minnesota Statutes 2023 Supplement, sections 84.83, subdivision 3; 97A.405, subdivision 2; 97B.037; 97C.041; 97C.371, subdivision 1; 103G.005, subdivision 19; 103G.2242, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 103D; 103F; repealing Minnesota Statutes 2022, sections 97A.015, subdivision 27a; 97A.485, subdivision 13; 103A.206; 103D.315, subdivision 4; 103D.405, subdivisions 2, 3, 4, 5, 6; 103D.411; 103D.601; 103D.605, subdivisions 1, 2, 3, 4; 103D.611; 103D.711, subdivision 1; 103F.511, subdivision 8b; 103F.950; Minnesota Statutes 2023 Supplement, section 103D.605, subdivision 5; Minnesota Rules,

parts 8400.3000; 8400.3030; 8400.3110; 8400.3210; 8400.3260; 8400.3300; 8400.3400; 8400.3460; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3930.

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

ARTICLE 1

ELECTRONIC LICENSE SYSTEM

Section 1. Minnesota Statutes 2022, section 14.386, is amended to read:

14.386 PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.

(a) A rule adopted, amended, or repealed by an agency, under a statute enacted after January 1, 1997, authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule, has the force and effect of law only if:

(1) the revisor of statutes approves the form of the rule by certificate;

(2) the person authorized to adopt the rule on behalf of the agency signs an order adopting the rule;

(3) the Office of Administrative Hearings approves the rule as to its legality within 14 days after the agency submits it for approval and files four paper copies or an electronic copy of the adopted rule with the revisor's certificate in the Office of the Secretary of State; and

(4) a copy is published by the agency in the State Register.

The secretary of state shall forward one copy of the rule to the governor.

A statute enacted after January 1, 1997, authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule does not excuse compliance with this section unless it makes specific reference to this section.

(b) A rule adopted under this section is effective for a period of two years from the date of publication of the rule in the State Register. The authority for the rule expires at the end of this two-year period.

(c) The chief administrative law judge shall adopt rules relating to the rule approval duties imposed by this section and section 14.388, including rules establishing standards for review.

(d) This section does not apply to:

(1) any group or rule listed in section 14.03, subdivisions 1 and 3, except as otherwise provided by law;

(2) game and fish rules of the commissioner of natural resources adopted under section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459;

(3) experimental and special management waters designated by the commissioner of natural resources under sections 97C.001 and 97C.005;

(4) game refuges designated by the commissioner of natural resources under section 97A.085; or

(5) transaction fees established by the commissioner of natural resources for electronic or telephone sales of licenses, stamps, permits, registrations, or transfers under section 84.027, subdivision 15, paragraph (a), clause ~~(3)~~ (2).

(e) If a statute provides that a rule is exempt from chapter 14, and section 14.386 does not apply to the rule, the rule has the force of law unless the context of the statute delegating the rulemaking authority makes clear that the rule does not have force of law.

Sec. 2. Minnesota Statutes 2022, section 84.027, subdivision 15, is amended to read:

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

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

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

~~(3)~~ (2) charge and permit agents to charge a fee of individuals who make electronic transactions and transactions by telephone or Internet, including issuing fees and an additional transaction fee not to exceed \$3.50;

~~(4)~~ (3) charge and permit agents to charge a convenience fee not to exceed three percent of the cost of the license to individuals who use electronic bank cards for payment. An electronic licensing system agent charging a fee of individuals making an electronic bank card transaction in person must post a sign informing individuals of the fee. The sign must be near the point of payment, clearly visible, include the amount of the fee, and state: "License agents are allowed by state law to charge a fee not to exceed three percent of the cost of state licenses to persons who use electronic bank cards for payment. The fee is not required by state law.";

~~(5)~~ (4) establish, by written order, an electronic licensing system commission to be paid by revenues generated from all sales made through the electronic licensing system. The commissioner shall establish the commission in a manner that neither significantly overrecovers nor underrecovers costs involved in providing the electronic licensing system; and

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

(b) The fees established under paragraph (a), clauses (2) and (3) ~~and (4)~~, and the commission established under paragraph (a), clause ~~(5)~~ (4), are not subject to the rulemaking procedures of chapter 14 and section 14.386 does not apply.

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

(d) Game and fish licenses under chapters 97A, 97B, and 97C shall be available by electronic transaction, regardless of whether all or any part of the biennial appropriation law for the department has been enacted. If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions for the purpose of this paragraph are appropriated from the general fund to the commissioner of management and budget. As necessary, the commissioner

may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this section is applicable supersedes and replaces the funding authorized in this paragraph.

Sec. 3. Minnesota Statutes 2022, section 84.0874, is amended to read:

84.0874 ELECTRONIC LICENSING SYSTEM DATA.

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

(b) Private data on individuals under paragraph (a) may be disclosed as follows:

(1) for use by any government agency, including a court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions;

(2) for use in connection with matters of vehicle or operator safety and theft, emissions, product alterations, recalls or advisories, and performance monitoring;

(3) for use in the normal course of business by a legitimate business or its agents, employees, or contractors, in order to verify the accuracy of personal information submitted by an individual. If the information as submitted is not correct or is no longer correct, correct information may be obtained only for the purpose of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual. If the person requesting access is acting as the agent of a lienholder, the requester must submit proof of a contract with the lienholder;

(4) for use in connection with any civil, criminal, administrative, or arbitration proceedings in any federal, state, or local court or agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, provided that the requester provides a copy of the court order;

(5) for use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities or antifraud activities. If the person requesting access is an agent of an insurance company, the requester must provide the insurance company's name;

(6) for use in providing notice to the owners of towed or impounded recreational vehicles or watercraft. The person requesting access must provide the name, address, and telephone number of the entity that requested that the recreational vehicle or watercraft be towed;

(7) for use by any licensed private investigative agency or licensed security service for any purpose permitted under this section, provided that the person provides a copy of a valid license; or

(8) where the use is related to the physical safety or security of operators, vehicles, pedestrians, or property.

The commissioner must not disclose data under this paragraph if the commissioner concludes that the requester is likely to use the data for an improper purpose or other purpose not authorized by this paragraph.

Sec. 4. Minnesota Statutes 2022, section 84.152, subdivision 3, is amended to read:

Subd. 3. **Application.** (a) ~~An application for a wild rice dealer's license must be made under a written oath.~~ The form of application for a wild rice dealer's license application must include:

(1) the amount of wild rice, whether raw or processed, bought or sold by the applicant during the preceding calendar year;

(2) the amount of wild rice the applicant estimates will be bought or sold under the license; and

(3) other pertinent information required by the commissioner.

(b) The license fee must be paid in advance, based on the applicant's estimate. A license may not be issued for a fee based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year.

Sec. 5. Minnesota Statutes 2022, section 84.788, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause ~~(3)~~ (2), if the refund request is received within 12 months of the original registration and:

(1) the off-highway motorcycle was registered incorrectly by the commissioner or the deputy registrar;
or

(2) the off-highway motorcycle was registered twice, once by the dealer and once by the customer.

Sec. 6. Minnesota Statutes 2022, section 84.798, subdivision 10, is amended to read:

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

(1) the off-road vehicle was registered incorrectly; or

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

Sec. 7. Minnesota Statutes 2022, section 84.8035, subdivision 1, is amended to read:

Subdivision 1. **Pass required; fee.** (a) Except as provided under paragraph (c), a person may not operate an off-road vehicle on a state or grant-in-aid off-road vehicle trail or use area unless the vehicle displays an off-road vehicle state trail pass ~~sticker~~ issued according to this section. The pass must be ~~viewable~~ available to be viewed by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The commissioner of natural resources shall issue a pass upon application and payment of the fee. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the off-road vehicle account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision

15, must be used for grants-in-aid to counties and municipalities for off-road vehicle organizations to construct and maintain off-road vehicle trails and use areas.

(c) An off-road vehicle state trail pass is not required for:

(1) an off-road vehicle that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.798, subdivision 2;

(2) a person operating an off-road vehicle only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(3) a person operating an off-road vehicle that is registered according to section 84.798.

(d) The fee for an annual nonresident off-road vehicle state trail pass is \$20. The nonresident pass is valid from January 1 through December 31. The fee for a nonresident three-year pass is \$30.

(e) The fee for a resident off-road vehicle state trail pass is \$20. The resident pass is valid for 30 consecutive days after the date of issuance.

Sec. 8. Minnesota Statutes 2022, section 84.82, subdivision 2a, is amended to read:

Subd. 2a. **Nontrail use registration.** A snowmobile may be registered for nontrail use. A snowmobile registered under this subdivision may not be operated on a state or grant-in-aid snowmobile trail. The fee for a nontrail use registration of a snowmobile with an engine displacement that is greater than 125 cubic centimeters is \$45 for three years. A nontrail use registration is not transferable. In addition to other penalties prescribed by law, the penalty for violation of this subdivision is immediate revocation of the nontrail use registration. The commissioner shall ensure that the registration ~~sticker~~ provided for limited nontrail use is of a different color and is distinguishable from other snowmobile registration ~~and state trail stickers~~ provided.

Sec. 9. Minnesota Statutes 2022, section 84.82, subdivision 11, is amended to read:

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

(1) the snowmobile was registered incorrectly; or

(2) the snowmobile was registered twice, once by the dealer and once by the customer.

Sec. 10. Minnesota Statutes 2022, section 84.8205, is amended to read:

84.8205 SNOWMOBILE STATE TRAIL ~~STICKER~~ PASS.

Subdivision 1. **Sticker Pass required; fee.** (a) A snowmobile that is not registered in the state under section 84.82, subdivision 3, paragraph (a), or that is registered by a manufacturer or dealer under section 84.82, subdivision 3, paragraph (b) or (c), may not be operated on a state or grant-in-aid snowmobile trail unless a snowmobile state trail ~~sticker is affixed to the snowmobile~~ pass is available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) The commissioner of natural resources shall issue a ~~sticker~~ pass upon application and payment of a fee. The fee is:

- (1) \$50 for a one-year snowmobile state trail sticker pass purchased by an individual; and
- (2) \$15 for a one-year snowmobile state trail sticker pass purchased by a dealer or manufacturer.

(c) In addition to other penalties prescribed by law, an individual in violation of this subdivision must purchase an annual state trail sticker pass for a fee of \$70. The sticker pass is valid from November 1 through June 30. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement acquisition.

(d) A state trail sticker pass is not required under this section for:

- (1) a snowmobile that is owned and used by the United States, an Indian tribal government, another state, or a political subdivision thereof that is exempt from registration under section 84.82, subdivision 6;
- (2) a collector snowmobile that is operated as provided in a special permit issued for the collector snowmobile under section 84.82, subdivision 7a;
- (3) a person operating a snowmobile only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or
- (4) a snowmobile while being used to groom a state or grant-in-aid trail.

~~Subd. 2. **Placement of sticker.** The state trail sticker shall be permanently affixed to either:~~

- ~~(1) the forward half of the snowmobile directly above or below the headlight of the snowmobile;~~
- ~~(2) above the expiration year on the top portion of the snowmobile registration validation decal; or~~
- ~~(3) the lower right corner of a registration plate issued to a dealer or manufacturer under section 84.82, subdivision 3.~~

Subd. 3. **License agents.** The commissioner may appoint agents to issue and sell state trail stickers passes. The commissioner may revoke the appointment of an agent at any time. The commissioner may adopt additional rules as provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted by the commissioner for accounting and handling of stickers passes pursuant to section 97A.485, subdivision 11. An agent shall promptly deposit and remit all money received from the sale of the stickers passes, exclusive of the issuing fee, to the commissioner.

Subd. 4. **Issuing stickers passes.** The commissioner and agents shall issue and sell snowmobile state trail stickers passes.

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

Subd. 6. **Duplicate state trail stickers passes.** The commissioner and agents shall issue a duplicate sticker pass to persons whose sticker pass is lost or destroyed using the process established under section 97A.405, subdivision 3, and rules promulgated thereunder. The fee for a duplicate state trail sticker pass is \$2, with an issuing fee of 50 cents.

Sec. 11. Minnesota Statutes 2022, section 84.83, subdivision 2, is amended to read:

Subd. 2. **Money deposited in account.** Fees from the registration of snowmobiles and from the issuance of snowmobile state trail ~~stickers~~ passes and the unrefunded gasoline tax attributable to snowmobile use pursuant to section 296A.18 shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account.

Sec. 12. Minnesota Statutes 2023 Supplement, section 84.83, subdivision 3, is amended to read:

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

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails that are determined by the commissioner to be part of the state's grant-in-aid system, including maintenance of trails on lands and waters of Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion; and on the following lakes in Cook County: Devil Track and Hungry Jack. The commissioner may establish a performance-based funding formula for annual grants-in-aid. The procedures and criteria for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. In administering the performance-based grants-in-aid, the commissioner must:

(i) determine annual grant amounts based on a funding formula that includes consideration of historical costs, snowfall, use, and tourism;

(ii) make grant payments based on:

(A) successful completion of performance benchmarks;

(B) reimbursement of eligible expenditures; or

(C) a combination of subitems (A) and (B); and

(iii) assess penalties to nonperforming grant-in-aid recipients, which may include withholding grant payments or making the grantee or trail system ineligible for future grant-in-aid funding;

(2) to acquire, develop, and maintain state recreational snowmobile trails;

(3) for snowmobile safety programs; and

(4) to administer and enforce sections 84.81 to 84.9011 and appropriated grants to local law enforcement agencies.

(b) No less than 60 percent of revenue collected from snowmobile registration and snowmobile state trail ~~sticker~~ pass fees must be expended for grants-in-aid to develop, maintain, and groom trails and acquire easements.

Sec. 13. Minnesota Statutes 2022, section 84.922, subdivision 12, is amended to read:

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

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

Sec. 14. Minnesota Statutes 2022, section 85.41, subdivision 1, is amended to read:

Subdivision 1. **Pass in possession.** While skiing on cross-country-ski trails, a person age 16 or over shall carry in immediate possession a valid, ~~signed~~ cross-country-ski pass. A landowner who grants an easement for a grant-in-aid ski trail is not required to have a pass when skiing on the landowner's property.

Sec. 15. Minnesota Statutes 2022, section 85.41, subdivision 4, is amended to read:

Subd. 4. **Issuance.** The commissioner and agents shall issue and sell cross-country-ski passes. The pass shall be with the skier and available for inspection by any peace or conservation officer. The pass shall include the applicant's ~~signature and other~~ information deemed necessary by the commissioner.

Sec. 16. Minnesota Statutes 2022, section 85.45, subdivision 1, is amended to read:

Subdivision 1. **Skiing without pass.** No person may ski on a cross-country-ski trail without a valid, ~~signed~~ cross-country-ski pass. Any person who violates this subdivision is guilty of a petty misdemeanor.

Sec. 17. Minnesota Statutes 2022, section 85.46, subdivision 3, is amended to read:

Subd. 3. **Issuance.** The commissioner of natural resources and agents shall issue and sell horse passes. The pass shall include the applicant's ~~signature and other~~ information deemed necessary by the commissioner. To be valid, a daily or annual pass must be ~~signed by~~ issued to the person riding, leading, or driving the horse, and a commercial annual pass must be ~~signed by~~ issued to the owner of the commercial riding facility.

Sec. 18. Minnesota Statutes 2022, section 86B.415, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a license or title, not including any issuing fees paid under subdivision 8 or section 84.027, subdivision 15, paragraph (a), clause ~~(3)~~ (2), or 86B.870, subdivision 1, paragraph (b), if the refund request is received within 60 days of the original license or title, the license or title is not used or transferred, and:

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

Sec. 19. Minnesota Statutes 2022, section 97A.015, subdivision 3a, is amended to read:

Subd. 3a. **Bonus permit.** "Bonus permit" means a license to take ~~and tag~~ deer by archery or firearms, in addition to deer authorized to be taken under regular firearms or archery licenses, or a license issued under section 97A.441, subdivision 7.

Sec. 20. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision to read:

Subd. 53a. **Validation.** "Validation" means the documentation process for taking a specific species under a license for that species, which can be completed electronically or on the corresponding paper license, permit, or endorsement to include information specified by the commissioner.

Sec. 21. Minnesota Statutes 2022, section 97A.215, is amended by adding a subdivision to read:

Subd. 4. **Electronic devices.** During an inspection under subdivision 3, if a person uses an electronic device to display a document to a conservation officer or peace officer:

(1) the officer is immune from liability for any damage to the device, unless the officer does not exercise due care in handling the device; and

(2) it does not constitute consent for the officer to access other contents on the device.

Sec. 22. Minnesota Statutes 2022, section 97A.255, subdivision 5, is amended to read:

Subd. 5. **Joint and several liability.** When two or more people intentionally aid, advise, counsel, conspire with, or act in concert with each other to unlawfully take, transport, or possess wild animals when the restitution value of the wild animals exceeds \$500, each person is jointly and severally liable for the wild animals for purposes of:

- (1) license seizure, invalidation, and revocation under sections 97A.420 and 97A.421;
- (2) equipment and property seizure under section 97A.221;
- (3) boat, motor, and trailer seizure under section 97A.225; and
- (4) restitution under section 97A.341.

Sec. 23. Minnesota Statutes 2023 Supplement, 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:

- (1) the proper paper license, ~~if the license has been issued to and received by the person;~~
- (2) a driver's license or Minnesota identification card that bears a valid designation of the proper lifetime license, as provided under section 171.07, subdivision 19;
- (3) the proper paper 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;~~ or
- (4) electronic or other evidence satisfactory to the commissioner that the person has the proper paperless license.

(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: (1) the proper paper license ~~if the license has been issued to and received by the person;~~ (2) a driver's license or Minnesota identification card that bears a valid designation of the proper lifetime license, as provided under section 171.07, subdivision 19; (3) the proper paper 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;~~ or (4) electronic or other evidence satisfactory to the commissioner that the person has the proper paperless license. 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) Except as provided in paragraph (a), clauses (2) and (4), 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 paper 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 fee that covers the costs of producing and mailing a pictorial stamp. A pictorial turkey stamp may be purchased for a 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. 24. Minnesota Statutes 2022, section 97A.405, subdivision 3, is amended to read:

Subd. 3. **Duplicate licenses.** The commissioner shall prescribe rules for issuing duplicate licenses to persons whose licenses are lost or destroyed. ~~A duplicate license may not be issued unless the applicant takes an oath covering the facts of loss or destruction of the license.~~

Sec. 25. Minnesota Statutes 2022, section 97A.405, subdivision 4, is amended to read:

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

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

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

- (1) when the season for the deer license being surrendered has not yet opened; or
- (2) when the person is changing from a regular deer license to a youth deer license.

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

Sec. 26. Minnesota Statutes 2022, section 97A.405, subdivision 4a, is amended to read:

Subd. 4a. **Replacement turkey licenses.** (a) The commissioner may permit licensed turkey hunters to change permit areas, licenses, or time periods within the fall turkey season, or within the spring turkey season. The commissioner may issue a replacement turkey license if the applicant ~~submits the original turkey license and unused tags that are being replaced, and the applicant~~ pays the fee for a replacement license under section 97A.475, subdivision 44.

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

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

- (1) when the permit area or time period for the turkey license being surrendered has not yet opened; and
- (2) licenses are available for the replacement turkey license permit area or time period for (i) areas that are not lottery areas, (ii) lottery areas that have remaining licenses, or (iii) the applicant is a youth hunter age 17 or younger.

Sec. 27. Minnesota Statutes 2022, section 97A.420, as amended by Laws 2023, chapter 60, article 4, section 50, is amended to read:

97A.420 SEIZURE OR INVALIDATION OF LICENSES.

Subdivision 1. **Seizure or invalidation.** (a) An enforcement officer shall immediately seize or invalidate the license of a person who unlawfully takes, transports, or possesses wild animals when the restitution value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the person may not use or obtain any license to take the same type of wild animals involved, including a duplicate license, until an action is taken under subdivision 6. If the license seized or invalidated under this paragraph was for a big game animal, the license seizure or invalidation applies to all licenses to take big game issued to the individual. If the license seized or invalidated under this paragraph was for small game animals, the license seizure or invalidation applies to all licenses to take small game issued to the individual.

(b) In addition to the license seizure or invalidation under paragraph (a), if the restitution value of the wild animals unlawfully taken, possessed, or transported is \$1,000 or more, all other game and fish licenses held by the person shall be immediately seized or invalidated. Except as provided in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit, including a duplicate license, until an action is taken under subdivision 6.

(c) A person may not take wild animals covered by a license seized or invalidated under this subdivision until an action is taken under subdivision 6.

(d) The commissioner must make a means of seizing or invalidating and releasing a paperless license under this section available to enforcement officers.

Subd. 2. **Administrative review.** (a) At any time after the seizure or invalidation of a license under subdivision 1 and before revocation under section 97A.421, a person may request in writing a review of the seizure or invalidation under this section. Upon receiving the request for review, the commissioner shall review the seizure or invalidation, the evidence upon which it was based, and other material information

brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the seizure or invalidation.

(b) Within 15 days after receiving the request for administrative review, the commissioner shall issue a written report of the review and shall order that the seizure or invalidation be either sustained or rescinded.

(c) The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act under chapter 14. The availability of administrative review does not preclude judicial review under this section.

Subd. 3. Judicial review. (a) Within 30 days following the seizure or invalidation of a license under subdivision 1, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred, together with proof of service of a copy on the commissioner and the county attorney. A responsive pleading is not required of the commissioner of natural resources and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the license seizure or invalidation.

(c) The filing of the petition does not stay the license seizure or invalidation. The judicial review shall be conducted according to the Rules of Civil Procedure.

Subd. 4. Hearing. (a) A hearing under subdivision 3 must be before a district court judge in the county where the incident occurred giving rise to the license seizure or invalidation. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in a related criminal prosecution. The commissioner must be represented by the county attorney.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review.

(c) The scope of the hearing must be limited to the issue of whether there is probable cause to believe that the person had unlawfully taken, possessed, or transported wild animals with a restitution value over \$500.

(d) The court shall order that the license seizure or invalidation be either sustained or rescinded. Within 14 days following the hearing, the court shall forward a copy of the order to the commissioner.

(e) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the Rules of Civil Appellate Procedure.

Subd. 5. Temporary release of commercial licenses. At any time during the period that a game or fish license is seized or invalidated under subdivision 1, a person possessing a commercial license issued under the game and fish laws may make a written request to the commissioner to temporarily release the commercial license. If the commissioner determines that the public welfare will not be injured, the commissioner may temporarily reinstate the commercial license upon payment of a temporary reinstatement fee of \$1,000 cash or bond in favor of the state for each commercial license to be released. An additional fee is not required for vehicles licensed under section 97A.475, subdivision 26, clause (2) or (4). If the license is returned under subdivision 6, paragraph (a), the temporary reinstatement fee shall be returned to the licensee. If the license is revoked under subdivision 6, paragraph (b), the temporary reinstatement fee shall be deposited in the game and fish fund and is not refundable.

Subd. 6. **Return or revocation of licenses upon dismissal or conviction.** (a) Upon acquittal, dismissal, or determination not to charge a person for a violation, the license seizure or invalidation under subdivision 1 is immediately rescinded and any license seized or invalidated in connection with the incident must be returned to the licensee or reinstated.

(b) Upon conviction of a violation when the restitution value of the wild animals exceeds \$500, revocation of licenses and license privileges must be imposed as provided under section 97A.421, subdivision 2a.

Sec. 28. Minnesota Statutes 2022, section 97A.445, is amended by adding a subdivision to read:

Subd. 6. **License system.** In the event of a disruption in the availability of hunting and angling licenses, the commissioner may publish in the State Register a notice that exempts residents and nonresidents from requirements to possess a license to take game or fish.

Sec. 29. Minnesota Statutes 2022, section 97A.473, subdivision 1, is amended to read:

Subdivision 1. **Resident lifetime licenses authorized.** (a) The commissioner may issue a lifetime angling license, a lifetime spearing license, a lifetime angling and spearing license, a lifetime small-game-hunting license, a lifetime firearm or archery deer-hunting license, a lifetime sporting license, or a lifetime sporting with spearing option license to a person who is a resident of the state for at least one year or who is under age 21 and the child of a person who is a resident of the state for at least one year. The license fees paid for a lifetime license are nonrefundable.

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

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

Sec. 30. Minnesota Statutes 2022, section 97A.473, subdivision 3, is amended to read:

Subd. 3. **Lifetime small-game-hunting license; fee.** (a) A resident lifetime small-game-hunting license authorizes a person to hunt and trap small game, other than wolves, in the state. The license authorizes those hunting and trapping activities authorized by the annual resident small-game-hunting license and the trapping license for fur-bearing animals other than wolves. The license does not include ~~a turkey stamp validation or any other~~ hunting stamps required by law.

(b) The fees for a resident lifetime small-game-hunting license are:

- (1) age 3 and under, \$223;
- (2) age 4 to age 15, \$301;
- (3) age 16 to age 50, \$430; and
- (4) age 51 and over, \$274.

Sec. 31. Minnesota Statutes 2022, section 97A.473, subdivision 4, is amended to read:

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

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

- (1) age 3 and under, \$458;
- (2) age 4 to age 15, \$607;
- (3) age 16 to age 50, \$741; and
- (4) age 51 and over, \$528.

Sec. 32. Minnesota Statutes 2022, section 97A.473, subdivision 5, is amended to read:

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

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

- (1) age 3 and under, \$522;
- (2) age 4 to age 15, \$710;
- (3) age 16 to age 50, \$927; and
- (4) age 51 and over, \$603.

Sec. 33. Minnesota Statutes 2022, section 97A.473, subdivision 5a, is amended to read:

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

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

- (1) age 3 and under, \$612;
- (2) age 4 to age 15, \$833;
- (3) age 16 to age 50, \$1,046; and

(4) age 51 and over, \$666.

Sec. 34. Minnesota Statutes 2022, section 97A.474, subdivision 3, is amended to read:

Subd. 3. **Nonresident lifetime small-game-hunting license; fee.** (a) A nonresident lifetime small-game-hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual nonresident small-game-hunting license. The license does not include ~~a turkey stamp validation or any other~~ hunting stamps required by law.

(b) The fees for a nonresident lifetime small-game-hunting license are:

- (1) age 3 and under, \$947;
- (2) age 4 to age 15, \$1,280;
- (3) age 16 to age 50, \$1,633; and
- (4) age 51 and over, \$1,083.

Sec. 35. Minnesota Statutes 2022, section 97A.481, is amended to read:

97A.481 LICENSE APPLICATIONS; PENALTY.

All information required on a license application form must be furnished. ~~The application must be made in writing and~~ applicant is subject to the penalty prescribed in section 97A.301, subdivision 1, clause (5).

Sec. 36. Minnesota Statutes 2022, section 97A.485, subdivision 6, is amended to read:

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must issue the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
- (2) Minnesota sporting, the issuing fee is \$1;
- (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
- (4) to apply for a limited hunt drawing, the issuing fee is \$1 unless the application requires a license purchase at the time of application and the license purchase requires an application fee;
- (5) for a prairie-chicken license, the issuing fee is \$1;
- (6) for a turkey license, the issuing fee is \$1;
- (7) for an elk license, the issuing fee is \$1;
- (8) for a moose license, the issuing fee is \$1;
- (9) for a wolf license, the issuing fee is \$1;
- (10) for a stamp validation that is not issued simultaneously with a license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;
- (11) for stamp validations issued simultaneously with a license, there is no fee;

(12) for licenses, seals, tags, or coupons issued without a fee under section 97A.441, subdivisions 1 to 6a, or 97A.465, there is no fee;

(13) for lifetime licenses, there is no fee; and

(14) for all other licenses, permits, renewals, or applications or any other transaction through the electronic licensing system under this chapter or any other chapter when an issuing fee is not specified, an issuing fee of \$1 may be charged at the discretion of the authorized seller.

(b) Only one issuing fee may be collected when selling more than one stamp in the same transaction after the end of the season for which the stamp was issued.

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

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

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

(f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

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

Sec. 37. Minnesota Statutes 2022, section 97A.535, subdivision 1, is amended to read:

Subdivision 1. **Tags Validation required.** (a) A person may not possess or transport deer, bear, elk, or moose taken in the state unless ~~a tag is attached to the carcass in a manner~~ the person has the required license and validation for that animal as prescribed by the commissioner. ~~The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner.~~

(b) The ~~tag~~ license must be validated at the site of the kill as prescribed by the commissioner.

~~(c) Except as otherwise provided in this section, the tag must be attached to the deer, bear, elk, or moose at the site of the kill before the animal is removed from the site of the kill.~~

~~(d) The tag must remain attached to the animal until the animal is processed for storage.~~

~~(e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the kill without attaching the validated tag to the animal only while in the act of manually or mechanically dragging, carrying, or carting the animal across the ground and while possessing the validated tag on their person. A motor vehicle may be used to drag the animal across the ground. At all other times, the validated tag must be attached to the deer, bear, elk, or moose.~~

~~(1) as otherwise provided in this section; and~~

~~(2) prior to the animal being placed onto and transported on a motor vehicle, being hung from a tree or other structure or device, or being brought into a camp or yard or other place of habitation.~~

Sec. 38. Minnesota Statutes 2022, section 97A.535, subdivision 2, is amended to read:

Subd. 2. **Registration required.** Deer, bear, elk, and moose must be registered as prescribed by the commissioner, ~~in addition to the tag required in subdivision 1.~~

Sec. 39. Minnesota Statutes 2022, section 97A.535, subdivision 2a, is amended to read:

Subd. 2a. **Quartering deer allowed.** A deer that has been ~~tagged~~ validated as required in subdivision 1 may be quartered at the site of the kill. The animal's head must remain attached to one of the quarters. The quarters must be presented together for registration under subdivision 2 and must remain together until the deer is processed for storage.

Sec. 40. Minnesota Statutes 2022, section 97A.535, subdivision 4, is amended to read:

Subd. 4. **Transporting by person other than licensee.** A person other than the licensee may transport deer, bear, elk, or moose that the licensee has registered as prescribed by the commissioner. ~~A tag must be attached to the animal and marked in ink.~~ The person transporting the animal must possess documentation with the address, license number, signature and full legal name of the licensee, and the locations from which and to which the animal is being transported.

Sec. 41. Minnesota Statutes 2022, section 97A.551, subdivision 6, is amended to read:

Subd. 6. ~~**Tagging and Registration.**~~ The commissioner may, by rule, require persons taking, possessing, and transporting certain species of fish to ~~tag the fish with a special fish management tag and may require registration of tagged~~ possess an endorsement for and register the fish. A person may not possess or transport a fish species taken in the state for which a special fish-management ~~tag registration~~ is required unless a tag is attached to the fish is registered or validated in a manner prescribed by the commissioner. The commissioner shall prescribe the manner of issuance and the type of ~~tag endorsement~~ as authorized under section 97C.087. ~~The tag must be attached to the fish as prescribed by the commissioner.~~ Immediately upon reducing the fish to possession, the licensee must validate the license and the license must remain attached to with the fish until the fish is processed or consumed registered. Species for which a special fish management ~~tag registration~~ is required must be transported undressed, except as otherwise prescribed by the commissioner.

Sec. 42. Minnesota Statutes 2022, section 97B.303, is amended to read:

97B.303 VENISON DONATIONS.

An individual who legally takes a deer may donate the deer, for distribution to charitable food assistance programs, to a meat processor that is licensed under chapter 28A. An individual donating a deer must supply the processor with the ~~tag~~ licensee's DNR number under which the deer was taken.

Sec. 43. Minnesota Statutes 2022, section 97B.401, is amended to read:

97B.401 BEAR LICENSE REQUIRED; APPLICATION.

(a) A person may not take bear without a bear license except as provided in section 97B.415 to protect property.

(b) A person may not place bait for bears on or after the Friday nearest August 14 unless the person has a bear license or is operating under the direction of a person with a valid bear license.

(c) An application for a bear license must be ~~on a form provided~~ made in the manner prescribed by the commissioner and accompanied by a \$4 application fee. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

Sec. 44. Minnesota Statutes 2022, section 97B.603, is amended to read:

97B.603 TAKING SMALL GAME BY PARTY.

(a) While two or more persons are taking small game as a party and maintaining unaided visual and vocal contact, a member of the party may take and possess more than one limit of small game, but the total number of small game taken and possessed by the party may not exceed the limit of the number of persons in the party that may take and possess small game.

(b) This section does not apply to hunting wolves, migratory game birds, or turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter and a licensed wolf hunter may assist another licensed wolf hunter for the same zone and time period as long as the hunter does not shoot or ~~tag~~ register a turkey or wolf for the other hunter.

Sec. 45. Minnesota Statutes 2022, section 97B.716, subdivision 2, is amended to read:

Subd. 2. ~~Tagging and Registration.~~ The commissioner may by rule prescribe requirements for the ~~tagging and~~ registration of prairie chickens.

Sec. 46. Minnesota Statutes 2022, section 97B.721, is amended to read:

97B.721 LICENSE REQUIRED TO TAKE TURKEY; ~~TAGGING AND~~ REGISTRATION REQUIREMENTS.

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

(b) An unlicensed adult age 18 or older may assist a licensed wild-turkey hunter. The unlicensed adult may not shoot or possess a firearm or bow while assisting a hunter under this paragraph and may not charge a fee for the assistance.

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

Sec. 47. Minnesota Statutes 2022, section 97C.087, is amended to read:

97C.087 SPECIAL FISH MANAGEMENT ~~TAGS~~ REGISTRATION.

Subdivision 1. ~~Tags to be issued~~ Registration. If the commissioner determines it is necessary to require that a species of fish be ~~tagged with a special fish management tag~~ registered, the commissioner shall prescribe, by rule, the species to be ~~tagged~~ registered, tagging registration procedures, and endorsement eligibility requirements.

Subd. 2. **Application for ~~tag~~ endorsement.** Application for a special fish management ~~tags~~ endorsement must be accompanied by a \$5, nonrefundable application fee for each ~~tag~~ endorsement. A person may not make more than one ~~tag~~ endorsement application each calendar year. If a person makes more than one application, the person is ineligible for a special fish management ~~tag~~ endorsement for that calendar year after determination by the commissioner, without a hearing.

Sec. 48. Minnesota Statutes 2022, section 97C.301, subdivision 2a, is amended to read:

Subd. 2a. **Aquatic invasive species affirmation.** (a) A nonresident license to take fish issued under section 97A.475, subdivision 7, includes aquatic invasive species affirmation as provided in section 84D.106.

(b) The aquatic invasive species affirmation portion of the license must be displayed with the ~~signed~~ nonresident license to take fish issued under section 97A.475, subdivision 7. The aquatic invasive species affirmation will be provided at the time of purchase of a new or duplicate nonresident license.

(c) If a license is purchased online, the aquatic invasive species affirmation may be completed electronically as part of the online sales process, and the electronic record of the license sale is sufficient for documenting the affirmation.

(d) Failure to complete the aquatic invasive species affirmation in this subdivision is subject to the penalty prescribed in section 84D.13, subdivision 5.

Sec. 49. Minnesota Statutes 2022, section 97C.355, subdivision 2, is amended to read:

Subd. 2. **License required.** (a) A person may not place a dark house, fish house, or shelter, except a portable shelter, on the ice unless ~~the house or shelter~~:

(1) the house or shelter is licensed by the shelter owner; and

(2) ~~has the license tag attached to the exterior in a readily visible location, except as provided in this subdivision~~ the owners' information is displayed according to subdivision 1.

(b) ~~The commissioner must issue a tag with a dark house, fish house, or shelter license, marked with a number to correspond with the license and the year of issue. A dark house, fish house, or shelter license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.~~

Sec. 50. **REQUIRED RULEMAKING.**

The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules conforming to this article. Minnesota Statutes, section 14.386, does not apply to rules adopted under this section, except as provided under Minnesota Statutes, section 14.388.

Sec. 51. **REPEALER.**

Minnesota Statutes 2022, sections 97A.015, subdivision 27a; and 97A.485, subdivision 13, are repealed.

Sec. 52. **EFFECTIVE DATE.**

Sections 1 to 51 are effective upon full implementation of the replacement electronic license system. The commissioner of natural resources must notify the revisor of statutes when the replacement electronic license system is fully implemented.

ARTICLE 2

NATIVE ROUGH FISH

Section 1. Minnesota Statutes 2022, section 17.4983, subdivision 2, is amended to read:

Subd. 2. **Acquisition from state.** (a) The commissioner may sell aquatic life to licensed facilities at fair wholesale market value. Fair wholesale market value must be determined by the average market price charged in this state and contiguous states and provinces for similar quantities.

(b) The commissioner shall establish procedures to make aquatic life available to licensed facilities if state aquatic life would otherwise die or go to waste, such as in cases of winterkill lakes, waters where piscicides will be applied, and waters subject to extreme draw-down. The public must be given angling opportunities if public access is available.

(c) The commissioner shall attempt to provide opportunities to make brood stock available to licensed facilities to reduce reliance on out-of-state sources without causing adverse impacts to game fish and native rough fish populations.

(d) If the commissioner denies approval to obtain aquatic life outside the state, a written notice must be submitted to the applicant stating the reasons for denial, and the commissioner shall:

(1) designate approved sources if available to obtain the desired aquatic life; or

(2) sell the aquatic life from state hatcheries at fair wholesale market value if there is a surplus from state operations.

Sec. 2. Minnesota Statutes 2022, section 17.4984, subdivision 2, is amended to read:

Subd. 2. **Listed waters.** (a) An aquatic farm license must list:

(1) the specific waters of the state that may be used in connection with the licensed aquatic farm and the species approved for each licensed water; and

(2) whether aeration requiring a permit is approved.

Additional waters may not be used until they are approved by the commissioner.

(b) The right to use waters licensed for private fish hatchery or aquatic farm purposes may be transferred between licensees with prior approval by the commissioner if requirements for species to be raised are met. Waters that are continually connected by a permanent watercourse to other waters must not be approved for aquatic farm use, except that connected waters that are isolated from other waters may be licensed as a single water body. Waters that are intermittently connected or may become connected with other waters may be denied, or screening or other measures may be required to prevent passage of aquatic life. Listed waters may be changed on approval by the area fisheries supervisor or the commissioner.

(c) The commissioner shall conduct an inspection of waters to be licensed prior to approving or denying initial licensing of the waters. When artificial tanks, jars, or other containers are added to existing licensed facilities, an additional inspection is not required.

(d) Waters containing ~~game~~ fish of significant public value, including game fish and native rough fish, may be denied licensing unless the applicant can demonstrate exclusive riparian control.

(e) Waters containing ~~game~~ fish of significant public value, including game fish and native rough fish, may be denied licensing unless the game fish and native rough fish of significant public value are, at the commissioner's option, and taking into consideration the recommendation of the licensed applicant, sold to the licensee, or removed by the Department of Natural Resources or disposed of as provided in writing by the commissioner.

(f) Waters licensed under an aquatic farm license may be aerated during open water periods without a separate aeration permit.

(g) Common carp and bullheads may be removed from licensed waters, and transported and disposed of by the licensee.

Sec. 3. Minnesota Statutes 2022, section 17.4988, subdivision 4, is amended to read:

Subd. 4. **Aquarium facility.** (a) A person operating a commercial aquarium facility must have a commercial aquarium facility license issued by the commissioner if the facility contains species of aquatic life that are for sale and that are present in waters of the state. The commissioner may require an aquarium facility license for aquarium facilities importing or holding species of aquatic life that are for sale and that are not present in Minnesota if those species can survive in waters of the state. The fee for an aquarium facility license is \$90.

(b) Game fish and native rough fish transferred by an aquarium facility must be accompanied by a receipt containing the information required on a shipping document by section 17.4985, subdivision 3, paragraph (b).

Sec. 4. Minnesota Statutes 2022, section 17.4992, subdivision 1, is amended to read:

Subdivision 1. **Acquisition and purchase.** Game fish and native rough fish sperm, viable game fish and native rough fish eggs, or live game fish and native rough fish may not be taken from public waters for aquaculture purposes, but may be purchased from the state or acquired from aquatic farms.

Sec. 5. Minnesota Statutes 2022, section 17.4992, subdivision 3, is amended to read:

Subd. 3. **Acquisition of fish for brood stock.** (a) Game fish brood stock and native rough fish brood stock may be sold to private fish hatcheries or aquatic farms by the state at fair wholesale market value. For brood stock development, up to 20 pair of adults of each species requested may be provided to a licensee once every three years, if available, by the state through normal operations.

(b) If brood stock is not available by the June 1 following the request under paragraph (a) and a permit to take brood stock by angling is requested by the licensee, within 30 days of the request, the commissioner may issue a permit to the licensee to take, by angling, up to 20 pairs of each species requested. Game and fish laws and rules relating to daily limits, seasons, and methods apply to the taking of fish by angling pursuant to a permit issued under this paragraph.

Sec. 6. Minnesota Statutes 2022, section 17.4996, is amended to read:

17.4996 WHITE EARTH INDIAN RESERVATION.

Until the commissioner reaches an agreement with the White Earth Indian Reservation regarding the acquisition and sale of aquatic life from public waters, an aquatic farm licensee may acquire and transport native rough fish, as defined in section 97A.015, subdivision 43, and yellow perch lawfully acquired and possessed by a tribal member for sale under tribal laws and regulations on the White Earth Reservation. Transportation of yellow perch off the reservation must be accompanied by documentation showing the source and number of the yellow perch.

Sec. 7. Minnesota Statutes 2022, section 41A.02, subdivision 6, is amended to read:

Subd. 6. **Agricultural resource project; project.** "Agricultural resource project" or "project" means (1) any facility, or portion of a facility, located in the state which is operated or to be operated primarily for the production from agricultural resources of marketable products, (2) buildings, equipment, and land used for the commercial production of turkeys or turkey products, (3) a facility or portion of a facility used for the commercial production of fish or of products made from commercially produced fish or native rough fish, as defined in section 97A.015, subdivision 43, or common carp that are not commercially produced, or (4) real or personal property used or useful in connection with a revenue-producing enterprise, or a combination of two or more revenue-producing enterprises engaged in a business, that is not used for the production of livestock, other than poultry, or for the production of crops, plants, or milk. The land in clause (2) is limited to land on which buildings and equipment are situated and immediately surrounding land used for storage, waste disposal, or other functions directly related to the commercial production of turkeys or turkey products at that project site. The land in clause (2) does not include land used for the growing or raising of crops or the grazing of livestock other than poultry. A project includes a facility or portion of a facility for mixing or producing substances to be mixed with other substances for use as a fuel or as a substitute for petroleum or petrochemical feedstocks.

Sec. 8. Minnesota Statutes 2022, section 84B.061, is amended to read:

84B.061 STATE JURISDICTION OVER RAINY LAKE AND OTHER NAVIGABLE WATERS; DUTIES OF GOVERNOR, ATTORNEY GENERAL, AND OTHER PUBLIC OFFICERS.

As required by this chapter and the act of Congress authorizing Voyageurs National Park, the state of Minnesota donated in excess of 35,000 acres of state and other publicly owned land for the park, roughly one-fourth of the land area of the park, at a cost of over \$5,000,000 to the state. More than 24,000 acres of this land was state trust fund land which the state condemned before making its donation. Pursuant to section 84B.06, lands donated by the state, along with other lands acquired by the National Park Service for the park, were made subject to concurrent jurisdiction by the state and the United States under section 1.041. In making these donations, none of the navigable waters within the park and the lands under them have been donated to the United States. These navigable waters include the following: Rainy, Kabetogama, Namakan, Sand Point, and Crane Lakes. Pursuant to applicable federal and state law, navigable waters and their beds are owned by the state. Ownership of and jurisdiction over these waters and their beds has not been ceded by the state, either expressly or implicitly, to the United States. Unlike section 1.044 relating to the Upper Mississippi Wildlife and Fish Refuge, where the state expressly granted its consent and jurisdiction to the United States to acquire interests in water, as well as land, the consent granted by the state in section 84B.06 to acquisitions by the United States for Voyageurs National Park is limited to land, only. In the discharge of their official duties, the governor, attorney general, other constitutional officers, and other public officials, such as the commissioner of natural resources, shall vigorously assert and defend, in all forums, the state's

ownership of and jurisdiction over these waters and their beds and related natural resources, together with associated rights of the state and its citizens arising from the state's ownership and jurisdiction. In discharging their duties, the governor, attorney general, other constitutional officers, and other public officials shall, additionally, be especially cognizant of the free rights of travel afforded to citizens of Minnesota and others under the Webster-Ashburton Treaty (proclaimed November 10, 1842) and the Root-Bryce Treaty (proclaimed May 13, 1910) on international and associated boundary waters. Also, in furtherance of duties under this section, the commissioner of natural resources shall continue in effect the commercial removal of native rough fish, as defined in section 97A.015, subdivision 43, from these waters, together with any rights to do so possessed by any person on January 1, 1995, so long as the commissioner determines that such taking is desirable to the management of the native fishery.

Sec. 9. Minnesota Statutes 2022, section 97A.015, subdivision 3b, is amended to read:

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

Sec. 10. Minnesota Statutes 2022, section 97A.015, subdivision 39, is amended to read:

Subd. 39. **Protected wild animals.** "Protected wild animals" means big game, small game, game fish, native rough fish, minnows, leeches, ~~alewives, ciscoes,~~ chubs, ~~lake whitefish and the subfamily Coregoninae,~~ ~~rainbow smelt,~~ frogs, turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134, and wild animals that are protected by a restriction in the time or manner of taking, other than a restriction in the use of artificial lights, poison, or motor vehicles.

Sec. 11. Minnesota Statutes 2022, section 97A.015, subdivision 43, is amended to read:

Subd. 43. **Native rough fish.** "Native rough fish" means ~~carp, buffalo, sucker, sheepshead, bowfin, gar, goldeye, and bullhead,~~ Amiidae (bowfin), Catostomidae (bigmouth, smallmouth, and black buffalo; white, blue, spotted, and longnose sucker; northern hogsucker; quillback; river and highfin carpsucker; and black, river, shorthead, golden, silver, and greater redhorse), Hiodontidae (goldeye and mooneye), Ictaluridae (black, brown, and yellow bullhead), Lepisosteidae (longnose and shortnose gar), and Sciaenidae (freshwater drum), except for any fish species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter 6134.

Sec. 12. Minnesota Statutes 2022, section 97A.075, subdivision 2, is amended to read:

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 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~~ common carp 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).

Sec. 13. Minnesota Statutes 2022, section 97A.341, subdivision 1, is amended to read:

Subdivision 1. **Liability for restitution.** A person who kills, injures, or possesses a wild animal in violation of the game and fish laws is liable to the state for the value of the wild animal as provided in this section. Species afforded protection include members of the following groups as defined by statute or rule: game fish, native rough fish, game birds, big game, small game, fur-bearing animals, minnows, and threatened and endangered animal species. Other animal species may be added by rule of the commissioner as determined after public meetings and notification of the chairs of the environment and natural resources committees in the senate and house of representatives.

Sec. 14. Minnesota Statutes 2022, section 97A.421, subdivision 2, is amended to read:

Subd. 2. **Issuance after conviction; buying and selling wild animals.** A person may not obtain a license to take any wild animal or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, for a period of three years after being convicted of buying or selling game fish, native rough fish, big game, or small game, and the total amount of the sale is \$300 or more.

Sec. 15. Minnesota Statutes 2022, section 97A.475, subdivision 39, is amended to read:

Subd. 39. **Fish packer.** The fee for a license to prepare dressed game fish or native rough fish for transportation or shipment is \$40.

Sec. 16. Minnesota Statutes 2022, section 97A.551, subdivision 2, is amended to read:

Subd. 2. **Fish transported through state.** A person may not transport game fish or native rough fish taken in another state or country through the state during the closed season or in excess of the possession limit unless the fish are:

- (1) transported by common carrier; or
- (2) tagged, sealed, or marked as prescribed by the commissioner.

Sec. 17. Minnesota Statutes 2023 Supplement, section 97B.037, is amended to read:

97B.037 CROSSBOW HUNTING.

(a) Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer, bear, turkey, common carp, or native rough fish by crossbow during the respective regular archery seasons. The transportation requirements of section 97B.051 apply to crossbows during the regular archery deer, bear, turkey, common carp, or native rough fish season. Crossbows must meet the requirements of section 97B.106, subdivision 2. A person taking deer, bear, turkey, common carp, or native rough fish by crossbow under this section must have a valid license to take the respective game.

(b) This section expires June 30, 2025.

Sec. 18. Minnesota Statutes 2022, section 97B.055, subdivision 2, is amended to read:

Subd. 2. **Restrictions related to motor vehicles.** (a) A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section.

(b) A person may not shoot at a decoy of a wild animal that is placed by a licensed peace officer by:

- (1) discharging a firearm from a motor vehicle; or
- (2) discharging an arrow from a bow from a motor vehicle.

(c) Notwithstanding section 97B.091, a person may transport a bow uncased while in a motorized watercraft and may take native rough fish and common carp while in the boat as provided in section 97C.376, subdivision 3.

Sec. 19. Minnesota Statutes 2022, section 97B.106, is amended to read:

97B.106 CROSSBOW PERMITS FOR HUNTING AND FISHING.

Subdivision 1. **Eligibility.** (a) The commissioner may issue a special permit, without a fee, to take big game, small game, ~~or native rough fish, or common carp~~ with a crossbow to a person that is unable to hunt or take native rough fish or common carp 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 required period of time must be verified in writing by (1) a licensed physician, licensed advanced practice registered nurse, or licensed physician assistant; 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.

Subd. 2. **Equipment requirements.** (a) A crossbow used for hunting under the provisions of this section must:

- (1) be fired from the shoulder;
- (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- (3) have a working safety; and
- (4) be used with arrows or bolts at least ten inches long.

(b) An arrow or bolt used to take big game or turkey under the provisions of this section must meet the legal arrowhead requirements in section 97B.211, subdivision 2.

(c) An arrow or bolt used to take native rough fish or common carp with a crossbow under the provisions of this section must be tethered or controlled by an attached line.

Sec. 20. Minnesota Statutes 2022, section 97C.025, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(d) Before March 1, 2003, riparian landowners adjacent to licensed waters on April 30, 2002, and riparian landowners who own land adjacent to waters licensed after April 30, 2002, on the date the waters become licensed waters, plus their children and grandchildren, may take two daily limits of fish per month under an angling license subject to the other limits and conditions in the game and fish laws.

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

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

(g) Postings for water bodies designated under paragraph (a), clause (1), or being used for fisheries research or management under paragraph (a), clause (2), are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply.

Sec. 21. Minnesota Statutes 2022, section 97C.035, subdivision 3, is amended to read:

Subd. 3. **Taking fish.** (a) The commissioner may authorize residents to take fish:

(1) in any quantity;

(2) in any manner, except by use of seines, hoop nets, fyke nets, and explosives; and

(3) for personal use only, except ~~rough fish~~ common carp may be sold.

(b) The commissioner may authorize the taking of fish by posting notice conspicuously along the shore of the waters and publishing a news release in a newspaper of general circulation in the area where the waters are located.

Sec. 22. Minnesota Statutes 2023 Supplement, section 97C.041, is amended to read:

97C.041 COMMISSIONER MAY REMOVE NATIVE ROUGH FISH.

The commissioner may take native rough fish, common carp, and rainbow smelt with seines, nets, and other devices. The commissioner may hire or contract persons, or issue permits, to take the fish. The commissioner shall prescribe the manner of taking and disposal. The commissioner may award a contract under this section without competitive bidding. Before establishing the contractor's compensation, the commissioner must consider the qualifications of the contractor, including the contractor's equipment, knowledge of the waters, and ability to perform the work.

Sec. 23. Minnesota Statutes 2022, section 97C.045, is amended to read:

97C.045 REMOVING COMMON CARP AND NATIVE ROUGH FISH FROM BOUNDARY WATERS.

The commissioner may enter into agreements with North Dakota, South Dakota, Wisconsin, and Iowa, relating to the removal of common carp and native rough fish in boundary waters. The agreements may include:

- (1) contracting to remove common carp and native rough fish;
- (2) inspection of the work;
- (3) the division of proceeds; and
- (4) regulating the taking of common carp and native rough fish.

Sec. 24. Minnesota Statutes 2022, section 97C.081, subdivision 3a, is amended to read:

Subd. 3a. **No permit required.** 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) the contest is limited to ~~rough fish~~ common carp and participants are required to fish with a hook and line; or
- (3) the total prize value is \$500 or less.

Sec. 25. Minnesota Statutes 2022, section 97C.211, subdivision 5, is amended to read:

Subd. 5. **Price of game fish fry and eggs.** The commissioner may sell or barter game fish or native rough fish fry or eggs for not less than the cost associated with the production of eggs or fry.

Sec. 26. Minnesota Statutes 2023 Supplement, section 97C.371, subdivision 1, is amended to read:

Subdivision 1. **Species allowed.** Only common carp, native rough fish, catfish, lake whitefish, cisco (tulibee), and northern pike may be taken by spearing.

Sec. 27. Minnesota Statutes 2022, section 97C.375, is amended to read:

97C.375 TAKING NATIVE ROUGH FISH AND COMMON CARP BY SPEARING.

(a) A resident or nonresident may take native rough fish and common carp by spearing according to paragraph (b) and during the times, in waters, and in the manner prescribed by the commissioner.

(b) Suckers may be taken by spearing from ~~the last Saturday in April~~ May 1 through the last ~~Sunday~~ day in February.

Sec. 28. Minnesota Statutes 2022, section 97C.376, subdivision 1, is amended to read:

Subdivision 1. **Season.** (a) The regular bow-fishing season for residents and nonresidents is from ~~the last Saturday in April to~~ May 1 through the last ~~Sunday~~ day in February at any time of the day.

(b) The early bow-fishing season for residents and nonresidents is open only south of State Highway 210 from ~~the Monday after the last Sunday in February to the Friday before~~ March 1 through the last ~~Saturday~~ day in April at any time of the day. During the early season, a person may bow fish:

(1) only from a boat; and

(2) only while on a lake or on the Mississippi, Minnesota, or St. Croix River.

Sec. 29. Minnesota Statutes 2022, section 97C.376, subdivision 5, is amended to read:

Subd. 5. **Returning native rough fish and common carp to waters.** Native rough fish and common carp taken by bow fishing ~~shall~~ must not be returned to the water, and native rough fish and common carp may not be left on the banks of any water of the state.

Sec. 30. Minnesota Statutes 2022, section 97C.381, is amended to read:

97C.381 HARPOONING NATIVE ROUGH FISH.

A resident or nonresident may use a rubber powered gun, spring gun, or compressed air gun to take native rough fish and common carp by harpooning. The harpoon must be fastened to a line not more than 20 feet long. The commissioner may prescribe the times, the waters, and the manner for harpooning native rough fish and common carp.

Sec. 31. Minnesota Statutes 2022, section 97C.385, is amended to read:

97C.385 COMMISSIONER'S AUTHORITY TO REGULATE WINTER FISHING.

Subdivision 1. **Effect on summer angling season.** If the commissioner closes the statutory open season for ~~the spearing of~~ a game fish or native rough fish species in any waters, the commissioner must, in the same rule, close the following statutory open season for angling for the same species in the waters in the same proportion.

Subd. 2. **Effect on summer angling limits.** If the commissioner reduces the limit of a species of game fish or native rough fish taken by spearing in any waters under section 97A.045, subdivision 2, the commissioner must reduce the limit for taking ~~of~~ the species by angling in the waters during the following open season for angling.

Subd. 3. **Limiting closures by county.** The commissioner may not close the open season for taking game fish or native rough fish through the ice on more than 50 percent of the named lakes or streams of a county under section 97A.045, subdivision 2.

Sec. 32. Minnesota Statutes 2022, section 97C.391, subdivision 1, is amended to read:

Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the waters of this state, except:

- (1) minnows;
- (2) ~~rough fish~~ common carp;
- (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;
- (4) fish taken under licensed commercial fishing operations;
- (5) fish that are private aquatic life; and
- (6) fish lawfully taken and subject to sale from other states and countries.

Sec. 33. Minnesota Statutes 2022, section 97C.395, subdivision 2, is amended to read:

Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black crappie, yellow perch, catfish, rock bass, white bass, yellow bass, burbot, cisco (tullibee), lake whitefish, common carp, and native rough fish, the open season is continuous.

Sec. 34. Minnesota Statutes 2022, section 97C.505, subdivision 8, is amended to read:

Subd. 8. **Possession for minnow dealers.** When nets and traps are lawfully set and tended, minnows ~~and~~ incidentally taken game fish under four inches in length, and incidentally taken native rough fish that are not classified as minnows are not considered to be in possession until the minnows, native rough fish, or game fish are placed on a motor vehicle or trailer for transport on land.

Sec. 35. Minnesota Statutes 2022, section 97C.801, subdivision 2, is amended to read:

Subd. 2. **Commercial fish netting on Mississippi River.** (a) A license is required to commercially take native rough fish with seines in the Mississippi River from the St. Croix River junction to St. Anthony Falls.

(b) A person may take native rough fish in the Mississippi River, from the St. Croix River junction to St. Anthony Falls, only with the following equipment and methods:

- (1) operations shall be conducted only in the flowing waters of the river and in tributary backwaters prescribed by the commissioner;
- (2) seines may be used only as prescribed by this section and rules adopted by the commissioner;

- (3) seines must be hauled to a landing immediately after being placed;
- (4) two seines may not be joined together in the water; and
- (5) a seine may not be landed between sunset and sunrise.

Sec. 36. Minnesota Statutes 2022, section 97C.805, subdivision 1, is amended to read:

Subdivision 1. **Open season.** (a) The commissioner shall, by rule, prescribe the open season and open state waters for netting lake whitefish and ciscoes. The commissioner may open specific lakes and waters that are otherwise closed if the commissioner posts notice of the date and time in appropriate public places at least 48 hours before the open season begins.

(b) The commissioner may close specific lakes and waters that are otherwise open under this subdivision if the commissioner posts notice of the closing at a minimum of three sites on the shore of the waters, including all public water-access sites. Before closing waters under this paragraph, the commissioner shall determine that the closure is necessary to protect game fish or native rough fish populations.

Sec. 37. Minnesota Statutes 2022, section 97C.805, subdivision 4, is amended to read:

Subd. 4. **No limit on native rough fish netted.** Lake whitefish and ciscoes taken under this section may be taken and possessed without limit. Native rough fish caught while netting may be retained. All other fish taken while netting must be returned to the water immediately.

Sec. 38. Minnesota Statutes 2022, section 97C.811, subdivision 2, is amended to read:

Subd. 2. **Commercial fish defined.** For purposes of this section and section 97A.475, subdivision 30, "commercial fish" are ~~common carp; bowfin; burbot; cisco; goldeye; rainbow smelt; black bullhead, brown bullhead, and yellow bullhead; lake whitefish; members of the sucker family, Catostomidae, including white sucker, redhorse, bigmouth buffalo, and smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and members of the gar family, Lepisosteidae~~ and native rough fish, except for bowfin.

Sec. 39. Minnesota Statutes 2022, section 97C.831, subdivision 1, is amended to read:

Subdivision 1. **Lake whitefish, common carp, and native rough fish.** Lake whitefish, ~~common carp,~~ and native rough fish may be taken by licensed commercial fishing operators unless otherwise changed by rule of the commissioner, under section 97C.805, subdivision 1, from Namakan Lake and Sand Point Lake.

Sec. 40. Minnesota Statutes 2022, section 97C.835, subdivision 2, is amended to read:

Subd. 2. **Types of fish permitted.** Lake trout, ciscoes, chubs, alewives, lake whitefish, round whitefish, pygmy whitefish, rainbow smelt, common carp, and native rough fish may be taken by licensed commercial fishing operators from Lake Superior, in accordance with this section.

Sec. 41. Minnesota Statutes 2022, section 97C.835, subdivision 3, is amended to read:

Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take lake whitefish, round whitefish, pygmy whitefish, ciscoes, chubs, alewives, rainbow smelt, common carp, and native rough fish in Lake Superior, including St. Louis Bay east of the U.S. Highway 53 bridge, under the rules prescribed by the commissioner.

Sec. 42. Minnesota Statutes 2022, section 97C.865, subdivision 1, is amended to read:

Subdivision 1. **License required; records.** (a) A person engaged in a business providing services to a person taking fish may not prepare dressed game fish or dressed native rough fish for shipment without a fish packer's license. The fish packer must maintain a permanent record of:

- (1) the name, address, and license number of the shipper;
 - (2) the name and address of the consignee; and
 - (3) the number of each species and net weight of fish in the shipment.
- (b) The records of the fish packer must be made available to an enforcement officer upon request.

Sec. 43. **REQUIRED RULEMAKING.**

The commissioner of natural resources may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules to conform with this article. Minnesota Statutes, section 14.386, does not apply to rules adopted under this section except as provided under Minnesota Statutes, section 14.388.

Sec. 44. **REVISOR INSTRUCTION.**

The revisor of statutes must renumber Minnesota Statutes, section 97A.015, subdivision 32b, as Minnesota Statutes, section 97A.015, subdivision 32d, and must renumber Minnesota Statutes, section 97A.015, subdivision 43, as Minnesota Statutes, section 97A.015, subdivision 32c.

ARTICLE 3

BOARD OF WATER AND SOIL RESOURCES

Section 1. Minnesota Statutes 2022, section 103B.101, subdivision 13, is amended to read:

Subd. 13. **Drainage stakeholder coordination.** (a) The Board of Water and Soil Resources shall work with drainage stakeholders to foster mutual understanding and provide recommendations for drainage system management and related water management, including recommendations for updating the drainage law in chapter 103E, the Minnesota Public Drainage Manual, and other related provisions. The board may convene informal working groups or work teams to develop information, education, and recommendations.

(b) For the purposes of this subdivision, the Minnesota Public Drainage Manual is a publication that is prepared by and adopted by the board and that includes explanations, procedures, and guidance consistent with and supplementing the provisions of chapter 103E. The manual must include best management practices and be prepared in consultation with drainage stakeholders according to paragraph (a) for use by drainage authorities in carrying out statutory duties.

Sec. 2. Minnesota Statutes 2022, section 103C.005, is amended to read:

103C.005 SOIL AND WATER CONSERVATION POLICY.

Maintaining and enhancing the quality of soil and water for the environmental and economic benefits they produce, preventing degradation, and restoring degraded soil and water resources of this state contribute greatly to the health, safety, economic well-being, and general welfare of this state and its citizens. Land

occupiers have the responsibility to implement practices that conserve the soil and water resources of the state. Soil and water conservation measures implemented on private lands in this state provide benefits to the general public by reducing erosion, sedimentation, siltation, water pollution, and damages caused by floods. The soil and water conservation policy of the state is to encourage land occupiers to conserve soil, water, and the natural resources they support through the implementation of practices that:

(1) control or prevent erosion, sedimentation, siltation, and related pollution in order to preserve natural resources;

(2) ensure continued soil health, as defined under section 103C.101, subdivision 10a, and soil productivity;

(3) protect water quality;

(4) prevent impairment of dams and reservoirs;

(5) reduce damages caused by floods;

(6) preserve wildlife;

(7) protect the tax base; and

(8) protect public lands and waters.

Sec. 3. Minnesota Statutes 2022, section 103C.221, is amended to read:

103C.221 CHANGING LOCATION OF PRINCIPAL OFFICE.

The location of the principal office of the district ~~board~~ may be changed ~~with the approval of the state board~~ after the adoption of a resolution by a majority of the district board stating the new location within the district and by filing a certified copy of the resolution with the secretary of state.

Sec. 4. Minnesota Statutes 2022, section 103C.331, subdivision 3, is amended to read:

Subd. 3. **Surveys, investigations, and research.** A district may conduct surveys, investigations, and research to identify the problems and preventive practices specified in section ~~103A.206~~ 103C.005. ~~To avoid duplication of research activities, no district shall initiate any research program except in cooperation with a state agency or an agency of the United States.~~

Sec. 5. Minnesota Statutes 2022, section 103C.331, subdivision 5, is amended to read:

Subd. 5. **Demonstration projects.** A district may conduct demonstration projects within the district on lands owned or administered by a state agency, with the cooperation of the administering agency, and on other lands with the consent of the land occupier, to demonstrate practices which implement the state policy specified in section ~~103A.206~~ 103C.005.

Sec. 6. Minnesota Statutes 2022, section 103C.331, subdivision 6, is amended to read:

Subd. 6. **Implementing practices.** A district may implement any necessary practices within the district, including structural measures and works of improvement ~~for any purpose specified in section 103A.206, methods of cultivation, the use of vegetation, and changes in use of land~~ to achieve the purposes of this chapter and fulfill other statutory responsibilities, on:

(1) lands acquired by the district;

(2) lands owned or administered by a state public agency, with the cooperation of the administering agency; and

(3) other lands, with the consent of the land occupier.

Sec. 7. Minnesota Statutes 2022, section 103C.331, subdivision 7, is amended to read:

Subd. 7. **Implementing soil and water conservation policy.** A district may cooperate or enter into agreements with and furnish financial or other aid to a land occupier or appropriate agency; to implement the policy specified in section 103A.206, within the district this chapter and fulfill other statutory responsibilities, subject to conditions the district board determines is are necessary.

Sec. 8. Minnesota Statutes 2022, section 103C.331, subdivision 8, is amended to read:

Subd. 8. **Acquiring and maintaining property.** A district may acquire any rights or interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest, devise, or otherwise. It may maintain, operate, administer, and improve any properties acquired. It may receive income from the properties and expend the income to implement this chapter and sections 103F.401 to 103F.455 fulfill other statutory responsibilities. It may sell, lease, or otherwise dispose of any of its property or interests.

Sec. 9. Minnesota Statutes 2022, section 103C.331, subdivision 9, is amended to read:

Subd. 9. **Using machinery and supplies.** A district may make available, on terms it ~~shall prescribe~~ prescribes, to land occupiers within the district; agricultural and engineering machinery and equipment, fertilizer, seeds, ~~and~~ seedlings, and other material or equipment ~~which will assist that helps~~ to implement practices on their land specified in section 103C.005 to implement this chapter and fulfill other statutory responsibilities.

Sec. 10. Minnesota Statutes 2022, section 103C.331, subdivision 10, is amended to read:

Subd. 10. **Constructing improvements.** A district may construct, install, improve, maintain, and operate structures and works necessary or convenient to perform an operation authorized under this chapter and sections 103F.401 to 103F.455 other statutory authority.

Sec. 11. Minnesota Statutes 2022, section 103C.331, subdivision 11, is amended to read:

Subd. 11. **Comprehensive plan.** (a) A district may develop and revise a comprehensive plan, ~~specifying practices to implement the state policy specified in section 103A.206, including~~ fulfill statutory responsibilities. The plan may include:

- (1) the construction, maintenance, and operation of structural measures;
- (2) methods of cultivation;
- (3) the use of vegetation;
- (4) cropping programs;
- (5) mechanical practices;
- (6) changes in use of land;

- (7) water quality improvement practices;
- (8) other land use, soil erosion reduction, and agricultural practices; ~~and~~
- (9) related technical standards and specifications; and
- (10) other practices, projects, programs, and systems to fulfill statutory responsibilities.

~~(b) The plan shall include a classification of the soil types within the district as determined by the Minnesota Cooperative Soil Survey.~~

~~(c) The plan must identify the areas within the district where erosion, sedimentation, and related water quality problems appear most in need of control methods.~~

~~(d)~~ (b) The plan shall must be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's soil and water program plan frameworks as provided in chapter 103B.

~~(e) Each district that applies for cost-sharing funds under section 103C.501 shall submit to the state board an annual work plan for the high priority erosion, sedimentation, and water quality problems in the district. The work plan shall be prepared as required by the rules of the state board. In preparing the annual work plan, the district shall actively identify and seek out land occupiers with high priority erosion problems who have not participated in cost-sharing contracts and encourage their participation in programs to control their erosion problems.~~

(c) At least 60 days before submitting the plan to the state board, the district must hold a public hearing on the plan and provide notice of the hearing via the district's website. The district must give notice of the hearing to the county and all affected cities and towns. To allow for public input, the district must also administer a review and comment period of at least 30 days before submitting the plan.

(d) The district must submit the plan to the state board for review and approval before adopting the plan at a district meeting.

Sec. 12. Minnesota Statutes 2022, section 103C.331, subdivision 12, is amended to read:

Subd. 12. **Assuming other conservation projects.** (a) A district may take over by purchase, lease, or otherwise, and may improve, maintain, operate, and administer a soil or water conservation, erosion-control, erosion-prevention, water quality improvement, watershed protection, flood prevention, or flood control project in its boundaries undertaken by the United States or by a state public agency.

(b) A district may accept donations, gifts, grants, or contributions in money, services, materials, or otherwise from the United States, a state public agency, or other source to accomplish ~~the authorization in this section~~ statutory responsibilities. A ~~board~~ district may enter into a contract or agreement necessary or appropriate to accomplish the transfer. A ~~board~~ district may use or expend money, services, materials, or other things to accomplish an authorized purpose.

Sec. 13. Minnesota Statutes 2022, section 103C.331, subdivision 13, is amended to read:

Subd. 13. **Authority to sue and contract.** A district may sue and be sued in its name, have perpetual succession unless terminated as provided in section 103C.225, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend, or repeal rules and regulations consistent with this chapter and ~~sections 103F.401 to 103F.455~~ other statutory authority.

Sec. 14. Minnesota Statutes 2022, section 103C.331, subdivision 14, is amended to read:

Subd. 14. **Compensation for work or projects.** As a condition for extending benefits for the performance of work, including operations and maintenance, upon lands not owned or administered by a state public agency or the district, the supervisors district may require compensation or contributions in money, services, materials, or otherwise, commensurate with the cost or reasonable value of the operations or work conferring the benefits.

Sec. 15. Minnesota Statutes 2022, section 103C.331, subdivision 15, is amended to read:

Subd. 15. **Agreements for state or federal assistance.** (a) A district may ~~submit an application~~ apply for and enter into an agreement or contract ~~with the secretary of agriculture or other designated authority~~ to obtain or use state or federal funding or assistance under any law providing for state or federal funding or assistance for an authorized purpose of the district.

(b) A district may:

(1) acquire ~~without cost to the federal government~~ any land, easements, or rights-of-way needed in connection with works of improvement installed with federal or state assistance or funding;

(2) assume the proportionate share of the cost of installing works of improvement involving state or federal funding or assistance ~~determined by the secretary or other designated authority to be~~ that is equitable in consideration of anticipated benefits from the improvements;

(3) ~~make arrangements satisfactory to the secretary or other authority~~ arrange to defray costs of operating and maintaining works of improvement in accordance with prescribed regulations;

(4) acquire or provide assurance that land occupiers have acquired the water rights and other rights, pursuant to state law, needed to install, maintain, and operate the works of improvement; and

(5) obtain agreements to carry out recommended soil and water conservation measures and prepare farm plans for owners of not less than 50 percent or other required percentage of the lands situated in a drainage area above a retention reservoir installed with federal assistance, as prescribed by applicable federal law, and may do any other acts necessary to secure and use federal aid.

Sec. 16. Minnesota Statutes 2022, section 103C.331, subdivision 16, is amended to read:

Subd. 16. **Budget.** The district ~~board~~ shall annually present a budget consisting of an itemized statement of district expenses for the ensuing calendar year to the boards of county commissioners of the counties in which the district is located. The county boards may levy an annual tax on all taxable real property in the district for the amount that the boards determine is necessary to meet the requirements of the district. The amount levied shall be collected and distributed to the district as prescribed by chapter 276. The amount may be spent by the district ~~board~~ for a district purpose authorized by law.

Sec. 17. Minnesota Statutes 2022, section 103C.331, is amended by adding a subdivision to read:

Subd. 21. **Water and soil resource management.** A district may initiate, construct, operate, and maintain water and soil resource management practices, projects, programs, and systems within the boundaries of the district and use, supplement, or otherwise coordinate contributions from state, federal, Tribal, or local governments and private entities for similar purposes.

Sec. 18. Minnesota Statutes 2022, section 103C.331, is amended by adding a subdivision to read:

Subd. 22. **Loans.** The district may obtain loans when the district determines it is prudent to accomplish its statutory duties.

Sec. 19. Minnesota Statutes 2022, section 103D.011, subdivision 10, is amended to read:

Subd. 10. **Engineer.** "Engineer" means ~~the~~ a licensed professional engineer as described in section 326.02 and designated by the managers to act as engineer. The board of managers or engineer may work in cooperation with other licensed professionals as described in section 326.02 in the planning and design of a watershed district project.

Sec. 20. Minnesota Statutes 2022, section 103D.201, subdivision 2, is amended to read:

Subd. 2. **Specific purposes.** A watershed district may be established for and use its powers to advance any of the following purposes:

- (1) to control or alleviate damage from floodwaters to promote climate resilience;
- (2) to protect, improve stream channels, or restore watercourses and water basins for drainage, navigation, water quality, flood mitigation, and any other public purpose;
- (3) to ~~reclaim~~ manage impacts to, restore, or ~~fill~~ replace wet and overflowed land;
- (4) to provide a water supply for irrigation;
- (5) to regulate and conserve the flow of streams and conserve the streams' water watercourses;
- ~~(6) to divert or change all or part of watercourses;~~
- ~~(7)~~ (6) to provide or conserve water supply for domestic, industrial, recreational, agricultural, or other public use;
- ~~(8)~~ (7) to provide for sanitation and public health; and regulate the use of streams, ditches, or watercourses to dispose of waste;
- ~~(9)~~ (8) to repair, improve, relocate, modify, consolidate, and abandon all or part of drainage systems within a watershed district;
- ~~(10)~~ (9) to control or alleviate soil erosion and siltation of watercourses or water basins;
- ~~(11)~~ (10) to regulate improvements by riparian property owners of the beds, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use;
- ~~(12)~~ (11) to provide for hydroelectric power generation;
- ~~(13)~~ (12) to protect or enhance the water quality in watercourses or water basins; and
- ~~(14)~~ (13) to provide for the protection of groundwater and regulate its use to preserve it for beneficial purposes; and
- (14) to otherwise manage and protect surface waters and groundwaters for any beneficial purpose.

Sec. 21. Minnesota Statutes 2022, section 103D.205, subdivision 4, is amended to read:

Subd. 4. **Filing establishment petitions.** The petitioners must file a copy of the establishment petition with the auditors of the counties affected by the proposed watershed district, and the commissioner, and the director. The original establishment petition, with a signed statement of delivery or receipt for each of the establishment petitions submitted to the auditors of affected counties, ~~the commissioners, and the directors~~ director, must be filed with the board.

Sec. 22. Minnesota Statutes 2022, section 103D.251, subdivision 5, is amended to read:

Subd. 5. **Petition signatures.** (a) A petition for a watershed boundary change must be signed by:

(1) at least one-half of the counties within the proposed watershed district if the boundary change were adopted;

(2) counties having at least 50 percent of the area within the proposed watershed district if the boundary change were adopted;

(3) a majority of the cities within the proposed watershed district if the boundary change were adopted;

(4) at least 50 resident owners or 50 percent of resident owners, whichever is less, in the proposed watershed district if the area to be added or removed by the proposed boundary change if it were adopted, excluding resident owners within the corporate limits of a city, if the city has signed the petition; or

(5) the managers of a watershed district affected by the proposed boundary change.

(b) The managers must pass a resolution authorizing the boundary change before the managers sign a petition for a boundary change.

Sec. 23. Minnesota Statutes 2022, section 103D.251, subdivision 6, is amended to read:

Subd. 6. **Hearing.** The board must set a time and location for a hearing and give notice of the hearing in the same manner as an establishment hearing. The board must also give notice of the hearing by mail at least ten days before the hearing to the watershed district affected by the proposed boundary change. If a petition for a boundary change involves a common boundary of two or more watershed districts, the board must determine the watershed district where the hearing will be held.

Sec. 24. Minnesota Statutes 2022, section 103D.255, is amended to read:

103D.255 WITHDRAWING TERRITORY.

Subdivision 1. **Petition.** (a) Proceedings to withdraw territory from an existing watershed district must be initiated by a petition filed with the board.

(b) A majority of the managers may file a petition for withdrawal. Otherwise, the required signatures on a petition for withdrawal are the same as prescribed for an establishment petition, but the percentages must be calculated only with reference to the territory that is proposed to be withdrawn from the watershed district.

(c) The petition must state that:

(1) the territory described has not received or will not receive any benefits from the operation of the watershed districts;

(2) the watershed district can perform the functions for which it was established without the inclusion of the territory; and

(3) the territory is not, in fact, a part of the watershed.

(d) The petition must request the release of the described territory from the watershed district.

(e) The petition must be served on the board and any affected watershed district, and the board shall proceed as prescribed for an establishment petition. The requirements for notices and public hearings are as prescribed for the establishment petition. The board must also give notice of the hearing by mail at least ten days before the hearing to each watershed district affected by the proposed withdrawal of territory.

Subd. 2. **Board's order of withdrawal.** (a) After the hearing, the board may issue an order releasing the territory, or a part of the territory, as described in the petition, if the board determines that:

(1) the territory described in the petition has not received and will not receive any benefit from the operation of the watershed district;

(2) the watershed district can perform the functions for which it was established without the inclusion of the territory; and

(3) the territory is not, in fact, a part of the watershed.

(b) Property may not be released that has been determined subject to benefits or damages for a project previously constructed.

(c) Property released remains liable for the proportionate share of any indebtedness existing at the time of the order. Levies on the property released continue in force until fully paid.

(d) If the board determines that the order prescribing the distribution of managers should be amended following the withdrawal of any territory, the board may direct redistribution of managers in the order authorizing the withdrawal.

(e) The board must file a certified copy of the findings and order of withdrawal with the secretary of state, the auditor of each county affected by the watershed district, the commissioner, and the watershed district.

Sec. 25. Minnesota Statutes 2022, section 103D.261, subdivision 1, is amended to read:

Subdivision 1. **Petition.** (a) Proceedings to enlarge an existing watershed district must be initiated by a petition filed with the board. A majority of the managers may file a petition. Otherwise, the required signatures on a petition to enlarge are the same as for an establishment petition, but the percentages must be calculated only with reference to the territory that is proposed to be added to the watershed district. The petition must:

(1) state that the area to be added is contiguous to the existing watershed district;

(2) state that the area can be feasibly administered by the managers of the existing watershed district;

(3) state reasons why adding the area to the existing watershed district would be conducive to the public health and welfare;

(4) include a map of the affected area;

(5) state the name of the proposed enlarged watershed district, if other than that of the existing watershed district; and

(6) state a request for the addition of the proposed territory.

(b) The petition must be served on the board and affected watershed districts, and the board must proceed as prescribed for an establishment petition.

(c) The requirement of notice and public hearings is as prescribed for the establishment petition. The board must also give notice of the hearing by mail at least ten days before the hearing to each watershed district affected by the proposed enlargement.

Sec. 26. Minnesota Statutes 2022, section 103D.261, subdivision 2, is amended to read:

Subd. 2. **Board order.** (a) After the hearing, if the board determines that the enlargement of the watershed district as asked for in the petition would be for the public welfare and public interest and the purpose of this chapter would be served, the board shall, by making findings and an order, enlarge the watershed district and file a certified copy of the findings and order with the secretary of state, the auditor of each county affected by the watershed district, the director, and the watershed district.

(b) The name of the watershed district may be changed by order of the board if requested in the petition to enlarge the watershed district.

Sec. 27. Minnesota Statutes 2022, section 103D.271, subdivision 7, is amended to read:

Subd. 7. **Termination hearing order.** When the board determines a termination petition has been filed that meets the requirements of subdivisions 4 and 5, the board must, by order, ~~set a time by~~ within 35 days after of its determination, set a time and a location within the watershed district for a termination hearing or, if publicly accessible facilities are not available within the watershed district, at the nearest suitable publicly accessible facility. The board must have each manager of the watershed district personally served with a copy of the order.

Sec. 28. Minnesota Statutes 2022, section 103D.301, subdivision 1, is amended to read:

Subdivision 1. **More than one affected county.** If more than one county is affected by a watershed district, the board must provide that managers are distributed by residence among the counties affected by the watershed district and in consideration of the counties' portion of the land area and net tax capacity of the watershed.

Sec. 29. Minnesota Statutes 2022, section 103D.301, subdivision 3, is amended to read:

Subd. 3. **Redistribution.** (a) After ten years from the establishment of the watershed district, the county board of commissioners of a county affected by the watershed district may petition the board to redistribute the managers. After holding a public hearing on redistributing the managers, the board may redistribute the managers among the counties affected by the watershed district if the redistribution is in accordance with the policy and purposes of this chapter.

(b) A petition for the redistribution of managers may not be filed with the board more often than once in ten years.

(c) If more than one county is affected by a watershed district, the board must distribute the one-, two-, and three-year terms among counties affected by the watershed district. The board may redistribute the three-year terms upon redistributing the managers among the affected counties or upon increasing the number of managers.

Sec. 30. Minnesota Statutes 2022, section 103D.305, subdivision 2, is amended to read:

Subd. 2. **Petition signatures.** The petition to increase the number of managers must request the increase and be signed by one or more of the following groups:

- (1) one-half or more of the counties within the watershed district;
- (2) counties with 50 percent or more of the area within the watershed district;
- (3) a majority or greater number of the cities within the watershed district;
- (4) 50 or more resident owners residing in the watershed district, excluding resident owners within the corporate limits of a city if the city has signed the petition; or
- (5) the managers of the watershed district, by resolution adopted by a majority of the managers of the watershed district.

Sec. 31. Minnesota Statutes 2022, section 103D.305, subdivision 5, is amended to read:

Subd. 5. **Hearing.** (a) If the board determines at the hearing that an increase in the number of managers would benefit the public welfare, public interest, and the purpose of this chapter, the board must increase the number of managers. The board must make findings and an order accordingly and file a certified copy of the findings and order with the secretary of state, the auditor of each county affected by the watershed district, the director, and the watershed district. The board's order must prescribe the terms for the new managers to be appointed by the designated county board or boards.

(b) If the watershed district affects more than one county, the board, by order, must direct the distribution of the managers among the affected counties.

Sec. 32. Minnesota Statutes 2022, section 103D.311, subdivision 4, is amended to read:

Subd. 4. **Record of appointed managers.** A record of all appointments made under this section must be filed with the county auditor of each county affected by the watershed district, the secretary or administrator of the board of managers, and the Board of Water and Soil Resources.

Sec. 33. Minnesota Statutes 2022, section 103D.315, subdivision 9, is amended to read:

Subd. 9. **First meeting of managers.** (a) Within ~~ten~~ 30 days after the first board of managers has received notice by personal service of their selection, the managers must meet at the watershed district's principal place of business.

(b) At the first meeting, the managers must take the oath under subdivision 1, provide a bond under subdivision 2, elect officers under subdivision 3, and appoint an advisory committee under section 103D.331.

Sec. 34. Minnesota Statutes 2022, section 103D.315, subdivision 10, is amended to read:

Subd. 10. **Meetings.** The managers shall meet annually and at other necessary times to transact the business of the watershed district. A meeting may be called at any time at the request of any manager according to chapter 13D. ~~When a manager requests a meeting, the secretary of the watershed district must mail a notice of the meeting to each member at least eight days before the meeting.~~

Sec. 35. Minnesota Statutes 2022, section 103D.321, subdivision 1, is amended to read:

Subdivision 1. **Unavailable public facilities.** If ~~public~~ publicly accessible facilities are not available for a watershed district's principal place of business within the watershed district, the board shall determine and designate the nearest suitable ~~public~~ publicly accessible facility as the watershed district's principal place of business. The principal place of business is the location of the watershed district's office or, if the district has no office, the location of regular meetings of the board of managers.

Sec. 36. Minnesota Statutes 2022, section 103D.331, subdivision 2, is amended to read:

Subd. 2. **Members.** (a) The advisory committee consists of at least five members. If practicable, the advisory committee members selected should include a representative from each soil and water conservation district, a representative of each county, a member of a sporting organization, ~~and~~ a member of a farm organization, and a representative of each federally recognized Tribal government within the watershed district. Other advisory committee members may be appointed at the discretion of the managers. The members must be residents of the watershed district, except representatives from Tribal nations, soil and water conservation districts, and counties, and serve at the pleasure of the managers.

(b) In addition, the managers may appoint other interested and technical persons who may or may not reside within the watershed district to serve at the pleasure of the managers.

Sec. 37. Minnesota Statutes 2022, section 103D.335, subdivision 11, is amended to read:

Subd. 11. **Acquiring or disposing of property.** The managers may acquire by gift, purchase, taking under the procedures of this chapter, or by the power of eminent domain, necessary real and personal property. The managers may dispose of real or personal property when the property no longer serves a purpose of the watershed district. The watershed district may acquire property outside the watershed district where necessary for a water supply system.

Sec. 38. Minnesota Statutes 2022, section 103D.341, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** The managers must adopt rules ~~to accomplish the purposes of this chapter~~ and to implement the regulatory powers of the managers.

Sec. 39. Minnesota Statutes 2022, section 103D.345, subdivision 4, is amended to read:

Subd. 4. **Bond; financial assurance.** The managers may require an applicant for a permit to file a bond or other form of financial assurance with the managers in an amount set by the managers and conditioned on performance by the applicant of authorized activities in conformance with the terms of the permit.

Sec. 40. Minnesota Statutes 2022, section 103D.355, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** The managers must have an annual audit completed of the books and accounts of the watershed district. The annual audit may be made by a private certified public accountant or by the state auditor. The managers must submit the annual audit report to the board and the state auditor's office within 180 days of the end of the watershed district's fiscal year.

Sec. 41. **[103D.357] REMOVAL OF MANAGERS.**

After being provided an opportunity for a hearing before the appointing authority, a manager of a watershed district may be removed from the position by a majority vote of the appointing authority before term expiration for violation of a code of ethics of the watershed district or appointing authority or for malfeasance, nonfeasance, or misfeasance.

Sec. 42. Minnesota Statutes 2022, section 103D.401, is amended to read:

103D.401 WATERSHED MANAGEMENT PLAN.

Subdivision 1. **Contents.** (a) The managers must adopt and maintain a watershed management plan ~~for any or all of~~ to exercise the powers of a watershed district and fulfill the purposes for which a watershed district may be established. The watershed management plan must give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. The watershed management plan must also conform closely with watershed management plan guidelines as adopted and amended from time to time by the Board of Water and Soil Resources. The authority to adopt and maintain a watershed management plan under this section is retained notwithstanding a watershed district's participation in a comprehensive watershed management planning program under section 103B.801.

(b) The watershed management plan may include a separate section on proposed projects. ~~If the watershed district is within the metropolitan area, the separate section of proposed projects or petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the watershed district for purposes of review by the Metropolitan Council under section 473.165.~~

Subd. 2. **Review Reviewing draft plan.** The managers must send a copy of the proposed watershed management plan for a 60-day review and comment period to the county auditor of each county affected by the watershed district, the board, ~~the commissioner,~~ the director, the governing body of each municipality affected by the watershed district, and soil and water conservation districts affected by the watershed district. ~~For a watershed district within the metropolitan area, a copy of the proposed watershed management plan must also be submitted to the Metropolitan Council.~~ At least ten days before the public hearing, the watershed district must respond in writing to all comments by the reviewing parties.

~~Subd. 3. **Director's and Metropolitan Council's recommendations.** After receiving the watershed management plan, the director and the Metropolitan Council must review and make recommendations on the watershed management plan. By 60 days after receiving the plan, the director and the Metropolitan Council must send their recommendations on the watershed management plan to the board and a copy to the managers of the watershed district, the county auditor of each county affected by the watershed district, the governing bodies of all municipalities affected by the watershed district, and soil and water conservation districts affected by the watershed district. The board may extend the period for review and transmittal of the recommendations.~~

Subd. 4. **Hearing notice.** (a) The ~~board~~ managers must give notice and hold a ~~watershed management plan~~ hearing on the proposed watershed management plan ~~by 45~~ no later than 60 days after ~~receiving the director's and Metropolitan Council's recommendations~~ the close of the 60-day review and comment period.

(b) The ~~board~~ managers must give notice of the ~~watershed management plan~~ hearing by publication in a legal newspaper that is published in counties affected by the watershed district. The last publication must occur at least ten days before the ~~watershed management plan~~ hearing.

(c) The ~~board~~ managers must give notice of the ~~watershed management plan~~ hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the watershed district.

(d) The notice must include:

(1) a statement that a copy of the proposed watershed management plan has been filed with the board, ~~the Metropolitan Council, where applicable,~~ the auditors of counties affected by the proposed watershed district, the commissioner, the director, the governing body of each municipality affected by the watershed district, and the soil and water conservation districts affected by the watershed district;

(2) a general description of the purpose of the watershed district;

(3) a general description of the property included in the watershed district;

(4) a general description of the proposed watershed management plan;

(5) the date, time, and location of the hearing; and

(6) a statement that all persons affected or interested in the watershed district may attend and give statements at the ~~watershed management plan~~ hearing.

Subd. 5. **Board approval.** (a) After the watershed management plan hearing, the ~~board~~ managers must submit the draft plan, any amendments to the draft plan, all written comments received on the draft plan, a record of the public hearing, and a summary of changes incorporated as a result of the review process to the board for final review. The board must review the plan for conformance with this chapter.

(b) The board must not prescribe a plan but may disapprove all or parts of a plan that the board finds does not conform with this chapter. The board must complete its review within 90 days and, by order, prescribe and approve, disapprove, or approve with conditions a watershed management plan for the watershed district. The board must send a copy of the order and approved watershed management plan to the managers, the county board of each county affected by the watershed district, the commissioner, the director, the Metropolitan Council, where applicable, the governing body of each municipality affected by the watershed district, and soil and water conservation districts affected by the watershed district. The watershed management plan approved by the board is the watershed management plan for the watershed district.

(c) A watershed district may seek reconsideration of a decision of the board concerning its plan or capital improvement program within 60 days of receiving the decision by filing an appeal to the board's dispute resolution committee established under section 103B.101, subdivision 10. The dispute resolution committee must complete its reconsideration and make a recommendation to the board, which must issue a final decision within 90 days of the appeal.

Subd. 6. **Adoption.** Within 120 days of the board's order, the managers must adopt a plan in compliance with the board's order. The managers must send a copy of the order and approved watershed management plan to the board, the county board of each county affected by the watershed district, the commissioner, the director, the governing body of each municipality affected by the watershed district, and soil and water

conservation districts affected by the watershed district. The watershed management plan approved by the board and adopted by the managers is the watershed management plan for the watershed district.

Subd. 7. **Amendments.** (a) To the extent and in the manner required by the adopted plan, all amendments to the adopted plan must be submitted to the towns, cities, counties, and state review agencies and to the board for review according to subdivisions 2 to 5, except when the proposed amendments are determined to be minor amendments according to the following requirements:

(1) the board has either agreed that the amendments are minor or failed to act within five working days of the end of the comment period specified in clause (2), unless an extension is mutually agreed upon with the watershed district;

(2) the watershed district has sent copies of the amendments to the plan review authorities for review and comment, allowing at least 30 days for receipt of comments; has indicated that the minor amendment procedure is being followed; and has directed that comments be sent to the watershed district and the board;

(3) no county board has filed an objection to the amendments with the watershed district and the board within the comment period specified in clause (2), unless an extension is mutually agreed upon by the county and the watershed district; and

(4) the watershed district has held a public meeting to explain the amendments and published a legal notice of the meeting twice, at least seven days and 14 days before the date of the meeting.

(b) The following changes to a plan do not require an amendment, but must be distributed to agencies and local units of government receiving an adopted plan under subdivision 6:

(1) formatting or reorganizing the plan;

(2) revising a procedure meant to streamline administration of the plan;

(3) clarifying existing plan goals or policies;

(4) including additional data not requiring interpretation;

(5) expanding a public process; or

(6) adjusting how a watershed district carries out program activities within the district's discretion.

Sec. 43. Minnesota Statutes 2022, section 103D.405, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) The managers ~~and the board~~ must revise the watershed management plan for the watershed district at least once every ten years after the original watershed management plan is approved. The revised watershed management plan of the district must conform closely with adopted watershed management plan guidelines of the board of ~~Water and Soil Resources~~.

(b) The managers must include the following items in the revised watershed management plan:

(1) updates and supplements of the existing hydrological and other statistical data of the watershed district;

(2) specific projects and programs to be considered for implementation;

(3) a statement of the extent that the purposes for which the watershed district had been established have been accomplished;

- (4) a description of problems requiring future action by the watershed district;
 - (5) a summary of completed studies on active or planned projects, including financial data; and
 - (6) an analysis of the effectiveness of the watershed district's rules and permits in achieving its water management objectives in the watershed district.
- (c) A revised watershed management plan must be transmitted, reviewed, recommended, and approved as provided in subdivisions 2 to 4 and 6.

Sec. 44. Minnesota Statutes 2022, section 103D.535, subdivision 3, is amended to read:

Subd. 3. **Appeals from managers' orders.** (a) If an appeal is taken from an order authorizing a project, a trial of an appeal of benefits or damages from the proceedings must be stayed until the appeal is decided. If the order authorizing the project is affirmed, a trial of an appeal of benefits or damages may commence.

(b) If the appeal is from an order refusing to authorize a project and the court or the board later orders the project, the secretary or administrator of the watershed district shall give notice by publication of the filing of the order. The notice is sufficient if it refers to the proposed project by general description and recites the substance of the order and the date of filing in the court.

Sec. 45. Minnesota Statutes 2022, section 103D.701, is amended to read:

103D.701 PROJECT INITIATION.

Projects may not be initiated until the board approves a watershed management plan for the watershed district. ~~The projects~~ A project of the watershed district ~~that are to be paid for by assessment of the benefited properties~~ must be initiated:

- (1) by a project petition filed with the managers;
- (2) by ~~unanimous~~ resolution of a majority of the members of the board of managers; or
- (3) as otherwise prescribed by this chapter.

Sec. 46. Minnesota Statutes 2022, section 103D.705, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) A project within the watershed district that generally conforms with the watershed management plan may be initiated by a project petition. A project petition must contain:

- (1) a description of the proposed project and the purpose to be accomplished;
- (2) a description of the property where the proposed project passes over or is located;
- (3) a general description of the part of the watershed district that will be affected, if less than the entire watershed district;
- (4) the necessity for the proposed project;
- (5) a statement that the proposed project will be conducive to public health, convenience, and welfare; and
- (6) a statement that the petitioners will pay all costs and expenses that may be incurred if the proceedings are dismissed or a construction or implementation contract is not awarded for the proposed project.

(b) A petition may request that the managers adopt a resolution according to section 103D.707, subdivision 1, to allow sources of funding other than assessment to be used in whole or in part for the project. Upon adopting a requested resolution, the managers must release the deposit or bond required under subdivision 3.

Sec. 47. Minnesota Statutes 2022, section 103D.705, is amended by adding a subdivision to read:

Subd. 5. **Determination.** If the managers determine that a proper project petition has been filed and that the proposed project promotes the public interest and welfare, is practicable, and conforms with the watershed management plan of the watershed district, the managers must:

- (1) identify the project by name and number; and
- (2) designate an engineer to make surveys, maps, and a report on the proposed project.

Sec. 48. **[103D.707] PROJECTS INITIATED BY MANAGERS.**

Subdivision 1. **Resolution.** A majority of the members of the board of managers may initiate a project by a resolution finding that the project generally conforms with the watershed management plan of the watershed district. The resolution must:

- (1) identify the project by name and number;
- (2) identify intended sources of project funding; and
- (3) designate an engineer to make surveys, maps, and a report on the proposed project.

Subd. 2. **Funding.** (a) A project initiated under this section may be funded from one or more sources of funds available to the watershed district, including but not limited to levy, assessment, a water management district charge, and external sources. The availability and use of a source of funding must be as specified in applicable law.

(b) The finding under subdivision 1 as to intended sources of funding is not binding on the managers. However, the procedures of this chapter must be afforded to property owners affected by any subsequent decision of the managers to expand the use of assessment.

Subd. 3. **Determining benefits.** Procedures in section 103D.715 for appointing resident appraisers and determining benefits apply to a project initiated by resolution of the managers only if and to the extent that a project is to be funded in whole or part by assessment.

Sec. 49. Minnesota Statutes 2022, section 103D.711, subdivision 3, is amended to read:

Subd. 3. **State and federal projects.** The engineer may adopt, approve, and include as a part of the engineer's report a project of the state or federal government that is pertinent to the project and may accept data, plats, plans, details, or information pertaining to the state or federal project given to the ~~engineer~~ watershed district by the state or federal agency. The engineer ~~shall~~ may omit the items required in subdivision 2 from the engineer's report if the data given by the state or federal government is sufficient to meet the requirements of subdivision 2.

Sec. 50. Minnesota Statutes 2022, section 103D.711, subdivision 4, is amended to read:

Subd. 4. **Hearing after unfavorable engineer's report.** (a) If the project has been initiated by petition and the engineer's report is unfavorable, the managers shall, by order, within 35 days set a time and place within the watershed district for a hearing for the petitioners to demonstrate why the managers should not refer the petition back to the petitioners for further proceedings or dismiss the petition.

(b) The hearing notice must state:

(1) that the engineer's report is unfavorable;

(2) that the engineer's report is on file with the managers and may be reviewed; and

(3) the time and place for the hearing.

(c) The managers shall mail a copy of the notice to each of the petitioners at least 14 days before the hearing.

Sec. 51. Minnesota Statutes 2022, section 103D.711, subdivision 6, is amended to read:

Subd. 6. **Notice for final hearing; timing.** A notice may not be issued for the final hearing until the board's advisory report and the director's advisory report are filed or the time for filing the reports with the managers has expired. For projects initiated by the managers according to section 103D.707, the managers may decide at any time not to proceed to final hearing.

Sec. 52. Minnesota Statutes 2022, section 103D.715, subdivision 1, is amended to read:

Subdivision 1. **Appointment.** After the engineer's report is filed, if the project is proposed to be funded in whole or in part by assessments of benefitted land owners, the managers shall, with the least possible delay, appoint three disinterested resident owners of the state as appraisers.

Sec. 53. Minnesota Statutes 2022, section 103D.729, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** A watershed district may establish a water management district or districts in the territory within the watershed, for the purpose of collecting revenues and paying the costs of projects initiated under section 103B.231, ~~103D.601, 103D.605, 103D.611, 103D.701,~~ or 103D.730.

Sec. 54. Minnesota Statutes 2022, section 103D.729, subdivision 2, is amended to read:

Subd. 2. **Procedure.** A watershed district may establish a water management district only by amendment to its plan in accordance with section ~~103D.411, or~~ 103D.401, or 103B.231 for watershed districts in the metropolitan area, and compliance with subdivisions 3 and 4. The amendment ~~shall~~ must describe with particularity the territory or the area to be included in the water management district, the amount of the necessary charges, the methods used to determine charges, and the length of time the water management district will remain in force. After adoption, the amendment ~~shall~~ must be filed with the county auditor and county recorder of each county affected by the water management district. Charges must be collected according to section 444.075, subdivision 2a. The water management district may be dissolved by the procedure prescribed for the establishment of the water management district.

Sec. 55. Minnesota Statutes 2022, section 103D.731, is amended to read:

103D.731 APPRAISERS' REPORT; EXAMINATION.

(a) The appraisers shall prepare an appraisers' report of the benefits and damages determined and file the report with the managers.

(b) After the appraisers' report is filed, the managers shall examine the report and determine whether:

(1) the report was made in conformity with the requirements of this chapter; and

(2) for each property to be assessed, the total benefits are greater than the total estimated costs and damages to be assessed.

(c) If the managers determine the appraisers' report is inadequate in any manner, the managers may return the report to the appraisers for further study and report.

Sec. 56. Minnesota Statutes 2022, section 103D.745, subdivision 3, is amended to read:

Subd. 3. **Establishing project.** (a) The managers shall make findings, order and direct construction or implementation of the project, and confirm the engineer's report and the findings of the appraisers and the appraisers' report if, at the end of the final hearing, the managers find that the project will:

(1) be conducive to public health;

(2) promote the general welfare;

(3) be in compliance with this chapter; and

(4) for each property to be assessed, result in benefits that will be greater than the cost of the construction or implementation and damages to be assessed.

(b) The order may authorize the construction or implementation of the project as a whole or authorize different parts of the project to be constructed separately.

(c) The managers shall order the engineer to proceed with making the necessary surveys and preparing plans and specifications that are needed to construct the project and report the results of the surveys and plans to the managers.

Sec. 57. Minnesota Statutes 2022, section 103D.805, is amended to read:

103D.805 FILING MANAGERS' ORDER ESTABLISHING PROJECT.

An order of the managers establishing the project and authorizing construction must immediately be filed with the secretary or administrator of the watershed district, and a certified copy of the order must be filed with the auditor of each county affected, the board, the commissioner, the director, the Pollution Control Agency, and the commissioner of health.

Sec. 58. Minnesota Statutes 2022, section 103D.811, subdivision 3, is amended to read:

Subd. 3. **Awarding contract.** (a) At a time and place specified in the bid notice, the managers may accept or reject any or all bids and may award the contract to the lowest responsible bidder. The bidder to whom the contract is to be awarded must give a bond, with ample security as required by section 574.26, conditioned by satisfactory completion of the contract.

(b) Bids must not be considered which in the aggregate exceed by more than 30 percent the total estimated cost of construction or implementation.

(c) As an alternative to the procurement method described in paragraph (a), the managers may issue a request for proposals and award the contract to the vendor or contractor offering the best value as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

(d) The contract must be in writing and be accompanied by or refer to the plans and specifications for the work to be done as prepared by the engineer for the watershed district. The plans and specifications shall become a part of the contract.

(e) The contract ~~shall~~ must be approved by the managers ~~and signed by the president, secretary, and contractor.~~

Sec. 59. Minnesota Statutes 2022, section 103D.901, subdivision 2, is amended to read:

Subd. 2. **County funding.** After the assessment statement is filed with the auditor, the county board of each affected county shall provide funds to meet its proportionate share of the total cost of the project, as shown by the engineer's report and order of the managers. The county may issue bonds of the county in the manner provided by section 103E.635. ~~If an improvement is to be constructed under section 103D.611, the provisions of section 103E.635 requiring the county board to award a contract for construction or implementation before issuing bonds is not applicable to bonds issued to provide the funds required to be furnished by this section.~~

Sec. 60. Minnesota Statutes 2022, section 103E.729, subdivision 9, is amended to read:

Subd. 9. **Sunset.** This section expires on July 31, ~~2024~~ 2029.

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

Sec. 61. Minnesota Statutes 2022, section 103F.48, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given them.

(b) "Board" means the Board of Water and Soil Resources.

(c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants and noxious weeds, adjacent to all bodies of water within the state and that protects the water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and protects or provides riparian corridors.

(d) "Buffer-protection map" means buffer maps established and maintained by the commissioner of natural resources.

(e) "Commissioner" means the commissioner of natural resources.

(f) "Executive director" means the executive director of the Board of Water and Soil Resources.

(g) "Local water management authority" means a watershed district, metropolitan water management organization, or county operating separately or jointly in its role as local water management authority under chapter 103B or 103D.

(h) "Normal water level" means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

(i) "Public waters" means public waters that are on the public waters inventory as provided in section 103G.201.

(j) "With jurisdiction" means a board determination that the county or watershed district has adopted and is implementing a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101; ~~subdivision 12a.~~ This determination is revocable by board action if the adoption and implementation of rule, ordinance, or official controls are not in compliance with the requirements of this section or board-adopted procedures.

Sec. 62. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 1a. **Agricultural crop production.** "Agricultural crop production" means an agricultural activity that is devoted to producing horticultural, row, close-grown, introduced pasture, or introduced hayland crops and includes but is not limited to tillage, planting, or harvesting operations.

Sec. 63. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 1b. **Agricultural land.** "Agricultural land" means land devoted to the following uses and includes any contiguous land associated with the uses:

- (1) pasture or hayland for domestic livestock or dairy animals;
- (2) producing agricultural crops;
- (3) growing nursery stocks; or
- (4) animal feedlots.

Sec. 64. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 1c. **Approved practice.** "Approved practice" means a conservation practice that may be established on an easement area and that meets the requirements of section 103F.527.

Sec. 65. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 3a. **Conservation easement program.** "Conservation easement program" means:

- (1) the reinvest in Minnesota reserve program under section 103F.515;
- (2) the permanent wetlands preserve program under section 103F.516;
- (3) the reinvest in Minnesota clean energy program under section 103F.518; or
- (4) the reinvest in Minnesota working lands program under section 103F.519.

Sec. 66. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 3b. **Conservation plan.** "Conservation plan" means a written description and map of approved practices that must be applied to or that already exist on an easement area.

Sec. 67. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 5b. **Food plot.** "Food plot" means an area established to provide food for wildlife.

Sec. 68. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 5d. **Land with crop history.** "Land with crop history" means land that has produced horticultural, row, or close-grown crops or that has been enrolled at a cropland rate in a federal or state conservation program for at least two of the five years preceding an application to enroll the land in a conservation easement program. Land with crop history includes acres devoted to set-aside or conserving use for programs of the United States Department of Agriculture.

Sec. 69. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 7a. **Pasture.** "Pasture" means land that is used for grazing by domestic livestock and that is not considered land with crop history.

Sec. 70. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision to read:

Subd. 7b. **Perennial cover.** "Perennial cover" means:

- (1) existing or established perennial vegetation within the easement boundary; or
- (2) a restored or existing wetland or water-covered area within the easement boundary.

Sec. 71. Minnesota Statutes 2022, section 103F.515, is amended to read:

103F.515 REINVEST IN MINNESOTA RESERVE PROGRAM.

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

Subd. 2. **Eligible land.** (a) Land may be placed in the reinvest in Minnesota reserve program if the land meets the requirements of paragraphs (b) and (c) or paragraph (d).

(b) Land is eligible if the land:

- (1) is marginal agricultural land;
- (2) is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description;
- (3) consists of a drained wetland;

(4) is land that with a windbreak or water quality improvement practice would be beneficial to resource protection;

(5) is land in a sensitive groundwater area;

(6) is riparian or floodplain land;

(7) is cropland or noncropland adjacent to restored wetlands to the extent of up to eight acres of cropland or ~~one acre of~~ noncropland for each acre of wetland restored;

(8) is a woodlot on agricultural land;

(9) is abandoned building site on agricultural land, provided that funds are not used for compensation of the value of the buildings; ~~or~~

(10) is land used for pasture; or

(11) is land in an environmentally sensitive area, including grasslands, peatlands, shorelands, karst geology, trout stream watersheds, and forest lands in priority areas.

(c) Eligible land under paragraph (a) must:

(1) be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;

~~(2) be at least five acres in size, except for a drained wetland area, riparian area, windbreak, woodlot, wellhead protection area, or abandoned building site, or be a whole field;~~

~~(3)~~ (2) not be set aside, enrolled or diverted under another federal or state government program unless enrollment in the reinvest in Minnesota reserve program would provide additional conservation benefits or a longer term of enrollment than under the current federal or state program; and

~~(4) have been in agricultural crop production for at least two of the last five years before the date of application except drained wetlands, riparian lands, woodlots, abandoned building sites, environmentally sensitive areas, wellhead protection areas, or land used for pasture.~~

(3) benefit the purposes in section 103F.505.

(d) Land is eligible if the land is within a wellhead protection area as defined under section 103I.005, subdivision 24, and has a wellhead protection plan approved by the commissioner of health.

(e) In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 103F.505.

Subd. 3. **Conservation easements.** (a) The board may acquire, or accept by gift or donation, conservation easements on eligible land. An easement may be permanent or of limited duration. An easement acquired on land for wetland restoration or windbreak purposes, under subdivision 2, may be only of permanent duration. An easement of limited duration may not be acquired if it is for a period less than 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapters 16B and 16C.

(b) The board may acquire, or accept by gift or donation, flowage easements when necessary for completion of wetland restoration projects.

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

- (1) alteration of wildlife habitat and other natural features, unless specifically approved by the board;
 - (2) agricultural crop production and livestock grazing, unless specifically approved by the board for conservation management purposes or extreme drought; ~~and~~
 - (3) spraying with chemicals or mowing, except:
 - (i) as necessary to comply with noxious weed control laws;
 - (ii) for emergency control of pests necessary to protect public health; or
 - (iii) as approved by the board for conservation management purposes; and
 - (4) extracting or mining any gravel, rock, or topsoil.
- (b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.
- (c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.
- (d) Notwithstanding paragraph (a), the board must permit the harvest of native grasses for use in seed production or bioenergy on wellhead protection lands eligible under subdivision 2, paragraph (d).
- (e) A conservation easement must allow the board and its employees and agents to enter the easement area for inspection and for enforcing the terms and conditions of the conservation easement.

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

- (1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance, liens or encumbrances that are determined to be objectionable by the attorney general;
- (2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the board; or to plant trees or carry out other long-term capital improvements approved by the board for soil and water conservation or wildlife management;
- (3) to convey to the state a permanent easement for the wetland restoration;
- ~~(4) that other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if it supports natural vegetation and has not been used in agricultural crop production, will not be converted to agricultural crop production or pasture; and~~
- ~~(5)~~ (4) that the easement duration may be lengthened through mutual agreement with the board in consultation with the commissioners of agriculture and natural resources if they determine that the changes effectuate the purpose of the program or facilitate its administration;
- (5) to be responsible for operating and maintaining approved practices designated in the conservation plan;
- (6) to pay, when due, all taxes and assessments that may be levied against the easement area;

(7) to remove any existing structures as required before the conservation easement is conveyed and not place, erect, or construct structures on the easement area;

(8) to remove any existing hazardous and toxic substances or any pollutants and contaminants before the conservation easement is conveyed and not place such substances, pollutants, or contaminants on the easement area; and

(9) to properly seal all abandoned wells on the easement area before the conservation easement is conveyed and pay all associated costs.

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

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

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

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

Subd. 7. **Easement renewal.** When a conservation easement of limited duration expires, a new conservation easement and agreement for an additional period of not less than 20 years may be acquired by agreement of the board and the landowner, under the terms of this section. The board may adjust payment rates as a result of renewing an agreement and conservation easement only after examining the condition of the established cover, conservation practices, and land values.

Subd. 8. **Correcting boundary lines.** To correct errors in legal descriptions for easements that affect the ownership interests in the state and adjacent landowners, the board may, in the name of the state, with the approval of the attorney general, convey, without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general.

Subd. 9. **Enforcement and damages.** (a) A landowner who violates the term of a conservation easement or agreement under this section, or induces, assists, or allows another to do so, is liable to the state for treble damages if the trespass is willful, but liable for double damages only if the trespass is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

(b) ~~Upon the request of the board,~~ The board may request that the attorney general commence a legal action for a violation, and the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney's fees, and any other appropriate relief to enforce sections 103F.505 to 103F.531 in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business. In addition to or in lieu of making a request under this paragraph, the board may use its authority under section 103B.101, subdivision 12, to issue a penalty order for a violation. The penalties may be forgiven, in whole or in part, upon compliance with the conservation easement conditions.

(c) A landowner is not in violation of the conservation easement if a failure of approved practices was caused by reasons beyond the landowner's control.

Subd. 10. **Use for mitigation prohibited.** Money made available under the reinvest in Minnesota reserve program may not be used for environmental regulatory or wetland mitigation purposes required under federal or state law.

Sec. 72. **[103F.527] CONSERVATION PRACTICES.**

Subdivision 1. **Approved practices.** An approved practice must be consistent with section 103F.505. The landowner is responsible for establishing all approved practices on the easement area as specified by the board.

Subd. 2. **Approved practices eligible for reimbursement.** The board must determine which approved practices are eligible for payments or reimbursement under a conservation easement program. Food plots are not eligible for payments or reimbursement under a conservation easement program.

Subd. 3. **Money from other sources.** The board may augment money available to pay for or reimburse approved practices with money from other agencies, organizations, or individuals.

Sec. 73. **[103F.528] SOIL AND WATER CONSERVATION DISTRICT RESPONSIBILITIES.**

Subdivision 1. **Program delegation.** With the consent of the Board of Water and Soil Resources, a district may enter into an agreement with others, as authorized under section 103C.231, to delegate, in whole or in part, the responsibility for administering a conservation easement program.

Subd. 2. **Land in more than one district.** If an application involves land in more than one district, the districts or delegated parties may jointly agree for one of the districts or delegated parties to be the responsible party to review and prioritize the application and complete all tasks necessary to convey the conservation easement to the Board of Water and Soil Resources.

Subd. 3. **Violations and enforcement.** The district may take measures that are necessary to ensure landowner compliance with the conservation agreement, conservation easement, and conservation plan. If the district is unsuccessful in obtaining landowner compliance, the district must notify the Board of Water and Soil Resources of the violation and may recommend appropriate measures to be taken to correct the violation.

Sec. 74. Minnesota Statutes 2022, section 103F.535, subdivision 5, is amended to read:

Subd. 5. **Altering conservation easements.** (a) Conservation easements may be altered, released, or terminated by the board after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate a conservation easement only if the board determines that the public interest and general welfare are better served by the alteration, release, or termination.

(b) The board may adopt policies and procedures to implement this subdivision, including provisions to ensure at least equal resource value as a condition of approving a request to alter, release, or terminate a conservation easement.

(c) The landowner must compensate the board for damages and loss of benefits to the conservation easement that result from the alteration, release, or termination. The board may require the landowner to reimburse the board's administrative expenses and costs incurred in altering, releasing, or terminating a conservation easement.

Sec. 75. Minnesota Statutes 2022, section 103G.005, subdivision 14d, is amended to read:

Subd. 14d. **Project.** "Project" means a specific plan, contiguous activity, proposal, or design necessary to accomplish a goal as defined by the local government unit. As used in this chapter, a project may not be split into components or phases for the sole purpose of gaining additional exemptions.

Sec. 76. Minnesota Statutes 2022, section 103G.005, subdivision 17b, is amended to read:

Subd. 17b. **Wetland type.** "Wetland type" means a wetland type classified according to *Wetlands of the United States*, United States Fish and Wildlife Service Circular 39 (1971 edition), ~~as summarized in this subdivision or~~ *A Hydrogeomorphic Classification for Wetlands*, United States Army Corps of Engineers (August 1993), including updates, supplementary guidance, and replacements, if any, as determined by the board.

(1) "Type 1 wetlands" are ~~seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.~~

(2) "Type 2 wetlands" are ~~inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of surface. Vegetation includes grasses, sedges, rushes, and various broad-leaved plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.~~

(3) "Type 3 wetlands" are ~~inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.~~

(4) "Type 4 wetlands" are ~~inland deep fresh marshes in which soil is usually covered with six inches to three feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.~~

(5) "Type 5 wetlands" are ~~inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.~~

(6) "Type 6 wetlands" are ~~shrub swamps in which soil is usually waterlogged during growing season and is often covered with as much as six inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp privet. This type occurs mostly along sluggish streams and occasionally on floodplains.~~

(7) "Type 7 wetlands" are ~~wooded swamps in which soil is waterlogged at least to within a few inches of the surface during growing season and is often covered with as much as one foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds.~~

~~(8) "Type 8 wetlands" are bogs in which soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.~~

Sec. 77. Minnesota Statutes 2023 Supplement, section 103G.005, subdivision 19, is amended to read:

Subd. 19. **Wetlands.** (a) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

(1) have a predominance of hydric soils;

(2) are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) under normal circumstances support a prevalence of such vegetation.

(b) For the purposes of regulation under this chapter, the term wetlands does not include public waters wetlands as defined in subdivision 15a.

(c) Notwithstanding paragraph (a), wetlands includes deepwater aquatic habitats that are not public waters or public waters wetlands. For purposes of this paragraph, "deepwater aquatic habitats" has the meaning given in *Corps of Engineers Wetlands Delineation Manual*, United States Army Corps of Engineers (January 1987).

Sec. 78. Minnesota Statutes 2022, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by actions that provide at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Project-specific wetland-replacement plans submitted as part of a project for which a permit to mine is required and approved by the commissioner on or after July 1, 1991, may include surplus wetland credits to be allocated by the commissioner to offset future mining-related wetland impacts under any permits to mine held by the permittee, the operator, the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an assignment under section 93.481, subdivision 5. For project-specific wetland replacement completed prior to wetland impacts authorized or conducted under a permit to mine within the Great Lakes and Rainy River watershed basins, those basins ~~shall be~~ are considered a single watershed for purposes of determining wetland-replacement ratios. Mining reclamation plans ~~shall~~ must apply the same principles and standards for replacing wetlands that are applicable to mitigation plans approved as provided in section 103G.2242. The commissioner must provide notice of an application for wetland replacement under a permit to mine to the county in which the impact is proposed and the county in which a mitigation site is proposed. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of ~~types 3, 4, and 5~~ wetlands.

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

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

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

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that the altered wetland is not converted to a nonagricultural use for at least ten years.

(d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241, ~~subdivision 2, paragraph (b) or (c)~~, subdivision 1, clause (1), the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years. The local government unit may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit.

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected and ponds that are created primarily to fulfill stormwater management, and water quality treatment requirements may not be used to satisfy replacement requirements under this chapter unless the design includes pretreatment of runoff and the pond is functioning as a wetland.

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

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

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

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

(j) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

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

(l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph. For the purposes of this paragraph, "transportation project" does not include an airport project.

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

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

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

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

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

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

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway

and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

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

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

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

Sec. 79. Minnesota Statutes 2022, section 103G.2241, subdivision 1, is amended to read:

Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not required for:

~~(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

~~(2) activities in a type 1 wetland on agricultural pasture land that remains in the same use, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural pasture land that remains in the same use;~~

(1) impacts to wetlands on agricultural land labeled prior-converted cropland and impacts to wetlands resulting from drainage maintenance activities authorized by the United States Department of Agriculture, Natural Resources Conservation Service, on areas labeled farmed wetland, farmed-wetland pasture, and wetland. The prior-converted cropland, farmed wetland, farmed-wetland pasture, or wetland must be labeled on a valid final certified wetland determination issued by the Natural Resources Conservation Service in accordance with Code of Federal Regulations, title 7, part 12, as amended. It is the responsibility of the owner or operator of the land to provide a copy of the final certified wetland determination to, and allow the Natural Resources Conservation Service to share related information with, the local government unit and the board for purposes of verification;

~~(3)~~ (2) activities in a wetland conducted as part of normal farming practices. For purposes of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that result in the draining of wetlands;

~~(4)~~ (3) soil and water conservation practices approved by the soil and water conservation district, after review by the Technical Evaluation Panel;

~~(5)~~ (4) wetland impacts resulting from aquaculture activities, including pond excavation and construction and maintenance of associated access roads and dikes, authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

~~(6)~~ (5) wetland impacts resulting from wild rice production activities, including necessary diking and other activities, authorized under and conducted in accordance with a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344; or

~~(7)~~ (6) agricultural activities on agricultural land that is subject to the swampbuster provisions of the federal farm program restrictions consistent with a memorandum of understanding and related agreements between the board and the United States Department of Agriculture, Natural Resources Conservation Service.

Sec. 80. Minnesota Statutes 2022, section 103G.2241, subdivision 2, is amended to read:

Subd. 2. **Drainage.** ~~(a) For the purposes of this subdivision, "public drainage system" means a drainage system as defined in section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system.~~

~~(b) A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:~~

~~(1) during the 20-year period that ended January 1, 1992:~~

~~(i) there was an expenditure made from the drainage system account for the public drainage system;~~

~~(ii) the public drainage system was repaired or maintained as approved by the drainage authority; or~~

~~(iii) no repair or maintenance of the public drainage system was required under section 103E.705, subdivision 1, as determined by the public drainage authority; and~~

~~(2) the wetlands are not drained for conversion to:~~

~~(i) platted lots;~~

~~(ii) planned unit, commercial, or industrial developments; or~~

~~(iii) any development with more than one residential unit per 40 acres, except for parcels subject to local zoning standards that allow for family members to establish an additional residence on the same 40 acres.~~

~~If wetlands drained under this paragraph are converted to uses prohibited under clause (2) during the ten-year period following drainage, the wetlands must be replaced under section 103G.222.~~

~~(c) A replacement plan is not required for draining or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems.~~

~~(d)~~ (a) A replacement plan is not required for draining or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems ~~other than,~~ including public drainage systems.

~~(e) A replacement plan is not required for draining agricultural land that:~~

~~(1) was planted with annually seeded crops before July 5, except for crops that are normally planted after that date, in eight out of the ten most recent years prior to the impact;~~

~~(2) was in a crop rotation seeding of pasture grass, cover crop, or legumes, or was fallow for a crop production purpose, in eight out of the ten most recent years prior to the impact; or~~

~~(3) was enrolled in a state or federal land conservation program and met the requirements of clause (1) or (2) before enrollment.~~

~~(f) The~~ (b) A public drainage authority may, as part of the repair of a public drainage system, as defined in section 103E.005, subdivision 12, install control structures, realign the ditch, construct dikes along the ditch, or make other modifications as necessary to prevent the drainage of the wetland wetlands.

~~(g) Wetlands of all types that would be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve under section 103F.516. The board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project.~~

Sec. 81. Minnesota Statutes 2022, section 103G.2241, subdivision 6, is amended to read:

Subd. 6. **Utilities; public works.** (a) A replacement plan for wetlands is not required for wetland impacts resulting from:

(1) new placement or maintenance, repair, enhancement, realignment, or replacement of existing utility or utility-type service, including pipelines, ~~if: when wetland impacts are authorized under and conducted in accordance with a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, and~~

~~(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and~~

~~(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;~~

(2) activities associated with operation, routine maintenance, or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion or additional draining or filling of a wetland either wholly or partially; or

(3) repair and updating of existing subsurface sewage treatment systems necessary to comply with local, state, and federal regulations.

~~(b) For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary, and any drain or fill activities shall~~ must be addressed with the local government unit after the emergency work has been completed.

Sec. 82. Minnesota Statutes 2022, section 103G.2241, subdivision 9, is amended to read:

Subd. 9. **De minimis.** (a) Except as provided in paragraphs (d), (e), (f), (g), (h), and (i), a replacement plan for wetlands is not required for draining or filling impacts to the following amounts of wetlands, excluding the permanently and semipermanently flooded areas of wetlands, as part of a project outside of the shoreland wetland protection zone:

~~(1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, one-quarter acre of wetland in a greater than 80 percent area;~~

~~(2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, one-tenth acre of wetland in a 50 to 80 percent area, except within the 11-county metropolitan area; or~~

~~(3) 2,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, one-twentieth acre of wetland in a less than 50 percent area, except within the 11-county metropolitan area; or.~~

~~(4) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.~~

(b) Except as provided in paragraphs (e), (f), (g), (h), and (i), a replacement plan for wetlands is not required for ~~draining or filling the following amounts of up to 100 square feet of impacts to wetlands as part of a project within the shoreland wetland protection zone beyond the shoreland building setback zone:~~

~~(1) 400 square feet of type 1, 2, 6, or 7 wetland; or~~

~~(2) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.~~

~~In a greater than 80 percent area, the de minimis amount allowed under clause (1) may be increased up to 1,000 square feet if the wetland is isolated and is determined to have no direct surficial connection to the public water or if permanent water runoff retention or infiltration measures are established in proximity as approved by the shoreland management authority.~~

(c) Except as provided in paragraphs (e), (f), (g), (h), and (i), a replacement plan for wetlands is not required for ~~draining or filling up to 20 square feet of wetland impacts to wetlands as part of a project within the shoreland building setback zone, as defined in the local shoreland management ordinance. The amount in this paragraph may be increased to 100 square feet if permanent water runoff retention or infiltration measures are established in proximity as approved by the shoreland management authority.~~

(d) Except as provided in paragraphs ~~(b)~~, (c), (e), (f), (g), (h), and (i), a replacement plan is not required for ~~draining or filling amounts up to 400 square feet of impacts to the permanently and semipermanently flooded areas of wetlands as part of a project.~~

~~(1) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent area within the 11-county metropolitan area; or~~

~~(2) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone in a less than 50 percent area within the 11-county metropolitan area.~~

~~For purposes of this subdivision, the 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.~~

(e) The amounts listed in paragraphs (a), (b), ~~and (c)~~, and (d) may not be combined on a project.

(f) ~~This exemption no longer applies to a landowner's portion of a wetland when the cumulative area drained or filled of the landowner's portion since January 1, 1992, is the greatest of:~~

~~(1) the applicable area listed in paragraph (a), (b), or (c), if the landowner owns the entire wetland;~~

~~(2) five percent of the landowner's portion of the wetland; or~~

~~(3) 400 square feet.~~

(f) When the total area of impacts to wetlands as part of a project exceeds the applicable amount in this subdivision, a replacement plan is required for the entire amount.

(g) This exemption may not be combined with another exemption in this section on a project.

(h) Property may not be divided to increase the amounts listed in paragraph (a), (b), (c), or (d).

(i) If a local ordinance or similar local control is more restrictive than this subdivision, the local standard applies.

Sec. 83. Minnesota Statutes 2023 Supplement, section 103G.2242, subdivision 1, is amended to read:

Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt rules governing the approval of wetland value replacement plans under this section and public-waters-work permits affecting public waters wetlands under section 103G.245. These rules must address the criteria, procedure, timing, and location of acceptable replacement of wetland values and may address the state establishment and administration of a wetland banking program for public and private projects, including provisions for an in-lieu fee program; mitigating and banking other water and water-related resources; the administrative, monitoring, and enforcement procedures to be used; provisions that protect, or mitigate impacts to, intermittent and perennial watercourses upstream of public waters identified under section 103G.005, subdivision 15, paragraph (a), clause (9) or (10); and a procedure for the review and appeal of decisions under this section. In the case of peatlands, the replacement plan rules must consider the impact on carbon. Any in-lieu fee program established by the board must conform with Code of Federal Regulations, title 33, section 332.8, as amended.

(b) After the adoption of the rules, a replacement plan must be approved by a resolution of the governing body of the local government unit, consistent with the provisions of the rules or a comprehensive wetland protection and management plan approved under section 103G.2243.

(c) If the local government unit fails to apply the rules or fails to implement a local comprehensive wetland protection and management plan established under section 103G.2243, the government unit is subject to penalty as determined by the board.

(d) When making a determination under rules adopted pursuant to this subdivision on whether a rare natural community will be permanently adversely affected, consideration of measures to mitigate any adverse effect on the community must be considered.

Sec. 84. Minnesota Statutes 2022, section 103G.2242, subdivision 2, is amended to read:

Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type of a wetland ~~shall must~~ be submitted to and determined by a Technical Evaluation Panel after an on-site inspection. The Technical Evaluation Panel ~~shall must~~ be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit, and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters.

(b) For wetland boundary determinations, the panel shall must use the "United States Army Corps of Engineers Wetland Delineation Manual", United States Army Corps of Engineers (January 1987), including

updates, supplementary guidance, and replacements, if any;". For wetland type determinations, the panel must also use *Wetlands of the United States*—~~United States Fish and Wildlife Service Circular 39; (1971 edition); and "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition);~~ *Classification of Wetlands and Deepwater Habitats of the United States*, United States Fish and Wildlife Service (August 2013 edition); or *A Hydrogeomorphic Classification for Wetlands*, United States Army Corps of Engineers (August 1993), according to rules authorized under this part and including updates, supplementary guidance, and replacements, if any, for any of these publications.

(c) The panel ~~shall~~ must provide the wetland determination and recommendations on other technical matters to the local government unit that must approve a replacement plan, sequencing, exemption determination, no-loss determination, or wetland boundary or type determination and may recommend approval or denial of the plan. The authority must consider and include the decision of the Technical Evaluation Panel in their approval or denial of a plan or determination.

~~(b)~~ (d) A member of the Technical Evaluation Panel that has a financial interest in a wetland bank or management responsibility to sell or make recommendations in their official capacity to sell credits from a publicly owned wetland bank must disclose that interest, in writing, to the Technical Evaluation Panel and the local government unit.

~~(e)~~ (e) Persons conducting wetland or public waters boundary delineations or type determinations are exempt from the requirements of chapter 326. The board may develop a professional wetland delineator certification program.

~~(d)~~ (f) The board must establish an interagency team to assist in identifying and evaluating potential wetland replacement sites. The team must consist of members of the Technical Evaluation Panel and representatives from the Department of Natural Resources; the Pollution Control Agency; the United States Army Corps of Engineers, St. Paul district; and other organizations as determined by the board.

Sec. 85. Minnesota Statutes 2022, section 103G.2242, subdivision 2a, is amended to read:

Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.

(b) A local government unit that receives an application under paragraph (a) may seek the advice of the Technical Evaluation Panel as described in subdivision 2; and, if necessary, expand the Technical Evaluation Panel. The local government unit may delegate the decision authority for wetland boundary or type determinations to designated staff; or establish other procedures it considers appropriate.

(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed or sent by electronic transmission to the landowner, members of the Technical Evaluation Panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy. Notwithstanding section 15.99, subdivision 2, the board must establish by rule timelines for project review and comment for wetland banking projects.

(d) The local government unit decision is valid for five years unless the Technical Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

Sec. 86. Minnesota Statutes 2022, section 103G.2242, subdivision 3, is amended to read:

Subd. 3. **Replacement completion.** (a) Replacement of wetland values must be completed prior to or concurrent with the actual draining or filling of a wetland, unless:

(1) an irrevocable bank letter of credit or other financial assurance acceptable to the local government unit or the board is given to the local government unit or the board to guarantee the successful completion of the replacement; or

(2) the replacement is approved under an in-lieu fee program according to rules adopted under subdivision 1. In the case of an in-lieu fee program established by a board-approved sponsor, the board may require that a financial assurance in an amount and method acceptable to the board be given to the board to ensure the approved sponsor fulfills the sponsor's obligation to complete the required wetland replacement.

(b) The board may establish, sponsor, or administer a wetland banking program, which may include provisions allowing monetary payment to the wetland banking program for impacts to wetlands. The board may acquire land in fee title, purchase or accept easements, enter into agreements, and purchase existing wetland replacement credits to facilitate the wetland banking program. The board may establish wetland credit and in-lieu fee payment amounts and hold money in an account in the special revenue fund, which is appropriated to the board to be used solely for establishing replacement wetlands and administering the wetland banking program.

(c) The board shall coordinate the establishment and operation of a wetland bank with the United States Army Corps of Engineers, the Natural Resources Conservation Service of the United States Department of Agriculture, and the commissioners of natural resources, agriculture, and the Pollution Control Agency.

Sec. 87. **REVISOR INSTRUCTION.**

(a) The revisor of statutes must renumber Minnesota Statutes, section 103F.511, subdivision 5a, as Minnesota Statutes, section 103F.511, subdivision 5c.

(b) The revisor of statutes shall replace references to "section 103A.206" with references to "section 103C.005" wherever they appear in Minnesota Statutes, chapter 103C.

Sec. 88. **REPEALER.**

(a) Minnesota Statutes 2022, sections 103A.206; 103D.315, subdivision 4; 103D.405, subdivisions 2, 3, 4, 5, and 6; 103D.411; 103D.601; 103D.605, subdivisions 1, 2, 3, and 4; 103D.611; 103D.711, subdivision 1; 103F.511, subdivision 8b; and 103F.950, are repealed.

(b) Minnesota Statutes 2023 Supplement, section 103D.605, subdivision 5, is repealed.

(c) Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3110; 8400.3210; 8400.3260; 8400.3300; 8400.3400; 8400.3460; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; and 8400.3930, are repealed.

ARTICLE 4**ENVIRONMENT AND NATURAL RESOURCES MISCELLANEOUS PROVISIONS**

Section 1. Minnesota Statutes 2022, section 84.96, subdivision 2, is amended to read:

Subd. 2. **Definition.** For the purposes of this section, "native prairie" means ~~land that has never been plowed, with less than ten percent tree cover and with predominantly native prairie vegetation~~ a grassland dominated by original native prairie vegetation, usually occurring where the sod has never been broken.

Sec. 2. Minnesota Statutes 2022, section 84.96, subdivision 3, is amended to read:

Subd. 3. **Easement acquisition.** (a) The commissioner may acquire native prairie for conservation purposes by entering into easements with landowners or with the land administrator of state school trust lands. Before acquiring easements under this subdivision on school trust lands, the commissioner must receive advice from the school trust lands director according to section 127A.353, subdivision 4. The easements must be conservation easements as defined in section 84C.01, clause (1), except the easements may be made possessory as well as nonpossessory if agreed upon by the landowner or land administrator and the commissioner.

(b) The easements may be permanent or of limited duration. Highest priority must be given to permanent easements consistent with the purposes of this section. Easements of limited duration must be for at least 20 years, with provision for renewal for at least another 20-year period. For easements of limited duration, the commissioner may reexamine and adjust the payment rates at the beginning of any renewal period after considering current land and crop values.

Sec. 3. Minnesota Statutes 2022, section 84.96, subdivision 5, is amended to read:

Subd. 5. **Payments.** (a) For interests in lands acquired under this section, the commissioner must make payments to the landowner ~~under~~ or land administrator according to this subdivision for the easement.

~~(b) For a permanent easement, the commissioner must pay 65 percent of the permanent marginal agricultural land payment rate as established by the Board of Water and Soil Resources for the time period when the application is made.~~

(b) For a permanent easement, the commissioner may pay up to ten percent more than the Board of Water and Soil Resources pays for noncrop easements. If the Board of Water and Soil Resources does not establish a noncrop easement payment rate, the commissioner must establish land value rates for payments considering market factors, such as county-assessed land value and sales ratio studies, along with ecological, biological, and cultural factors that take into consideration the global rarity of native prairie. The rates must be based on the need to protect the extremely small amount of the globally vulnerable and imperiled remaining native prairie in Minnesota.

(c) For an easement of limited duration, the commissioner ~~must pay~~ may pay up to 65 percent of the permanent prairie bank easement rate for the time period when the application is made.

(d) To maintain and protect native prairies, the commissioner may enter into easements that allow selected agricultural practices. Payment must be based on paragraph (b) or (c) but may be reduced due to the agricultural practices allowed after negotiation with the landowner or land administrator.

(e) If a native prairie qualifies for the native prairie bank but the landowner requests that the commissioner acquire the native prairie in fee rather than acquire an easement, the commissioner may acquire it as any outdoor recreation system classification under section 86A.05 with protections equivalent to a native prairie bank easement. For acquisition under this paragraph, the commissioner may pay up to 25 percent more than what the Board of Water and Soil Resources pays for noncrop easements. If the Board of Water and Soil Resources does not establish a noncrop easement payment rate, the commissioner must establish land value rates for payments considering market factors, such as county-assessed land value and sales ratio studies, along with ecological, biological, and cultural factors that take into consideration the global rarity of native prairie.

(f) For a permanent easement acquired on school trust lands under this section, the commissioner must pay no less than 100 percent of the easement's appraised value at the time of closing.

Sec. 4. Minnesota Statutes 2022, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. ~~Citizen oversight committees~~ **Fish and Wildlife Advisory Committee.** (a) The commissioner shall appoint ~~committees~~ a committee of at least 15 affected persons to:

(1) review the reports prepared under subdivision 4;

(2) review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information annual outcomes achieved from game and fish fund expenditures; and

(3) make recommendations to the legislature and the commissioner for desired outcomes related to:

(i) protecting, restoring, and enhancing fish and wildlife habitat;

(ii) fish and wildlife population management;

(iii) fish and wildlife monitoring and research;

(iv) communications and engagement; and

(v) improvements in the management and use of money in the game and fish fund.

~~(b) The commissioner shall appoint the following committees, each comprised of at least ten affected persons:~~

~~(1) a Fisheries Oversight Committee to review fisheries funding and expenditures, including activities related to trout and salmon stamps and walleye stamps; and~~

~~(2) a Wildlife Oversight Committee to review wildlife funding and expenditures, including activities related to migratory waterfowl, pheasant, and wild turkey management and deer and big game management.~~

~~(c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee, and four additional members from each committee, shall form a Budgetary Oversight Committee to coordinate the integration of the fisheries and wildlife oversight committee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; and provide a forum to address issues that transcend the fisheries and wildlife oversight committees.~~

~~(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee~~

~~shall submit the budget plan recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance.~~

~~(e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen by their respective committees. The chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of either of the other oversight committees.~~

~~(f) The Budgetary Oversight Committee may make recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance for outcome goals from expenditures.~~

(b) The chair of the Fish and Wildlife Advisory Committee is appointed by the commissioner.

(c) By September 15 each year, the committee must submit a report to the commissioner and to the chairs and ranking minority members of the legislative committees with jurisdiction over natural resources finance and policy. Each even-numbered year, the report must focus on biennial budget outcomes achieved from game and fish fund expenditures. Each odd-numbered year, the report must focus on outcomes related to protecting habitat, fish and wildlife population management, monitoring and research, and communications and engagement.

(d) Annually, the Fish and Wildlife Advisory Committee must hold a meeting for the public to review proposed priorities for the next reporting period. The meeting must be organized to allow virtual participation.

~~(g) (e) The committees committee authorized under this subdivision are is not an advisory councils council or committees committee governed by section 15.059 and are is not subject to section 15.059. Committee members appointed by the commissioner may request reimbursement for mileage expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Committee members must not receive daily compensation for oversight committee activities. The Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee expire June 30, 2025. The Fish and Wildlife Advisory Committee expires June 30, 2033.~~

Sec. 5. Minnesota Statutes 2022, section 97A.56, subdivision 1, is amended to read:

Subdivision 1. **Definition.** ~~For purposes of this section,~~ (a) The definitions in this subdivision apply to this section.

(b) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.

(c) "Feral swine" means a member an animal of the genus and species *Sus scrofa* family Suidae or Tayassuidae that lives in the wild, or has lived in the wild during any part of the animal's lifetime. Feral swine includes released domestic hogs, unless the owner satisfies the notification requirements of section 17.457, subdivision 4, and recovers the released domestic hogs within 72 hours of notification.

(d) "Release" has the meaning given under section 17.457, subdivision 1.

Sec. 6. Minnesota Statutes 2022, section 116.0711, subdivision 1, is amended to read:

Subdivision 1. **Conditions.** (a) The agency shall not require feedlot permittees to maintain records as to rainfall or snowfall as a condition of a general feedlot permit if the owner directs the commissioner or agent of the commissioner to appropriate data on precipitation maintained by a government agency or educational institution.

(b) A feedlot permittee shall give notice to the agency when the permittee proposes to transfer ownership or control of the feedlot to a new party. The commissioner shall not unreasonably withhold or unreasonably delay approval of any transfer request. This request shall be handled in accordance with sections 116.07 and 15.992.

(c) An animal feedlot in shoreland that has been unused may resume operation after obtaining a permit from the agency or county, regardless of the number of years that the feedlot was unused.

(d) Notwithstanding Minnesota Rules, chapter 7020, a person who applies manure in a level 2 or higher drinking water supply management area as designated under Minnesota Rules, part 1573.0040, must follow a manure management plan approved by the commissioner. A manure management plan for a level 2 or higher drinking water supply management area must include the Department of Agriculture's recommended best management practices that are published on the department website for that drinking water supply management area.

Presented to the governor April 25, 2024

Signed by the governor April 26, 2024, 3:41 p.m.