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State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
*First Division Engrossment*

NINETY-FIRST SESSION

**H. F. No. 1656**

- 02/25/2019 Authored by Persell and Lueck  
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy
- 03/04/2019 Adoption of Report: Amended and re-referred to the Committee on Government Operations
- 03/11/2019 Adoption of Report: Re-referred to the Committee on Ways and Means

**Division Action**

*Referred by Chair to the Environment and Natural Resources Finance Division*

- 03/28/2019 *Division action, to adopt as amended and return to the Committee on Ways and Means*

1.1 A bill for an act

1.2 relating to natural resources; modifying provisions for certain grants for outdoor

1.3 recreation; modifying game and fish law; providing for removal of beavers and

1.4 beaver dams causing damage; banning certain insecticides in wildlife management

1.5 areas; modifying school trust lands; extending citizen oversight committees;

1.6 modifying groundwater use permitting; requiring a model ordinance pertaining to

1.7 silica sand mines; requiring rulemaking; amending Minnesota Statutes 2018,

1.8 sections 84.026, by adding a subdivision; 84.027, subdivision 18; 84.794,

1.9 subdivision 2; 84.83, subdivision 3; 85.44; 92.50, subdivision 1; 97A.015,

1.10 subdivisions 25, 43; 97A.055, subdivision 4b; 97A.126; 97A.321, subdivision 1;

1.11 97A.475, subdivision 4; 97B.011; 97B.081, subdivision 3; 97B.205; 97B.655;

1.12 97B.665, by adding a subdivision; 97B.667, subdivisions 2, 3, 4, by adding a

1.13 subdivision; 103G.241, subdivisions 1, 3; 103G.287, subdivision 1; 103G.311,

1.14 subdivisions 2, 5; 103G.315, subdivision 8; 103G.408; 103G.615, subdivision 3a;

1.15 Laws 2013, chapter 114, article 4, section 105, as amended; proposing coding for

1.16 new law in Minnesota Statutes, chapters 92; 97A; 97B; repealing Minnesota

1.17 Statutes 2018, section 92.121.

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

1.19 Section 1. Minnesota Statutes 2018, section 84.026, is amended by adding a subdivision

1.20 to read:

1.21 Subd. 4. Paying grant-eligible expenditures. Notwithstanding section 16A.41, the

1.22 commissioner may make payments for otherwise eligible grant-program expenditures that

1.23 are made on or after the effective date of the appropriation that funds the payments for:

1.24 (1) grants-in-aid under sections 84.794, 84.803, 84.83, 84.927, and 85.44;

1.25 (2) local recreation grants under section 85.019; and

1.26 (3) enforcement and public education grants under sections 84.794, 84.803, 84.83,

1.27 84.927, 86B.701, 86B.705, and 87A.10.

2.1 Sec. 2. Minnesota Statutes 2018, section 84.027, subdivision 18, is amended to read:

2.2 Subd. 18. **Permanent school fund authority; reporting.** (a) The commissioner of  
2.3 natural resources has the authority and responsibility ~~for the administration of~~ to administer  
2.4 school trust lands under sections ~~92.121~~ 92.122 and 127A.31. The commissioner shall  
2.5 biannually report to the Legislative Permanent School Fund Commission and the legislature  
2.6 on the management of the school trust lands that shows how the commissioner has and will  
2.7 continue to achieve the following goals:

2.8 (1) manage the school trust lands efficiently and in a manner that reflects the undivided  
2.9 loyalty to the beneficiaries consistent with the commissioner's fiduciary duties;

2.10 (2) reduce the management expenditures of school trust lands and maximize the revenues  
2.11 deposited in the permanent school trust fund;

2.12 (3) manage the sale, exchange, and commercial leasing of school trust lands, requiring  
2.13 returns of not less than fair market value, to maximize the revenues deposited in the  
2.14 permanent school trust fund and retain the value from the long-term appreciation of the  
2.15 school trust lands;

2.16 (4) manage the school trust lands to maximize the long-term economic return for the  
2.17 permanent school trust fund while maintaining sound natural resource conservation and  
2.18 management principles;

2.19 (5) optimize school trust land revenues and maximize the value of the trust consistent  
2.20 with ~~the balancing of~~ short-term and long-term interests, so that long-term benefits are not  
2.21 lost in an effort to maximize short-term gains; and

2.22 (6) maintain the integrity of the trust and prevent the misapplication of its lands and its  
2.23 revenues.

2.24 (b) When the commissioner finds an irresolvable conflict between maximizing the  
2.25 long-term economic return and protecting natural resources and recreational values on  
2.26 school trust lands, the commissioner shall give precedence to the long-term economic return  
2.27 in managing school trust lands. By July 1, 2018, the permanent school fund ~~shall~~ must be  
2.28 compensated for all school trust lands included under a designation or policy provision that  
2.29 prohibits long-term economic return. The commissioner shall submit recommendations to  
2.30 the appropriate legislative committees and divisions on methods of funding for the  
2.31 compensation required under this paragraph, including recommendations for appropriations  
2.32 from the general fund, nongeneral funds, and the state bond fund. Any uncompensated  
2.33 designation or policy provision restrictions on the long-term economic return on school

3.1 trust lands remaining after July 1, 2018, ~~shall~~ must be compiled and submitted to the  
3.2 Legislative Permanent School Fund Commission for review.

3.3 (c) By December 31, 2013, the report required under paragraph (a) ~~shall~~ must provide  
3.4 an inventory and identification of all school trust lands that are included under a designation  
3.5 or policy provision that prohibits long-term economic return. The report ~~shall~~ must include  
3.6 a plan to compensate the permanent school fund through the purchase or exchange of the  
3.7 lands or a plan to manage the school trust land to generate long-term economic return to  
3.8 the permanent school fund. Subsequent reports under paragraph (a) ~~shall~~ must include a  
3.9 status report of the commissioner's progress in maximizing the long-term economic return  
3.10 on lands identified in the 2013 report.

3.11 (d) When ~~future~~ management practices, policies, or designations or policies by the  
3.12 commissioner diminish or prohibit the long-term economic return on school trust land, the  
3.13 conflict ~~shall~~ must be resolved ~~by compensating the permanent school fund through an~~  
3.14 ~~exchange or purchase of the lands before designation or application of the policy as provided~~  
3.15 in section 92.122.

3.16 Sec. 3. Minnesota Statutes 2018, section 84.794, subdivision 2, is amended to read:

3.17 Subd. 2. **Purposes.** (a) Subject to appropriation by the legislature, money in the  
3.18 off-highway motorcycle account may only be spent for:

3.19 (1) administration, enforcement, and implementation of sections 84.787 to 84.795;

3.20 (2) acquisition, maintenance, and development of off-highway motorcycle trails and use  
3.21 areas; ~~and~~

3.22 (3) grants-in-aid to counties and municipalities to construct and maintain off-highway  
3.23 motorcycle trails and use areas; and

3.24 (4) grants for enforcement and public education to local law enforcement agencies.

3.25 (b) The distribution of funds made available for grants-in-aid must be guided by the  
3.26 statewide comprehensive outdoor recreation plan.

3.27 Sec. 4. Minnesota Statutes 2018, section 84.83, subdivision 3, is amended to read:

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

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

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

4.13 (ii) make grant payments based on:

4.14 (A) successful completion of performance benchmarks;

4.15 (B) reimbursement of eligible expenditures; or

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

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

4.20 (2) ~~for acquisition, development, and maintenance of~~ to acquire, develop, and maintain  
4.21 state recreational snowmobile trails;

4.22 (3) for snowmobile safety programs; and

4.23 (4) ~~for the administration and enforcement of~~ to administer and enforce sections 84.81  
4.24 to 84.91 and appropriated grants to local law enforcement agencies.

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

4.28 Sec. 5. Minnesota Statutes 2018, section 85.44, is amended to read:

4.29 **85.44 CROSS-COUNTRY-SKI TRAIL GRANT-IN-AID PROGRAM.**

4.30 The commissioner shall establish a grant-in-aid program for local units of government  
4.31 and special park districts ~~for the acquisition, development, and maintenance of~~ to acquire,

5.1 develop, and maintain cross-country-ski trails that are determined by the commissioner to  
5.2 be part of the state's grant-in-aid system. Grants ~~shall be~~ are available for acquisition of to  
5.3 acquire trail easements but may not be used to acquire any lands in fee title. Local units of  
5.4 government and special park districts applying for and receiving grants under this section  
5.5 ~~shall be~~ are considered to have cross-country-ski trails for one year following the expiration  
5.6 of their last grant. The department shall reimburse all public sponsors of grants-in-aid  
5.7 cross-country-ski trails based upon criteria established by the department. ~~Prior to the use~~  
5.8 ~~of~~ Before using any reimbursement criteria, a certain proportion of the revenues ~~shall~~ must  
5.9 be allocated on the basis of user fee sales location. The commissioner may establish a  
5.10 performance-based funding formula for annual grants-in-aid. The procedures and criteria  
5.11 for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section  
5.12 14.386 does not apply. In administering the performance-based grants-in-aid, the  
5.13 commissioner must:

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

5.16 (2) make grant payments based on:

5.17 (i) successful completion of performance benchmarks;

5.18 (ii) reimbursement of eligible expenditures; or

5.19 (iii) a combination of items (i) and (ii); and

5.20 (3) assess penalties to nonperforming grant-in-aid recipients, which may include  
5.21 withholding grant payments or making the grantee or trail system ineligible for future  
5.22 grant-in-aid funding.

5.23 **Sec. 6. [92.122] COMPENSATING PERMANENT SCHOOL FUND.**

5.24 Subdivision 1. **Compensation requirements.** (a) When the revenue generated from  
5.25 school trust land and associated resources is diminished by management practices applied  
5.26 to the land and resources as determined by the commissioner of natural resources, the  
5.27 commissioner must compensate the permanent school fund.

5.28 (b) When generating revenue from school trust land and associated resources will be  
5.29 prohibited by a policy or designation applied to the land and resources as determined by  
5.30 the commissioner, the commissioner must compensate the permanent school fund before  
5.31 the policy or designation is applied.

6.1 Subd. 2. **Compensation methods.** To compensate the permanent school fund under  
6.2 subdivision 1, the commissioner may use compensation methods that include:

6.3 (1) exchanging other land that is compatible with the goal of the permanent school fund  
6.4 under section 127A.31, as allowed under sections 94.343, subdivision 1, and 94.3495, and  
6.5 the Minnesota Constitution, article XI, section 10;

6.6 (2) leasing under section 92.50 and according to subdivision 3, with rental payments as  
6.7 compensation; and

6.8 (3) condemning the land under section 92.83, with payment of the amount of the award  
6.9 and judgment as compensation.

6.10 Subd. 3. **Lease terms for compensating fund.** With advice from the school trust lands  
6.11 director according to section 127A.353, subdivision 4, the commissioner may lease school  
6.12 trust land to compensate the permanent school fund. Rental payments received under this  
6.13 subdivision:

6.14 (1) must be credited to the forest suspense account as nonqualifying revenue and not  
6.15 subject to cost certification under section 16A.125;

6.16 (2) must be paid in full upon executing the lease; and

6.17 (3) are determined by the commissioner and subject to review by a licensed appraiser.

6.18 Sec. 7. Minnesota Statutes 2018, section 92.50, subdivision 1, is amended to read:

6.19 Subdivision 1. **Lease terms.** (a) The commissioner of natural resources may lease land  
6.20 under the commissioner's jurisdiction and control:

6.21 (1) to remove sand, gravel, clay, rock, marl, peat, and black dirt;

6.22 (2) to store ore, waste materials from mines, or rock and tailings from ore milling plants;

6.23 (3) for roads or railroads;

6.24 (4) to compensate the permanent school fund according to section 92.122; or

6.25 ~~(4)~~ (5) for other uses consistent with the interests of the state.

6.26 (b) The commissioner shall offer the lease at public or private sale for an amount and  
6.27 under terms and conditions prescribed by the commissioner. Commercial leases for more  
6.28 than ten years and leases for removal of peat that cover 320 or more acres must be approved  
6.29 by the Executive Council.

6.30 (c) The lease term may not exceed 21 years except:

7.1 (1) leases of lands for storage sites for ore, waste materials from mines, or rock and  
7.2 tailings from ore milling plants; or for the removal of peat for nonagricultural purposes may  
7.3 not exceed a term of 25 years; and

7.4 (2) leases for commercial purposes, including major resort, convention center, or  
7.5 recreational area purposes, may not exceed a term of 40 years.

7.6 (d) Leases must be subject to sale and leasing of the land for mineral purposes and  
7.7 contain a provision for cancellation for just cause at any time by the commissioner upon  
7.8 six months' written notice. A longer notice period, not exceeding three years, may be provided  
7.9 in leases for storing ore, waste materials from mines, or rock or tailings from ore milling  
7.10 plants. The commissioner may determine the terms and conditions, including the notice  
7.11 period, for cancellation of a lease for the removal of peat and commercial leases.

7.12 (e) Money received from leases under this section must be credited to the fund to which  
7.13 the land belongs.

7.14 Sec. 8. Minnesota Statutes 2018, section 97A.015, subdivision 25, is amended to read:

7.15 Subd. 25. **Game fish.** "Game fish" means ~~walleye, sauger, yellow perch, channel catfish,~~  
7.16 ~~flathead catfish; members of the pike family, Esocidae, including muskellunge and northern~~  
7.17 ~~pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth~~  
7.18 ~~bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family,~~  
7.19 ~~Percichthyidae, including white bass and yellow bass; members of the salmon and trout~~  
7.20 ~~subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink~~  
7.21 ~~salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout,~~  
7.22 ~~and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon~~  
7.23 ~~family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon.~~ fish from the  
7.24 following families and species: Acipenseridae (lake sturgeon and shovelnose sturgeon),  
7.25 Anguillidae (American eel), Centrarchidae (black crappie; largemouth bass; rock bass;  
7.26 smallmouth bass; white crappie; and sunfishes, including bluegill, green sunfish, longear  
7.27 sunfish, orangespotted sunfish, pumpkinseed, and warmouth), Esocidae (muskellunge and  
7.28 northern pike), Gadidae (burbot), Ictaluridae (blue catfish, channel catfish, and flathead  
7.29 catfish), Moronidae (white bass and yellow bass), Percidae (sauger, walleye, and yellow  
7.30 perch), Polyodontidae (paddlefish), and Salmonidae (Atlantic salmon, brook trout, brown  
7.31 trout, chinook salmon, cisco or tullibee, coho salmon, kokanee salmon, lake trout, lake  
7.32 whitefish, pink salmon, and rainbow trout). "Game fish" includes hybrids of game fish.

8.1 Sec. 9. Minnesota Statutes 2018, section 97A.015, subdivision 43, is amended to read:

8.2 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,  
8.3 ~~burbot, eiseo,~~ gar, goldeye, and bullhead, except for any fish species listed as endangered,  
8.4 threatened, or of special concern in Minnesota Rules, chapter 6134.

8.5 Sec. 10. Minnesota Statutes 2018, section 97A.055, subdivision 4b, is amended to read:

8.6 Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint committees  
8.7 of affected persons to review the reports prepared under subdivision 4; review the proposed  
8.8 work plans and budgets for the coming year; propose changes in policies, activities, and  
8.9 revenue enhancements or reductions; review other relevant information; and make  
8.10 recommendations to the legislature and the commissioner for improvements in the  
8.11 management and use of money in the game and fish fund.

8.12 (b) The commissioner shall appoint the following committees, each comprised of at  
8.13 least ten affected persons:

8.14 (1) a Fisheries Oversight Committee to review fisheries funding and expenditures,  
8.15 including activities related to trout-and-salmon stamps and walleye stamps; and

8.16 (2) a Wildlife Oversight Committee to review wildlife funding and expenditures,  
8.17 including activities related to migratory waterfowl, pheasant, and wild turkey management  
8.18 and deer and big game management.

8.19 (c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
8.20 Committee, and four additional members from each committee, shall form a Budgetary  
8.21 Oversight Committee to coordinate the integration of the fisheries and wildlife oversight  
8.22 committee reports into an annual report to the legislature; recommend changes on a broad  
8.23 level in policies, activities, and revenue enhancements or reductions; and provide a forum  
8.24 to address issues that transcend the fisheries and wildlife oversight committees.

8.25 (d) The Budgetary Oversight Committee shall develop recommendations for a biennial  
8.26 budget plan and report for expenditures on game and fish activities. By August 15 of each  
8.27 even-numbered year, the committee shall submit the budget plan recommendations to the  
8.28 commissioner and to the senate and house of representatives committees with jurisdiction  
8.29 over natural resources finance.

8.30 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
8.31 Committee shall be chosen by their respective committees. The chair of the Budgetary  
8.32 Oversight Committee shall be appointed by the commissioner and may not be the chair of  
8.33 either of the other oversight committees.

9.1 (f) The Budgetary Oversight Committee may make recommendations to the commissioner  
9.2 and to the senate and house of representatives committees with jurisdiction over natural  
9.3 resources finance for outcome goals from expenditures.

9.4 (g) The committees authorized under this subdivision are not advisory councils or  
9.5 committees governed by section 15.059 and are not subject to section 15.059. Committee  
9.6 members appointed by the commissioner may request reimbursement for mileage expenses  
9.7 in the same manner and amount as authorized by the commissioner's plan adopted under  
9.8 section 43A.18, subdivision 2. Committee members must not receive daily compensation  
9.9 for oversight activities. The Fisheries Oversight Committee, the Wildlife Oversight  
9.10 Committee, and the Budgetary Oversight Committee expire June 30, ~~2020~~ 2025.

9.11 Sec. 11. Minnesota Statutes 2018, section 97A.126, is amended to read:

9.12 **97A.126 WALK-IN ACCESS PROGRAM.**

9.13 Subdivision 1. **Establishment.** A walk-in access program is established to provide public  
9.14 access to wildlife habitat on ~~private~~ land not otherwise open to the public for hunting,  
9.15 excluding trapping, as provided under this section. The commissioner may enter into  
9.16 agreements with other units of government and landowners to provide ~~private land~~ hunting  
9.17 access.

9.18 Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have  
9.19 a walk-in access hunter validation in possession to hunt on ~~private~~ lands, including  
9.20 agricultural lands, that are posted as being enrolled in the walk-in access program.

9.21 (b) Hunting on ~~private~~ lands that are posted as enrolled in the walk-in access program  
9.22 is allowed from one-half hour before sunrise to one-half hour after sunset.

9.23 (c) Hunter access on ~~private~~ lands that are posted as enrolled in the walk-in access  
9.24 program is restricted to nonmotorized use, except by hunters with disabilities operating  
9.25 motor vehicles on established trails or field roads who possess a valid permit to shoot from  
9.26 a stationary vehicle under section 97B.055, subdivision 3.

9.27 (d) The general provisions for use of wildlife management areas adopted under sections  
9.28 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,  
9.29 firearms and target shooting, hunting stands, abandonment of trash and property, destruction  
9.30 or removal of property, introduction of plants or animals, and animal trespass, apply to  
9.31 hunters on lands enrolled in the walk-in access program.

9.32 (e) Any use of enrolled lands other than hunting according to this section is prohibited,  
9.33 including:

- 10.1 (1) harvesting bait, including minnows, leeches, and other live bait;
- 10.2 (2) training dogs or using dogs for activities other than hunting; and
- 10.3 (3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind,
- 10.4 or other structure, unless constructed or maintained by the landowner.

10.5 **Sec. 12. [97A.138] INSECTICIDES IN WILDLIFE MANAGEMENT AREAS.**

10.6 A person may not use a product containing an insecticide in a wildlife management area

10.7 if the insecticide is from the neonicotinoid class of insecticides.

10.8 Sec. 13. Minnesota Statutes 2018, section 97A.321, subdivision 1, is amended to read:

10.9 Subdivision 1. **Owner responsibility; penalty amount.** (a) The owner of a dog that

10.10 pursues but does not kill or mortally wound a big game animal is subject to a civil penalty

10.11 of \$100 for each violation. The owner of a dog that kills or mortally wounds a big game

10.12 animal is subject to a civil penalty of \$500 for each violation.

10.13 (b) Paragraph (a) does not apply to a person using a dog in compliance with section

10.14 97B.207.

10.15 Sec. 14. Minnesota Statutes 2018, section 97A.475, subdivision 4, is amended to read:

10.16 Subd. 4. **Small-game surcharge and donation.** (a) Fees for annual licenses to take

10.17 small game must be increased by a surcharge of \$6.50, except licenses under subdivisions

10.18 2, clauses (18) and (19); and 3, paragraph (a), ~~clause~~ clauses (14) and (15). An additional

10.19 commission may not be assessed on the surcharge and the following statement must be

10.20 included in the annual small-game-hunting regulations: "This \$6.50 surcharge is being paid

10.21 by hunters for the acquisition and development of wildlife lands."

10.22 (b) A person may agree to add a donation of \$1, \$3, or \$5 to the fees for annual resident

10.23 and nonresident licenses to take small game. An additional commission may not be assessed

10.24 on the donation. The following statement must be included in the annual small-game-hunting

10.25 regulations: "The small-game license donations are being paid by hunters for administration

10.26 of the walk-in access program."

10.27 Sec. 15. Minnesota Statutes 2018, section 97B.011, is amended to read:

10.28 **97B.011 DOGS PURSUING BIG GAME.**

10.29 (a) A person who observes a dog wounding, killing, or pursuing in a manner that

10.30 endangers big game may kill the dog:

- 11.1 (1) at any time, if the person is a peace officer or conservation officer; or  
11.2 (2) between January 1 and July 14, if the person is not a peace officer or conservation  
11.3 officer and the discharge of firearms is allowed.

11.4 The officer or person is not liable for damages for killing the dog.

11.5 (b) Paragraph (a) does not apply to a dog used in compliance with section 97B.207.

11.6 Sec. 16. Minnesota Statutes 2018, section 97B.081, subdivision 3, is amended to read:

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

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

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

11.12 (i) on foot;

11.13 (ii) using a shotgun;

11.14 (iii) not within a public road right-of-way;

11.15 (iv) using a handheld or electronic calling device; and

11.16 (v) not within 200 feet of a motor vehicle; or

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

11.19 (i) on foot; and

11.20 (ii) not in possession of a firearm or bow.

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

11.23 (1) carry out any agricultural, safety, emergency response, normal vehicle operation, or  
11.24 occupation-related activities that do not involve taking wild animals; or

11.25 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to  
11.26 spotting, locating, or taking a wild animal.

11.27 (c) Except as otherwise provided by the game and fish laws, it is not a violation of this  
11.28 section for a person to use an electronic range finder device from one-half hour before  
11.29 sunrise until one-half hour after sunset while lawfully hunting wild animals.

12.1 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a  
12.2 handheld artificial light to track or retrieve a wounded or dead bear while possessing a  
12.3 firearm, ~~provided that:~~

12.4 (1) if the person:

12.5 ~~(1)~~ (i) has the person's valid bear-hunting license in possession;

12.6 ~~(2)~~ (ii) is on foot; and

12.7 ~~(3)~~ (iii) is following the blood trail of a bear that was shot during legal shooting hours;

12.8 or

12.9 (2) as provided in section 97B.207.

12.10 (e) It is not a violation of this section for a licensed deer hunter to cast the rays of a  
12.11 handheld artificial light to track or retrieve a wounded deer as provided in section 97B.207.

12.12 (f) For purposes of this subdivision, "handheld artificial light" means an artificial light  
12.13 that is carried in the hand or attached to the person.

12.14 Sec. 17. Minnesota Statutes 2018, section 97B.205, is amended to read:

12.15 **97B.205 ~~USE OF~~ USING DOGS AND HORSES TO TAKE BIG GAME**  
12.16 **PROHIBITED.**

12.17 A person may not use a dog or horse to take big game, except as provided under section  
12.18 97B.207.

12.19 Sec. 18. **[97B.207] USING DOGS TO LOCATE WOUNDED DEER OR BEAR.**

12.20 Subdivision 1. **Using dogs allowed.** A person may use a dog to locate and retrieve a  
12.21 wounded deer or bear only as provided in this section.

12.22 Subd. 2. **Requirements for hunters and handlers.** (a) A person attempting to locate  
12.23 and retrieve a wounded deer or bear using a dog must have a valid license to take the deer  
12.24 or bear and have the license in possession. If the person is a dog handler that does not have  
12.25 a valid hunting license, the person must be accompanied by a licensed hunter with the license  
12.26 in possession.

12.27 (b) The licensed hunter, and any accompanying dog handler, must be on foot and must  
12.28 wear blaze orange or blaze pink as provided in section 97B.071, paragraph (a).

12.29 (c) Any light used must be a handheld artificial light, as defined under section 97B.081,  
12.30 subdivision 3, paragraph (f).

13.1 Subd. 3. Requirements for dogs. (a) A dog used to locate a wounded deer or bear must  
13.2 be accompanied by a licensed hunter and any dog handler until the wounded deer or bear  
13.3 is located. The dog must be leashed and the licensed hunter or dog handler must be in  
13.4 physical control of the leash at all times. The leash must not exceed 30 feet in length.

13.5 (b) The dog owner's information, including the owner's name and telephone number,  
13.6 must be on the dog while the dog is used to locate a wounded deer or bear under this section.

13.7 (c) The licensed hunter and any accompanying dog handler are jointly and severally  
13.8 responsible for a dog under this section. A violation of this subdivision is a misdemeanor  
13.9 under section 97A.301, subdivision 1, and section 97A.421 applies.

13.10 Subd. 4. Additional requirements. (a) The trespass provisions in section 97B.001 apply  
13.11 to activities under this section, including all requirements to gain permission to enter private  
13.12 or public property.

13.13 (b) Activities under this section may occur during legal shooting hours or outside legal  
13.14 shooting hours of the open season for the location and species. Any activity occurring under  
13.15 this section outside the open season for the location and species must be reported to the  
13.16 local conservation officer before locating or retrieving the wounded deer or bear.

13.17 Sec. 19. Minnesota Statutes 2018, section 97B.655, is amended to read:

13.18 **97B.655 TAKING ANIMALS CAUSING DAMAGE.**

13.19 Subdivision 1. **Owners and occupants may take certain animals.** (a) A person or the  
13.20 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,  
13.21 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the  
13.22 person where the animal is causing damage. The person or the person's agent may take the  
13.23 animal without a license and in any manner except by artificial lights in the closed season  
13.24 or by poison. Raccoons may be taken under this subdivision with artificial lights during  
13.25 open season.

13.26 (b) Any traps used under this subdivision must be tagged as required under section  
13.27 97B.928 if placed by an agent of the landowner or occupant.

13.28 (c) A person or the person's agent who kills mink, raccoon, bobcat, fox, opossum,  
13.29 muskrat, or beaver under this subdivision must notify a conservation officer or employee  
13.30 of the Fish and Wildlife Division within 24 hours after the animal is killed.

14.1 Subd. 2. **Special permit for taking protected wild animals.** (a) The commissioner may  
14.2 issue special permits under section 97A.401, subdivision 5, to take protected wild animals  
14.3 that are damaging property or to remove or destroy their dens, nests, or houses, or dams.

14.4 (b) Removing or destroying a beaver dam associated with beavers causing damage must  
14.5 be according to section 97B.665.

14.6 Sec. 20. Minnesota Statutes 2018, section 97B.665, is amended by adding a subdivision  
14.7 to read:

14.8 Subd. 1a. **Removing beaver dams; agreement by landowner.** (a) Except as provided  
14.9 in paragraph (b), a beaver dam that is causing damage to property may be removed or  
14.10 destroyed by a person or the person's agent from property that is owned, occupied, or  
14.11 otherwise managed by the person.

14.12 (b) A person or a person's agent may not remove or destroy a beaver dam under this  
14.13 subdivision when a permit is required under section 103G.245 if removing or destroying  
14.14 the dam would change or diminish the historical water levels, course, current, or cross  
14.15 section of public waters.

14.16 (c) A person or a person's agent may not remove or destroy a beaver dam under this  
14.17 subdivision if the dam is on public property or another person's private property unless the  
14.18 person obtains the approval or permission of the landowner of the property where the beaver  
14.19 dam is located.

14.20 (d) If unable to obtain the approval or permission of the landowner under paragraph (c),  
14.21 a person may petition to district court for relief as provided in subdivision 2.

14.22 (e) For purposes of this subdivision:

14.23 (1) "landowner" means:

14.24 (i) the owner, lessee, or occupant of private property; or

14.25 (ii) an authorized manager of public property; and

14.26 (2) "person" includes a governmental entity in addition to the entities described under  
14.27 section 97A.015, subdivision 35.

14.28 Sec. 21. Minnesota Statutes 2018, section 97B.667, subdivision 2, is amended to read:

14.29 Subd. 2. ~~Local Government units.~~ (a) ~~Local~~ Government units may, as provided in this  
14.30 section, kill or arrange to have killed beaver that are causing damage, including damage to  
14.31 silvicultural projects and drainage ditches, on property owned or managed by the ~~local~~

15.1 government unit. ~~Removal or destruction of~~ Removing or destroying any associated beaver  
15.2 lodge is subject to section 97A.401, subdivision 5, and removing or destroying any associated  
15.3 beaver dam is subject to section 97B.665.

15.4 (b) The ~~local~~ government unit may kill beaver associated with the lodge or damage in  
15.5 any manner, except by poison or artificial lights.

15.6 (c) The ~~local~~ government unit may arrange to have killed any beaver associated with  
15.7 the lodge or damage by trapping through a third-party contract or under subdivision 4.

15.8 Sec. 22. Minnesota Statutes 2018, section 97B.667, subdivision 3, is amended to read:

15.9 Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a  
15.10 beaver under this section, the road authority or ~~local~~ government unit must contact a  
15.11 conservation officer for a special beaver permit: if the beaver will be killed within two weeks  
15.12 before or after the trapping season for beaver, and the conservation officer must issue the  
15.13 permit for any beaver subject to this section. A permit is not required:

15.14 (1) for a licensed trapper during the open trapping season for beaver; or

15.15 (2) when the trapping season for beaver is closed and it is not within two weeks before  
15.16 or after the trapping season for beaver.

15.17 (b) A road authority or ~~local~~ government unit that kills or arranges to have killed a beaver  
15.18 under this section must notify a conservation officer or employee of the Fish and Wildlife  
15.19 Division within ten days after the animal is killed.

15.20 Sec. 23. Minnesota Statutes 2018, section 97B.667, subdivision 4, is amended to read:

15.21 Subd. 4. **Local Beaver control programs.** A road authority or ~~local~~ government unit  
15.22 may, after consultation with the Fish and Wildlife Division, implement a ~~local~~ beaver control  
15.23 program designed to reduce the number of incidents of beaver:

15.24 (1) interfering with or damaging a public road; or

15.25 (2) causing damage, including damage to silvicultural projects and drainage ditches, on  
15.26 property owned or managed by the ~~local~~ government unit.

15.27 The ~~local~~ control program may include ~~the offering of a bounty for the lawful taking of~~  
15.28 to lawfully take beaver.

16.1 Sec. 24. Minnesota Statutes 2018, section 97B.667, is amended by adding a subdivision  
16.2 to read:

16.3 Subd. 5. **Tagging requirements for traps.** Traps used under subdivision 1 or 2 must  
16.4 be identified with the name and telephone number of the government unit. Traps used for  
16.5 trapping under a third-party contract must be tagged with the contractor's information as  
16.6 provided in section 97B.928.

16.7 Sec. 25. Minnesota Statutes 2018, section 103G.241, subdivision 1, is amended to read:

16.8 Subdivision 1. **Conditions to affect public waters.** An agent or employee of another  
16.9 may not construct, reconstruct, remove, or make a change in a reservoir, dam, or waterway  
16.10 obstruction on a public water or in any manner change or diminish the course, current, or  
16.11 cross section of public waters unless the agent or employee has:

16.12 (1) obtained a signed statement from the property owner stating that the permits required  
16.13 for the work have been obtained or a permit is not required; and

16.14 (2) mailed or electronically transmitted a copy of the statement to the regional office of  
16.15 the Department of Natural Resources where the proposed work is located.

16.16 Sec. 26. Minnesota Statutes 2018, section 103G.241, subdivision 3, is amended to read:

16.17 Subd. 3. **Form for compliance.** The commissioner shall develop a form to be distributed  
16.18 to contractors' associations and county auditors to comply with this section. The form must  
16.19 include:

16.20 (1) a listing of the activities for which a permit is required;

16.21 (2) a description of the penalties for violating this chapter;

16.22 (3) the mailing addresses, electronic mail addresses, and telephone numbers of the  
16.23 regional offices of the Department of Natural Resources;

16.24 (4) a statement that water inventory maps completed according to section 103G.201 are  
16.25 on file with the auditors of the counties; and

16.26 (5) spaces for a description of the work and the names, mailing addresses, electronic  
16.27 mail addresses, and telephone numbers of the person authorizing the work and the agent or  
16.28 employee proposing to undertake it.

17.1 Sec. 27. Minnesota Statutes 2018, section 103G.287, subdivision 1, is amended to read:

17.2 Subdivision 1. **Applications for groundwater appropriations; preliminary**  
17.3 **well-construction approval.** (a) Groundwater use permit applications are not complete  
17.4 until the applicant has supplied:

17.5 (1) a water well record as required by section 103I.205, subdivision 9, information on  
17.6 the subsurface geologic formations penetrated by the well and the formation or aquifer that  
17.7 will serve as the water source, and geologic information from test holes drilled to locate the  
17.8 site of the production well;

17.9 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being requested;

17.10 (3) information on groundwater quality in terms of the measures of quality commonly  
17.11 specified for the proposed water use and details on water treatment necessary for the proposed  
17.12 use;

17.13 (4) the results of an aquifer test completed according to specifications approved by the  
17.14 commissioner. The test must be conducted at the maximum pumping rate requested in the  
17.15 application and for a length of time adequate to assess or predict impacts to other wells and  
17.16 surface water and groundwater resources. The permit applicant is responsible for all costs  
17.17 related to the aquifer test, including the construction of groundwater and surface water  
17.18 monitoring installations, and water level readings before, during, and after the aquifer test;  
17.19 and

17.20 (5) the results of any assessments conducted by the commissioner under paragraph (c).

17.21 (b) The commissioner may waive an application requirement in this subdivision if the  
17.22 information provided with the application is adequate to determine whether the proposed  
17.23 appropriation and use of water is sustainable and will protect ecosystems, water quality,  
17.24 and the ability of future generations to meet their own needs.

17.25 (c) The commissioner shall provide an assessment of a proposed well needing a  
17.26 groundwater appropriation permit. The commissioner shall evaluate the information submitted  
17.27 as required under section 103I.205, subdivision 1, paragraph (e), and determine whether  
17.28 the anticipated appropriation request is likely to meet the applicable requirements of this  
17.29 chapter. If the appropriation request is likely to meet applicable requirements, the  
17.30 commissioner shall provide the person submitting the information with a letter or  
17.31 electronically transmitted notice providing preliminary approval to construct the well and  
17.32 the requirements, including test-well information, that will be needed to obtain the permit.

18.1 (d) The commissioner must provide an applicant denied a groundwater use permit or  
18.2 issued a groundwater use permit that is reduced or restricted from the original request with  
18.3 all information the commissioner used in making the determination, including hydrographs,  
18.4 flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment  
18.5 calibration.

18.6 Sec. 28. Minnesota Statutes 2018, section 103G.311, subdivision 2, is amended to read:

18.7 Subd. 2. **Hearing notice.** (a) The hearing notice on an application must include:

18.8 (1) the date, place, and time fixed by the commissioner for the hearing;

18.9 (2) the waters affected, the water levels sought to be established, or control structures  
18.10 proposed; and

18.11 (3) the matters prescribed by sections 14.57 to 14.59 and rules adopted thereunder.

18.12 (b) A summary of the hearing notice must be published by the commissioner at the  
18.13 expense of the applicant or, if the proceeding is initiated by the commissioner in the absence  
18.14 of an applicant, at the expense of the commissioner.

18.15 (c) The summary of the hearing notice must be:

18.16 (1) published once a week for two successive weeks before the day of hearing in a legal  
18.17 newspaper published in the county where any part of the affected waters is located; and

18.18 (2) mailed or electronically transmitted by the commissioner to the county auditor, the  
18.19 mayor of a municipality, the watershed district, and the soil and water conservation district  
18.20 affected by the application.

18.21 Sec. 29. Minnesota Statutes 2018, section 103G.311, subdivision 5, is amended to read:

18.22 Subd. 5. **Demand for hearing.** (a) If a hearing is waived and an order is made issuing  
18.23 or denying the permit, the applicant, the managers of the watershed district, the board of  
18.24 supervisors of the soil and water conservation district, or the governing body of the  
18.25 municipality may file a demand for hearing on the application. The demand for a hearing  
18.26 must be filed within 30 days after mailed or electronically transmitted notice of the order  
18.27 with the bond required by subdivision 6.

18.28 (b) The commissioner must give notice as provided in subdivision 2, hold a hearing on  
18.29 the application, and make a determination on issuing or denying the permit as though the  
18.30 previous order had not been made.

19.1 (c) The order issuing or denying the permit becomes final at the end of 30 days after  
19.2 mailed or electronically transmitted notice of the order to the applicant, the managers of the  
19.3 watershed district, the board of supervisors of the soil and water conservation district, or  
19.4 the governing body of the municipality, and an appeal of the order may not be taken if:

19.5 (1) the commissioner waives a hearing and a demand for a hearing is not made; or

19.6 (2) a hearing is demanded but a bond is not filed as required by subdivision 6.

19.7 Sec. 30. Minnesota Statutes 2018, section 103G.315, subdivision 8, is amended to read:

19.8 Subd. 8. **Notice of permit order.** Notice of orders made after hearing must be given by  
19.9 publication of the order once a week for two successive weeks in a legal newspaper in the  
19.10 county where the hearing was held and by mailing or electronically transmitting copies of  
19.11 the order to parties who entered an appearance at the hearing.

19.12 Sec. 31. Minnesota Statutes 2018, section 103G.408, is amended to read:

19.13 **103G.408 TEMPORARY DRAWDOWN OF PUBLIC WATERS.**

19.14 (a) The commissioner, upon consideration of recommendations and objections as provided  
19.15 in clause (2), item (iii), and paragraph (c), may issue a public-waters-work permit for the  
19.16 temporary drawdown of a public water when:

19.17 (1) the public water is a shallow lake to be managed for fish, wildlife, or ecological  
19.18 purposes by the commissioner and the commissioner has conducted a public hearing  
19.19 presenting a comprehensive management plan outlining how and when temporary drawdowns  
19.20 under this section will be conducted; or

19.21 (2) the permit applicant is a public entity and:

19.22 (i) the commissioner deems the project to be beneficial and makes findings of fact that  
19.23 the drawdown is in the public interest;

19.24 (ii) the permit applicant has obtained permission from at least 75 percent of the riparian  
19.25 landowners; and

19.26 (iii) the permit applicant has conducted a public hearing according to paragraph (d).

19.27 (b) In addition to the requirements in section 103G.301, subdivision 6, the permit  
19.28 applicant shall serve a copy of the application on each county, municipality, and watershed  
19.29 management organization, if one exists, within which any portion of the public water is  
19.30 located and on the lake improvement district, if one exists.

20.1 (c) A county, municipality, watershed district, watershed management organization, or  
20.2 lake improvement district required to be served under paragraph (b) or section 103G.301,  
20.3 subdivision 6, may file a written recommendation for the issuance of a permit or an objection  
20.4 to the issuance of a permit with the commissioner within 30 days after receiving a copy of  
20.5 the application.

20.6 (d) The hearing notice for a public hearing under paragraph (a), clause (2), item (iii),  
20.7 must:

20.8 (1) include the date, place, and time for the hearing;

20.9 (2) include the waters affected and a description of the proposed project;

20.10 (3) be mailed or electronically transmitted to the director, the county auditor, the clerk  
20.11 or mayor of a municipality, the lake improvement district if one exists, the watershed district  
20.12 or water management organization, the soil and water conservation district, and all riparian  
20.13 owners of record affected by the application; and

20.14 (4) be published in a newspaper of general circulation in the affected area.

20.15 (e) Periodic temporary drawdowns conducted under paragraph (a) ~~shall~~ are not be  
20.16 considered takings from riparian landowners.

20.17 (f) This section does not apply to public waters that have been designated for wildlife  
20.18 management under section 97A.101.

20.19 Sec. 32. Minnesota Statutes 2018, section 103G.615, subdivision 3a, is amended to read:

20.20 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant  
20.21 management permit" means an aquatic plant management permit as defined in rules of the  
20.22 Department of Natural Resources that authorizes the selective control of invasive aquatic  
20.23 plants to cause a significant reduction in the abundance of the invasive aquatic plant.

20.24 (b) The commissioner may waive the dated signature of approval requirement in rules  
20.25 of the Department of Natural Resources for invasive aquatic plant management permits if  
20.26 obtaining signatures would create an undue burden on the permittee or if the commissioner  
20.27 determines that aquatic plant control is necessary to protect natural resources.

20.28 (c) If the signature requirement is waived under paragraph (b) because obtaining  
20.29 signatures would create an undue burden on the permittee, the commissioner shall require  
20.30 an alternate form of landowner notification, including news releases or public notices in a  
20.31 local newspaper, a public meeting, or a mailing or electronic transmission to the most recent  
20.32 permanent physical or electronic mailing address of affected landowners. The notification

21.1 must be given annually and must include: the proposed date of treatment, the target species,  
21.2 the method of control or product being used, and instructions on how the landowner may  
21.3 request that control not occur adjacent to the landowner's property.

21.4 (d) The commissioner may allow dated signatures of approval obtained for an invasive  
21.5 aquatic plant management permit to satisfy rules of the Department of Natural Resources  
21.6 to remain valid for three years if property ownership remains unchanged.

21.7 Sec. 33. Laws 2013, chapter 114, article 4, section 105, as amended by Laws 2017, chapter  
21.8 93, article 2, section 148, is amended to read:

21.9 Sec. 105. **RULES; SILICA SAND.**

21.10 (a) The commissioner of the Pollution Control Agency may adopt rules pertaining to  
21.11 the control of particulate emissions from silica sand projects. The rulemaking is exempt  
21.12 from Minnesota Statutes, section 14.125.

21.13 (b) The commissioner of natural resources shall ~~adopt rules~~ develop a model ordinance  
21.14 pertaining to the reclamation of silica sand mines. The rulemaking is exempt from Minnesota  
21.15 Statutes, section 14.125 commissioner shall publish the model ordinance in the State Register.

21.16 (c) By January 1, 2014, the Department of Health shall adopt an air quality health-based  
21.17 value for silica sand.

21.18 (d) The Environmental Quality Board may amend its rules for environmental review,  
21.19 adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to  
21.20 take into account the increased activity in the state and concerns over the size of specific  
21.21 operations. The Environmental Quality Board shall consider whether the requirements of  
21.22 Minnesota Statutes, section 116C.991, should remain part of the environmental review  
21.23 requirements for silica sand and whether the requirements should be different for different  
21.24 geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section  
21.25 14.125.

21.26 Sec. 34. **STAMP DESIGN; RULE AMENDMENT.**

21.27 (a) The commissioner of natural resources shall amend Minnesota Rules, part 6290.0400,  
21.28 subpart 3, to:

21.29 (1) allow a contest entry to be created using nonphotographic digital media; and

21.30 (2) require a person submitting a contest entry to list all media used in the creation of  
21.31 the entry.

22.1 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
22.2 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
22.3 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section  
22.4 14.388.

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

22.6 Sec. 35. **REVISOR INSTRUCTION.**

22.7 The revisor of statutes must change the reference in Minnesota Statutes, sections 127A.30,  
22.8 subdivision 2, and 287.22 from "section 92.121" to "section 92.122."

22.9 Sec. 36. **REPEALER.**

22.10 Minnesota Statutes 2018, section 92.121, is repealed.

**92.121 PERMANENT SCHOOL FUND LANDS.**

The commissioner of natural resources shall exchange permanent school fund land as defined in the Minnesota Constitution, article XI, section 8, located in state parks, state recreation areas, wildlife management areas, scientific and natural areas, or state waysides or on lands managed by the commissioner as old growth stands, for other lands as allowed by the Minnesota Constitution, article XI, section 10, and section 94.343, subdivision 1, that are compatible with the goal of the permanent school fund lands in section 127A.31 when, as a result of management practices applied to the permanent school fund lands and associated resources, revenue generation has been diminished or is prohibited and no alternative has been put into effect to compensate the permanent school fund for the income losses.