

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1839**

(SENATE AUTHORS: INGEBRIGTSEN)

DATE	D-PG	OFFICIAL STATUS
02/15/2012	3815	Introduction and first reading Referred to Environment and Natural Resources
03/01/2012	4029a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
03/19/2012	4537 4548	Comm report: To pass Second reading See SF1830, Art 1, Sec. 2-12, 14-15, 17-20, 63-66 See SF1750 Sec.1, 3, 6-10, 14, 24

A bill for an act

1.1 relating to natural resources; authorizing certain agency prepayments; providing
1.2 for apprentice riders; modifying aquatic invasive species provisions; modifying
1.3 local government trail authority; modifying enforcement provisions; modifying
1.4 certain bait provisions; modifying prior appropriations; eliminating certain
1.5 reporting, plan, and meeting requirements; eliminating loan program; modifying
1.6 La Salle Lake State Recreation Area administration; adding to and deleting
1.7 from state parks, state recreation areas, and state forests; authorizing private
1.8 sale of certain state lands; modifying certain easements; modifying certain
1.9 lease provisions; providing civil penalties; amending Minnesota Statutes 2010,
1.10 sections 16A.065; 84.631; 84.67; 84.91, subdivision 1; 84D.05, subdivision 1;
1.11 85.018, subdivision 2; 85.20, subdivision 1; 85.46, subdivision 1; 86B.331,
1.12 subdivision 1; 92.50, subdivision 1; 97A.421, subdivision 4a; Minnesota Statutes
1.13 2011 Supplement, sections 84D.01, subdivision 15a; 84D.09, subdivision 2;
1.14 84D.10, subdivisions 1, 4; 84D.105, subdivision 2; 84D.13, subdivision 5;
1.15 97C.341; Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended;
1.16 Laws 2010, chapter 362, section 2, subdivision 7; Laws 2011, First Special
1.17 Session chapter 6, article 3, section 8, subdivision 3; proposing coding for new
1.18 law in Minnesota Statutes, chapters 84; 86B; repealing Minnesota Statutes 2010,
1.19 sections 84.946, subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742,
1.20 subdivision 4; 103G.705.
1.21

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

ARTICLE 1

NATURAL RESOURCE POLICY

1.25 Section 1. Minnesota Statutes 2010, section 16A.065, is amended to read:

1.26 **16A.065 PREPAY SOFTWARE, SUBSCRIPTIONS, UNITED STATES**
1.27 **DOCUMENTS.**

1.28 Notwithstanding section 16A.41, subdivision 1, the commissioner may allow an
1.29 agency to make advance deposits or payments for software or software maintenance
1.30 services for state-owned or leased electronic data processing equipment, for sole source

2.1 maintenance agreements where it is not cost-effective to pay in arrears, for exhibit booth
2.2 space or boat slip rental when required by the renter to guarantee the availability of space,
2.3 for short-term cash flow advances under executed grants or contracts associated with
2.4 land acquisitions, for registration fees where advance payment is required or advance
2.5 payment discount is provided, and for newspaper, magazine, and other subscription fees
2.6 customarily paid for in advance. The commissioner may also allow advance deposits by
2.7 any department with the Library of Congress and federal Supervisor of Documents for
2.8 items to be purchased from those federal agencies.

2.9 Sec. 2. Minnesota Statutes 2010, section 84.67, is amended to read:

2.10 **84.67 FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

2.11 A forests for the future revolving account is created in the natural resources fund.
2.12 Money in the account is appropriated to the commissioner of natural resources for the
2.13 acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4.
2.14 The commissioner shall sell the lands acquired under this section, subject to an easement
2.15 as provided in section 84.66. Money received from the sale of forest lands acquired
2.16 under this section and interest earned on the account shall be deposited into the account.
2.17 ~~The commissioner must file a report to the house of representatives Ways and Means~~
2.18 ~~and the senate Finance Committees and the environment and natural resources finance~~
2.19 ~~committees or divisions of the senate and house of representatives by October 1 of each~~
2.20 ~~year indicating all purchases of forest land using money from this account and sales of~~
2.21 ~~forest land for which revenue is deposited into this account.~~

2.22 Sec. 3. **84.76] APPRENTICE RIDER VALIDATION.**

2.23 Subdivision 1. Definition. For the purpose of this section, "accompanied by" means
2.24 within a distance of another person that permits uninterrupted visual contact and verbal
2.25 communication.

2.26 Subd. 2. Apprentice rider requirements. Notwithstanding sections 84.793,
2.27 84.862, 84.925, and 84.9256, a person who is age 12 or over and who does not possess a
2.28 required safety certificate may participate in up to two trail-riding events sponsored by the
2.29 commissioner in state parks, state trails, state recreation areas, and state forests that are
2.30 designed to involve apprentice riders. The person must be accompanied by an adult with a
2.31 valid safety certificate. All vehicles must be properly registered for use in Minnesota.

2.32 Sec. 4. Minnesota Statutes 2010, section 84.91, subdivision 1, is amended to read:

3.1 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or
3.2 control of any snowmobile or all-terrain vehicle shall authorize or permit any individual
3.3 the person knows or has reason to believe is under the influence of alcohol or a controlled
3.4 substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in
3.5 this state or on the ice of any boundary water of this state.

3.6 (b) No owner or other person having charge or control of any snowmobile or
3.7 all-terrain vehicle shall knowingly authorize or permit any person, who by reason of
3.8 any physical or mental disability is incapable of operating the vehicle, to operate the
3.9 snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary
3.10 water of this state.

3.11 (c) A person who operates or is in physical control of a snowmobile or all-terrain
3.12 vehicle anywhere in this state or on the ice of any boundary water of this state is subject
3.13 to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person
3.14 who is convicted of violating section 169A.20 or an ordinance in conformity with it
3.15 while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a
3.16 lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance
3.17 in conformity with it, shall be prohibited from operating ~~the~~ a snowmobile or all-terrain
3.18 vehicle for a period of one year. The commissioner shall notify the person of the time
3.19 period during which the person is prohibited from operating a snowmobile or all-terrain
3.20 vehicle.

3.21 (d) Administrative and judicial review of the operating privileges prohibition is
3.22 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior
3.23 impaired driving conviction or prior license revocation, as defined in section 169A.03.
3.24 Otherwise, administrative and judicial review of the prohibition is governed by section
3.25 169A.53.

3.26 (e) The court shall promptly forward to the commissioner and the Department of
3.27 Public Safety copies of all convictions and criminal and civil sanctions imposed under this
3.28 section and chapters 169 and 169A relating to snowmobiles and all-terrain vehicles.

3.29 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with
3.30 either of them, is guilty of a misdemeanor. A person who operates a snowmobile or
3.31 all-terrain vehicle during the time period the person is prohibited from operating a vehicle
3.32 under paragraph (c) is guilty of a misdemeanor.

3.33 Sec. 5. Minnesota Statutes 2011 Supplement, section 84D.01, subdivision 15a, is
3.34 amended to read:

4.1 Subd. 15a. **Service provider.** "Service provider" means an individual who or entity
4.2 that installs or removes water-related equipment or structures from waters of the state
4.3 for hire or as a service provided as a benefit of membership in a yacht club, boat club,
4.4 marina, or similar organization. Service provider does not include a person working under
4.5 the supervision of an individual with a valid service provider permit issued under section
4.6 84D.108.

4.7 Sec. 6. Minnesota Statutes 2010, section 84D.05, subdivision 1, is amended to read:

4.8 Subdivision 1. **Prohibited activities.** A person may not possess, import, purchase,
4.9 sell, propagate, transport, or introduce a prohibited invasive species, except:

4.10 (1) under a permit issued by the commissioner under section 84D.11;

4.11 (2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;

4.12 (3) under a restricted species permit issued under section 17.457;

4.13 (4) when being transported to the department, or another destination as the
4.14 commissioner may direct, in a sealed container for purposes of identifying the species
4.15 or reporting the presence of the species;

4.16 (5) when being transported for disposal as part of a harvest or control activity
4.17 when specifically authorized under a permit issued by the commissioner according to
4.18 section 103G.615, when being transported for disposal as specified under a commercial
4.19 fishing license issued by the commissioner according to section 97A.418, 97C.801,
4.20 97C.811, 97C.825, 97C.831, or 97C.835, or when being transported as specified by the
4.21 commissioner;

4.22 (6) when the specimen has been lawfully acquired dead and, in the case of plant
4.23 species, all seeds are removed or are otherwise secured in a sealed container;

4.24 (7) in the form of herbaria or other preserved specimens;

4.25 (8) when being removed from watercraft and equipment, or caught while angling,
4.26 and immediately returned to the water from which they came; or

4.27 (9) as the commissioner may otherwise prescribe by rule.

4.28 Sec. 7. Minnesota Statutes 2011 Supplement, section 84D.09, subdivision 2, is
4.29 amended to read:

4.30 Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport
4.31 aquatic macrophytes:

4.32 (1) that are duckweeds in the family Lemnaceae;

S.F. No. 1839, 1st Engrossment - 87th Legislative Session (2011-2012) [S1839-1]

5.1 (2) for disposal as part of a harvest or control activity ~~conducted~~ when specifically
5.2 authorized under an aquatic plant management permit pursuant to section 103G.615, under
5.3 permit pursuant to section 84D.11, or as specified by the commissioner;

5.4 (3) for purposes of constructing shooting or observation blinds in amounts sufficient
5.5 for that purpose, provided that the aquatic macrophytes are emergent and cut above the
5.6 waterline;

5.7 (4) when legally purchased or traded by or from commercial or hobbyist sources for
5.8 aquarium, wetland or lakeshore restoration, or ornamental purposes;

5.9 (5) when harvested for personal or commercial use if in a motor vehicle;

5.10 (6) to the department, or another destination as the commissioner may direct, in a
5.11 sealed container for purposes of identifying a species or reporting the presence of a species;

5.12 (7) when transporting commercial aquatic plant harvesting or control equipment to a
5.13 suitable location for purposes of cleaning any remaining aquatic macrophytes;

5.14 (8) that are wild rice harvested under section 84.091;

5.15 (9) in the form of fragments of emergent aquatic macrophytes incidentally
5.16 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl
5.17 season; or

5.18 (10) when removing water-related equipment from waters of the state for purposes
5.19 of cleaning off aquatic macrophytes before leaving a water access site.

5.20 Sec. 8. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 1, is
5.21 amended to read:

5.22 Subdivision 1. **Launching prohibited.** A person may not place or attempt to place
5.23 into waters of the state ~~a watercraft, a trailer, or~~ water-related equipment, including aquatic
5.24 plant harvesting or control equipment that has aquatic macrophytes, zebra mussels, or
5.25 prohibited invasive species attached except as provided in this section.

5.26 Sec. 9. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is
5.27 amended to read:

5.28 Subd. 4. **Persons transporting water-related equipment.** (a) When leaving waters
5.29 of the state a person must drain water-related equipment holding water and live wells and
5.30 bilges by removing the drain plug before transporting the water-related equipment off
5.31 the water access site or riparian property.

5.32 (b) Drain plugs, bailers, valves, or other devices used to control the draining of water
5.33 from ballast tanks, bilges, and live wells must be removed or opened while transporting
5.34 water-related equipment.

6.1 (c) Emergency response vehicles and equipment may be transported on a public road
6.2 with the drain plug or other similar device replaced only after all water has been drained
6.3 from the equipment upon leaving the water body.

6.4 (d) Portable bait containers used by licensed aquatic farms, portable bait containers
6.5 when fishing through the ice except on waters designated infested for viral hemorrhagic
6.6 septicemia, and marine sanitary systems are exempt from this subdivision.

6.7 (e) A person must not dispose of bait in waters of the state.

6.8 (f) A boat lift, dock, swim raft, or associated equipment that has been removed from
6.9 waters of the state infested with zebra mussels may not be placed in another water body
6.10 until a minimum of 21 days have passed.

6.11 Sec. 10. Minnesota Statutes 2011 Supplement, section 84D.105, subdivision 2, is
6.12 amended to read:

6.13 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize
6.14 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive
6.15 species, and water. The commissioner may enter into a delegation agreement with a
6.16 tribal or local government where inspection authority as provided under paragraphs (b),
6.17 (g), and (h) is delegated to tribal and local governments that assume all legal, financial,
6.18 and administrative responsibilities for inspection programs on some or all public waters
6.19 within their jurisdiction.

6.20 (b) Inspectors may visually and tactilely inspect watercraft and water-related
6.21 equipment to determine whether aquatic invasive species, aquatic macrophytes, or water
6.22 is present. If a person transporting watercraft or water-related equipment refuses to
6.23 take required corrective actions or fails to comply with an order under section 84D.10,
6.24 subdivision 3, an inspector who is not a licensed peace officer shall refer the violation
6.25 to a conservation officer or other licensed peace officer.

6.26 (c) In addition to paragraph (b), a conservation officer or other licensed peace officer
6.27 may inspect any watercraft or water-related equipment that is stopped at a water access
6.28 site, any other public location in the state, or a private location where the watercraft or
6.29 water-related equipment is in plain view, if the officer determines there is reason to believe
6.30 that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or
6.31 water-related equipment.

6.32 (d) Conservation officers or other licensed peace officers may utilize check stations
6.33 in locations, or in proximity to locations, where watercraft or other water-related
6.34 equipment is placed into or removed from waters of the state. Any check stations shall be
6.35 operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

7.1 (e) Conservation officers or other licensed peace officers may order water-related
7.2 equipment to be removed from a water body if the commissioner determines such action is
7.3 needed to implement aquatic invasive species control measures.

7.4 (f) The commissioner may require mandatory inspections of water-related equipment
7.5 before a person places or removes water-related equipment into or out of a water body.
7.6 Inspection stations may be located at or near public water accesses or in locations that
7.7 allow for servicing multiple water bodies. The commissioner shall ensure that inspection
7.8 stations:

7.9 (1) have adequate staffing to minimize delays to vehicles and their occupants;

7.10 (2) allow for reasonable travel times between public accesses and inspection stations
7.11 if inspection is required before placing water-related equipment into a water body;

7.12 (3) are located so as not to create traffic delays or public safety issues;

7.13 (4) have decontamination equipment available to bring water-related equipment
7.14 into compliance; and

7.15 (5) do not reduce the capacity or hours of operation of public water accesses.

7.16 (g) The commissioner may authorize tribal and local governments that enter into
7.17 a delegation agreement with the commissioner to conduct mandatory inspections of
7.18 water-related equipment at specified locations within a defined area before a person
7.19 places or removes water-related equipment into or out of a water body. Tribal and local
7.20 governments that are authorized to conduct inspections under this paragraph must:

7.21 (1) assume all legal, financial, and administrative responsibilities for implementing
7.22 the mandatory inspections, alone or in agreement with other tribal or local governments;

7.23 (2) employ inspectors that have been trained and authorized by the commissioner;

7.24 (3) conduct inspections and decontamination measures in accordance with guidelines
7.25 approved by the commissioner;

7.26 (4) have decontamination equipment available at inspection stations or identify
7.27 alternative decontamination equipment locations within a reasonable distance of the
7.28 inspection station that can bring water-related equipment into compliance;

7.29 (5) provide for inspection station locations that do not create traffic delays or public
7.30 safety issues; and

7.31 (6) submit a plan approved by the commissioner according to paragraph (h).

7.32 (h) Plans required under paragraph (g) must address:

7.33 (1) no reduction in capacity or hours of operation of public accesses and fees that
7.34 do not discourage or limit use;

7.35 (2) reasonable travel times between public accesses and inspection stations;

8.1 (3) adequate staffing to minimize wait times and provide adequate hours of operation
8.2 at inspection stations and public accesses;

8.3 (4) adequate enforcement capacity;

8.4 (5) measures to address inspections of water-related equipment at public water
8.5 accesses for commercial entities and private riparian land owners; and

8.6 (6) other elements as required by the commissioner to ensure statewide consistency,
8.7 appropriate inspection and decontamination protocols, and protection of the state's
8.8 resources, public safety, and access to public waters.

8.9 (i) A government unit authorized to conduct inspections under this subdivision must
8.10 submit an annual report to the commissioner summarizing the results and issues related
8.11 to implementing the inspection program.

8.12 (j) The commissioner may waive the plan requirement in paragraph (g) for inspection
8.13 programs where authorized inspectors are placed directly at one or more water access
8.14 sites, with no requirement for a person to travel from the water access for inspection
8.15 or decontamination, and no local ordinance or other regulation requiring a mandatory
8.16 inspection before placing watercraft or water-related equipment into a water body or after
8.17 watercraft or water-related equipment are removed from a water body.

8.18 Sec. 11. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 5, is
8.19 amended to read:

8.20 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose
8.21 the following penalty amounts:

8.22 (1) for transporting aquatic macrophytes in violation of section 84D.09, ~~\$50~~ \$100;

8.23 (2) for placing or attempting to place into waters of the state water-related equipment
8.24 that has aquatic macrophytes attached, ~~\$100~~ \$200;

8.25 (3) for unlawfully possessing or transporting a prohibited invasive species other
8.26 than an aquatic macrophyte, ~~\$250~~ \$500;

8.27 (4) for placing or attempting to place into waters of the state water-related equipment
8.28 that has prohibited invasive species attached when the waters are not designated by the
8.29 commissioner as being infested with that invasive species, \$500 ~~for the first offense and~~
8.30 ~~\$1,000 for each subsequent offense~~;

8.31 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as
8.32 prescribed by rule, Eurasian water milfoil, \$100;

8.33 (6) for failing to have drain plugs or similar devices removed or opened while
8.34 transporting water-related equipment or for failing to remove plugs, open valves, and

S.F. No. 1839, 1st Engrossment - 87th Legislative Session (2011-2012) [S1839-1]

9.1 drain water from water-related equipment, other than marine sanitary systems, before
9.2 leaving waters of the state, ~~\$50~~ \$100; and

9.3 (7) for transporting infested water off riparian property without a permit as required
9.4 by rule, \$200.

9.5 (b) A civil citation that is issued to a person who has one or more prior convictions
9.6 or final orders for violations of this chapter is subject to twice the penalty amounts listed
9.7 in paragraph (a).

9.8 Sec. 12. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

9.9 Subd. 2. **Authority of local government.** (a) A local government unit that receives
9.10 state grants-in-aid for any trail, with the concurrence of the commissioner, and the
9.11 landowner or land lessee, may:

9.12 (1) designate the trail for use by snowmobiles or for nonmotorized use from
9.13 December 1 to April 1 of any year; and

9.14 (2) issue any permit required under subdivisions 3 to 5.

9.15 (b) A local government unit that receives state grants-in-aid under section 84.794,
9.16 subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the
9.17 concurrence of the commissioner, and landowner or land lessee, may:

9.18 (1) designate the trail specifically for use at various times of the year by all-terrain or
9.19 off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring,
9.20 snowshoeing, and hiking, and for multiple use, ~~but not for motorized and nonmotorized~~
9.21 ~~use at the same time~~; and

9.22 (2) issue any permit required under subdivisions 3 to 5.

9.23 (c) A local unit of government that receives state grants-in-aid for any trail, with the
9.24 concurrence of the commissioner and landowner or land lessee, may designate certain trails
9.25 for joint use by snowmobiles, off-highway motorcycles, all-terrain and off-road vehicles.

9.26 Sec. 13. Minnesota Statutes 2010, section 85.20, subdivision 1, is amended to read:

9.27 Subdivision 1. **Violation of rules.** (a) Any person who, within the limits of any ~~state~~
9.28 ~~park, state monument, state recreation area, state wayside, or area of state land reserved~~
9.29 ~~from sale, as provided by Laws 1923, chapter 430~~ outdoor recreation unit established in
9.30 chapter 86A, shall willfully cut, injure, or destroy any live tree, shrub, timber, evergreen,
9.31 or ornamental plant of any kind, or who shall willfully injure, remove, destroy, deface, or
9.32 mutilate any guideboard, guidepost, furniture, fixture, improvement, monument, tablet, or
9.33 other property of the state of any kind, or who shall willfully violate, or fail to comply
9.34 with, any rule of the commissioner adopted ~~and promulgated in accordance with the~~

10.1 ~~provisions of Laws 1923, chapter 430, shall be~~ according to section 86A.06, is guilty
10.2 of a petty misdemeanor.

10.3 (b) Violations under paragraph (a) adopted for wildlife management areas described
10.4 in section 86A.05, subdivision 8, are misdemeanors, consistent with game and fish law
10.5 penalties defined in section 97A.301, subdivision 1, clause (6).

10.6 (c) If a different penalty is provided in another section of law for the violation and
10.7 the person is charged under that section of law, the penalty specified for the violation
10.8 will control over the penalty specified in paragraphs (a) and (b). Violations relating to
10.9 the taking of wild animals are subject to the penalties as specified in the game and fish
10.10 laws described in section 97A.011.

10.11 Sec. 14. Minnesota Statutes 2010, section 85.46, subdivision 1, is amended to read:

10.12 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while
10.13 riding, leading, or driving a horse on lands administered by the commissioner, except
10.14 forest roads and forest roads rights-of-way, a person 16 years of age or over shall carry in
10.15 immediate possession a valid horse pass. The pass must be available for inspection by a
10.16 peace officer, a conservation officer, or an employee designated under section 84.0835. A
10.17 person who violates any provision of this subdivision is guilty of a petty misdemeanor.

10.18 (b) A valid horse pass is not required under this section for a person riding, leading,
10.19 or driving a horse on property that is owned by the person or the person's spouse, child,
10.20 parent, or guardian.

10.21 Sec. 15. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

10.22 Subdivision 1. Establishment. The commissioner shall establish a statewide course
10.23 in preventing the spread of aquatic invasive species. The commissioner must develop an
10.24 educational course and testing program that address identification of aquatic invasive
10.25 species and best practices to prevent the spread of aquatic invasive species when moving
10.26 water-related equipment, as defined under section 84D.01, subdivision 18a.

10.27 Subd. 2. Aquatic invasive species trailer decal. The commissioner shall issue an
10.28 aquatic invasive species trailer decal for each trailer owned by a person that satisfactorily
10.29 completes the required course of instruction.

10.30 Subd. 3. Contracting for services. The commissioner may contract for services to
10.31 provide training and testing services under this section.

10.32 Subd. 4. Aquatic invasive species trailer decal display required. (a) A person
10.33 may not transport watercraft or water-related equipment, as defined under section 84D.01,
10.34 subdivision 18a, with a trailer unless the person has an aquatic invasive species trailer

11.1 decal issued under this section. Temporary authorizations valid for seven days can be
11.2 requested by persons that have not completed the required course of instruction.

11.3 (b) Aquatic invasive species trailer decals are valid for three years.

11.4 (c) The aquatic invasive species trailer decal must be adhered to the side of the trailer
11.5 frame tongue near the hitch in a manner that it is readily visible and does not interfere with
11.6 the display of any registration requirements under section 169.79.

11.7 (d) Aquatic invasive species trailer decals are not transferable.

11.8 **EFFECTIVE DATE.** This section is effective July 1, 2015.

11.9 Sec. 16. Minnesota Statutes 2010, section 86B.331, subdivision 1, is amended to read:

11.10 Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or
11.11 control of a motorboat may not authorize or allow an individual the person knows or has
11.12 reason to believe is under the influence of alcohol or a controlled or other substance to
11.13 operate the motorboat in operation on the waters of this state.

11.14 (b) An owner or other person having charge or control of a motorboat may not
11.15 knowingly authorize or allow a person, who by reason of a physical or mental disability
11.16 is incapable of operating the motorboat, to operate the motorboat in operation on the
11.17 waters of this state.

11.18 (c) A person who operates or is in physical control of a motorboat on the waters
11.19 of this state is subject to chapter 169A. In addition to the applicable sanctions under
11.20 chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance
11.21 in conformity with it while operating a motorboat, shall be prohibited from operating
11.22 ~~the~~ a motorboat on the waters of this state for a period of 90 days between May 1 and
11.23 October 31, extending over two consecutive years if necessary. If the person operating the
11.24 motorboat refuses to comply with a lawful demand to submit to testing under sections
11.25 169A.50 to 169A.53 or an ordinance in conformity with it, the person shall be prohibited
11.26 from operating ~~the~~ a motorboat for a period of one year. The commissioner shall notify
11.27 the person of the period during which the person is prohibited from operating a motorboat.

11.28 (d) Administrative and judicial review of the operating privileges prohibition is
11.29 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior
11.30 impaired driving conviction or prior license revocation, as defined in section 169A.03.
11.31 Otherwise, administrative and judicial review of the prohibition is governed by section
11.32 169A.53.

11.33 (e) The court shall promptly forward to the commissioner and the Department of
11.34 Public Safety copies of all convictions and criminal and civil sanctions imposed under this
11.35 section and chapters 169 and 169A relating to motorboats.

12.1 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with
12.2 either of them, is guilty of a misdemeanor.

12.3 (g) For purposes of this subdivision, a motorboat "in operation" does not include a
12.4 motorboat that is anchored, beached, or securely fastened to a dock or other permanent
12.5 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

12.6 Sec. 17. Minnesota Statutes 2010, section 97A.421, subdivision 4a, is amended to read:

12.7 Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**

12.8 When a court reports to the commissioner that a person: (1) has failed to appear in court
12.9 ~~under the summons issued in response to a notice to appear or fails to comply with other~~
12.10 orders of the court regarding the appearance or proceedings for a violation of the game
12.11 and fish laws; or (2) has been convicted of violating a provision of the game and fish
12.12 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,
12.13 and refused or failed to comply with that sentence or to pay the fine or surcharge, the
12.14 commissioner shall suspend the game and fish license and permit privileges of the person
12.15 until notified by the court that the person has appeared in court under clause (1) or that any
12.16 fine or surcharge due the court has been paid under clause (2).

12.17 Sec. 18. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

12.18 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

12.19 (a) A person may not use live minnows imported from outside of the state, game
12.20 fish, goldfish, or carp for bait. The commissioner may, by written order published in
12.21 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on
12.22 their use. The order is exempt from the rulemaking provisions of chapter 14 and section
12.23 14.386 does not apply.

12.24 (b) A person may not import or possess live, frozen, or processed bait from known
12.25 waters where viral hemorrhagic septicemia has been identified as being present; (1)
12.26 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner
12.27 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph

12.28 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,
12.29 invertebrates, and insects used for taking wild animals in waters of the state.

12.30 (c) Cisco and rainbow smelt taken under rules adopted by the commissioner may
12.31 be used as:

12.32 (1) fresh or frozen bait only on Lake Superior; or

12.33 (2) bait that has been processed to inactivate viral hemorrhagic septicemia in a
12.34 manner prescribed by rules adopted by the commissioner.

S.F. No. 1839, 1st Engrossment - 87th Legislative Session (2011-2012) [S1839-1]

13.1 (d) To ensure that frozen or dead fish being brought into the state are not in violation
13.2 of paragraph (b), the following paperwork must accompany the shipment. Documents
13.3 must be open for inspection by the commissioner at any reasonable time. All documents
13.4 must be available to purchasers of these bait items. Each container or package of frozen or
13.5 dead fish must have the following information:

- 13.6 (1) water body source;
- 13.7 (2) lot number;
- 13.8 (3) company contact including name, phone, and address;
- 13.9 (4) date of packaging and labeling; and
- 13.10 (5) valid negative fish health certification from the source water body.

13.11 Sec. 19. Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by
13.12 Laws 2009, chapter 37, article 1, section 60, is amended to read:

13.13 **Subd. 2. Land and Mineral Resources**
13.14 **Management**

11,747,000 11,272,000

13.15 Appropriations by Fund			
13.16	General	6,633,000	6,230,000
13.17	Natural Resources	3,551,000	3,447,000
13.18	Game and Fish	1,363,000	1,395,000
13.19	Permanent School	200,000	200,000

13.20 \$475,000 the first year and \$475,000 the
13.21 second year are for iron ore cooperative
13.22 research. Of this amount, \$200,000 each year
13.23 is from the minerals management account in
13.24 the natural resources fund and \$275,000 each
13.25 year is from the general fund. \$237,500 the
13.26 first year and \$237,500 the second year are
13.27 available only as matched by \$1 of nonstate
13.28 money for each \$1 of state money. The
13.29 match may be cash or in-kind.

13.30 \$86,000 the first year and \$86,000 the
13.31 second year are for minerals cooperative
13.32 environmental research, of which \$43,000
13.33 the first year and \$43,000 the second year are
13.34 available only as matched by \$1 of nonstate

14.1 money for each \$1 of state money. The
14.2 match may be cash or in-kind.

14.3 \$2,800,000 the first year and \$2,696,000
14.4 the second year are from the minerals
14.5 management account in the natural resources
14.6 fund for use as provided in Minnesota
14.7 Statutes, section 93.2236, paragraph (c).

14.8 \$200,000 the first year and \$200,000 the
14.9 second year are from the state forest suspense
14.10 account in the permanent school fund to
14.11 accelerate land exchanges, land sales, and
14.12 commercial leasing of school trust lands and
14.13 to identify, evaluate, and lease construction
14.14 aggregate located on school trust lands. This
14.15 appropriation is to be used for securing
14.16 maximum long-term economic return
14.17 from the school trust lands consistent with
14.18 fiduciary responsibilities and sound natural
14.19 resources conservation and management
14.20 principles.

14.21 \$15,000 the first year is for a report
14.22 by February 1, 2008, to the house and
14.23 senate committees with jurisdiction over
14.24 environment and natural resources on
14.25 proposed minimum legal and conservation
14.26 standards that could be applied to
14.27 conservation easements acquired with public
14.28 money.

14.29 \$1,201,000 the first year and \$701,000 the
14.30 second year are to support the land records
14.31 management system. Of this amount,
14.32 \$326,000 the first year and \$326,000 the
14.33 second year are from the game and fish fund
14.34 and \$375,000 the first year and \$375,000 the
14.35 second year are from the natural resources

15.1 fund. The unexpended balances are available
15.2 until June 30, 2011. ~~The commissioner~~
15.3 ~~must report to the legislative chairs on~~
15.4 ~~environmental finance on the outcomes of~~
15.5 ~~the land records management support.~~
15.6 \$500,000 the first year and \$500,000 the
15.7 second year are for land asset management.
15.8 This is a onetime appropriation.

15.9 Sec. 20. Laws 2010, chapter 362, section 2, subdivision 7, is amended to read:

15.10 Subd. 7. **Renewable Energy** -0- 3,364,000

15.11 **(a) Algae for Fuels Pilot Project**

15.12 \$900,000 is from the trust fund to the Board
15.13 of Regents of the University of Minnesota
15.14 to demonstrate an innovative microalgae
15.15 production system utilizing and treating
15.16 sanitary wastewater to produce biofuels
15.17 from algae. This appropriation is available
15.18 until June 30, 2013, by which time the
15.19 project must be completed and final products
15.20 delivered.

15.21 **(b) Sustainable Biofuels**

15.22 \$221,000 is from the trust fund to the Board
15.23 of Regents of the University of Minnesota
15.24 to determine how fertilization and irrigation
15.25 impact yields of grass monoculture and high
15.26 diversity prairie biofuel crops, their storage
15.27 of soil carbon, and susceptibility to invasion
15.28 by exotic species. This appropriation is
15.29 available until June 30, 2013, by which time
15.30 the project must be completed and final
15.31 products delivered.

15.32 **(c) Linking Habitat Restoration to Bioenergy**
15.33 **and Local Economies**

16.1 \$600,000 is from the trust fund to the
16.2 commissioner of natural resources to restore
16.3 high quality native habitats and expand
16.4 market opportunities for ~~utilizing postharvest~~
16.5 ~~restoration as a~~ using the woody by-product
16.6 material for bioenergy source, or other
16.7 products. The commissioner may provide
16.8 grants or otherwise transfer some or all
16.9 of this money to other public or private
16.10 entities to accomplish these purposes. The
16.11 commissioner may sell the material from
16.12 public or private property to any viable
16.13 market, provided that all of the proceeds
16.14 are spent to further the purposes of this
16.15 appropriation. This appropriation is available
16.16 until June 30, 2013, by which time the
16.17 project must be completed and final products
16.18 delivered.

16.19 **(d) Demonstrating Sustainable Energy**
16.20 **Practices at Residential Environmental**
16.21 **Learning Centers (RELCs)**

16.22 \$1,500,000 is from the trust fund to
16.23 the commissioner of natural resources
16.24 for agreements as follows: \$206,000
16.25 with Audubon Center of the North
16.26 Woods; \$212,000 with Deep Portage
16.27 Learning Center; \$350,000 with Eagle
16.28 Bluff Environmental Learning Center;
16.29 \$258,000 with Laurentian Environmental
16.30 Learning Center; \$240,000 with Long
16.31 Lake Conservation Center; and \$234,000
16.32 with Wolf Ridge Environmental Learning
16.33 Center to implement renewable energy,
16.34 energy efficiency, and energy conservation
16.35 practices at the facilities. Efforts will include
16.36 dissemination of related energy education.

17.1 Sec. 21. Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3,
17.2 is amended to read:

17.3 Subd. 3. **Administration.** The commissioner of natural resources shall administer
17.4 the area according to Minnesota Statutes, section 86A.05, subdivision 3, subject to
17.5 existing rules and regulations for state recreation areas, except the following is permitted:
17.6 hunting, fishing, and trapping of protected species during designated seasons and dogs
17.7 under control for hunting purposes during regular hunting seasons. La Salle Lake State
17.8 Recreation Area shall be administered as a satellite unit of Itasca State Park.

17.9 Sec. 22. **ENVIRONMENT AND NATURAL RESOURCES TRUST FUND;**
17.10 **APPROPRIATION EXTENSION.**

17.11 (a) The availability of the appropriation is extended to June 30, 2013, for:

17.12 (1) Laws 2009, chapter 143, section 2, subdivision 5, paragraph (c), cooperative
17.13 habitat research in deep lakes; and

17.14 (2) Laws 2009, chapter 143, section 2, subdivision 6, paragraph (d), controlling the
17.15 movement of invasive fish species.

17.16 (b) The availability of the appropriation is extended to June 30, 2014, for Laws
17.17 2009, chapter 143, section 2, subdivision 4, paragraph (c), metropolitan regional park
17.18 system acquisition.

17.19 (c) The availability of the appropriation is extended to June 30, 2015, for Laws
17.20 2011, First Special Session chapter 2, article 3, section 2, subdivision 9, paragraph (a),
17.21 Minnesota Conservation Apprenticeship Academy.

17.22 Sec. 23. **REPEALER.**

17.23 Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5;
17.24 89.06; 90.042; 97A.4742, subdivision 4; and 103G.705, are repealed.

17.25 ARTICLE 2

17.26 STATE LANDS

17.27 Section 1. Minnesota Statutes 2010, section 84.631, is amended to read:

17.28 **84.631 ROAD EASEMENTS ACROSS STATE LANDS.**

17.29 (a) Except as provided in section 85.015, subdivision 1b, the commissioner of natural
17.30 resources, on behalf of the state, may convey a road easement across state land under the
17.31 commissioner's jurisdiction ~~other than school trust land~~, to a private person requesting an
17.32 easement for access to property owned by the person only if the following requirements

S.F. No. 1839, 1st Engrossment - 87th Legislative Session (2011-2012) [S1839-1]

18.1 are met: (1) there are no reasonable alternatives to obtain access to the property; and (2)
18.2 the exercise of the easement will not cause significant adverse environmental or natural
18.3 resource management impacts.

18.4 (b) The commissioner shall:

18.5 (1) require the applicant to pay the market value of the easement;

18.6 (2) limit the easement term to 50 years if the road easement is across school trust
18.7 land;

18.8 ~~(2)~~(3) provide that the easement reverts to the state in the event of nonuse; and

18.9 ~~(3)~~(4) impose other terms and conditions of use as necessary and appropriate under
18.10 the circumstances.

18.11 (c) An applicant shall submit an application fee of \$2,000 with each application
18.12 for a road easement across state land. The application fee is nonrefundable, even if the
18.13 application is withdrawn or denied.

18.14 (d) In addition to the payment for the market value of the easement and the
18.15 application fee, the commissioner of natural resources shall assess the applicant a
18.16 monitoring fee to cover the projected reasonable costs for monitoring the construction of
18.17 the road and preparing special terms and conditions for the easement. The commissioner
18.18 must give the applicant an estimate of the monitoring fee before the applicant submits
18.19 the fee. The applicant shall pay the application and monitoring fees to the commissioner
18.20 of natural resources. The commissioner shall not issue the easement until the applicant
18.21 has paid in full the application fee, the monitoring fee, and the market value payment for
18.22 the easement.

18.23 (e) Upon completion of construction of the road, the commissioner shall refund the
18.24 unobligated balance from the monitoring fee revenue.

18.25 (f) Fees collected under paragraphs (c) and (d) must be credited to the land
18.26 management account in the natural resources fund and are appropriated to the
18.27 commissioner of natural resources to cover the reasonable costs incurred under this section.

18.28 Sec. 2. Minnesota Statutes 2010, section 92.50, subdivision 1, is amended to read:

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

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

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

18.34 (3) for roads or railroads; or

18.35 (4) for other uses consistent with the interests of the state.

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

19.5 (c) The lease term may not exceed ~~ten~~ 21 years except:

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

19.9 ~~(2) leases for the use of peat lands for agricultural purposes may not exceed 21~~
19.10 ~~years; and~~

19.11 ~~(3)~~ (2) leases for commercial purposes, including major resort, convention center, or
19.12 recreational area purposes, may not exceed a term of 40 years.

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

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

19.21 **Sec. 3. DELETIONS FROM STATE PARKS.**

19.22 **Subdivision 1. [85.012] [Subd. 28] Interstate State Park, Chisago County.** The
19.23 following area is deleted from Interstate State Park: that part of Lots 8, 9, and 10 of Block
19.24 35 of the Plat of the Town of Taylor's Falls, on file and of record in the Chisago County
19.25 Recorder's Office, described as follows: beginning at the northwest corner of said Lot 10;
19.26 thence on an assumed bearing of South 08 degrees 05 minutes 41 seconds West 151.46 feet
19.27 along the west line of said Lots 10, 9, and 8 to the southwest corner of said Lot 8; thence
19.28 South 89 degrees 51 minutes 29 seconds East 160.00 feet along the south line of said Lot 8;
19.29 thence North 00 degrees 30 minutes 25 seconds East 150.00 feet to a point which is 140.00
19.30 feet east of the northwest corner of said Lot 10 as measured along the north line thereof;
19.31 thence North 89 degrees 51 minutes 29 seconds West 140.00 feet to the point of beginning.

19.32 **Subd. 2. [85.012] [Subd. 40] McCarthy Beach State Park, St. Louis County.**
19.33 The following area is deleted from McCarthy Beach State Park: that part of Government
19.34 Lot 1, Section 20, Township 60 North, Range 21 West, St. Louis County, Minnesota,
19.35 described as follows: commencing at meander corner #6 on the north line of said section;

20.1 thence North 89 degrees 49 minutes 20 seconds East, assumed bearing, along the north
20.2 line of said section 100.00 feet to the point of beginning; thence South 31 degrees 35
20.3 minutes 24 seconds East 409.70 feet to the centerline of McCarthy Beach Road; thence
20.4 North 20 degrees 47 minutes 12 seconds East along said centerline 374.52 feet to the north
20.5 line of said section; thence South 89 degrees 49 minutes 20 seconds West along the north
20.6 line of said section 347.53 feet to the point of beginning.

20.7 Sec. 4. **ADDITIONS TO STATE RECREATION AREAS.**

20.8 **Subdivision 1. [85.013] [Subd. 11b] Greenleaf Lake State Recreation Area,**
20.9 **Meeker County.** The following area is added to the Greenleaf Lake State Recreation
20.10 Area, Meeker County: the Southwest Quarter of the Northwest Quarter and Government
20.11 Lots 5, 6, 7, and 8, all in Section 20, Township 118 North, Range 30 West, Meeker County,
20.12 Minnesota, LESS AND EXCEPT the following two tracts:

20.13 (1) that part of Government Lot 8, Section 20, Township 118 North, Range 30 West,
20.14 lying North of the south line of said Section 20 and East of a line at right angles to and
20.15 beginning at a point on said line 734.6 feet East of its intersection with the centerline of
20.16 County Road No. 169; and

20.17 (2) all that part of Government Lots 7 and 8 of Section 20, Township 118 North,
20.18 Range 30 West, lying West of County Road No. 169.

20.19 **Subd. 2. [85.013] [Subd. 12a] Iron Range Off-Highway Vehicle Recreation**
20.20 **Area, St. Louis County.** The following areas are added to the Iron Range Off-Highway
20.21 Vehicle Recreation Area:

20.22 (1) that part of the Northwest Quarter of the Southwest Quarter, Section 25,
20.23 Township 58 North, Range 17 West, St. Louis County, Minnesota, lying southeasterly
20.24 of the DM & IR Railroad; and

20.25 (2) the East 100 feet of the Southeast Quarter of Section 26, Township 58 North,
20.26 Range 17 West, St. Louis County, Minnesota.

20.27 Sec. 5. **DELETION FROM STATE RECREATION AREA.**

20.28 **[85.013] [Subd. 12a] Iron Range Off-Highway Vehicle Recreation Area, St.**
20.29 **Louis County.** The following areas are deleted from the Iron Range Off-Highway Vehicle
20.30 Recreation Area:

20.31 (1) that part of the Northeast Quarter of the Southeast Quarter, the Northwest
20.32 Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, all
20.33 in Section 26, Township 58 North, Range 17 West, St. Louis County, Minnesota, lying
20.34 northwesterly of the Gilbert mine pit in said section;

21.1 (2) that part of the Southwest Quarter of the Northeast Quarter, Section 35, Township
21.2 58 North, Range 17 West, St. Louis County, Minnesota, lying northwesterly of Deep
21.3 Lake in said section; and

21.4 (3) the South Half of Section 36, except the Southeast Quarter of the Southwest
21.5 Quarter, all in Township 58 North, Range 17 West, St. Louis County, Minnesota.

21.6 **Sec. 6. DELETION FROM STATE FOREST.**

21.7 **[89.021] [Subd. 18] Fond du Lac State Forest.** The following areas are deleted
21.8 from the Fond du Lac State Forest:

21.9 (1) that part of Section 7 lying east of State Highway 23 and Sections 18, 19, and 30
21.10 of Township 48 North, Range 15 West; and

21.11 (2) that part of Sections 13 and 24 lying east of State Highway 23 and Section
21.12 25 of Township 48 North, Range 16 West.

21.13 **Sec. 7. ADDITION TO STATE FOREST.**

21.14 **[89.021] [Subd. 35] Nemadji State Forest.** The following areas are added to
21.15 the Nemadji State Forest:

21.16 (1) that part of Section 7 lying east of State Highway 23 and Sections 18, 19, and 30
21.17 of Township 48 North, Range 15 West; and

21.18 (2) that part of Sections 13 and 24 lying east of State Highway 23 and Section
21.19 25 of Township 48 North, Range 16 West.

21.20 **Sec. 8. PRIVATE SALE OF SURPLUS STATE LAND; DAKOTA COUNTY.**

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

21.24 (b) The conveyance must be in a form approved by the attorney general. The
21.25 attorney general may make necessary changes to the legal description to correct errors
21.26 and ensure accuracy. The commissioner may sell to the United States for less than the
21.27 value of the land, as determined by the commissioner, but the conveyance must provide
21.28 that the land be managed for conservation purposes and reverts to the state if the United
21.29 States fails to manage the land for conservation purposes.

21.30 (c) The land that may be sold is located in Dakota County and is described as: that
21.31 part of the West Half of the Northeast Quarter of Section 34, Township 27 North, Range
21.32 24 West, lying northwesterly of the Chicago and North Western Transportation Company
21.33 Railroad, and that part of the East Half of the Northwest Quarter of Section 34, Township

22.1 27 North, Range 24 West, described as follows: beginning at the northeast corner of said
22.2 East Half of the Northwest Quarter; thence on an assumed bearing of South 89 degrees 49
22.3 minutes 47 seconds West along the north line of said East Half of the Northwest Quarter, a
22.4 distance of 127.6 feet; thence South 24 degrees 20 minutes 13 seconds West, a distance of
22.5 437.59 feet; thence South 47 degrees 28 minutes 32 seconds West, a distance of 522.97
22.6 feet; thence South 1/2 degree 31 minutes 28 seconds East, a distance of 866.39 feet to the
22.7 northwesterly line of the Chicago and North Western Transportation Company Railroad;
22.8 thence North 44 degrees 39 minutes 07 seconds East, along said northwesterly line, a
22.9 distance of 130.52 feet to the east line of said East Half of the Northwest Quarter; thence
22.10 North 00 degrees 42 minutes 27 seconds East, along the east line of said East Half of
22.11 the Northwest Quarter, a distance of 1,487.79 feet to the point of beginning; containing
22.12 30.72 acres, more or less.

22.13 (d) The Department of Natural Resources has determined that the state's land
22.14 management interests would best be served if the land was conveyed to the United States.
22.15 The land was part of the Black Dog Preserve Scientific and Natural Area, which was
22.16 de-designated by the commissioner, effective November 21, 2011. The United States,
22.17 acting by and through the United States Fish and Wildlife Service, wishes to acquire the
22.18 land for inclusion in the Minnesota Valley National Wildlife Refuge.

22.19 **Sec. 9. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
22.20 **WATER; ST. LOUIS COUNTY.**

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

22.24 (b) The conveyance must be in a form approved by the attorney general. The
22.25 attorney general may make necessary changes to the legal description to correct errors and
22.26 ensure accuracy. The conveyance must be subject to the perpetual easement described in
22.27 paragraph (d).

22.28 (c) The land that may be sold is located in St. Louis County and is described as:
22.29 that part of Government Lot 1, Section 20, Township 60 North, Range 21 West, St. Louis
22.30 County, Minnesota, described as follows: commencing at meander corner #6 on the
22.31 north line of said section; thence North 89 degrees 49 minutes 20 seconds East, assumed
22.32 bearing, along the north line of said section 100.00 feet to the point of beginning; thence
22.33 South 31 degrees 35 minutes 24 seconds East 409.70 feet to the centerline of McCarthy
22.34 Beach Road; thence North 20 degrees 47 minutes 12 seconds East along said centerline
22.35 374.52 feet to the north line of said section; thence South 89 degrees 49 minutes 20

S.F. No. 1839, 1st Engrossment - 87th Legislative Session (2011-2012) [S1839-1]

23.1 seconds West along the north line of said section 347.53 feet to the point of beginning,
23.2 containing 1.4 acres, more or less. Subject to existing easements of record.

23.3 (d) Prior to the sale of the land described in paragraph (c), the commissioner shall
23.4 convey a perpetual easement according to Minnesota Statutes, section 84.631, for the
23.5 benefit of Lots 50, 51, and 52 of the Plat of McCarthy's Beach over and across an existing
23.6 driveway being a strip of land 16.5 feet in width, lying 8.25 feet on each side of the
23.7 following described centerline: commencing at meander corner #6 on the north line of
23.8 Section 20; thence North 89 degrees 49 minutes 20 seconds East, assumed bearing, along
23.9 the north line of said section 196.98 feet to the centerline of an existing driveway and the
23.10 point of beginning; thence South 20 degrees 14 minutes 17 seconds East 54.79 feet;
23.11 thence South 17 degrees 53 minutes 29 seconds East 47.03 feet; thence South 04 degrees
23.12 05 minutes 31 seconds East 44.44 feet; thence South 06 degrees 18 minutes 21 seconds
23.13 West 61.38 feet; thence South 04 degrees 27 minutes 18 seconds West 53.03 feet; thence
23.14 South 01 degree 47 minutes 03 seconds East 90.46 feet, more or less, to the centerline of
23.15 McCarthy Beach Road and there terminating, containing 0.13 acres, more or less.

23.16 (e) The land to be sold is part of a parcel that borders Big Sturgeon Lake. The
23.17 Department of Natural Resources has determined that the land is not needed for natural
23.18 resource purposes and that the state's land management interests would be best served if
23.19 the land were conveyed to an adjacent landowner to resolve an inadvertent trespass.

APPENDIX
Article locations in S1839-1

ARTICLE 1	NATURAL RESOURCE POLICY	Page.Ln 1.23
ARTICLE 2	STATE LANDS	Page.Ln 17.25

84.946 NATURAL RESOURCES ASSET PRESERVATION AND REPLACEMENT (NRAPR).

Subd. 3. **Reporting priorities.** The commissioner of natural resources must establish priorities within its natural resource asset preservation and replacement projects. By January 15 of each year, the commissioner must submit to the commissioner of management and budget and to the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources finance and capital investment a list of the projects that have been paid for with money from a natural resource asset preservation and replacement appropriation during the preceding calendar year as well as a list of those priority projects for which natural resource asset preservation and replacement appropriations will be sought in that year's legislative session.

86A.12 NATURAL RESOURCES CAPITAL IMPROVEMENT PROGRAM.

Subd. 5. **Report.** By January 15 of each year, the commissioner of natural resources shall submit to the commissioner of management and budget, the chairs of the legislative committees or divisions that currently oversee the appropriations to the Department of Natural Resources, and to the chairs of the senate and the house of representatives Capital Investment Committees, a list of the projects that have been funded with money under this program during the preceding calendar year, as well as a list of those priority projects for which state bond proceeds fund appropriations will be sought under this program during that year's legislative session.

89.06 NURSERY AND TREE IMPROVEMENT PLAN.

By February 1, 1983, the commissioner, with the assistance of the agricultural experiment station of the University of Minnesota, shall submit a plan to the legislature on the benefits and costs of making the nursery and tree improvement program in this chapter self-supporting. The plan shall include, but not be limited to, at least the following elements:

- (a) tree species and stand improvement;
- (b) adoption of a seed certification system;
- (c) development of specialized seed tree orchards;
- (d) implementation of modern nursery techniques;
- (e) contractual arrangements with users of tree seedlings; and
- (f) an economic analysis of surcharges and user fees that would make the nursery and tree improvement program self-supporting.

90.042 PUBLIC INVOLVEMENT PROCESS.

Subdivision 1. **Report to legislature.** By July 1 each year, the commissioner must provide a complete description of the public involvement process for timber harvest plans to the chairs of the legislative committees with jurisdiction over natural resources policy and finance. The process must provide public notice and public input in affected areas of proposed annual harvest plans.

Subd. 2. **Public meetings.** By May 1 each year, the commissioner shall hold one or more public meetings in the forested area of the state to inform the public of the manner in which the proposed annual harvest plan for the next fiscal year is proposed to be allocated between informal, intermediate, and regular auction sales. The public shall be afforded an opportunity to provide written and oral comments concerning the proposed allocation.

97A.4742 LIFETIME FISH AND WILDLIFE TRUST FUND.

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

103G.705 STREAM PROTECTION AND IMPROVEMENT LOAN PROGRAM.

APPENDIX

Repealed Minnesota Statutes: S1839-1

Subdivision 1. **Loan program.** (a) A political subdivision may apply to the commissioner on forms provided by the commissioner for a loan for up to 90 percent of the total local cost of a project to protect or improve a stream. The commissioner shall apportion loans according to the potential for prevention of immediate harm to the stream, the relative need for maintenance or improvements, the date of the application for the loan, and the availability of funds.

(b) By January 15 of each year, the commissioner must provide the legislature with a list of all applications received by the commissioner, the loan amounts requested, and a listing and explanation of the disposition of the applications.

(c) The commissioner must make the loan to the political subdivision in the amount determined by the commissioner and under the terms specified in this section. Loans made under this section do not require the approval of the electors of the political subdivision as provided in section 475.58 and do not constitute net debt for purposes of section 475.53 or any debt limitation provision of any special law or city charter.

(d) A loan made under this section must be repaid without interest over a period not to exceed ten years. The commissioner may charge an annual administrative fee to the political subdivision.

(e) A political subdivision receiving a loan made under this section must levy for the loan repayment beginning in the year the loan proceeds are received and succeeding years until the loan and the associated administrative costs are repaid. The levy must be for:

- (1) the amount of the annual loan repayment and the associated administrative costs; or
- (2) the amount of the annual loan repayment and administrative costs less the amount the political subdivision certifies it has received from other sources for the loan repayment.