

A bill for an act

1.1 relating to natural resources; modifying certain administrative accounts;
1.2 modifying electronic transaction provisions; providing for certain registration
1.3 exemptions; modifying all-terrain vehicle definitions; modifying all-terrain
1.4 vehicle operation restrictions; modifying state trails and canoe and boating
1.5 routes; modifying fees and disposition of certain receipts; modifying certain
1.6 competitive bidding exemptions; modifying horse trail pass provisions;
1.7 modifying beaver dam provisions; modifying the Water Law; modifying
1.8 nongame wildlife checkoffs; providing for acquisition of Lake Vermilion State
1.9 Park; amending Minnesota Statutes 2008, sections 84.025, subdivision 9; 84.027,
1.10 subdivision 15; 84.0856; 84.0857; 84.82, subdivision 3, by adding a subdivision;
1.11 84.92, subdivisions 9, 10; 84.922, subdivision 5, by adding a subdivision; 84.925,
1.12 subdivision 1; 85.015, subdivision 14; 85.052, subdivision 4; 85.22, subdivision
1.13 5; 85.32, subdivision 1; 85.43; 85.46, as amended; 97B.665, subdivision 2;
1.14 103A.305; 103G.271, subdivision 3; 103G.285, subdivision 5; 103G.301,
1.15 subdivision 6; 103G.305, subdivision 2; 103G.315, subdivision 11; 103G.515,
1.16 subdivision 5; 290.431; 290.432; Minnesota Statutes 2009 Supplement, sections
1.17 84.928, subdivision 1; 85.015, subdivision 13; 86A.09, subdivision 1; 103G.201;
1.18 proposing coding for new law in Minnesota Statutes, chapter 103G; repealing
1.19 Minnesota Statutes 2008, sections 97B.665, subdivision 1; 103G.295; 103G.650.
1.20

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

1.22 Section 1. Minnesota Statutes 2008, section 84.025, subdivision 9, is amended to read:

1.23 Subd. 9. **Professional services support account.** The commissioner of natural
1.24 resources may bill other governmental units, including tribal governments, and the
1.25 various programs carried out by the commissioner for the costs of providing them with
1.26 professional support services. Except as provided under section 89.421, receipts must be
1.27 credited to a special account in the state treasury and are appropriated to the commissioner
1.28 to pay the costs for which the billings were made.

1.29 The commissioner of natural resources shall submit to the commissioner of
1.30 management and budget before the start of each fiscal year a work plan showing the

2.1 estimated work to be done during the coming year, the estimated cost of doing the work,
2.2 and the positions and fees that will be necessary. This account is exempted from statewide
2.3 and agency indirect cost payments.

2.4 Sec. 2. Minnesota Statutes 2008, section 84.027, subdivision 15, is amended to read:

2.5 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an
2.6 application for, sell, and issue any license, stamp, permit, pass, sticker, ~~duplicate gift~~
2.7 card, safety training certification, registration, or transfer under the jurisdiction of the
2.8 commissioner by electronic means, including by telephone. Notwithstanding section
2.9 97A.472, electronic and telephone transactions may be made outside of the state. The
2.10 commissioner may:

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

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

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

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

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

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

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

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

3.7 Sec. 3. Minnesota Statutes 2008, section 84.0856, is amended to read:

3.8 **84.0856 FLEET MANAGEMENT ACCOUNT.**

3.9 The commissioner of natural resources may bill organizational units within
3.10 the Department of Natural Resources and other governmental units, including tribal
3.11 governments, for the costs of providing them with equipment. Costs billed may include
3.12 acquisition, licensing, insurance, maintenance, repair, and other direct costs as determined
3.13 by the commissioner. Receipts and interest earned on the receipts shall be credited to a
3.14 special account in the state treasury and are appropriated to the commissioner to pay the
3.15 costs for which the billings were made.

3.16 Sec. 4. Minnesota Statutes 2008, section 84.0857, is amended to read:

3.17 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

3.18 (a) The commissioner of natural resources may bill organizational units within
3.19 the Department of Natural Resources and other governmental units, including tribal
3.20 governments, for the costs of providing them with building and infrastructure facilities.
3.21 Costs billed may include modifications and adaptations to allow for appropriate building
3.22 occupancy, building code compliance, insurance, utility services, maintenance, repair, and
3.23 other direct costs as determined by the commissioner. Receipts shall be credited to a
3.24 special account in the state treasury and are appropriated to the commissioner to pay the
3.25 costs for which the billings were made.

3.26 (b) Money deposited in the special account from the proceeds of a sale under section
3.27 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire
3.28 facilities or renovate existing buildings for administrative use or to acquire land for,
3.29 design, and construct administrative buildings for the Department of Natural Resources.

3.30 Sec. 5. Minnesota Statutes 2008, section 84.82, subdivision 3, is amended to read:

3.31 Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile,
3.32 other than those used for an agricultural purpose, as defined in section 84.92, subdivision

4.1 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as
4.2 follows: \$45 for three years and \$4 for a duplicate or transfer.

4.3 (b) The total registration fee for all snowmobiles owned by a dealer and operated for
4.4 demonstration or testing purposes shall be \$50 per year.

4.5 (c) The total registration fee for all snowmobiles owned by a manufacturer and
4.6 operated for research, testing, experimentation, or demonstration purposes shall be \$150
4.7 per year. Dealer and manufacturer registrations are not transferable.

4.8 (d) The onetime fee for registration of an exempt snowmobile under subdivision
4.9 6a is \$6.

4.10 Sec. 6. Minnesota Statutes 2008, section 84.82, is amended by adding a subdivision to
4.11 read:

4.12 Subd. 6a. **Exemption; collector unlimited snowmobile use.** Snowmobiles may be
4.13 issued an exempt registration if the machine is at least 25 years old. Exempt registration is
4.14 valid from the date of issuance until ownership of the snowmobile is transferred. Exempt
4.15 registrations are not transferable.

4.16 Sec. 7. Minnesota Statutes 2008, section 84.92, subdivision 9, is amended to read:

4.17 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an
4.18 all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,000 pounds.

4.19 Sec. 8. Minnesota Statutes 2008, section 84.92, subdivision 10, is amended to read:

4.20 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an
4.21 all-terrain vehicle that has a total dry weight of ~~900~~ 1,000 to ~~1,500~~ 1,800 pounds.

4.22 Sec. 9. Minnesota Statutes 2008, section 84.922, is amended by adding a subdivision
4.23 to read:

4.24 Subd. 2b. **Collector unlimited use; exempt registration.** All-terrain vehicles may
4.25 be issued an exempt registration if requested and the machine is at least 25 years old.
4.26 Exempt registration is valid from the date of issuance until ownership of the all-terrain
4.27 vehicle is transferred. Exempt registrations are not transferable.

4.28 Sec. 10. Minnesota Statutes 2008, section 84.922, subdivision 5, is amended to read:

4.29 Subd. 5. **Fees for registration.** (a) The fee for a three-year registration of
4.30 an all-terrain vehicle under this section, other than those registered by a dealer or
4.31 manufacturer under paragraph (b) or (c), is:

5.1 (1) for public use, \$45;

5.2 (2) for private use, \$6; and

5.3 (3) for a duplicate or transfer, \$4.

5.4 (b) The total registration fee for all-terrain vehicles owned by a dealer and operated
5.5 for demonstration or testing purposes is \$50 per year. Dealer registrations are not
5.6 transferable.

5.7 (c) The total registration fee for all-terrain vehicles owned by a manufacturer and
5.8 operated for research, testing, experimentation, or demonstration purposes is \$150 per
5.9 year. Manufacturer registrations are not transferable.

5.10 (d) The onetime fee for registration of an all-terrain vehicle under subdivision 2b
5.11 is \$6.

5.12 (e) The fees collected under this subdivision must be credited to the all-terrain
5.13 vehicle account.

5.14 Sec. 11. Minnesota Statutes 2008, section 84.925, subdivision 1, is amended to read:

5.15 Subdivision 1. **Program established.** (a) The commissioner shall establish a
5.16 comprehensive all-terrain vehicle environmental and safety education and training
5.17 program, including the preparation and dissemination of vehicle information and safety
5.18 advice to the public, the training of all-terrain vehicle operators, and the issuance of
5.19 all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
5.20 successfully complete the all-terrain vehicle environmental and safety education and
5.21 training course.

5.22 (b) For the purpose of administering the program and to defray a portion of the
5.23 expenses of training and certifying vehicle operators, the commissioner shall collect a fee
5.24 of \$15 from each person who receives the training. The commissioner shall collect a fee,
5.25 to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle
5.26 safety certificate. The commissioner shall establish the fee for a duplicate all-terrain
5.27 vehicle safety certificate that neither significantly overrecovers nor underrecovers costs,
5.28 including overhead costs, involved in providing the service. Fee proceeds, except for the
5.29 issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain
5.30 vehicle account in the natural resources fund. In addition to the fee established by the
5.31 commissioner, instructors may charge each person ~~the cost of~~ up to the established fee
5.32 amount for class material materials and expenses.

5.33 (c) The commissioner shall cooperate with private organizations and associations,
5.34 private and public corporations, and local governmental units in furtherance of the program
5.35 established under this section. School districts may cooperate with the commissioner

6.1 and volunteer instructors to provide space for the classroom portion of the training. The
6.2 commissioner shall consult with the commissioner of public safety in regard to training
6.3 program subject matter and performance testing that leads to the certification of vehicle
6.4 operators. By June 30, 2003, the commissioner shall incorporate a riding component in
6.5 the safety education and training program.

6.6 Sec. 12. Minnesota Statutes 2009 Supplement, section 84.928, subdivision 1, is
6.7 amended to read:

6.8 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise
6.9 allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in
6.10 this state along or on the roadway, shoulder, or inside bank or slope of a public road
6.11 right-of-way of a trunk, county state-aid, or county highway.

6.12 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside
6.13 bank or slope of a trunk, county state-aid, or county highway unless prohibited under
6.14 paragraph (d) or (f).

6.15 (c) A person may operate a class 2 all-terrain vehicle within the public road
6.16 right-of-way of a county state-aid or county highway on the extreme right-hand side of
6.17 the road and left turns may be made from any part of the road if it is safe to do so under
6.18 the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may
6.19 operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a
6.20 designated class 2 all-terrain vehicle trail.

6.21 (d) A road authority as defined under section 160.02, subdivision 25, may after a
6.22 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under
6.23 its jurisdiction.

6.24 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the
6.25 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside
6.26 bank or slope of a trunk, interstate, county state-aid, or county highway:

6.27 (1) that is part of a funded grant-in-aid trail; or

6.28 (2) when the all-terrain vehicle is:

6.29 ~~(1) owned by or operated under contract with a publicly or privately owned utility~~
6.30 ~~or pipeline company; and~~

6.31 ~~(2) used for work on utilities or pipelines.~~

6.32 (f) The commissioner may limit the use of a right-of-way for a period of time if the
6.33 commissioner determines that use of the right-of-way causes:

6.34 (1) degradation of vegetation on adjacent public property;

6.35 (2) siltation of waters of the state;

7.1 (3) impairment or enhancement to the act of taking game; or

7.2 (4) a threat to safety of the right-of-way users or to individuals on adjacent public
7.3 property.

7.4 The commissioner must notify the road authority as soon as it is known that a closure
7.5 will be ordered. The notice must state the reasons and duration of the closure.

7.6 (g) A person may operate an all-terrain vehicle registered for private use and used
7.7 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or
7.8 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand
7.9 side of the road, and left turns may be made from any part of the road if it is safe to do so
7.10 under the prevailing conditions.

7.11 (h) A person shall not operate an all-terrain vehicle within the public road
7.12 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in
7.13 the agricultural zone unless the vehicle is being used exclusively as transportation to and
7.14 from work on agricultural lands. This paragraph does not apply to an agent or employee
7.15 of a road authority, as defined in section 160.02, subdivision 25, or the Department of
7.16 Natural Resources when performing or exercising official duties or powers.

7.17 (i) A person shall not operate an all-terrain vehicle within the public road
7.18 right-of-way of a trunk, county state-aid, or county highway between the hours of one-half
7.19 hour after sunset to one-half hour before sunrise, except on the right-hand side of the
7.20 right-of-way and in the same direction as the highway traffic on the nearest lane of the
7.21 adjacent roadway.

7.22 (j) A person shall not operate an all-terrain vehicle at any time within the
7.23 right-of-way of an interstate highway or freeway within this state.

7.24 Sec. 13. Minnesota Statutes 2009 Supplement, section 85.015, subdivision 13, is
7.25 amended to read:

7.26 Subd. 13. **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton,**
7.27 **Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St.
7.28 Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to
7.29 McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in
7.30 Itasca County and there terminate;

7.31 (2) The C. J. Ramstad/Northshore Trail shall originate in Duluth in St. Louis County
7.32 and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand
7.33 Marais in Cook County, thence northeasterly to the international boundary in the vicinity
7.34 of the north shore of Lake Superior, and there terminate;

8.1 (3) The Grand Marais to International Falls Trail shall originate in Grand Marais
8.2 in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area,
8.3 to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to
8.4 Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St.
8.5 Louis County to International Falls in Koochiching County, and there terminate;

8.6 (4) The Becky Lourey Trail shall originate in Duluth in St. Louis County and extend
8.7 southerly to St. Croix State Forest in Pine County.

8.8 (b) The trails shall be developed primarily for riding and hiking.

8.9 (c) In addition to the authority granted in subdivision 1, lands and interests in lands
8.10 for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring
8.11 any land or interest in land by eminent domain the commissioner of administration shall
8.12 obtain the approval of the governor. The governor shall consult with the Legislative
8.13 Advisory Commission before granting approval. Recommendations of the Legislative
8.14 Advisory Commission shall be advisory only. Failure or refusal of the commission to
8.15 make a recommendation shall be deemed a negative recommendation.

8.16 Sec. 14. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

8.17 Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis,**
8.18 **Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One
8.19 segment shall be known as the Gateway Trail and shall originate at the State Capitol
8.20 and extend northerly and northeasterly to William O'Brien State Park, thence northerly
8.21 to Taylors Falls in Chisago County. ~~One segment shall be known as the Boundary Trail~~
8.22 ~~and shall originate in Chisago County and extend into Duluth in St. Louis County.~~ One
8.23 segment shall be known as the Browns Creek Trail and shall originate at Duluth Junction
8.24 and extend into Stillwater in Washington County. One segment shall be known as the
8.25 Munger Trail and shall originate at Hinckley in Pine County and extend through Moose
8.26 Lake in Carlton County to Duluth in St. Louis County. One segment shall be known
8.27 as the Alex Laveau Trail and shall originate in Carlton County at Carlton and extend
8.28 through Wrenshall to the Minnesota-Wisconsin border. One segment shall be established
8.29 that extends the trail to include the cities of Proctor, Duluth, and Hermantown in St.
8.30 Louis County.

8.31 (b) The Gateway and Browns Creek Trails shall be developed primarily for hiking
8.32 and nonmotorized riding and the remaining trails shall be developed primarily for riding
8.33 and hiking.

8.34 (c) In addition to the authority granted in subdivision 1, lands and interests in lands
8.35 for the Gateway and Browns Creek Trails may be acquired by eminent domain.

S.F. No. 2916, 1st Engrossment - 86th Legislative Session (2009-2010) [s2916-1]

9.1 Sec. 15. Minnesota Statutes 2008, section 85.052, subdivision 4, is amended to read:

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

9.6 (b) Gross receipts derived from sales, rentals, or leases of natural resources within
9.7 state parks, recreation areas, and waysides, other than those on trust fund lands, must be
9.8 deposited in the state treasury and credited to the ~~general fund~~ state parks working capital
9.9 account.

9.10 (c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile
9.11 materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle
9.12 Recreation Area shall be deposited in the dedicated accounts in the natural resources fund
9.13 from which the purchase of the stockpile material was made.

9.14 Sec. 16. Minnesota Statutes 2008, section 85.22, subdivision 5, is amended to read:

9.15 Subd. 5. **Exemption.** Purchases for resale or rental made from the state parks
9.16 working capital ~~fund~~ account are exempt from competitive bidding, notwithstanding
9.17 chapter 16C.

9.18 Sec. 17. Minnesota Statutes 2008, section 85.32, subdivision 1, is amended to read:

9.19 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized
9.20 in cooperation with local units of government and private individuals and groups when
9.21 feasible to mark ~~canoe and boating~~ water trail routes on the Little Fork, Big Fork,
9.22 Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines,
9.23 Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre
9.24 within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in
9.25 Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North,
9.26 Sauk, Otter Tail, Redwood, ~~and~~ Crow, and Blue Earth Rivers which have historic and
9.27 scenic values and to mark appropriately points of interest, portages, camp sites, and all
9.28 dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to
9.29 canoe and watercraft travelers.

9.30 Sec. 18. Minnesota Statutes 2008, section 85.43, is amended to read:

9.31 **85.43 DISPOSITION OF RECEIPTS; PURPOSE.**

9.32 Fees from cross-country ski passes shall be deposited in the state treasury and
9.33 credited to a cross-country ski account in the natural resources fund and, except for the

10.1 electronic licensing system commission established by the commissioner under section
10.2 84.027, subdivision 15, are appropriated to the commissioner of natural resources for
10.3 the following purposes:

10.4 (1) grants-in-aid for cross-country ski trails ~~sponsored by~~ to:

10.5 (i) local units of government counties and municipalities for construction and
10.6 maintenance of cross-country ski trails; and

10.7 (ii) special park districts as provided in section 85.44: for construction and
10.8 maintenance of cross-country ski trails; and

10.9 (2) development and maintenance of state cross-country ski trails.

10.10 Sec. 19. Minnesota Statutes 2008, section 85.46, as amended by Laws 2009, chapter
10.11 37, article 1, sections 22 to 24, is amended to read:

10.12 **85.46 HORSE ~~TRAIL~~ PASS.**

10.13 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while
10.14 riding, leading, or driving a horse ~~on horse trails and associated day use areas on state~~
10.15 ~~trails, in state parks, in state recreation areas, and in state forests,~~ on lands administered by
10.16 the commissioner, a person 16 years of age or over shall carry in immediate possession
10.17 a valid horse ~~trail~~ pass. The pass must be available for inspection by a peace officer, a
10.18 conservation officer, or an employee designated under section 84.0835.

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

10.22 Subd. 2. **License agents.** (a) The commissioner of natural resources may appoint
10.23 agents to issue and sell horse ~~trail~~ passes. The commissioner may revoke the appointment
10.24 of an agent at any time.

10.25 (b) The commissioner may adopt additional rules as provided in section 97A.485,
10.26 subdivision 11. An agent shall observe all rules adopted by the commissioner for the
10.27 accounting and handling of passes according to section 97A.485, subdivision 11.

10.28 (c) An agent must promptly deposit and remit all money received from the sale of
10.29 passes, except issuing fees, to the commissioner.

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

S.F. No. 2916, 1st Engrossment - 86th Legislative Session (2009-2010) [s2916-1]

11.1 Subd. 4. **Pass fees.** (a) The fee for an annual horse ~~trail~~ pass is \$20 for an individual
11.2 16 years of age and over. The fee shall be collected at the time the pass is purchased.
11.3 Annual passes are valid for one year beginning January 1 and ending December 31.

11.4 (b) The fee for a daily horse ~~trail~~ pass is \$4 for an individual 16 years of age and
11.5 over. The fee shall be collected at the time the pass is purchased. The daily pass is valid
11.6 only for the date designated on the pass form.

11.7 (c) The fee for a commercial annual horse ~~trail~~ pass is \$200 and includes issuance
11.8 of 15 passes. Additional or individual commercial annual horse ~~trail~~ passes may be
11.9 purchased by the commercial ~~trail~~ riding facility owner at a fee of \$20 each. Commercial
11.10 annual horse ~~trail~~ passes are valid for one year beginning January 1 and ending December
11.11 31 and may be affixed to the horse tack, saddle, or person. Commercial annual horse ~~trail~~
11.12 passes are not transferable to another commercial ~~trail~~ riding facility. For the purposes of
11.13 this section, a "commercial ~~trail~~ riding facility" is an operation where horses are used for
11.14 riding instruction or other equestrian activities for hire or use by others.

11.15 Subd. 5. **Issuing fee.** In addition to the fee for a horse ~~trail~~ pass, an issuing fee of
11.16 \$1 per pass shall be charged. The issuing fee shall be retained by the seller of the pass.
11.17 Issuing fees for passes sold by the commissioner of natural resources shall be deposited
11.18 in the state treasury and credited to the horse ~~trail~~ pass account in the natural resources
11.19 fund and are appropriated to the commissioner for the operation of the electronic licensing
11.20 system. A pass shall indicate the amount of the fee that is retained by the seller.

11.21 Subd. 6. **Disposition of receipts.** Fees collected under this section, except for
11.22 the issuing fee, shall be deposited in the state treasury and credited to the horse ~~trail~~
11.23 pass account in the natural resources fund. Except for the electronic licensing system
11.24 commission established by the commissioner under section 84.027, subdivision 15, the
11.25 fees are appropriated to the commissioner of natural resources for trail acquisition, trail and
11.26 facility development, and maintenance, enforcement, and rehabilitation of horse trails or
11.27 trails authorized for horse use, whether for riding, leading, or driving, on ~~state trails and in~~
11.28 ~~state parks, state recreation areas, and state forests~~ land administered by the commissioner.

11.29 Subd. 7. **Duplicate horse ~~trail~~ passes.** The commissioner of natural resources and
11.30 agents shall issue a duplicate pass to a person or commercial ~~trail~~ riding facility owner
11.31 whose pass is lost or destroyed using the process established under section 97A.405,
11.32 subdivision 3, and rules adopted thereunder. The fee for a duplicate horse ~~trail~~ pass is \$2,
11.33 with an issuing fee of 50 cents.

11.34 Sec. 20. Minnesota Statutes 2009 Supplement, section 86A.09, subdivision 1, is
11.35 amended to read:

12.1 Subdivision 1. **Master plan required.** No construction of new facilities or other
12.2 development of an authorized unit, other than repairs and maintenance, shall commence
12.3 until the managing agency has prepared and submitted to the commissioner of natural
12.4 resources and the commissioner has reviewed, pursuant to this section, a master plan for
12.5 administration of the unit in conformity with this section. No master plan is required for
12.6 wildlife management areas that do not have resident managers, for scientific and natural
12.7 areas, for water access sites, for aquatic management areas, for rest areas, or for boater
12.8 waysides.

12.9 Sec. 21. Minnesota Statutes 2008, section 97B.665, subdivision 2, is amended to read:

12.10 Subd. 2. **Petition to district court.** If a beaver dam causes a threat to personal
12.11 safety or a serious threat to damage property, ~~and a person cannot obtain consent under~~
12.12 ~~subdivision 1~~, a person may petition the district court for relief. The court may order the
12.13 ~~commissioner~~ owners of private property where beaver dams are located to take action
12.14 to reduce the threat. A permit is not required for an action ordered by the court. The
12.15 action may include destruction or alteration of beaver dams and removal of beaver. This
12.16 subdivision does not apply to state parks, state game refuges, and federal game refuges.

12.17 Sec. 22. Minnesota Statutes 2008, section 103A.305, is amended to read:

12.18 **103A.305 JURISDICTION.**

12.19 Sections 103A.301 to 103A.341 apply if the decision of an agency in a proceeding
12.20 involves a question of water policy in one or more of the areas of water conservation, water
12.21 pollution, preservation and management of wildlife, drainage, soil conservation, public
12.22 recreation, forest management, and municipal planning under section 97A.135; 103A.411;
12.23 103E.011; 103E.015; 103G.245; 103G.261; 103G.271; 103G.275; 103G.281; ~~103G.295~~;
12.24 ~~subdivisions 1 and 2~~; 103G.287; 103G.297 to 103G.311; 103G.315, subdivisions 1, 10,
12.25 11, and 12; 103G.401; 103G.405; 103I.681, subdivision 1; 115.04; or 115.05.

12.26 Sec. 23. Minnesota Statutes 2009 Supplement, section 103G.201, is amended to read:

12.27 **103G.201 PUBLIC WATERS INVENTORY.**

12.28 (a) The commissioner shall maintain a public waters inventory map of each county
12.29 that shows the waters of this state that are designated as public waters under the public
12.30 waters inventory and classification procedures prescribed under Laws 1979, chapter
12.31 199, and shall provide access to a copy of the maps ~~and lists~~. As county public waters
12.32 inventory maps ~~and lists~~ are revised according to this section, the commissioner shall send
12.33 a notification or a copy of the maps ~~and lists~~ to the auditor of each affected county.

13.1 (b) The commissioner is authorized to revise the ~~list~~ map of public waters established
13.2 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously
13.3 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as
13.4 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify
13.5 public waters wetlands as public waters if:

13.6 (1) they are assigned a shoreland management classification by the commissioner
13.7 under sections 103F.201 to 103F.221;

13.8 (2) they are classified as lacustrine wetlands or deepwater habitats according to
13.9 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin,
13.10 et al., 1979 edition); or

13.11 (3) the state or federal government has become titleholder to any of the beds or
13.12 shores of the public waters wetlands, subsequent to the preparation of the public waters
13.13 inventory map filed with the auditor of the county, pursuant to paragraph (a), and the
13.14 responsible state or federal agency declares that the water is necessary for the purposes
13.15 of the public ownership.

13.16 (c) The commissioner must provide notice of the reclassification to the local
13.17 government unit, the county board, the watershed district, if one exists for the area, and
13.18 the soil and water conservation district. Within 60 days of receiving notice from the
13.19 commissioner, a party required to receive the notice may provide a resolution stating
13.20 objections to the reclassification. If the commissioner receives an objection from a party
13.21 required to receive the notice, the reclassification is not effective. If the commissioner does
13.22 not receive an objection from a party required to receive the notice, the reclassification
13.23 of a wetland under paragraph (b) is effective 60 days after the notice is received by all
13.24 of the parties.

13.25 (d) The commissioner shall give priority to the reclassification of public waters
13.26 wetlands that are or have the potential to be affected by public works projects.

13.27 (e) The commissioner may revise the public waters inventory map ~~and list~~ of each
13.28 county:

13.29 (1) to reflect the changes authorized in paragraph (b); and

13.30 (2) as needed, to:

13.31 (i) correct errors in the original inventory;

13.32 (ii) add or subtract trout stream tributaries within sections that contain a designated
13.33 trout stream following written notice to the landowner;

13.34 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds
13.35 50 acres and the shoreland has been zoned for residential development; and

14.1 (iv) add or subtract public waters that have been created or eliminated as a
14.2 requirement of a permit authorized by the commissioner under section 103G.245.

14.3 Sec. 24. Minnesota Statutes 2008, section 103G.271, subdivision 3, is amended to read:

14.4 Subd. 3. **Permit restriction during summer months.** The commissioner must not
14.5 modify or restrict the amount of appropriation from a groundwater source authorized in a
14.6 water use permit issued to irrigate agricultural land ~~under section 103G.295, subdivision~~
14.7 ~~2,~~ between May 1 and October 1, unless the commissioner determines the authorized
14.8 amount of appropriation endangers a domestic water supply.

14.9 Sec. 25. **[103G.282] MONITORING TO EVALUATE IMPACTS FROM**
14.10 **APPROPRIATIONS.**

14.11 Subdivision 1. **Monitoring equipment.** The commissioner may require the
14.12 installation and maintenance of monitoring equipment to evaluate water resource impacts
14.13 from permitted appropriations and proposed projects that require a permit. Monitoring for
14.14 water resources that supply more than one appropriator must be designed to minimize
14.15 costs to individual appropriators.

14.16 Subd. 2. **Measuring devices required.** Monitoring installations required under
14.17 subdivision 1 must be equipped with automated measuring devices to measure water
14.18 levels, flows, or conditions. The commissioner may determine the frequency of
14.19 measurements and other measuring methods based on the quantity of water appropriated
14.20 or used, the source of water, potential connections to other water resources, the method
14.21 of appropriating or using water, seasonal and long-term changes in water levels, and any
14.22 other facts supplied to the commissioner.

14.23 Subd. 3. **Reports and costs.** (a) Records of water measurements under subdivision
14.24 2 must be kept for each installation. The measurements must be reported annually to the
14.25 commissioner on or before February 15 of the following year in a format or on forms
14.26 prescribed by the commissioner.

14.27 (b) The owner or person in charge of an installation for appropriating or using
14.28 waters of the state or a proposal that requires a permit is responsible for all costs related
14.29 to establishing and maintaining monitoring installations and to measuring and reporting
14.30 data. Monitoring costs for water resources that supply more than one appropriator may be
14.31 distributed among all users within a monitoring area determined by the commissioner and
14.32 assessed based on volumes of water appropriated and proximity to resources of concern.

14.33 Sec. 26. Minnesota Statutes 2008, section 103G.285, subdivision 5, is amended to read:

15.1 Subd. 5. **Trout streams.** Permits issued after June 3, 1977, to appropriate water
15.2 from streams designated trout streams by the commissioner's orders under section ~~97C.021~~
15.3 97C.005 must be limited to temporary appropriations.

15.4 Sec. 27. **[103G.287] GROUNDWATER APPROPRIATIONS.**

15.5 Subdivision 1. **Waiver.** The commissioner may waive a limitation or requirement in
15.6 subdivisions 2 to 6 for just cause.

15.7 Subd. 2. **Applications for groundwater appropriations.** Groundwater use permit
15.8 applications are not complete until the applicant has supplied:

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

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

15.15 (3) information on groundwater quality in terms of the measures of quality
15.16 commonly specified for the proposed water use and details on water treatment necessary
15.17 for the proposed use;

15.18 (4) an inventory of existing wells within 1-1/2 miles of the proposed production well
15.19 or within the area of influence, as determined by the commissioner. The inventory must
15.20 include information on well locations, depths, geologic formations, depth of the pump or
15.21 intake, pumping and nonpumping water levels, and details of well construction; and

15.22 (5) the results of an aquifer test completed according to specifications approved by
15.23 the commissioner. The test must be conducted at the maximum pumping rate requested
15.24 in the application and for a length of time adequate to assess or predict impacts to other
15.25 wells and surface water and groundwater resources. The permit applicant is responsible
15.26 for all costs related to the aquifer test, including the construction of groundwater and
15.27 surface water monitoring installations, and water level readings before, during, and after
15.28 the aquifer test.

15.29 Subd. 3. **Relationship to surface water resources.** Groundwater appropriations
15.30 that have potential impacts to surface waters are subject to applicable provisions in
15.31 section 103G.285.

15.32 Subd. 4. **Protection of groundwater supplies.** The commissioner may establish
15.33 water appropriation limits to protect groundwater resources. When establishing water
15.34 appropriation limits to protect groundwater resources, the commissioner must consider

16.1 current and projected water levels and water supply management objectives in section
16.2 103G.265, subdivision 1.

16.3 Subd. 5. **Groundwater management areas.** The commissioner may designate
16.4 groundwater management areas and limit total annual water appropriations and uses
16.5 within a designated area to ensure future supplies. Water appropriations and uses within a
16.6 designated management area must be consistent with a plan approved by the commissioner
16.7 that addresses water conservation requirements and water allocation priorities established
16.8 in section 103G.261.

16.9 Subd. 6. **Interference with other wells.** The commissioner may issue water use
16.10 permits for appropriation from groundwater only if the commissioner determines that
16.11 adequate water supplies are available for the proposed use without reducing water levels
16.12 beyond the reach of public water supply and private domestic wells constructed according
16.13 to Minnesota Rules, chapter 4725.

16.14 Sec. 28. Minnesota Statutes 2008, section 103G.301, subdivision 6, is amended to read:

16.15 Subd. 6. **Filing application.** ~~(a)~~ An application for a permit must be filed with the
16.16 commissioner and if the proposed activity for which the permit is requested is within a
16.17 municipality, or is within or affects a watershed district or a soil and water conservation
16.18 district, a copy of the application with maps, plans, and specifications must be served on
16.19 the mayor of the municipality, the secretary of the board of managers of the watershed
16.20 district, and the secretary of the board of supervisors of the soil and water conservation
16.21 district.

16.22 ~~(b) If the application is required to be served on a local governmental unit under~~
16.23 ~~this subdivision, proof of service must be included with the application and filed with~~
16.24 ~~the commissioner.~~

16.25 Sec. 29. Minnesota Statutes 2008, section 103G.305, subdivision 2, is amended to read:

16.26 Subd. 2. **Exception.** The requirements of subdivision 1 do not apply to applications
16.27 for a water use permit for:

16.28 ~~(1) appropriations from waters of the state for irrigation, under section 103G.295;~~

16.29 ~~(2) appropriations for diversion from the basin of origin of more than 2,000,000~~
16.30 ~~gallons per day average in a 30-day period; or~~

16.31 ~~(3) (2) appropriations with a consumptive use of more than 2,000,000 gallons per~~
16.32 ~~day average for a 30-day period.~~

17.1 Sec. 30. Minnesota Statutes 2008, section 103G.315, subdivision 11, is amended to
17.2 read:

17.3 Subd. 11. **Limitations on permits.** (a) Except as otherwise expressly provided by
17.4 law, a permit issued by the commissioner under this chapter is subject to:

17.5 (1) cancellation by the commissioner at any time if necessary to protect the public
17.6 interests;

17.7 (2) further conditions on the term of the permit or its cancellation as the
17.8 commissioner may prescribe and amend and reissue the permit; and

17.9 (3) applicable law existing before or after the issuance of the permit.

17.10 (b) Permits issued to irrigate agricultural land ~~under section 103G.295, or considered~~
17.11 ~~issued~~, are subject to this subdivision and are subject to cancellation by the commissioner
17.12 upon the recommendation of the supervisors of the soil and water conservation district
17.13 where the land to be irrigated is located.

17.14 Sec. 31. Minnesota Statutes 2008, section 103G.515, subdivision 5, is amended to read:

17.15 Subd. 5. **Removal of hazardous dams.** Notwithstanding any provision of
17.16 this section or of section 103G.511 relating to cost sharing or apportionment, the
17.17 commissioner, within the limits of legislative appropriation, may assume or pay the entire
17.18 cost of removal of a privately or publicly owned dam upon determining removal provides
17.19 the lowest cost solution and:

17.20 (1) that continued existence of the structure presents a significant public safety
17.21 hazard, or prevents restoration of an important fisheries resource; or

17.22 (2) that public or private property is being damaged due to partial failure of the
17.23 structure, ~~and that an attempt to assess costs of removal against the private or public~~
17.24 ~~owner would be of no avail.~~

17.25 Sec. 32. **[103G.651] REMOVING SUNKEN LOGS FROM PUBLIC WATERS**
17.26 **PROHIBITED.**

17.27 Removing sunken logs from public waters is prohibited. The commissioner of
17.28 natural resources must not issue leases to remove sunken logs or issue permits for the
17.29 removal of sunken logs from public waters.

17.30 Sec. 33. Minnesota Statutes 2008, section 290.431, is amended to read:

17.31 **290.431 NONGAME WILDLIFE CHECKOFF.**

17.32 Every individual who files an income tax return or property tax refund claim form
17.33 may designate on their original return that \$1 or more shall be added to the tax or deducted

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18.1 from the refund that would otherwise be payable by or to that individual and paid into an
18.2 account to be established for the management of nongame wildlife. The commissioner
18.3 of revenue shall, on the income tax return and the property tax refund claim form, notify
18.4 filers of their right to designate that a portion of their tax or refund shall be paid into
18.5 the nongame wildlife management account. The sum of the amounts so designated to
18.6 be paid shall be credited to the nongame wildlife management account for use by the
18.7 nongame program ~~of the section of wildlife~~ in the Department of Natural Resources. All
18.8 interest earned on money accrued, gifts to the program, contributions to the program, and
18.9 reimbursements of expenditures in the nongame wildlife management account shall be
18.10 credited to the account by the commissioner of management and budget, except that
18.11 gifts or contributions received directly by the commissioner of natural resources and
18.12 directed by the contributor for use in specific nongame field projects or geographic
18.13 areas shall be handled according to section 84.085, subdivision 1. The commissioner
18.14 of natural resources shall submit a work program for each fiscal year and semiannual
18.15 progress reports to the Legislative-Citizen Commission on Minnesota Resources in the
18.16 form determined by the commission. ~~None of the money provided in this section may be
18.17 expended unless the commission has approved the work program.~~

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

18.31 Sec. 34. Minnesota Statutes 2008, section 290.432, is amended to read:

18.32 **290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.**

18.33 A corporation that files an income tax return may designate on its original return that
18.34 \$1 or more shall be added to the tax or deducted from the refund that would otherwise be
18.35 payable by or to that corporation and paid into the nongame wildlife management account

19.1 established by section 290.431 for use by ~~the section of wildlife in~~ the Department of
19.2 Natural Resources for its nongame wildlife program. The commissioner of revenue shall,
19.3 on the corporate tax return, notify filers of their right to designate that a portion of their
19.4 tax return be paid into the nongame wildlife management account for the protection of
19.5 endangered natural resources. All interest earned on money accrued, gifts to the program,
19.6 contributions to the program, and reimbursements of expenditures in the nongame wildlife
19.7 management account shall be credited to the account by the commissioner of management
19.8 and budget, except that gifts or contributions received directly by the commissioner of
19.9 natural resources and directed by the contributor for use in specific nongame field projects
19.10 or geographic areas shall be handled according to section 84.085, subdivision 1. The
19.11 commissioner of natural resources shall submit a work program for each fiscal year to
19.12 the Legislative-Citizen Commission on Minnesota Resources in the form determined by
19.13 the commission. ~~None of the money provided in this section may be spent unless the~~
19.14 ~~commission has approved the work program.~~

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

19.20 **Sec. 35. ACQUISITION; LAKE VERMILION STATE PARK.**

19.21 Notwithstanding any law to the contrary, the commissioner of natural resources may
19.22 acquire by gift or purchase the lands for Lake Vermilion State Park. The commissioner
19.23 may pay up to \$18,000,000 for the lands for Lake Vermilion State Park.

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

19.25 **Sec. 36. REVISOR'S INSTRUCTION.**

19.26 (a) The revisor of statutes shall change the term "horse trail pass" to "horse pass"
19.27 wherever it appears in Minnesota Statutes and Minnesota Rules.

19.28 (b) The revisor of statutes shall change the term "canoe and boating routes" or
19.29 similar term to "water trail routes" or similar term wherever it appears in Minnesota
19.30 Statutes and Minnesota Rules.

19.31 (c) The revisor of statutes shall change the term "Minnesota Conservation Corps" to
19.32 "Conservation Corps Minnesota" wherever it appears in Minnesota Statutes.

19.33 **Sec. 37. REPEALER.**

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- 20.1 Minnesota Statutes 2008, sections 97B.665, subdivision 1; 103G.295; and 103G.650,
- 20.2 are repealed.