

(b) \$75,000 is appropriated from the general fund to the legislative coordinating commission to administer section 1.

Sec. 25. **REPEALER.**

(a) Minnesota Statutes 1988, section 137.31, subdivision 3, is repealed.

(b) Laws 1984, chapter 654, article 2, section 49, is repealed.

(c) Sections 1 and 22 are repealed on January 4, 1990.

(d) Minnesota Statutes 1988, section 473.406, is repealed.

(e) The amendments to Minnesota Statutes, made by sections 2 to 21, are repealed June 30, 1990, and the revisor shall reinstate the stricken language and delete the new language in those sections.

(f) Notwithstanding Minnesota Statutes, section 645.36, section 25, paragraphs (a) and (d), are repealed June 30, 1990, and Minnesota Statutes 1988, sections 137.31, subdivision 3; and 473.406, are revived on that date.

Sec. 26. **EFFECTIVE DATE.**

Sections 1 to 25 are effective on the day following enactment and apply only to contracts for which notice of invitation to bid or requests for proposals are issued after that time.

Presented to the governor May 30, 1989

Signed by the governor June 2, 1989, 12:16 p.m.

CHAPTER 353—S.F.No. 895

An act relating to natural resources; amending provisions relating to the conservation reserve program; changing authority over the conservation reserve program from the commissioner of agriculture to the board of water and soil resources; defining certain terms; changing criteria for eligible land; prohibiting grazing of land under future agreements; providing conditions and payment for wetland restoration; providing for enforcement and liability for damages for violation of the terms of a conservation easement or agreement; authorizing the board to adopt rules; authorizing the commissioner of agriculture to allow town boards to suspend the duty of owners and occupants to control noxious weeds under certain conditions; withdrawing certain marginal land and wetlands from sale by the state unless restricted by a conservation easement under certain conditions; requiring certain acquisition procedures before the commissioner of natural resources accepts agricultural land or farm homesteads in fee from the federal government; authorizing aliens and non-Americans to own certain agricultural land to comply with pollution control laws or rules; amending Minnesota Statutes 1988, sections 40.42; 40.43; 40.44; 40.45; 84.95, subdivision 2; 282.018; 500.221, subdivi-

New language is indicated by underline, deletions by ~~strikeout~~.

sion 2; Laws 1986, chapter 383, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 18; 40; 84; and 92.

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

Section 1. [18.189] LOCAL SUSPENSION OF NOXIOUS WEED CONTROL.

During a drought the commissioner of agriculture may authorize town boards to suspend the duty of owners and occupants of land to control noxious weeds under sections 18.191 to 18.272, except under order by the commissioner or the local weed inspector.

Sec. 2. Minnesota Statutes 1988, section 40.42, is amended to read:

40.42 DEFINITIONS.

Subdivision 1. **APPLICABILITY.** The definitions in this section apply to sections 40.42 to ~~40.45~~ 40.46.

Subd. 2. **COMMISSIONER BOARD.** "Commissioner" means the ~~commissioner of agriculture~~ "Board" means the board of water and soil resources.

Subd. 3. **CONSERVATION EASEMENT.** "Conservation easement" means a conservation easement as defined in section 84C.01.

Subd. 4. **CONSERVATION RESERVE PROGRAM.** "Conservation reserve program" means the program established under section 40.43.

Subd. 5. **DRAINED WETLAND.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to render the land suitable for agricultural crop production. The alteration must have occurred before December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources.

Subd. 6. **LANDOWNER.** "Landowner" means individuals, family farms, family farm partnerships, authorized farm partnerships, family farm corporations as defined under section ~~500.24, subdivision 2, paragraph (e); and,~~ authorized farm corporations as defined under section 500.24, subdivision 2, ~~paragraph (e);~~ and estates and testamentary trusts, which either own eligible land or are purchasing eligible land under a contract for deed.

Subd. ~~6~~ **7. MARGINAL AGRICULTURAL LAND.** "Marginal agricultural land" means land that is: (1) composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or (2) similar to land described under (1) and identified under a land classification system selected by the ~~commissioner~~ board.

Subd. 8. **PUBLIC WATERS.** "Public waters" means waters and wetlands as defined in section 105.37 and inventoried under section 105.391.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 9. **SENSITIVE GROUNDWATER AREA.** "Sensitive groundwater area" means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. These areas may be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the board of water and soil resources. Wellhead protection areas may be designated as a sensitive groundwater area.

Subd. 7 10. **WETLAND.** "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Subd. 8 11. **WINDBREAK.** "Windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway.

Sec. 3. Minnesota Statutes 1988, section 40.43, is amended to read:

40.43 CONSERVATION RESERVE PROGRAM.

Subdivision 1. **ESTABLISHMENT OF PROGRAM.** The board, in consultation with the commissioner of agriculture, ~~in consultation with and~~ the commissioner of natural resources, shall establish and administer a conservation reserve program. ~~The commissioner of agriculture shall contract with the board of water and soil resources to shall~~ implement sections 40.40 to 40.44. Selection of land for the conservation reserve program must be based on its potential for fish and wildlife production, reducing erosion, and protecting water quality.

Subd. 2. **ELIGIBLE LAND.** (a) Land may be placed in the conservation reserve program if the land meets the requirements of paragraphs (b) and (c).

(b) Land is eligible if the land:

- (1) is marginal agricultural land; ~~or;~~
- (2) is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description; ~~or;~~
- (3) consists of a drained wetland; ~~or;~~
- (4) is land that with a windbreak would be beneficial to resource protection;
- (5) is cropland in a sensitive groundwater area;
- (6) is cropland adjacent to public waters;
- (7) is cropland adjacent to the restored wetland may also be enrolled wetlands to the extent of up to four acres of cropland for each acre of wetland restored;

New language is indicated by underline, deletions by ~~strikeout~~.

(8) is a woodlot on agricultural land;

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

(10) is land on a hillside used for pasture.

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

(2) was (1) have been owned by the landowner on January 1, 1985, or was be owned by the landowner, or a parent or other blood relative of the landowner, for at least three years one year before the date of application;

(3) is (2) be at least five acres in size, except for a windbreak, woodlot, abandoned building site, or is be a whole field as defined by the United States Agricultural Stabilization and Conservation Services;

(4) is (3) not be set aside, enrolled or diverted under another federal or state government program; and

(5) was (4) have been in agricultural crop production for at least two years during the period 1981 to 1985, except drained wetlands, woodlots, abandoned building sites, or land on a hillside used for pasture.

(d) The enrolled land of a landowner may not exceed 20 percent of the landowner's total agricultural land acreage in the state, if the landowner owns at least 200 acres of agricultural land as defined by section 500.24, subdivision 2. If a landowner owns less than 200 acres of agricultural land the amount that may be enrolled in the conservation reserve is:

(a) all agricultural land owned, if 20 acres or less; or

(b) if the total agricultural land owned is more than 20 acres but less than 200 acres, 20 acres plus ten percent of the balance of the agricultural land. The enrolled land of a landowner may not exceed 20 percent of the average farm size in the county where the land is being enrolled according to the average farm size determined by the United States Department of Agriculture, Census of Agriculture.

(e) In selecting drained wetlands for enrollment in the program, the highest priority must be given to wetlands with a cropping history during the period 1976 to 1985.

(f) In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 40.41.

Subd. 3. **CONSERVATION EASEMENTS.** The commissioner board may acquire conservation easements on eligible land. An easement may be permanent or of limited duration. An easement acquired on land for windbreak

New language is indicated by underline, deletions by ~~strikeout~~.

purposes, under subdivision 2, may be only of permanent duration. An easement of limited duration may not be acquired if it is for a period less than 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapter 16B.

Subd. 4. **NATURE OF PROPERTY RIGHTS ACQUIRED.** (a) A conservation easement must prohibit:

(1) alteration of wildlife habitat and other natural features, unless specifically approved by the ~~commissioner~~ board;

(2) agricultural crop production, unless specifically approved by the ~~commissioner~~ board for wildlife management purposes;

(3) grazing of livestock ~~unless except, for agreements entered before the effective date of this act, grazing of livestock may be allowed only if~~ approved by the ~~commissioner~~ board after consultation with the commissioner of natural resources, in the case of severe drought, or a local emergency declared under section 12.29; and

(4) spraying with chemicals or mowing, except as necessary to comply with noxious weed control laws or emergency control of pests necessary to protect public health.

(b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.

(c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.

Subd. 5. **AGREEMENTS BY LANDOWNER.** The ~~commissioner~~ board may enroll eligible land in the conservation reserve program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the ~~commissioner~~ board; or to plant trees or carry out other long-term capital improvements approved by the ~~commissioner~~ board for soil and water conservation or wildlife management;

(3) ~~to restore any drained wetland and~~ to convey to the state a permanent easement for the wetland restoration;

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if it supports natural vegeta-

New language is indicated by underline, deletions by ~~strikeout~~.

tion or has not been used in agricultural crop production, will not be converted to agricultural crop production or pasture; and

(5) ~~to the enforcement of the terms of the easement and agreements in this subdivision by an action for specific performance, a mandatory injunction, or for damages in an amount not to exceed the total amount paid by the state to the landowner under subdivision 6, with interest from the date of each default under the agreement; and~~

(6) that the easement duration may be lengthened through mutual agreement with the board in consultation with the commissioners of agriculture and natural resources if they determine that the changes effectuate the purpose of the program or ~~to facilitate~~ facilitates its administration.

Subd. 6. PAYMENTS FOR CONSERVATION EASEMENTS AND ESTABLISHMENT OF COVER. (a) ~~The commissioner~~ board must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish the perennial cover or other improvements required by the agreement, up to 75 percent of the total eligible cost not to exceed \$75 per acre for limited duration easements, ~~and~~ 100 percent of the total eligible cost not to exceed \$100 per acre for perpetual easements, and 100 percent of the total eligible cost of wetland restoration not to exceed \$300 per acre;

(2) for the cost of planting trees required by the agreement, up to 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements;

(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time of easement application;

(4) for an easement of limited duration, 90 percent of the present value of the average of the accepted bids for the federal conservation reserve program, as contained in Public Law Number 99-198, in the relevant geographic area and on bids accepted at the time of easement application; or

(5) an alternative payment system for easements based on cash rent or a similar system as may be determined by the ~~commissioner~~ board.

~~The commissioner may not pay more than \$50,000 to a landowner for all the landowner's conservation easements and agreements.~~

(b) For hillside pasture conservation easements, the payments to the landowner for the conservation easement and agreement must be reduced to reflect the value of similar property.

Subd. 7. EASEMENT RENEWAL. When a conservation easement of lim-

New language is indicated by underline, deletions by ~~strikeout~~.

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

Subd. 8. CORRECTION OF CONSERVATION EASEMENT BOUNDARY LINES. To correct errors in legal descriptions for easements obtained that affect the ownership interests in the state and adjacent landowners, the ~~commissioner board~~ may, in the name of the state, with the approval of the attorney general, convey, without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general.

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

(b) Upon the request of the board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce sections 40.41 to 40.45 in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

Sec. 4. Minnesota Statutes 1988, section 40.44, is amended to read:

40.44 COOPERATION AND TECHNICAL ASSISTANCE; SUPPLEMENTAL CONSERVATION PAYMENT.

Subdivision 1. COOPERATION. In implementing sections 40.41 to 40.44 the ~~commissioner board~~ must share information and cooperate with the department of agriculture, the department of natural resources, the pollution control agency, the United States Fish and Wildlife Service, the Agricultural Stabilization and Conservation Service and Soil Conservation Service of the United States Department of Agriculture, the Minnesota extension service, the University of Minnesota, county boards, and interested private organizations and individuals.

Subd. 2. TECHNICAL ASSISTANCE. The ~~commissioners board and the commissioners~~ board and the assistance to landowners enrolled in the conservation reserve program. The commissioner of natural resources must provide technical advice and assistance to the ~~commissioner board~~ on (1) the form and content of the conservation

New language is indicated by underline, deletions by ~~strikeout~~.

easement and agreement; (2) forestry and agronomic practices; and (3) hydrologic and hydraulic design relating to the establishment and maintenance of permanent cover, or other conservation improvements. The commissioner of transportation must provide technical advice and assistance to the ~~commissioners board~~ and the commissioner of agriculture and natural resources on the planting of windbreaks adjacent to highways. The ~~commissioners of agriculture board~~ and the commissioners of agriculture and natural resources shall jointly prepare an informational booklet on the conservation reserve program and other state and federal programs for land acquisition, conservation, and retirement to be made available to eligible landowners and the general public.

Subd. 3. **SUPPLEMENTAL CONSERVATION PAYMENTS.** The ~~commissioner board~~ may supplement payments made under federal land retirement programs to the extent of available appropriations other than bond proceeds. The supplemental payments must be used to establish perennial cover on land enrolled or increase payments for land enrollment in programs approved by the ~~commissioner board~~, including the federal conservation reserve program and federal and state waterbank program.

Subd. 4. **FOOD PLOTS IN WINDBREAKS.** The board, in cooperation with the commissioner of natural resources, may authorize wildlife food plots on land with windbreaks.

Sec. 5. Minnesota Statutes 1988, section 40.45, is amended to read:

40.45 RULEMAKING.

The ~~commissioner board~~ may adopt emergency rules to implement Laws 1987, chapter 357. The emergency rules adopted on August 27, 1986, shall remain in effect until December 31, 1987, or until amended or replaced by emergency or permanent rules sections 40.41 to 40.45. The rules must include standards for tree planting so that planting does not conflict with existing electrical lines, telephone lines, rights-of-way, or drainage ditches.

Sec. 6. **[40.46] RESERVATION OF MARGINAL LAND AND WETLANDS.**

Subdivision 1. RESERVATION OF MARGINAL LAND AND WETLANDS. Notwithstanding any other law, marginal land and wetlands are withdrawn from sale by the state unless use of the marginal land or wetland is restricted by a conservation easement as provided in this section. This section does not apply to transfers of land by the board of water and soil resources to correct errors in legal descriptions under section 40.43, subdivision 8, or to transfers by the commissioner of natural resources for:

(1) land that is currently in nonagricultural commercial use if a conservation easement would interfere with the commercial use;

(2) land in platted subdivisions;

New language is indicated by underline, deletions by ~~strikeout~~.

(3) conveyances of land to correct errors in legal descriptions under section 84.0273;

(4) exchanges of nonagricultural land with the federal government, or exchanges of Class A, Class B, and Class C nonagricultural land with local units of government under sections 94.342, 94.343, 94.344, and 94.349;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

Subd. 2. DELINEATION OF WETLAND OR MARGINAL LAND. (a) Before state land is sold, the land must be submitted to the board of water and soil resources to determine and delineate the marginal land and wetlands to be reserved or restricted by a conservation easement. The delineation of the reservation or conservation easement need not be by legal description and may be a description in general terms that identifies the marginal land or wetlands.

(b) Marginal land and wetlands may not be sold unless restricted by a conservation easement with the restrictions provided in section 40.43, subdivision 4, paragraphs (a) and (c), and other restrictions determined necessary by the board of water and soil resources.

Subd. 3. SCHOOL TRUST LAND. If the sale of school trust land as defined in section 92.025 is restricted by a conservation easement and the restriction results in a reduction of the amount received from the sale, the commissioner of natural resources must determine the amount of the reduction. The amount of the reduction in sale price must be paid from appropriations to acquire conservation easements and shall be credited to the account to which the proceeds from the sale are credited.

Subd. 4. RELEASE AND ALTERATION OF CONSERVATION EASEMENT. The board of water and soil resources may alter, release, or terminate a conservation easement created under this section after consultation with the commissioners of agriculture and natural resources. The board of water and soil resources may alter, release, or terminate a conservation easement only if the board determines the public interests and general welfare are better served by the alteration, release, or termination.

Sec. 7. [84.0276] LAND TRANSFERS BY A FEDERAL AGENCY.

Before the commissioner of natural resources accepts agricultural land or a farm homestead transferred in fee by a federal agency, the commissioner must consult with the board of water and soil resources for a determination of marginal land, tillable farmland, and farm homestead. The commissioner must comply with the acquisition procedure under section 97A.145, subdivision 2, if the agricultural land or farm homestead was in an agricultural preserve as provided in section 40A.10.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 8. Minnesota Statutes 1988, section 84.95, subdivision 2, is amended to read:

Subd. 2. **PURPOSES AND EXPENDITURES.** Money from the reinvest in Minnesota resources fund may only be spent for the following fish and wildlife conservation enhancement purposes:

(1) development and implementation of the comprehensive fish and wildlife management plan under section 84.942;

(2) implementation of the conservation reserve program established by section 40.43;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;

(4) enhancement of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;

(5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;

(6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;

(7) research and surveys of fish and wildlife species and habitat;

(8) enforcement of natural resource laws and rules;

(9) information and education;

(10) implementing the aspen recycling program under section 88.80 and for other forest wildlife management projects; and

(11) necessary support services to carry out these purposes.

Sec. 9. Minnesota Statutes 1988, section 282.018, is amended to read:

282.018 TAX-FORFEITED LAND; MEANDERED LAKES, NONFORFEITED MARGINAL LAND, AND WETLANDS; SALE; EXCEPTION.

Subdivision 1. PROPERTY ON OR ADJACENT TO PUBLIC WATERS. All land which is the property of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether the land is held in trust for taxing districts, and which borders on or is adjacent to meandered lakes and other public waters and watercourses, and the live timber growing or being thereon, is hereby withdrawn from sale except as hereinafter provided. The authority having jurisdiction over the timber on any such lands may sell the timber as otherwise provided by law for cutting and removal under such conditions as the authority may prescribe in accordance with approved, sustained yield forestry

New language is indicated by underline, deletions by ~~strikeout~~.

practices. The authority having jurisdiction over the timber shall reserve such timber and impose such conditions as the authority deems necessary for the protection of watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on federal lands.

Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high-water mark being the water side boundary thereof, and the land side boundary thereof being a line drawn parallel to the ordinary high-water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and whatever the conformation of the shore line or conditions require, the authority having jurisdiction over such lands shall reserve a wider strip for such purposes.

Any tract or parcel of land which has 50 feet or less of waterfront may be sold by the authority having jurisdiction over the land, in the manner otherwise provided by law for the sale of such lands, if the authority determines that it is in the public interest to do so. If the authority having jurisdiction over the land is not the commissioner of natural resources, the land may not be offered for sale without the prior approval of the commissioner of natural resources.

Subd. 2. MARGINAL LAND AND WETLANDS. Nonforested marginal land and wetlands on land that is property of the state as a result of forfeiture to the state for nonpayment of taxes is withdrawn from sale as provided in section 40.46 unless restricted by a conservation easement as provided in section 40.46.

Sec. 10. Minnesota Statutes 1988, section 500.221, subdivision 2, is amended to read:

Subd. 2: **ALIENS AND NON-AMERICAN CORPORATIONS.** Except as hereinafter provided, no natural person shall acquire directly or indirectly any interest in agricultural land unless the person is a citizen of the United States or a permanent resident alien of the United States. In addition to the restrictions in section 500.24, no corporation, partnership, limited partnership, trustee, or other business entity shall directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial or otherwise, in any title to agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens. This section shall not apply:

(1) to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All agricultural land acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) to citizens or subjects of a foreign country whose rights to hold land are secured by treaty;

(3) to lands used for transportation purposes by a common carrier, as defined in section 218.011, subdivision 2;

(4) to lands or interests in lands acquired for use in connection with mining and mineral processing operations. Pending the development of agricultural land for mining purposes the land may not be used for farming except under lease to a family farm, a family farm corporation or an authorized farm corporation;

(5) to agricultural land operated for research or experimental purposes if the ownership of the agricultural land is incidental to the research or experimental objectives of the person or business entity and the total acreage owned by the person or business entity does not exceed the acreage owned on May 27, 1977;
or

(6) to the purchase of any tract of 40 acres or less for facilities incidental to pipeline operation by a company operating a pipeline as defined in section 116I.01, subdivision 3; or

(7) to agricultural land and land capable of being used as farmland used for processing operations of agricultural commodities reasonably necessary to meet the requirements of pollution control laws or rules.

Sec. 11. Laws 1986, chapter 383, section 17, subdivision 4, is amended to read:

Subd. 4. **COMMISSIONER OF NATURAL RESOURCES.** \$3,600,000 is appropriated to the commissioner of natural resources:

- | | |
|--|-------------|
| (a) from the bond proceeds account of the reinvest in Minnesota resources fund for fish and wildlife habitat improvements and acquisition of interests in land under the comprehensive fish and wildlife management plan under section 8, to be available until expended | \$2,500,000 |
| (b) from the bond proceeds account of the reinvest in Minnesota resources fund for aspen recycling and other forest wildlife management projects under section 12, to be available until expended | \$1,000,000 |
| (c) from the general fund for the development of a fish and wildlife research center, to be available until June 30, 1987 | \$100,000 |

Sec. 12. **[92.70] LAND USE TRESPASS.**

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. PUBLIC LAND DEFINITION. "Public land" means publicly owned land or interests in land including land and interests in land that are owned by the state, counties, or road authorities, administered by the commissioner of natural resources, owned by the state as beds of navigable waters, acquired as conservation easements with benefits running to the state, a county, or the public under the conservation reserve program, water bank program, or other state or county programs.

Subd. 2. CASUAL TRESPASS. (a) A person who uses public land for personal use or personal economic gain where the use is prohibited is guilty of trespass and a petty misdemeanor and shall be subject to a penalty not to exceed \$50 per occurrence and is subject to a civil penalty for twice the amount of actual damages.

(b) A person violating paragraph (a) may be issued a ticket by a sheriff, conservation officer, or personnel of the department designated by the commissioner. The ticket must identify the trespass, where the trespass occurred, and the official observing the trespass. A copy of the ticket must be sent to the public agency responsible for managing the land.

(c) The civil penalty shall be paid to the public agency responsible for managing the public land. A civil penalty paid to the state is appropriated to the state agency responsible for managing the land to restore the damage and improve state land.

(d) Within 60 days after a ticket is issued, the public agency responsible for managing the public land where the trespass occurred must make a determination of whether a civil penalty will be sought for the trespass and notify the person.

Subd. 3. WILLFUL TRESPASS. (a) A person who willfully and knowingly uses public land for personal use or personal economic gain where the use is prohibited is guilty of trespass and a misdemeanor and is liable to the state or county for a civil penalty three times the amount of the damage.

(b) A person violating paragraph (a) may be issued a ticket and summons for a court appearance. The prosecuting authority shall prosecute the misdemeanor and shall bring an action for the civil penalty or, on failure to do so, the attorney general at the request of the public agency responsible for managing the land may prosecute the misdemeanor and shall bring an action for the civil penalty.

(c) Damages must be determined as the greater of:

(1) the cost to restore the public land to the condition it was in before the trespass occurred plus an amount to compensate the public for the loss of use; or

(2) the economic gain realized by the person committing the trespass.

(d) The civil penalty shall be paid to the court and the court administrator shall pay:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) for a trespass on county land, the entire amount to the county to be used for restoration of the trespass and county land improvement purposes;

(2) for a trespass on state land, the civil penalty to the state agency responsible for managing the public land which is appropriated for restoration of the trespass and state land improvement purposes.

Subd. 4. SEPARATE ACTIONS. The prosecution for criminal trespass and the civil penalty are separate criminal and civil actions. If a trespass occurs, an action may be commenced for the criminal penalty, the civil penalty, or the civil penalty and the criminal penalty.

Sec. 13. **EFFECTIVE DATE.**

This act is effective July 1, 1989. Sections 6 and 9 apply to state land and tax-forfeited land sold after March 15, 1990.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 11:05 p.m.

CHAPTER 354—S.F.No. 470

An act relating to environment; regulating municipal wastewater treatment funding; amending Minnesota Statutes 1988, sections 116.18, subdivisions 3a and 3b; 446A.02, subdivision 4; 446A.07, subdivision 8; and 446A.12, by adding a subdivision.

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

Section 1. Minnesota Statutes 1988, section 116.18, subdivision 3a, is amended to read:

Subd. 3a. **STATE INDEPENDENT GRANTS PROGRAM.** (a) The public facilities authority must adopt the objective of maintaining financial assistance to municipalities that the agency has listed on its annual municipal project list of approximately 50 percent of the eligible cost of construction for municipalities with populations over 25,000 and 80 percent of the eligible cost for municipalities with populations of 25,000 or less. Financial assistance may be provided by the public facilities authority through a combination of low interest loans under the state revolving fund under chapter 446A, independent state grants, and other financial assistance available to the municipality. The Minnesota public facilities authority may award independent grants for projects certified by the state pollution control commissioner for ~~50~~ 35 percent or, if the population of the municipality is 25,000 or less, ~~80~~ 65 percent of the eligible cost of construction. These grants may be awarded in separate steps for planning and design in addition to actual construction. ~~Until December 31, 1990,~~ Not more than ~~20 percent~~ \$2,000,000 of the total amount of grants awarded under this subdivision in any single fiscal year may be awarded to a single grantee.

New language is indicated by underline, deletions by ~~strikeout~~.