

(10) roads and proposed roads showing right-of-way widths;

(11) proposed location and type of on-site sanitary treatment facilities and domestic water supply;

(12) accessory facilities, existing or to be constructed, by type and location;

(13) all streams, creeks, ponds, wetlands, and swamps;

(14) burial only on site with no embalming or other related activities on site;

(15) no placement of graves or accessory facilities within the designated flood plain; and

(16) each burial must be in a vault or an appropriate liner as determined by the board.

Presented to the governor May 20, 1991

Signed by the governor May 23, 1991, 7:10 p.m.

#### CHAPTER 159—H.F.No. 914

*An act relating to state lands; authorizing Otter Tail county to return donated state land to the donor's heir; providing for disposition of certain tax-forfeited lands; amending Minnesota Statutes 1990, section 282.018, subdivision 1.*

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

#### Section 1. PRIVATE SALE OF STATE LAND; MOEN; OTTER TAIL COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 94.09 to 94.16, the commissioner of natural resources may convey the land in Otter Tail county described in this section by private conveyance to Sybil Rossmiller Moen and Orville Moen of Cambridge, Minnesota.

(b) The conveyance must be in a form approved by the attorney general. This land transfer will be at no cost to the Moens.

(c) The land to be conveyed is located in Otter Tail county and described as: that part of Government Lot 1, Section 30, Township 137 North, Range 40 West, Otter Tail county, Minnesota, described as follows:

Commencing at the northeast corner of said Section 30; thence North 88 degrees, 27 minutes, 00 seconds West on an assumed bearing along the north line of said Section 30 a distance of

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

1,297.50 feet; thence South 37 degrees, 38 minutes East 407.00 feet; thence South 69 degrees, 53 minutes East 105.00 feet to the point of beginning; thence North 69 degrees, 53 minutes West 105.00 feet; thence North 37 degrees, 38 minutes West 135.00 feet; thence North 76 degrees, 19 minutes, 18 seconds East 151.25 feet; thence South 27 degrees, 11 minutes, 13 seconds East 222.76 feet; thence South 00 degrees, 51 minutes, 31 seconds West 69.68 feet; thence South 33 degrees, 15 minutes, 28 seconds West 59 feet, more or less, to the water's edge of Long Lake; thence Northwesterly along said water's edge 100 feet, more or less, to a point which bears South 28 degrees, 26 minutes West from the point of beginning; thence North 28 degrees, 26 minutes East 121 feet, more or less, to the point of beginning.

Including all riparian rights to the contained 0.8 acres, more or less.

(d) This land was originally donated by Bryan Rossmiller to the state of Minnesota in 1972 to serve as a public access to Long Lake. In 1982, Mr. Rossmiller deeded an adjacent lot to his daughter, Sybil Rossmiller Moen, which is a nonbuildable lot according to present shoreline zoning regulations. Based upon the fact that shoreland zoning regulations were in place at the time the donation occurred and that it would not be likely that her father would desire to leave her with less than a buildable lot, the state should deed back a tract of land adequate in size to make property owned by the Moens an approved lot that would meet zoning requirements.

Sec. 2. Minnesota Statutes 1990, section 282.018, subdivision 1, is amended to read:

**Subdivision 1. PROPERTY ON OR ADJACENT TO PUBLIC WATERS.**

(a) 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 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.

(b) 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 waterside boundary

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

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.

(c) 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.

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the commissioner of natural resources, the authority may submit proposals for disposition of the lands to the commissioner. The commissioner of natural resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government.

Presented to the governor May 20, 1991

Signed by the governor May 23, 1991, 7:11 p.m.

#### CHAPTER 160—H.F.No. 128

*An act relating to water; mandating requirements on certain development; amending Minnesota Statutes 1990, section 103B.3363, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103B.*

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

Section 1. Minnesota Statutes 1990, section 103B.3363, subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** The definitions in this section apply to sections 103B.3363 ~~and~~ to 103B.3369.

Sec. 2. **[103B.3365] WATER RETENTION.**

Subdivision 1. IMPERVIOUS SURFACE OVER ONE ACRE. New devel-

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