

CHAPTER 84

DEPARTMENT OF NATURAL RESOURCES

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84.025 CONTRACTS FOR PROFESSIONAL AND MAINTENANCE SERVICES.

Subd. 7. **Contracts.** The commissioner of natural resources may contract with the federal government, local governmental units, the University of Minnesota, and other educational institutions, and private persons as may be necessary in the performance of duties. Contracts made pursuant to this section for professional services shall not be subject to the provisions of chapter 16B, as they relate to competitive bidding.

[For text of subds 8 and 9, see M.S.1994]

History: 1995 c 186 s 21

84.027 POWERS AND DUTIES.

[For text of subds 1 to 12, see M.S.1994]

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

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal; and

(2) sections 84.093, 84.14, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas.

Clause (2) does not limit or supersede the commissioner's authority to establish opening dates, days, and hours of the wild rice harvesting season under section 84.14, subdivision 3.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the legislative commission to review administrative rules, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

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

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

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

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

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

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

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

Subd. 14. Mission; efficiency. It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) include specific objectives in the performance report required under section 15.91 to increase the efficiency of agency operations when appropriate; and

(7) recommend to the legislature, in the performance report of the department required under section 15.91, appropriate changes in law necessary to carry out the mission of the department.

History: 1995 c 233 art 2 s 39; 1995 c 248 art 11 s 6

84.0895 PROTECTION OF THREATENED AND ENDANGERED SPECIES.

[For text of subd 1, see M.S.1994]

Subd. 2. Application. (a) Subdivision 1 does not apply to:

(1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13, or on ditches and roadways; and

(2) noxious weeds designated pursuant to sections 18.76 to 18.88 or to weeds otherwise designated as troublesome by the department of agriculture.

(b) If control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as a reasonable effort is taken to preserve the endangered plant species first.

(c) The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in the application of the pesticide or other chemical to avoid impact on adjacent lands. For the purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste land, or other land for which the owner receives a state paid wetlands or native prairie tax credit.

(d) The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, is not a violation of subdivision 1.

[For text of subds 3 to 9, see M.S.1994]

History: 1995 c 186 s 22

84.0911 WILD RICE MANAGEMENT ACCOUNT.*[For text of subd 1, see M.S.1994]*

Subd. 2. **Receipts.** Money received from the sale of wild rice licenses issued by the commissioner under section 84.091, subdivision 3, clauses (1) and (3), shall be credited to the wild rice management account.

*[For text of subd 3, see M.S.1994]***History:** 1995 c 186 s 23**84.631 ROAD EASEMENTS ACROSS STATE LANDS.**

Except as provided in section 85.015, subdivision 1b, the commissioner, on behalf of the state, may convey a road easement across state land under the commissioner's jurisdiction other than school trust land, to a private person requesting an easement for access to property owned by the person only if the following requirements are met: (1) there are no reasonable alternatives to obtain access to the property; and (2) the exercise of the easement will not cause significant adverse environmental or natural resource management impacts. The commissioner shall:

- (1) require the applicant to pay the market value of the easement;
- (2) provide that the easement reverts to the state in the event of nonuse; and
- (3) impose other terms and conditions of use as necessary and appropriate under the circumstances.

History: 1995 c 220 s 58**84.788 REGISTRATION.***[For text of subds 1 and 2, see M.S.1994]*

Subd. 3. **Application; issuance; reports.** Application for registration or continued registration must be made to the commissioner or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of every owner of the off-highway motorcycle and must be signed by at least one owner. Upon receipt of the application and the appropriate fee, the commissioner shall assign a registration number that must be affixed to the motorcycle in a manner prescribed by the commissioner. The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of \$2 in addition to other fees prescribed by law is charged for each off-highway motorcycle registered by:

- (1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official; or
- (2) the commissioner and must be deposited in the state treasury and credited to the off-highway motorcycle account.

*[For text of subds 4 to 10, see M.S.1994]***History:** 1995 c 220 s 59**84.796 PENALTIES.**

(a) A person who violates a provision of section 84.788, 84.789, 84.792, 84.793, or 84.795 is guilty of a misdemeanor.

(b) A person who violates a provision of a rule adopted under section 84.79 is guilty of a petty misdemeanor.

History: 1Sp1995 c 1 s 4

84.798 REGISTRATION.*[For text of subds 1 and 2, see M.S.1994]*

Subd. 3. Application; issuance. Application for registration or continued registration must be made to the commissioner, or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of every owner of the off-road vehicle and must be signed by at least one owner. Upon receipt of the application and the appropriate fee, the commissioner shall register the off-road vehicle and assign a registration number that must be affixed to the vehicle in accordance with subdivision 4. A deputy registrar of motor vehicles acting under section 168.33 is also a deputy registrar of off-road vehicles. The commissioner of natural resources in cooperation with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of \$2 in addition to other fees prescribed by law must be charged for each off-road vehicle registered by:

(1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official; or

(2) the commissioner and must be deposited in the state treasury and credited to the off-road vehicle account.

*[For text of subds 4 to 9, see M.S.1994]***History:** 1995 c 220 s 60**84.81 DEFINITIONS.***[For text of subds 1 to 11, see M.S.1994]*

Subd. 12. Collector snowmobile. "Collector snowmobile" means a snowmobile that is 25 years old or older, was originally produced as a separate identifiable make by a manufacturer, and is owned and operated solely as a collector's item.

History: 1Sp1995 c 1 s 5**84.82 SNOWMOBILE REGISTRATION.***[For text of subd 1a, see M.S.1994]*

Subd. 2. Application, issuance, reports, additional fee. (a) Application for registration or reregistration shall be made to the commissioner of natural resources, or the commissioner of public safety or an authorized deputy registrar of motor vehicles in such form as the commissioner of public safety shall prescribe, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner.

(b) A person who purchases a snowmobile from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary registration permit to each purchaser who applies to the dealer for registration. The temporary registration is valid for 60 days from the date of issue. Each retail dealer shall submit completed registration and fees to the deputy registrar at least once a week. Upon receipt of the application and the appropriate fee as hereinafter provided, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such manner as the commissioner of natural resources shall prescribe.

(c) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with these accounting and procedural requirements.

(d) A fee of \$2 in addition to that otherwise prescribed by law shall be charged for:

(1) each snowmobile registered by the registrar or a deputy registrar and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) each snowmobile registered by the commissioner and the additional fee shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

[For text of subds 3 to 5, see M.S.1994]

Subd. 6. Exemptions. Registration is not required under this section for:

- (1) a snowmobile owned and used by the United States, another state, or a political subdivision thereof;
- (2) a snowmobile registered in a country other than the United States temporarily used within this state;
- (3) a snowmobile that is covered by a valid license of another state and has not been within this state for more than 30 consecutive days;
- (4) a snowmobile used exclusively in organized track racing events;
- (5) a snowmobile in transit by a manufacturer, distributor, or dealer; or
- (6) a snowmobile at least 15 years old in transit by an individual for use only on land owned or leased by the individual.

[For text of subd 7, see M.S.1994]

Subd. 7a. Collector snowmobiles. The commissioner may issue a special permit to a person or organization to operate or transport a collector snowmobile without registration in parades or organized group outings, such as races, rallies, and other promotional events and for up to ten days each year for personal transportation. The commissioner may impose a reasonable restriction on a permittee and may revoke, amend, suspend, or modify a permit for cause.

[For text of subds 8 and 10, see M.S.1994]

History: 1995 c 220 s 61; 1Sp1995 c 1 s 6,7

84.83 DISPOSITION OF RECEIPTS; DEDICATED ACCOUNT.

[For text of subd 1, see M.S.1994]

Subd. 2. Money deposited in the account. Fees from the registration of snowmobiles and the unrefunded gasoline tax attributable to snowmobile use pursuant to section 296.16, as well as the net proceeds from the sale of snowmobiles forfeited pursuant to section 84.912, shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account.

[For text of subds 3 and 4, see M.S.1994]

Subd. 5. Fines and forfeited bail. The disposition of fines and forfeited bail collected from prosecutions of violations of sections 84.81 to 84.91 are governed by section 97A.065.

History: 1995 c 230 s 1,2

84.91 OPERATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES BY PERSONS UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES.

[For text of subds 1 to 4, see M.S.1994]

Subd. 5. Penalties. (a) A person who violates any prohibition contained in subdivision 1, or an ordinance in conformity with it, is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor who violates any prohibition contained in subdivision 1:

- (1) within five years of a prior:
 - (i) impaired driving conviction, as defined in section 169.121, subdivision 3, paragraph (a), clause (1);

(ii) civil liability under section 84.911, subdivision 2, or 86B.335, subdivision 2; or
 (iii) conviction under an ordinance of this state or a statute or ordinance from another state in conformity with any of them; or

(2) within ten years of the first of two or more prior:

(i) impaired driving convictions, as defined in section 169.121, subdivision 3, paragraph (a), clause (1);

(ii) civil liabilities under section 84.911, subdivision 2, or 86B.335, subdivision 2;

(iii) convictions of ordinances in conformity with any of them; or

(iv) convictions or liabilities under any combination of items (i) to (iii).

(c) The attorney in the jurisdiction where the violation occurred who is responsible for prosecuting misdemeanor violations of this section is also responsible for prosecuting gross misdemeanor violations of this section. When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior convictions from a court, the court must furnish the information without charge.

(d) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle under subdivision 6 is guilty of a misdemeanor.

[For text of subds 5a to 8, see M.S.1994]

History: 1995 c 230 s 3

84.911 CHEMICAL TESTING.

[For text of subds 1 to 6, see M.S.1994]

Subd. 7. Coroner to report death. Every coroner or medical examiner shall report in writing to the department of natural resources the death of any person within the jurisdiction of the coroner or medical examiner as the result of an accident involving a recreational motor vehicle, as defined in section 84.90, subdivision 1, and the circumstances of the accident. The report shall be made within 15 days after the death.

In the case of drivers killed in recreational motor vehicle accidents and of the death of passengers 14 years of age or older, who die within four hours after accident, the coroner or medical examiner shall examine the body and shall make tests as are necessary to determine the presence and percentage concentration of alcohol, and drugs if feasible, in the blood of the victim. This information shall be included in each report submitted pursuant to the provisions of this subdivision and shall be tabulated by the department of natural resources. Periodically, the commissioner of natural resources must transmit a summary of the reports to the commissioner of public safety.

History: 1995 c 185 s 1

84.912 FORFEITURE OF SNOWMOBILES AND ALL-TERRAIN VEHICLES.

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

(a) "All-terrain vehicle" has the meaning given in section 84.92, subdivision 8.

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

(c) "Designated offense" means a violation of section 84.91 or an ordinance in conformity with it:

(1) occurring within five years of the first of three prior impaired driving convictions or the first of three prior license revocations based on separate impaired driving incidents;

(2) occurring within 15 years of the first of four or more prior impaired driving convictions or the first of four or more prior license revocations based on separate impaired driving incidents;

(3) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (8); or

(4) by a person who is subject to a restriction on the person's driver's license under section 171.09 that provides that the person may not use or consume any amount of alcohol or a controlled substance.

(d) "Owner" means the registered owner of the snowmobile or all-terrain vehicle according to records of the department of natural resources and includes a lessee of a snowmobile or all-terrain vehicle if the lease agreement has a term of 180 days or more.

(e) "Prior impaired driving conviction" has the meaning given in section 169.121, subdivision 3.

(f) "Prior license revocation" has the meaning given in section 169.121, subdivision 3.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

(h) "Snowmobile" has the meaning given in section 84.81, subdivision 3.

(i) "Vehicle" means a snowmobile or an all-terrain vehicle.

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

(b) Property may be seized without process if:

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

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

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the vehicle.

(c) If property is seized without process under paragraph (b), clause (3), the prosecuting authority must institute a forfeiture action under this section as soon as is reasonably possible.

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

(1) place the vehicle under seal;

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

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

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

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

Subd. 5. Evidence. Certified copies of driver's license records concerning prior license revocations are admissible as substantive evidence when necessary to prove the commission of a designated offense.

Subd. 6. Forfeiture for committing designated offense. A vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense.

Subd. 7. Limitations on forfeiture. (a) A vehicle is subject to forfeiture under this section only if the driver is convicted of the designated offense upon which the forfeiture is based.

(b) A vehicle encumbered by a bona fide security interest, or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor unless the party or lessor had knowledge of or consented to the act upon which the forfeiture is based.

(c) Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle is not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act or

omission upon which the forfeiture is based if the secured party or lessor took reasonable steps to terminate use of the vehicle by the offender.

(d) A vehicle is subject to forfeiture under this section only if the owner was privy to the act or omission upon which the forfeiture is based, or the act or omission occurred with the owner's knowledge or consent.

(e) A vehicle subject to a security interest, based upon a loan or other financing arranged by a financial institution, is subject to the interest of the financial institution.

Subd. 8. Forfeiture procedure. (a) A vehicle used to commit a designated offense is subject to forfeiture under this subdivision.

(b) A separate complaint must be filed against the vehicle, describing it, and specifying that it was used in the commission of a designated offense and specifying the time and place of its unlawful use. If the person charged with a designated offense is not convicted of the offense, the court shall dismiss the complaint against the vehicle and order the property returned to the person legally entitled to it. If the lawful ownership of the vehicle used in the commission of a designated offense can be determined and it is found the owner was not privy to commission of a designated offense, the vehicle must be returned immediately.

Subd. 9. Disposition of forfeited vehicles; proceeds allocated. (a) On finding under subdivision 8 that the vehicle is subject to forfeiture, the court shall order the appropriate agency to:

- (1) sell the vehicle and distribute the proceeds under paragraph (b); or
- (2) keep the vehicle for official use.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the treasury of the political subdivision that employs the appropriate agency responsible for the forfeiture for use in DWI-related enforcement, training, and education. If the appropriate agency making the arrest leading to the forfeiture is an agency of state government, the net proceeds must be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund created in section 84.83, subdivision 1, if the vehicle was a snowmobile, or to the all-terrain vehicle account in the natural resources fund under section 84.927, subdivision 1.

Subd. 10. Reporting requirement. The appropriate agency shall provide to the state auditor, on an annual basis and in a manner prescribed by the state auditor, a written record of each forfeiture incident. The record must include a brief description of the vehicle forfeited, its estimated market value, the actual or estimated amount of net proceeds from the sale of the vehicle, the dates of the incident and the forfeiture, and a brief description of the circumstances of the impaired driving incident giving rise to the forfeiture. The state auditor shall report annually to the legislature on the nature and extent of forfeitures pursuant to this section.

History: 1995 c 230 s 4

84.92 DEFINITIONS.

[For text of subds 1 to 7, see M.S.1994]

Subd. 8. All-terrain vehicle. "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

History: 1Sp1995 c 1 s 8

84.922 REGISTRATION.

[For text of subds 1 and 1a, see M.S.1994]

Subd. 2. Application, issuance, reports. (a) Application for registration or continued registration shall be made to the commissioner of natural resources, the commissioner of public safety or an authorized deputy registrar of motor vehicles on a form prescribed by the

commissioner. The form must state the name and address of every owner of the vehicle and be signed by at least one owner.

(b) Upon receipt of the application and the appropriate fee the commissioner shall register the vehicle and assign a registration number that must be affixed to the vehicle in a manner prescribed by the commissioner. The commissioner shall use the snowmobile registration system to register vehicles under this section.

(c) Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of all-terrain vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(d) A fee of \$2 in addition to other fees prescribed by law shall be charged for each vehicle registered by:

(1) a deputy registrar and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official; or

(2) the commissioner and shall be deposited to the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

[For text of subds 2a to 10, see M.S.1994]

History: 1995 c 220 s 62

84.927 REGISTRATION FEES; UNREFUNDED GASOLINE TAX; ALLOCATION.

Subdivision 1. **Registration revenue.** Fees from the registration of all-terrain vehicles and the unrefunded gasoline tax attributable to all-terrain vehicle use under section 296.16, as well as the net proceeds from the sale of all-terrain vehicles forfeited pursuant to section 84.912, shall be deposited in the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

[For text of subd 2, see M.S.1994]

History: 1995 c 230 s 5

84.943 MINNESOTA CRITICAL HABITAT PRIVATE SECTOR MATCHING ACCOUNT.

[For text of subds 1 and 2, see M.S.1994]

Subd. 3. **Appropriations must be matched by private funds.** Appropriations transferred to the critical habitat private sector matching account and money credited to the account under section 168.1296, subdivision 5, may be expended only to the extent that they are matched equally with contributions to the account from private sources or by funds contributed to the nongame wildlife management account. The private contributions may be made in cash or in contributions of land or interests in land that are designated by the commissioner of natural resources as program acquisitions. Appropriations transferred to the account that are not matched within three years from the date of the appropriation shall cancel to the source of the appropriation. For the purposes of this section, the private contributions of land or interests in land shall be valued in accordance with their appraised value.

[For text of subds 4 and 5, see M.S.1994]

History: 1995 c 220 s 63

84.964 INTERAGENCY NATIVE VEGETATION TASK FORCE.

(a) An interagency task force on native plant conservation is established composed of the commissioners or their designees of the departments of agriculture, natural resources, transportation, and the pollution control agency and the executive director or designee of the board of water and soil resources. The commissioner of natural resources or the commissioner's designee shall chair the task force.

(b) The purpose of the task force is to identify priority conservation needs for native plants and their habitats in the ecological regions of the state, and to coordinate implementation of interagency programs to address those needs. The task force shall also ensure, to the greatest extent practicable, that native plant species and communities are maintained, enhanced, restored, or established on public lands, and are promoted on private lands.

History: 1995 c 220 s 64

84.968 ECOLOGICALLY HARMFUL EXOTIC SPECIES MANAGEMENT PLAN; REPORT.

Subdivision 1. **Management plan.** (a) By January 1, 1993, a long-term statewide ecologically harmful exotic species management plan must be prepared by the commissioner of natural resources and address the following:

- (1) coordinated detection and prevention of accidental introductions;
- (2) coordinated dissemination of information about ecologically harmful exotic species among resource management agencies and organizations;
- (3) a coordinated public awareness campaign regarding ecologically harmful exotic animals and aquatic plants;
- (4) a process for the commissioner to identify and list appropriate or certain ecologically harmful exotic species as undesirable exotic species that must not be sold, propagated, possessed, or transported except under permit;
- (5) coordination of control and eradication of ecologically harmful exotic species on public lands and public waters; and
- (6) development of a list of exotic wild animal species intended for nonagricultural purposes, or propagation for release by state agencies or the private sector.

(b) The plan prepared under paragraph (a) must include containment strategies that include:

- (1) participation by lake associations, local citizen groups, and local units of government in the development and implementation of lake management plans;
- (2) a reasonable and workable inspection requirement for boats and equipment participating in organized events on waters of the state;
- (3) allowing access points infested with ecologically harmful exotic species to be closed, for not more than a total of seven days during an open water season, for control or eradication purposes, and requiring posting of signs stating the reason for closing the access;
- (4) provisions for reasonable weed-free maintenance of public accesses to infested waters; and
- (5) notice to travelers of the penalties for violation of laws relating to ecologically harmful exotic species.

[For text of subd 2, see M.S.1994]

History: 1Sp1995 c 1 s 9

84.9691 RULEMAKING AND PERMITS.

Subdivision 1. **Rules.** (a) The commissioner of natural resources may adopt emergency and permanent rules restricting the introduction, propagation, use, possession, and spread of ecologically harmful exotic species in the state, as outlined in section 84.967.

(b) The commissioner shall adopt rules to identify bodies of water with limited infestation of Eurasian water milfoil. The areas that are infested, and where control is planned, shall be marked and prohibited for use.

(c) A violation of a rule adopted under this section is a misdemeanor.

Subd. 2. **Permits.** The commissioner may issue permits regulating the propagation, possession, taking, or transportation of undesirable exotic species for disposal, research, education, or control purposes. The commissioner may place conditions on the permit and may deny, modify, suspend, or revoke a permit.

History: 1Sp1995 c 1 s 10

84.9692 CIVIL CITATIONS AND PENALTIES.

Subdivision 1. **Authority to issue.** After appropriate training, conservation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

- (1) unlawfully transport water milfoil or undesirable exotic species on a public road;
- (2) place a trailer or launch a watercraft with undesirable exotic species attached into waters of the state;
- (3) operate a watercraft in a marked Eurasian water milfoil limited infestation area; or
- (4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Subd. 1a. **Definitions.** For the purposes of this section, "undesirable exotic species," "water milfoil," "watercraft," "waters of the state," and "zebra mussels" have the meanings given them in section 18.317.

Subd. 2. **Penalty amount.** A citation issued under this section may impose up to the following penalty amounts:

- (1) \$50 for transporting visible water milfoil on a public road;
- (2) \$100 for transporting visible zebra mussels, live ruffe, or live rusty crayfish on a public road;
- (3) for attempting to place or placing a watercraft, trailer, or plant harvesting equipment with visible zebra mussels attached into waters of the state not identified by the commissioner as infested with zebra mussels, \$500 for a first offense and \$1,000 for a second or subsequent offense;
- (4) \$100 for operating a watercraft in a marked Eurasian water milfoil limited infestation area other than as provided by law;
- (5) \$100 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or
- (6) \$200 for attempting to place or placing a watercraft, trailer, or plant harvesting equipment with visible water milfoil attached into waters of the state.

[For text of subs 3 to 6, see M.S. 1994]

History: 1Sp1995 c 1 s 11-13

84.98 MINNESOTA CONSERVATION CORPS.

[For text of subd 1, see M.S. 1994]

Subd. 2. **Plan.** (a) The commissioner of natural resources shall develop a plan for the Minnesota conservation corps to provide:

(1) equal opportunities of employment for youths with preference given to youths who are economically, socially, physically, or educationally disadvantaged and youths residing in areas of substantial unemployment;

(2) equal opportunity for female and male youths;

(3) summer youth programs and year-round young adult programs;

(4) ways in which exclusive bargaining representatives are to be involved in regard to the planning and implementation of positions and job duties of persons employed in projects;

(5) methods for coordinating the programs of the Minnesota conservation corps with other publicly authorized or subsidized programs in cooperation with the commissioners of children, families, and learning and economic security, the workforce development council, and other state and local youth service and education entities;

(6) programs for participants to be assisted in gaining employment or training upon completing the projects, including, where feasible, in cooperation with the department of economic security and educational agencies, arranging for career assessment and planning services designed to enhance participant transition from the Minnesota conservation corps to future employment or education;

(7) a remedial education component utilizing, as resources permit and where feasible, the services of the department of economic security and educational agencies including instruction in life skills and basic remedial skills for participants who are deficient in the skills or who have not completed high school;

(8) the manner of allocating the services of Minnesota conservation corps members to the various divisions of the department of natural resources, to other state, local, and federal governmental conservation and natural resource managers, and to federally recognized Indian tribes or bands;

(9) standards of conduct and other operating guidelines for Minnesota conservation corps members; and

(10) a determination of preference for projects that will provide long-term benefits to the public, will provide productive work and public service experience to Minnesota conservation corps members, will be primarily labor intensive, and will provide a significant return on taxpayer investment.

(b) The commissioner shall establish the plan notwithstanding chapter 14. No later than July 1, 1990, the plan established under this paragraph shall be adopted under the rulemaking provisions of chapter 14.

[For text of subds 3 to 8, see M.S.1994]

History: 1995 c 131 s 2; 1Sp1995 c 3 art 4 s 30; art 16 s 13