

**Sec. 44. CONSTRUCTION OF RAIL FACILITIES.**

Neither the state nor any political subdivision may apply for federal assistance or receive any state appropriation or grant for light rail transit construction until the commissioner begins construction of light rail transit facilities in either the Riverview corridor, connecting the east side of St. Paul, the Minneapolis–St. Paul International Airport, and the Mall of America; or the central corridor, between downtown St. Paul and downtown Minneapolis. This prohibition does not apply to applications for federal funding or receipt of state funding for light rail transit in the Hiawatha corridor, connecting downtown Minneapolis, the Minneapolis–St. Paul International Airport, and the vicinity of the Mall of America; in the Riverview corridor; or in the central corridor.

**Sec. 45. TRANSIT PLAN; REPORT.**

A regional master plan for transit must be developed by the metropolitan council, in consultation with the commissioner of transportation and the regional railroad authorities in the metropolitan area. The plan must be completed for presentation to the legislature by February 1, 2000. The plan must include bus and rail development and must be balanced. It must include bus, busway, and light rail transit investments based on:

- (1) population density;
- (2) employment concentrations and job density;
- (3) transit dependent segments of the population;
- (4) redevelopment and reinvestment;
- (5) opportunities in the core of the region; and
- (6) adequacy of existing transportation corridors.

**Sec. 46. REPEALER.**

Minnesota Statutes 1998, sections 169.832, subdivision 13; 169.974, subdivision 6; 473.3994, subdivision 12; and 473.3998, are repealed.

**Sec. 47. EFFECTIVE DATES.**

Sections 1, 2, 7, 8, and 26, are effective the day following final enactment. Sections 3 to 6, 9, 12, 15, 17, 28 to 30, 34, and 35, are effective July 1, 1999.

Presented to the governor May 21, 1999

Signed by the governor May 25, 1999, 11:31 a.m.

**CHAPTER 231—S.F.No. 2226**

*An act relating to state government; appropriating money for environmental, natural resources, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 1998, sections 14.386; 16A.531, by adding a subdivision; 16B.171, as amended; 17.03, by adding a subdivision; 17.038; 17.102, subdivision 4; 17.109, subdivision 1;*

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

17.115, subdivision 3; 17.116, subdivision 3; 17.117, subdivision 3; 17.136; 17.457, subdivision 10; 17.59, subdivision 5; 17.85; 17.982, subdivision 1; 17.983, subdivision 1; 17A.11; 17B.15, subdivision 1; 18B.05, subdivision 1; 18B.26, subdivision 5; 18C.131; 18E.02, subdivision 5; 18E.03, subdivision 1; 21.115; 21.116; 21.90, subdivision 3; 21.92; 25.39, subdivision 4; 27.07, subdivision 6; 28A.075; 28A.08, subdivision 3, as amended; 29.22, subdivision 5; 31.101, subdivision 10; 31.94; 31.95, subdivision 3a; 31A.01; 31A.02, subdivision 4, and by adding subdivisions; 31A.15, subdivision 1; 31A.21, subdivisions 1 and 3; 31A.31; 32.21, subdivision 4; 32.394, subdivision 9; 35.02, subdivision 1; 35.04; 35.05; 35.08; 35.09, subdivisions 2 and 2a; 35.67; 35.68; 35.82, subdivisions 1b, 2, and 3; 35.92, subdivision 5; 35.93, subdivision 1; 41B.044, subdivision 2; 84.027, subdivision 15; 84.0855, subdivision 2, and by adding a subdivision; 84.81, by adding a subdivision; 84.8205, by adding a subdivision; 84.83, subdivisions 3 and 4; 84.86, subdivision 1; 84.862, subdivisions 1 and 2; 84.872, subdivision 1; 84.91, subdivision 1; 84.98, subdivision 6; 85.015, subdivision 4, and by adding a subdivision; 85.019, subdivision 2, and by adding subdivisions; 85.40, subdivision 5; 85.41, subdivisions 1, 4, and 5; 85.42; 85.44; 85.45, subdivision 1; 86B.415; 88.067; 89A.01, by adding a subdivision; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07, subdivisions 3 and 5; 89A.10; 92.45; 92.46, subdivision 1; 97B.020; 103B.227, subdivision 2; 103F.515, subdivision 2; 103G.271, subdivision 6; 115.55, subdivision 5a; 115A.02; 115A.908, subdivision 2; 115B.39, subdivision 2; 115B.40, subdivisions 2, 3, 4, 5, 6, 7, and 8; 115B.405, subdivision 1; 115B.42; 115B.43, subdivision 1; 115B.442, by adding a subdivision; 116.07, subdivision 7; 116.072, by adding a subdivision; 116.073, subdivisions 1 and 2; 156.001, subdivisions 2, 3, and by adding a subdivision; 156.01, subdivision 3; 156.02, subdivisions 1 and 2; 156.03; 156.072; 156.10; 156.11; 156.12, subdivisions 2 and 4; 169.121, subdivision 3; 169.1217, subdivision 9; 169.123, subdivision 1; 171.07, subdivisions 12 and 13; 223.17, subdivision 3; 231.16; 232.22, subdivision 3; 233.08; 236.02, subdivision 4; 239.791, subdivisions 1, 12, and by adding subdivisions; 290.431; 290.432; 296A.18, subdivision 3; 297H.13, subdivision 5; 325E.11; 325E.112, subdivisions 1, 3, and 4; 325E.113; 500.24, subdivisions 2 and 3; 574.263; and 574.264, subdivision 1; Laws 1995, chapter 220, section 142, as amended; Laws 1996, chapter 351, section 2, as amended; Laws 1998, chapters 401, section 53; 404, section 7, subdivisions 23 and 26; and Laws 1999, chapters 4, section 2; and 161, section 44; proposing coding for new law in Minnesota Statutes, chapters 17; 18E; 28A; 31B; 84; 103G; 115B; 116; and 156; repealing Minnesota Statutes 1998, sections 31A.28; 35.245; 35.96, subdivision 4; 42.01; 42.02; 42.03; 42.04; 42.05; 42.06; 42.07; 42.08; 42.09; 42.10; 42.11; 42.12; 42.13; 42.14; 86B.415, subdivision 7a; 446A.21; and 473.845, subdivision 2.

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

**Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "1999," "2000," and "2001," where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1999, June 30, 2000, or June 30, 2001, respectively. The term "the first year" means the year ending June 30, 2000, and the term "the second year" means the year ending June 30, 2001.

**SUMMARY BY FUND**

	1999	2000	2001	TOTAL
General		\$ 215,771,000	\$ 208,447,000	\$ 424,218,000
Petroleum Tank		3,583,000	3,393,000	6,976,000

State Government			
Special Revenue	44,000	45,000	89,000
Special Revenue	523,000	200,000	723,000
Environmental	21,744,000	22,184,000	43,928,000
Solid Waste	7,153,000	7,229,000	14,382,000
Natural			
Resources	26,406,000	25,832,000	52,238,000
Game and Fish	60,413,000	61,521,000	121,934,000
Minnesota			
Future Resources	16,040,000	-0-	16,040,000
Environmental			
Trust	991,000	13,005,000	13,005,000
Great Lakes			
Protection	200,000	-0-	200,000
TOTAL	991,000	364,882,000	341,856,000
			707,729,000

APPROPRIATIONS  
Available for the Year  
Ending June 30

2000                      2001

Sec. 2. POLLUTION CONTROL

AGENCY

Subdivision 1. Total

Appropriation		48,018,000	48,210,000
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Summary by Fund

General	16,875,000	17,074,000
Petroleum Tank	3,583,000	3,393,000
State Government		
Special Revenue	44,000	45,000
Special Revenue	323,000	-0-
Environmental	20,140,000	20,569,000
Solid Waste	7,053,000	7,129,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Up to \$300,000 in the first year and \$300,000 in the second year may be redirected by the commissioner from the program appropriations in subdivisions 2 to 5 for purposes of reducing the length of time needed to process feedlot permits and to provide technical assistance to county feedlot programs and feedlot owners. Not later than February 15, 2000, the commissioner must report on the sources of redirected funds and the impact of redirection on other programs of the agency to the chairs of the senate and house of repre-

sentatives committees with jurisdiction over environmental finance.

Subd. 2. Protection of the Water

15,984,000      16,008,000

Summary by Fund

General	13,074,000	13,283,000
State Government		
Special Revenue	44,000	45,000
Environmental	2,616,000	2,680,000
Petroleum tank	250,000	-0-

\$2,348,000 the first year and \$2,348,000 the second year are for grants to local units of government for the clean water partnership program. The amount of this appropriation above the base is for Phase II implementation projects. Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

\$1,470,000 the first year and \$1,841,000 the second year are for grants for county administration of the feedlot permit program. These amounts are transferred to the board of water and soil resources for disbursement in accordance with Minnesota Statutes, section 103B.3369, in cooperation with the pollution control agency. Grants must be matched with a combination of local cash and/or in-kind contributions. Counties receiving these grants shall submit an annual report to the pollution control agency regarding activities conducted under the grant, expenditures made, and local match contributions. First priority for funding shall be given to counties that have requested and received delegation from the pollution control agency for processing of animal feedlot permit applications under Minnesota Statutes, section 116.07, subdivision 7. Delegated counties shall be eligible to receive a grant of either: \$50 multiplied by the number of livestock or poultry farms with sales greater than \$10,000, as reported in the 1997 Census of Agriculture, published by the United States Bureau of Census; or \$80 multiplied by the number of feedlots with greater than ten animal units as

determined by a level 2 or level 3 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991. To receive the additional funding that is based on the county feedlot inventory, the county shall submit a copy of the inventory to the pollution control agency. Any remaining money is for distribution to all counties on a competitive basis through the challenge grant process for the conducting of feedlot inventories, development of delegated county feedlot programs, and for information and education or technical assistance efforts to reduce feedlot-related pollution hazards. Any money remaining after the first year is available for the second year.

\$94,000 the first year and \$97,000 the second year are for compliance activities and air quality monitoring to address hydrogen sulfide emissions from animal feedlots. The air quality monitoring must include the use of portable survey instruments.

\$1,043,000 the first year and \$1,048,000 the second year are for water monitoring activities.

\$320,000 the first year and \$322,000 the second year are for community technical assistance and education, including grants and technical assistance to communities for local and basin-wide water quality protection.

\$201,000 the first year and \$202,000 the second year are for individual sewage treatment system (ISTS) administration. Of this amount, \$86,000 in each year is transferred to the board of water and soil resources for assistance to local units of government through competitive grant programs for ISTS program development.

\$200,000 in each year is for individual sewage treatment system grants. Any unexpended balance in the first year does not cancel, but is available in the second year.

\$250,000 the first year and \$500,000 the second year are for studies to determine total

maximum daily load allocations to improve water quality.

\$300,000 each year is for continuing research on malformed frogs. This is a one-time appropriation.

\$126,000 is for administration of the wastewater infrastructure fund (WIF) construction program. This is a one-time appropriation.

\$250,000 the first year, notwithstanding Minnesota Statutes, section 115C.08, subdivision 4, is from the petroleum tank release fund for the following purposes: (1) to purchase and distribute emergency spill response equipment, such as spill containment booms, sorbent pads, and installation tools, along the Mississippi river upstream of drinking water intakes at the locations designated by the agency in consultation with the Mississippi River Defense Network; (2) to purchase mobile trailers to contain the equipment in clause (1) so that rapid deployment can occur; and (3) to conduct spill response training for those groups of responders receiving the spill response equipment described in clause (1). The agency shall develop and administer protocol for the use of the equipment among all potential users, including private contract firms, public response agencies, and units of government. Any money remaining after the first year is available for the second year. This is a one-time appropriation.

\$200,000 the first year is for a grant to the University of Minnesota center for rural technology and cooperative development for the continued development of water quality cooperatives that own or control alternative discharging sewage systems as defined in Minnesota Statutes, section 115.58, subdivision 1. The university must study and prepare a report to the legislature on the barriers to financing and permitting cost-effective innovative or alternative sewage treatment technologies, systems, methods, and processes under existing statutes, agency rules, and practices, and on the potential for such

treatment technologies for reducing point and nonpoint sources of water pollution. As a condition of this grant, the university must submit a work program and submit semi-annual progress reports as provided in Minnesota Statutes, section 116P.05, subdivision 2, paragraph (c). This is a one-time appropriation.\* (The preceding text beginning "\$200,000 the first year" was vetoed by the governor.)

\$100,000 for the biennium is for a grant to the city of Garrison for the Garrison, Kathio, West Mille Lacs Lake Sanitary District for the cost of environmental studies, planning, and legal assistance for sewage treatment purposes. This is a one-time appropriation.

Until July 1, 2001, the agency shall not approve additional fees on animal feedlot operations.

Subd. 3. Protection of the Air

8,194,000                      8,023,000

Summary by Fund

General	181,000	142,000
Special Revenue	323,000	-0-
Environmental	7,690,000	7,881,000

Up to \$150,000 the first year and \$150,000 the second year may be transferred to the small business environmental improvement loan account established in Minnesota Statutes, section 116.994.

\$200,000 each year from the environmental fund is for a monitoring program under Minnesota Statutes, section 116.454.

\$181,000 the first year and \$142,000 the second year are for mercury reduction strategies other than education programs.

Subd. 4. Protection of the

Land

16,808,000                      17,079,000

Summary by Fund

General	1,722,000	1,746,000
Petroleum Tank	2,891,000	2,951,000
Environmental	6,278,000	6,417,000
Solid Waste	5,917,000	5,965,000

All money in the environmental response, compensation, and compliance account in

the environmental fund not otherwise appropriated is appropriated to the commissioners of the pollution control agency and the department of agriculture for purposes of Minnesota Statutes, section 115B.20, subdivision 2, clauses (1), (2), (3), (4), (10), (11), and (12). At the beginning of each fiscal year, the two commissioners shall jointly submit an annual spending plan to the commissioner of finance that maximizes the utilization of resources and appropriately allocates the money between the two agencies. This appropriation is available until June 30, 2001.

The agency's annual performance reports required for this biennium under Minnesota Statutes, section 15.91, must specify the amount of lead, mercury, and cadmium contained in sewage biosolids spread on the land after wastewater treatment.

\$136,000 the first year and \$139,000 the second year are from the solid waste fund for staff and associated expenses related to permitting, compliance, and response actions at eligible facilities under Minnesota Statutes, section 473.845.

\$196,000 the first year and \$200,000 the second year are from the solid waste fund to be transferred to the department of health for private water supply monitoring and health assessment costs in areas contaminated by unpermitted mixed municipal solid waste disposal facilities.

\$550,000 the first year and \$550,000 the second year are from the petroleum tank release fund for purposes of the leaking underground storage tank program to protect the land.

\$85,000 the first year is from the solid waste fund for a grant to Benton county to pay the principal amount due in fiscal year 2000 on bonds issued by the county to pay part of a final order or settlement of a lawsuit for environmental response costs at a mixed municipal solid waste facility. This money and any future money appropriated for this purpose



must be apportioned by Benton county among the local units of government that were parties to the final order or settlement in the same proportion that the local units of government agreed to as their share of the liability. This is a one-time appropriation.

Subd. 5. General Support

7,032,000                      7,100,000

Summary by Fund

General	1,898,000	1,903,000
Petroleum Tank	442,000	442,000
Environmental	3,556,000	3,591,000
Solid Waste	1,136,000	1,164,000

Sec. 3. OFFICE OF ENVIRONMENTAL ASSISTANCE

21,538,000

21,776,000

Summary by Fund

General	20,270,000	20,503,000
Environmental	1,268,000	1,273,000

\$14,008,000 each year is for SCORE block grants to counties.

Any unencumbered grant and loan balances in the first year do not cancel but are available for grants and loans in the second year.

All money in the metropolitan landfill abatement account in the environmental fund not otherwise appropriated is appropriated to the office of environmental assistance for the purposes of Minnesota Statutes, section 473.844.

Notwithstanding Minnesota Statutes, section 115A.54, subdivision 2a, paragraph (h), and rules of the office of environmental assistance, an applicant that receives a grant from money appropriated in Laws 1998, chapter 404, section 8, for less than 25 percent of the total capital costs of a project may be issued a second grant for capital costs of the project from other money appropriated for capital assistance grants. For the purpose of the grants issued under this item, each grant phase of the project shall be considered a separate project, but not for purposes of determining the maximum grant assistance as provided in Minnesota Statutes, section 115A.54, subdivision 2a.

\$65,000 of the remaining balance of the funds appropriated pursuant to Laws 1988, chapter 685, section 43, is reappropriated for purposes of education of the public and businesses on the proper disposal of used motor oil, used motor oil filters, and other automotive wastes.

Sec. 4. ZOOLOGICAL BOARD		7,149,000	7,229,000
Sec. 5. NATURAL RESOURCES			
Subdivision 1. Total			
Appropriation		207,502,000	202,510,000
	Summary by Fund		
General	120,616,000	115,091,000	
Natural Resources	26,373,000	25,798,000	
Game and Fish	60,413,000	61,521,000	
Solid Waste	100,000	100,000	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Mineral Resources Management  
5,054,000                      5,164,000

\$312,000 the first year and \$313,000 the second year are for iron ore cooperative research, of which \$225,000 the first year and \$225,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$378,000 the first year and \$379,000 the second year are for mineral diversification. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$101,000 the first year and \$101,000 the second year are for minerals cooperative environmental research, of which \$50,500 the first year and \$50,500 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

## Subd. 3. Water Resources Management

15,215,000	12,559,000	
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## Summary by Fund

General	14,953,000	12,290,000
Natural Resources	262,000	269,000

\$170,000 the first year and \$170,000 the second year are for a grant to the Mississippi headwaters board for up to 50 percent of the cost of implementing the comprehensive plan for the upper Mississippi within areas under its jurisdiction.

\$17,000 the first year and \$17,000 the second year are for payment to the Leech Lake Band of Chippewa Indians to implement its portion of the comprehensive plan for the upper Mississippi.

\$502,000 the first year and \$503,000 the second year are for water monitoring activities, including gauging of priority lakes and watersheds, dissemination of information, replacement of equipment, and installation of observation wells, groundwater sensitivity maps, and documentation.

\$25,000 the first year and \$25,000 the second year are for a grant to the joint powers board established under Minnesota Statutes, section 471.59, for the Lewis and Clark rural water system.

\$1,950,000 the first year and \$1,000,000 the second year are for grants to watershed districts located within the Red river basin for flood damage reduction projects and activities associated with the implementation of the mediation agreement, including comprehensive watershed plans, agency interdisciplinary teams for each watershed in the Red river valley, and a basin information repository, including data on flood flows and water supply.

\$468,000 the first year is for the construction of ring dikes under Minnesota Statutes, section 103F.161. The ring dikes may be publicly or privately owned. This is a one-time appropriation.

\$1,100,000 the first year is for the stream protection and redevelopment loan program under Minnesota Statutes, section 103G.705.

\$116,000 the first year and \$116,000 the second year are for grants to the counties of Beltrami, Marshall, and Roseau for the payment of unpaid back ditch assessments on state lands.\* **(The preceding text beginning "\$116,000 the first year" was vetoed by the governor.)**

\$20,000 in fiscal year 2000 is for a feasibility study of raising the control elevation of Coon Lake in Anoka county. The study must be completed by February 1, 2000.

\$200,000 the first year and \$150,000 the second year are for a grant to the Cannon river watershed partnership for protection, conservation, and enhancement of the ecological integrity of the Cannon river watershed. The grant the second year is contingent upon the establishment of a joint powers board by the counties of Steele, Rice, Goodhue, LeSueur, Waseca, and Dakota, and any cities and towns within the counties, to prepare a land use management and recreation plan for the Cannon river watershed; and to eventually provide grant programs for protection, conservation, and enhancement of the ecological integrity of the Cannon river watershed. The goal of the plan is to protect the river system's natural beauty, environment, and water quality. The purpose of the plan is to assist local units of government within the Cannon river watershed to adequately plan for the protective management of the river within their jurisdiction. The plan and programs must meet or exceed the requirements of state shoreland, floodplain, and wild and scenic river laws. The joint powers board must seek available federal funding, and funding or in-kind services from organizations and local units of government to complete the plan and implement the program. This is a one-time appropriation.

\$118,000 is for a grant to the city of Thief River Falls to finish dredging projects within

the city on the Red Lake river and the Thief river. This appropriation is in addition to the appropriation in Laws 1997, chapter 216, section 5, subdivision 3. This appropriation is available to the extent matched by an equal amount of nonstate money until June 30, 2001. This is a one-time appropriation.

Subd. 4. Forest Management

34,670,000                      35,175,000

Summary by Fund

General	34,207,000	34,701,000
Natural Resources	463,000	474,000

\$3,599,000 the first year and \$3,688,000 the second year are for presuppression and suppression costs of emergency fire fighting. If the appropriation for either year is insufficient to cover all costs of suppression, the amount necessary to pay for emergency fire-fighting expenses during the biennium is appropriated from the general fund. If money is spent under the appropriation in the preceding sentence, the commissioner of natural resources shall, by 15 days after the end of the following quarter, report on how the money was spent to the chairs of the house of representatives ways and means committee, the environment and agriculture budget division of the senate environment and natural resources committee, and the house of representatives environment and natural resources finance committee. The appropriations may not be transferred.

\$722,000 the first year and \$724,000 the second year are for programs and practices on state, county, and private lands to regenerate and protect Minnesota's white pine. Up to \$280,000 of the appropriation in each year may be used by the commissioner to provide 50 percent matching funds to implement cultural practices for white pine management on nonindustrial, private forest lands at rates specified in the Minnesota stewardship incentives program manual. Up to \$150,000 of the appropriation in each year may be used by the commissioner to provide funds to implement cultural practices for white pine

management on county-administered lands through grant agreements with individual counties, with priorities for areas that experienced wind damage in July 1995. \$40,000 each year is for a study of the natural regeneration process of white pine. The remainder of the funds in each fiscal year will be available to the commissioner for white pine regeneration and protection on department-administered lands.

The commissioner may contract with and make grants to nonprofit agencies to carry out the purposes, plans, and programs of the office of youth programs, Minnesota conservation corps.

\$61,000 the first year and \$62,000 the second year are for the focus on community forests program, to provide communities with natural resources technical assistance.

\$225,000 the first year is for grants to local community forest ecosystem health programs. This appropriation is available until June 30, 2001. The commissioner of natural resources shall allocate individual grants of up to \$25,000 to local communities that match the grants with nonstate money to undertake projects that improve the health of forest ecosystems, including insect and disease suppression programs, community-based forest health education programs, and other arboricultural treatments.

\$100,000 the first year and \$100,000 the second year are an increase in the base appropriation for the Minnesota conservation corps program activities.

\$500,000 each year is for the activities of the forest resources council. This is a one-time appropriation.

Subd. 5. Parks and Recreation  
Management

	30,210,000	30,850,000	
		Summary by Fund	
General		29,576,000	30,214,000
Natural Resources		634,000	636,000

\$634,000 the first year and \$636,000 the second year are from the water recreation ac-

count in the natural resources fund for state park development projects. If the appropriation in either year is insufficient, the appropriation for the other year is available for it.

\$4,500,000 the first year and \$4,500,000 the second year are for payment of a grant to the metropolitan council for metropolitan area regional parks and trails maintenance and operation. \$1,500,000 each year is a one-time appropriation.

\$50,000 the first year is for a grant to the city of Taylors Falls for fire and rescue operations in support of Interstate park.

Notwithstanding any law to the contrary, effective the day following final enactment, the commissioner of natural resources may enter into a 30-year lease with the Minneapolis park and recreation board for the golf course and polo grounds at Fort Snelling. The land to be leased shall be used for recreation purposes in the development of athletic fields connected with the property. The commissioner of natural resources is not obligated to make improvements on the leased property.

Subd. 6. Trails and Waterways  
Management

20,567,000	17,622,000	
	Summary by Fund	
General	3,967,000	2,083,000
Natural Resources	14,703,000	13,931,000
Game and Fish	1,897,000	1,608,000

\$4,649,000 the first year and \$4,649,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for snowmobile grants-in-aid.

\$256,000 the first year and \$257,000 the second year are from the water recreation account in the natural resources fund for a safe harbor program on Lake Superior. Any unencumbered balance at the end of the first year does not cancel and is available for the second year.

\$500,000 the first year and \$1,000,000 the second year are from the natural resources fund for expansion of off-highway vehicle facilities. Of these amounts, \$200,000 the first year and \$400,000 the second year are from the all-terrain vehicle account, \$75,000 the first year and \$150,000 the second year are from the off-highway motorcycle account, and \$225,000 the first year and \$450,000 the second year are from the off-road vehicle account in the natural resources fund. This appropriation is available until expended.

\$1,500,000 the first year and \$75,000 the second year are from the natural resources fund to plan, acquire, develop, and operate the Iron Range off-highway vehicle recreation area. The first year appropriation is one-time and available until expended. Of the amount appropriated the first year, \$750,000 is from the all-terrain vehicle account, \$600,000 is from the off-road vehicle account, and \$150,000 is from the off-highway motorcycle account. Of the amount appropriated in the second year, \$37,500 is from the all-terrain vehicle account, \$30,000 is from the off-road account, and \$7,500 is from the off-highway motorcycle account. The appropriations are available until expended.

\$100,000 the first year is for the planning, development, and construction of the Gitchi-Gami trail on the north shore of Lake Superior. The trail must be designed primarily for hiking and bicycling and must connect communities, state parks, and other points of interest along the north shore.

\$175,000 is for a grant to the Ramsey county board of commissioners and the Washington county board of commissioners to cooperatively develop a master plan, with the cooperation and assistance of the Minnesota parks and trails council, for a trail around Silver Lake, a White Bear Lake to Stillwater regional trail, a trail and route around White Bear Lake and trail connections with the Gateway trail and other state or regional



trails within the counties. The master plan must be developed with the cities of North St. Paul, Maplewood, Oakdale, Birchwood, Dellwood, Mahtomedi, and White Bear Lake, White Bear township, and the departments of natural resources and transportation. This is a one-time appropriation.

\$500,000 the first year is for development of nonpaved alternate trails that are adjacent to the Heartland and Paul Bunyan state trails.

\$50,000 is for planning and archaeological costs of a multiuse trail connecting the Douglas trail in Rochester with Chester Woods county park and the cities of Eyota and Dover.

\$200,000 the first year is for construction of a snowmobile trail to connect the Willard Munger state trail at Hermantown to the North Shore state trail in Duluth.

The amount raised from the sale of metal traction device stickers under Minnesota Statutes, section 84.8715, prior to June 30, 1999, is appropriated in fiscal year 1999 for the repair of paved public trails damaged by snowmobiles. This appropriation is available until spent.

By January 15, 2001, the commissioner shall make recommendations to the governor and legislature on retaining the interest earnings in accounts within the natural resources fund.

\$900,000 is to the city of St. Paul for the acquisition of the portion of the Trout Brook Corridor located between Maryland Avenue, I-35E, Cayuga Street, and Agate Street. The lands shall be acquired for the reestablishment of natural habitat, as well as passive recreational and environmental educational opportunities. This is a one-time appropriation.

## Subd. 7. Fish and Wildlife Management

46,970,000	47,675,000
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## Summary by Fund

General	8,331,000	8,046,000
Natural Resources	2,091,000	2,132,000
Game and Fish	36,548,000	37,497,000

\$316,000 the first year and \$322,000 the second year are for resource population surveys in the 1837 treaty area. Of this amount, \$108,000 the first year and \$109,000 the second year are from the game and fish fund.

\$965,000 the first year and \$985,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management. Any unencumbered balance remaining in the first year does not cancel but is available the second year.

\$1,391,000 the first year and \$1,420,000 the second year are for the reinvest in Minnesota programs of game and fish, critical habitat, and wetlands established under Minnesota Statutes, section 84.95, subdivision 2. Any unencumbered balance for the first year does not cancel but is available for use the second year.

\$1,401,000 the first year and \$1,409,000 the second year are from the wildlife acquisition account for only the purposes specified in Minnesota Statutes, section 97A.071, subdivision 2a.

\$1,203,000 the first year and \$1,222,000 the second year are from the deer habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 1, paragraph (b).

\$147,000 the first year and \$147,000 the second year are from the deer and bear management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 1, paragraph (c).

\$682,000 the first year and \$691,000 the second year are from the waterfowl habitat improvement account for only the purposes

specified in Minnesota Statutes, section 97A.075, subdivision 2.

\$658,000 the first year and \$662,000 the second year are from the trout and salmon management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 3.

\$546,000 the first year and \$546,000 the second year are from the pheasant habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 4. In addition to the purposes specified in Minnesota Statutes, section 97A.075, subdivision 4, this appropriation may be used for pheasant restocking efforts.

\$84,000 the first year and \$85,000 the second year are from the wild turkey management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 5.

\$25,000 the first year is to publicize the critical habitat license plate match program and \$25,000 the second year is to publicize the tax donation checkoff to the nongame wildlife program.

\$299,000 the first year and \$303,000 the second year are from the game and fish fund for activities relating to reduction and prevention of property damage by wildlife. \$50,000 each year is for emergency damage abatement materials.

\$100,000 the first year and \$100,000 the second year are for water monitoring activities, including integrated monitoring using biology, chemistry, hydrology, and habitat assessment for water quality assessment.

\$25,000 is for an independent actuarial study of the fee structure for lifetime hunting and fishing licenses.

\$1,565,000 the first year and \$1,565,000 the second year are for field operation costs associated with the division of wildlife and fish. Eighty-five percent of this appropri-

ation must be used for regional field operations. The commissioner must provide a report by February 1, 2000, to the legislative finance committees on natural resources on how and where the money for regional field operations has been spent.\* (The text “and \$1,565,000 the second year” in the preceding paragraph was vetoed by the governor.)

\$500,000 the first year and \$500,000 the second year are for expansion of the walleye stocking program.\* (The text “and \$500,000 the second year” in the preceding sentence was vetoed by the governor.)

\$100,000 the first year is for grants for the joint development with the Minnesota office of the National Audobon Society to be split equally between the Minnesota river valley birding trail and a Mississippi river valley birding trail. The Mississippi river parkway commission also shall assist with the Mississippi river valley birding trail. The grants shall be available to support initial planning and design for the trails. A work plan for each trail must be approved by the department of natural resources. The appropriation is available for the biennium ending June 30, 2001.

Subd. 8. Enforcement

21,856,000                      22,001,000

Summary by Fund

General	3,874,000	3,645,000
Natural Resources	4,596,000	4,652,000
Game and Fish	13,286,000	13,604,000
Solid Waste	100,000	100,000

\$1,082,000 the first year and \$1,082,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety.

\$100,000 each year is from the solid waste fund for solid waste enforcement activities under Minnesota Statutes, section 116.073.

\$400,000 each year from the snowmobile trails and enforcement account in the natural resources fund is for grants to local law en-

forcement agencies for snowmobile enforcement activities above and beyond current levels of local law enforcement activities.

\$302,000 the first year is for conversion to the Minnesota state patrol's 800 MHz radio system in the nine-county metropolitan area.

Overtime shall be distributed to conservation officers at historical levels. If funding for enforcement is reduced because of an allotment, the overtime bank may be reduced in proportion to reductions made in other areas of the budget.

\$40,000 the first year and \$40,000 the second year are from the natural resources fund for enforcement activities relating to the Iron Range off-highway vehicle recreation area. Of the amount appropriated, \$40,000 is from the all-terrain vehicle account, \$32,000 is from the off-road vehicle account, and \$8,000 is from the off-highway motorcycle account.

\$130,000 the first year and \$130,000 the second year are to continue the enforcement community liaison officers program.

If Minnesota Statutes, section 86B.415, subdivision 7a, is repealed, a refund of the \$50 surcharge shall be issued by the commissioner to any person who demonstrates having paid the fee.

Subd. 9. Operations Support

32,960,000      31,464,000

Summary by Fund

General	20,654,000	18,948,000
Natural Resources	3,624,000	3,704,000
Game and Fish	8,682,000	8,812,000

\$429,000 the first year and \$432,000 the second year are for the community assistance program to provide for technical assistance and regional resource enhancement grants.

\$344,000 the first year and \$348,000 the second year are for technical assistance and grants to assist local government units and organizations in the metropolitan area to ac-

quire and develop natural areas and greenways.

\$50,000 each year is to maintain the state parks Southeast Asian environmental education program.

\$700,000 the first year and \$500,000 the second year are for information technology projects.

\$2,500,000 the first year and \$500,000 the second year are for statewide asset preservation and repair.

Electronic licensing under Minnesota Statutes, section 84.027, subdivision 15, other than by telephone or Internet transaction, may not be implemented until March 1, 2000. The commissioner shall review and analyze other types of licensing systems and report to the house and senate environmental finance committees by January 15, 2000.

Sec. 6. BOARD OF WATER AND  
SOIL RESOURCES

18,896,000

18,228,000

\$5,480,000 the first year and \$5,480,000 the second year are for natural resources block grants to local governments. Of this amount, \$50,000 each year is for a grant to the North Shore Management Board, \$35,000 each year is for a grant to the St. Louis River Board, \$100,000 each year is for a grant to the Minnesota River Basin Joint Powers Board, and \$27,000 each year is for a grant to the Southeast Minnesota Resources Board.

The board shall reduce the amount of the natural resource block grant to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district from the county's 1998 allocation.

Grants must be matched with a combination of local cash or in-kind contributions. The base grant portion related to water planning must be matched by an amount that would be raised by a levy under Minnesota Statutes, section 103B.3369.

\$4,120,000 the first year and \$4,120,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management. Of this amount, \$32,000 the first year is for a grant to the Blue Earth county soil and water conservation districts for stream bank stabilization on the LeSueur river within the city limits of St. Clair; and at least \$1,500,000 the first year and \$1,500,000 the second year are for grants for cost-sharing contracts for water quality management on feedlots. Priority must be given to feedlot operators who have received notices of violation and for feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory. This appropriation is available until expended. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.

\$189,000 the first year and \$189,000 the second year are for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for floodplain management. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.

\$1,203,000 the first year and \$450,000 the second year are for the administrative costs of easement and grant programs.

Any unencumbered balance in the board's program of grants does not cancel at the end of the first year and is available for the second year for the same grant program. If the appropriation in either year is insufficient, the appropriation for the other year is available for it.

Sec. 7. MINNESOTA-WISCONSIN  
BOUNDARY AREA COMMISSION

		183,000	188,000
	Summary by Fund		
General	150,000	154,000	
Natural Resources	33,000	34,000	

This appropriation is only available to the extent it is matched by an equal amount from the state of Wisconsin.

\$33,000 the first year and \$34,000 the second year are from the water recreation account in the natural resources fund for the St. Croix management and stewardship program.

Sec. 8. CITIZENS COUNCIL ON VOYAGEURS NATIONAL PARK	66,000	68,000*
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**(The preceding section was vetoed by the governor.)**

Sec. 9. SCIENCE MUSEUM OF MINNESOTA	1,164,000	1,164,000
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Sec. 10. MINNESOTA ACADEMY OF SCIENCE	41,000	41,000
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\$5,000 each year is for a program to provide hands on science activities for elementary school children.

Sec. 11. AGRICULTURE

Subdivision 1. Total Appropriation	23,908,000	22,261,000
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Summary by Fund

General	23,572,000	21,919,000
Environmental	336,000	342,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Protection Service	11,609,000	11,194,000
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Summary by Fund

General	11,273,000	10,852,000
Environmental	336,000	342,000

\$336,000 the first year and \$342,000 the second year are from the environmental response, compensation, and compliance account in the environmental fund.

\$158,000 the first year and \$158,000 the second year are for payment of claims relating to livestock damaged by threatened or endangered animal species and agricultural crops



damaged by elk. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$251,000 the first year and \$502,000 the second year are for dairy diagnostic teams.

\$25,000 the first year and \$25,000 the second year are for activities of the dairy producers board under Minnesota Statutes, section 17.76.

\$100,000 the first year is to conduct a feasibility study for a joint agency laboratory that will serve the environmental laboratory needs of the department of agriculture, department of natural resources, pollution control agency, and the Minnesota department of health.

\$900,000 the first year is for a grant to the University of Minnesota to pursue further research on diseases of soybeans including, but not limited to, soybean cyst nematode, white mold (sclerotinia stem rot), phytophthora root rot, and iron deficiency chlorosis. A portion of this appropriation may be designated for research on specialty gene traits of soybeans.

\$100,000 is transferred from the general fund to the seed potato inspection account in the agriculture fund for the administration and enforcement of Minnesota Statutes, sections 21.80 to 21.92. This appropriation is to supplement the fees paid by seed potato growers.

Subd. 3. Agricultural Marketing and Development

6,521,000	5,410,000
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Notwithstanding Minnesota Statutes, section 41A.09, subdivision 3a, the total payments from the ethanol development account to all producers may not exceed \$68,447,000 for the biennium ending June 30, 2001. If the total amount for which all producers are eligible in a quarter exceeds the amount available for payments, the commissioner shall make the payments on a pro rata basis. In fiscal year 2000, the commis-

sioner shall first reimburse producers for eligible unpaid claims accumulated through June 30, 1999.

\$500,000 the first year is appropriated to the rural finance authority for making a loan under Minnesota Statutes, section 41B.044. Principal and interest payments on the loan must be deposited in the ethanol development account for producer payments under Minnesota Statutes, section 41B.09.

By July 15, 1999, the commissioner shall transfer the unencumbered cash balance in the ethanol development fund established in Minnesota Statutes, section 41B.044, to the general fund.

\$200,000 the first year is for a grant from the commissioner to the Minnesota Turkey Growers Association for assistance to an entity that constructs a facility that uses poultry litter as a fuel for the generation of electricity. This amount must be matched by \$1 of non-state money for each dollar of state money. This is a one-time appropriation.

\$50,000 the first year is for the commissioner, in consultation with the commissioner of economic development, to conduct a study of the need for a commercial shipping port at which agricultural cooperatives or individual farmers would have access to port facilities. This is a one-time appropriation.

\$71,000 the first year and \$71,000 the second year are for transfer to the Minnesota grown matching account and may be used as grants for Minnesota grown promotion under Minnesota Statutes, section 17.109.

\$100,000 the first year is for a grant to the University of Minnesota extension service for its farm safety and health program. This is a one-time appropriation.

\$225,000 the first year and \$75,000 the second year are for grants to the Minnesota agricultural education leadership council for the planning and implementation of initiatives enhancing and expanding agricultural education in rural and urban areas of the

state. Funds not used in the first year are available for the second year. This is a one-time appropriation.

\$480,000 the first year and \$420,000 the second year are to the commissioner of agriculture for programs to aggressively promote, develop, expand, and enhance the marketing of agricultural products from Minnesota producers and processors. The commissioner must enter into collaborative efforts with the department of trade and economic development, the world trade center corporation, and other public or private entities knowledgeable in market identification and development. The commissioner may also contract with or make grants to public or private organizations involved in efforts to enhance communication between producers and markets and organizations that identify, develop, and promote the marketing of Minnesota agricultural crops, livestock, and produce in local, regional, national, and international marketplaces. Grants may be provided to appropriate organizations including those functioning as marketing clubs, to a cooperative known as Minnesota Marketplace, and to recognized associations of producers or processors of organic foods or Minnesota grown specialty crops. Beginning October 15, 1999, and 15 days after the close of each calendar quarter thereafter, the commissioner shall provide to the senate and house committees with jurisdiction over agriculture policy and funding interim reports of the progress toward accomplishing the goals of this item. The commissioner shall deliver a final report on March 1, 2001. If the appropriation for either year is insufficient, the appropriation for the other year is available. This is a one-time appropriation that remains available until expended.

\$60,000 the second year is for grants to farmers for demonstration projects involving sustainable agriculture. If a project cost is more than \$25,000, the amount above \$25,000 must be matched at the rate of one state dollar for each dollar of nonstate money. Priorities

must be given for projects involving multiple parties. Up to \$20,000 each year may be used for dissemination of information about the demonstration grant projects. If the appropriation for either year is insufficient, the appropriation for the other is available.

\$160,000 each year is for value-added agricultural product processing and marketing grants under Minnesota Statutes, section 17.101, subdivision 5.

\$450,000 the first year and \$300,000 the second year are for continued research of solutions and alternatives for manure management and odor control. This is a one-time appropriation.

\$50,000 the first year and \$50,000 the second year are for annual cost-share payments to resident farmers for the costs of organic certification. The annual cost-share payments per farmer shall be two-thirds of the cost of the certification or \$200, whichever is less. A certified farmer is eligible to receive annual certification cost-share payments for up to five years. \$15,000 each year is for organic market and program development. This appropriation is available until expended.

\$30,000 the first year is to assess producer production contracts under section 205. This appropriation is available until June 30, 2001.

Subd. 4. Administration and  
Financial Assistance

5,778,000	5,657,000
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\$175,000 the first year and \$175,000 the second year must be spent for the WIC coupon program.

\$49,000 the first year and \$49,000 the second year are for family farm security interest payment adjustments. If the appropriation for either year is insufficient, the appropriation for the other year is available for it. No new loans may be approved in fiscal year 2000 or 2001.

\$234,000 the first year and \$236,000 the second year are for the farm advocates program.

\$70,000 the first year and \$70,000 the second year are for the Northern Crops Institute. These appropriations may be spent to purchase equipment and are available until spent.

\$175,000 the first year and \$175,000 the second year are for grants to agriculture information centers. The grants are only available on a match basis. The funds may be released at the rate of \$4 of state money for each \$1 of matching nonstate money that is raised.

\$115,000 the first year and \$115,000 the second year are for the Seaway Port Authority of Duluth.

\$19,000 the first year and \$19,000 the second year are for a grant to the Minnesota Livestock Breeders' Association.

\$50,000 the first year and \$50,000 the second year are for the Passing on the Farm Center under Minnesota Statutes, section 17.985. This appropriation is available only to the extent matched with nonstate money, including in-kind contributions at the rate of one nonstate dollar for every four state dollars.

\$65,000 each year is for beaver damage control grants for the purposes of Minnesota Statutes, section 17.110.

\$267,000 the first year is for a pilot program to expand the concept of the Minnesota grown program pursuant to Laws 1998, chapter 401, section 6.

\$1,275,000 the first year and \$1,275,000 the second year are for an electronic information management system.

\$50,000 the first year and \$50,000 the second year are for activities related to reform of the federal milk marketing orders system and for activities opposing interstate dairy compacts. If the appropriation for either year is insufficient, the appropriation for the other year is available.

\$15,000 the first year is for a study of the business climate for dairy farmers. The study must determine the impact of current trends in the dairy industry on the economic, social, and environmental conditions in rural Minnesota and the long-term viability of the dairy processing industry in Minnesota. Not later than February 15, 2000, the commissioner must report to the legislature on a proposed strategic plan to ensure the sustained viability of the dairy industry in the state.

\$125,000 the first year and \$125,000 the second year are for the dairy inspection account. This is a one-time appropriation. By February 15, 2000, the commissioner shall review the fairness and equity of the fee structure for dairy inspections and report the findings to the legislature.

Sec. 12. BOARD OF ANIMAL HEALTH	2,810,000	2,764,000
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\$300,000 the first year and \$200,000 the second year are for a program to control paratuberculosis ("Johne's disease") in domestic bovine herds.

\$40,000 the first year and \$40,000 the second year are for a grant to the University of Minnesota college of veterinary medicine to be used for development and implementation of the companion animal resource education program, in collaboration with the Minnesota extension service.

\$118,000 each year is for a program to investigate the avian pneumovirus disease and to identify the infected flocks.

Sec. 13. MINNESOTA HORTICULTURAL SOCIETY	82,000	82,000
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Sec. 14. AGRICULTURAL UTILIZATION RESEARCH INSTITUTE	3,830,000	4,330,000
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Summary by Fund

General	3,630,000	4,130,000	
Special Revenue	200,000	200,000	

The agricultural utilization research institute must collaborate with the commissioner of agriculture on issues of market development and technology transfer.

\$200,000 the first year and \$200,000 the second year are for hybrid tree management research and development of an implementation plan for establishing hybrid tree plantations in the state. This appropriation is available to the extent matched by \$2 of nonstate contributions, either cash or in kind, for each \$1 of state money.

Sec. 15. TRANSPORTATION	200,000	-0-
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\$200,000 is for a grant to the city of Savage or Scott county, or both, for engineering and environmental studies relating to the extension of Scott county state-aid highway No. 27 in the vicinity of the Savage fen wetlands complex. As a condition of this grant, the recipient must submit a work program and submit semiannual progress reports as provided in Minnesota Statutes, section 116P.05, subdivision 2, paragraph (c). This is a one-time appropriation.

#### Sec. 16. MINNESOTA RESOURCES

Subdivision 1. Total		
Appropriation	29,245,000	13,005,000

All of the appropriations in this section are one-time appropriations unless otherwise specified.

#### Summary by Fund

Minnesota Future Resources Fund	16,040,000	-0-
Environment and Natural Resources Trust Fund 991,000	13,005,000	13,005,000
Great Lakes Protection Account	200,000	-0-

Appropriations from the Minnesota future resources fund and the Great Lakes protection account are available for either year of the biennium.

For appropriations from the environment and natural resources trust fund, any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

Unless otherwise provided, the amounts in this section are available until June 30, 2001, when projects must be completed and final products delivered.

Subd. 2. Definitions

(a) "Future resources fund" means the Minnesota future resources fund referred to in Minnesota Statutes, section 116P.13.

(b) "Trust fund" means the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section 116P.02, subdivision 6.

(c) "Great Lakes protection account" means the account referred to in Minnesota Statutes, section 116Q.02.

Subd. 3. Legislative Commission  
on Minnesota Resources

583,000                      284,000

Summary by Fund

Future Resources

Fund	300,000	-0-
Trust Fund	283,000	284,000

\$300,000 is from the future resources fund and \$283,000 the first year and \$284,000 the second year are from the trust fund, pursuant to Minnesota Statutes, section 116P.09, subdivision 5.

Subd. 4. Recreation

8,357,000                      2,770,000

Summary by Fund

Future Resources

Fund	5,587,000	-0-
Trust Fund	2,770,000	2,770,000

(a) Local Initiatives Grants  
Program.

This appropriation is to the commissioner of natural resources to provide matching grants, as follows:

(1) \$1,953,000 is from the future resources fund to local units of government for local park and recreation areas of up to \$250,000



notwithstanding Minnesota Statutes, section 85.019. \$50,000 is to complete the Larue Pit Recreation Development. \$28,000 is to the city of Hitterdal for park construction at Lake Flora. \$460,000 is available on the day following final enactment.

(2) \$435,000 the first year and \$435,000 the second year are from the trust fund to local units of government for natural and scenic areas pursuant to Minnesota Statutes, section 85.019.

(3) \$1,484,000 is from the future resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grant. \$500,000 is for grants of up to \$50,000 per project for trail linkages between communities, trails, and parks, and \$720,000 is for grants of up to \$250,000 for locally funded trails of regional significance outside the metropolitan area. \$50,000 is to the upper Minnesota River valley regional development commission for the preliminary design and engineering of a single segment of the Minnesota River trail from Appleton to the Milan Beach on Lake Lac Qui Parle. \$160,000 is to the Department of Natural Resources to resurface four miles of recreational trail from the town of Milan to Lake Lac Qui Parle in Chippewa county.

(4) \$305,000 the first year and \$305,000 the second year are from the trust fund for a statewide conservation partners program, to encourage private organizations and local governments to cost share improvement of fish, wildlife, and native plant habitats and research and surveys of fish and wildlife. Conservation partners grants may be up to \$20,000 each. \$10,000 is for an agreement with the Canby Sportsman's Club for shelterbelts for habitat and erosion control.

(5) \$100,000 the first year and \$100,000 the second year are from the trust fund for environmental partnerships program grants of up to \$20,000 each for environmental service projects and related education activities through public and private partnerships.

In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources and the commission has approved the grants or allowed 60 days to pass. The commission shall monitor the grants for approximate balance over extended periods of time between the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, and the nonmetropolitan area through work program oversight and periodic allocation decisions. For the purpose of this paragraph, the match must be nonstate contributions, but may be either cash or in-kind. Recipients may receive funding for more than one project in any given grant period. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. If a project financed under this program receives a federal grant, the availability of the financing from this subdivision for that project is extended to equal the period of the federal grant.

(b) Mesabi Trail Land  
Acquisition and  
Development – Continuation

\$1,000,000 is from the future resources fund to the commissioner of natural resources for an agreement with St. Louis and Lake Counties Regional Rail Authority for the fourth biennium to develop and acquire segments of the Mesabi trail and procure design and engineering for trail heads and enhancements. This appropriation must be matched by at least \$1,000,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Kabetogama to Ash River  
Community Trail System

\$100,000 is from the future resources fund to the commissioner of natural resources for an

agreement with Kabetogama Lake Association in cooperation with the National Park Service for trail construction linking Lake Kabetogama, Ash River, and Voyageurs National Park. This appropriation must be matched by at least \$100,000 of nonstate money.

This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Mesabi Trail  
Connection

\$80,000 is from the future resources fund to the commissioner of natural resources for an agreement with the East Range Joint Powers Board to develop trail connections to the Mesabi Trail with the communities of Aurora, Hoyt Lakes, and White. This appropriation must be matched by at least \$80,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Dakota County  
Bikeway Mapping

\$15,000 is from the future resources fund to the metropolitan council for an agreement with Dakota county to cost share the integration of digital elevation information in the Dakota county geographic information system database with trail and bikeway routes and develop maps for trail and bikeway users.

(f) Mississippi Riverfront  
Trail and Access

\$155,000 is from the future resources fund to the commissioner of natural resources for an agreement with the city of Hastings to acquire and restore the public access area and to complete the connecting riverfront trail from the public access to lock and dam number two adjacent to Lake Rebecca. This ap-

propriation must be matched by at least \$155,000 of nonstate money.

(g) Management and Restoration  
of Natural Plant Communities  
on State Trails

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources to manage and restore natural plant communities along state trails under Minnesota Statutes, section 85.015

(h) Gitchi-Gami State Trail

\$275,000 the first year and \$275,000 the second year are from the trust fund to the commissioner of natural resources for construction of the Gitchi-Gami state trail through Split Rock State Park. The commissioner must submit grant requests for supplemental funding for federal TEA-21 money in eligible categories and report the results to the legislative commission on Minnesota resources. All segments of the trail must become part of the state trail system. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(i) State Park and Recreation  
Area Acquisition, Development,  
Betterment, and Rehabilitation

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources as follows: (1) for state park and recreation area acquisition, \$500,000; and (2) for state park and recreation area development, rehabilitation, and resource management, \$500,000, unless otherwise specified in the approved work program. The use of the Minnesota conservation corps is encouraged. The commissioner must submit grant requests for supplemental funding for federal TEA-21 money in eligible categories and report the results to the legislative commission on Minnesota re-

sources. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Fort Snelling State Park;  
Upper Bluff Implementation –  
Continuation

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of natural resources to implement the utilization plan for the Upper Bluff area of Fort Snelling Park.

(k) Interpretive Boat  
Tours of Hill Annex  
Mine State Park

\$30,000 the first year and \$30,000 the second year are from the trust fund to the commissioner of natural resources to add interpretive boat excursion tours of the mine. The project will include purchase and equipping of a craft and development of a landing area.

(l) Metropolitan Regional Parks  
Acquisition, Rehabilitation,  
and Development

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the metropolitan council for subgrants for acquisition, development, and rehabilitation in the metropolitan regional park system, consistent with the metropolitan council regional recreation open space capital improvement plan. This appropriation may be used for the purchase of homes only if the purchases are expressly included in the work program approved by the legislative commission on Minnesota resources. The metropolitan council shall collect and digitize all local, regional, state, and federal parks and all off-road trails with connecting on-road routes for the metropolitan area and produce a printed map that is available to the public. This appropriation is available until June 30, 2002, at which time the project must be com-

pleted and final products delivered, unless an earlier date is specified in the work program.

(m) Como Park Campus Maintenance

\$500,000 is from the future resources fund to the department of finance for a grant to the city of St. Paul for a subsidy for the maintenance and repair of live plant and animal exhibits for the zoo and the conservatory at the Como Park campus.

(n) Luce Line Trail  
Connection Through  
Wirth Park

\$300,000 the first year is from the future resources fund to the metropolitan council for an agreement with the Minneapolis Park and Recreation Board to complete the construction of a bicycle and pedestrian trail link through Wirth Park to connect the Minneapolis Regional Trail System with the Luce Line State Trail. This appropriation must be matched by at least \$300,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 5. Historic		
	477,000	213,000
	Summary by Fund	

Future Resources		
Fund	265,000	-0-
Trust Fund	212,000	213,000

(a) Using National Register  
Properties to Interpret  
Minnesota History

\$90,000 is from the future resources fund to the Minnesota Historical Society to create interactive, mini-documentaries in Internet format using the National Register properties to interpret selected themes in Minnesota history.

(b) Historic Site Land  
Acquisition

\$87,000 the first year and \$88,000 the second year are from the trust fund to the Minnesota Historical Society to purchase land adjacent to the Lower Sioux Agency, Jeffers Petroglyphs, and Oliver Kelley Farm sites to protect the historic resources. Allocation of dollars between the three sites shall be determined based on the willingness of sellers and reasonable purchase prices at the respective sites. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Gibbs Farm Museum  
Interpretation

\$150,000 is from the future resources fund to the Minnesota Historical Society for an agreement with Ramsey County Historical Society to build and furnish replica structures of historic lifestyles and land use of the Dakota and pioneers.

(d) Traverse des Sioux  
Site Development

\$125,000 the first year and 125,000 the second year are from the trust fund to the Minnesota Historical Society to improve public access to state historic site Traverse des Sioux including trails, interpretive markers, and basic visitor amenities.

(e) Old Wadena Historic  
Site Development

\$25,000 is from the future resources fund to the Minnesota Historical Society for an agreement with Wah De Nah Historic and Environmental Learning Project to develop a footbridge, archaeological survey, and educational programs. This appropriation must be matched by at least \$6,000 of non-state money.

## Subd. 6. Water Quality

2,270,000                      730,000

## Summary by Fund

## Future Resources

Fund	1,540,000	-0-
Trust Fund	730,000	730,000

(a) On-Site Sewage Treatment  
Alternatives; Performance,  
Outreach and  
Demonstration – Continuation

\$275,000 the first year and \$275,000 the second year are from the trust fund to the commissioner of the pollution control agency for the third biennium to monitor previously built test sites for pathogen removal and other parameters for indicators of treatment efficiency, to determine maintenance needs and system longevity, and to pursue the establishment of cooperative demonstration projects.

(b) Identification of Sediment  
Sources in Agricultural  
Watersheds

\$175,000 the first year and \$175,000 the second year are from the trust fund to the Science Museum of Minnesota to quantify the contribution of streambank erosion versus overland erosion sources to riverine suspended sediment concentrations. This appropriation must be matched by at least \$90,000 of nonstate money.

(c) Accelerated Statewide  
Local Water Plan  
Implementation

\$1,000,000 is from the future resources fund to the board of water and soil resources to accelerate the local water planning challenge grant program under Minnesota Statutes, section 103B.3361, to assist in the implementation of high priority activities in comprehensive water management plans on a cost-share basis. \$140,000 is to St. Louis county to inventory and evaluate existing sewage treatment systems. \$75,000 is to the



Whitefish Area Property Owners Association in cooperation with Crow Wing county to inspect all lakeshore properties on the Whitefish chain of lakes for conformance with septic system requirements. \$50,000 is to Chisago county to develop sustainable wastewater treatment alternatives which must be matched by at least \$30,000 of non-state money.

(d) Tracking Sources of Fecal Pollution Using DNA Techniques

\$150,000 the first year and \$150,000 the second year are from the trust fund to the University of Minnesota to define sources of fecal pollution in waters.

(e) Groundwater Flow in the Prairie du Chien Aquifer

\$55,000 the first year and \$55,000 the second year are from the trust fund to the University of Minnesota to characterize groundwater flow within the Prairie du Chien Formation.

(f) Lake Minnetonka Citizens' Monitoring and Education Network

\$40,000 is from the future resources fund to the commissioner of natural resources for an agreement with the Lake Minnetonka Association to begin volunteer network training and education for a comprehensive monitoring program. This appropriation must be matched by at least \$20,000 of non-state money.

(g) Erosion Impacts on the Cannon Valley Big Woods

\$75,000 the first year and \$75,000 the second year are from the trust fund to the University of Minnesota in cooperation with the Big Woods Project to determine historical and future effects of land practices on soil erosion levels and develop land management tools in the big woods ecosystem in Rice county.

(h) City of the Lakes Flood  
Mitigation and Gravity Flow Stream System

\$500,000 the first year is from the future resources fund to the metropolitan council for an agreement with the Minneapolis Park and Recreation Board. Up to \$250,000 is to complete construction of the gravity flow stream connection between Lake Calhoun and Lake Harriet to improve lakewater quality and equalize water levels in the chain of lakes. At least \$250,000 the first year is for flood mitigation, shoreland stabilization, design and engineering, and wetland replacement at Lake of the Isles. The appropriation for the gravity flow stream connection project must be matched by sufficient nonstate money to complete the project.

Subd. 7. Agriculture and Natural  
Resource Based Industries

4,818,000                      1,282,000

Summary by Fund

Future Resources

Fund	3,535,000	-0-
Trust Fund	1,283,000	1,282,000

(a) Green Forest  
Certification Project

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Institute for Agriculture and Trade Policy to certify foresters and to evaluate private forest lands for green certification.

(b) Accelerated Transfer of New  
Forest - Research Findings

\$58,000 the first year and \$57,000 the second year are from the trust fund to the University of Minnesota to accelerate educational programming by the sustainable forest education cooperative on the practical application of landscape-level analysis in site-level forest management.

(c) Minnesota Wildlife  
Tourism Initiative

\$125,000 the first year and \$125,000 the second year are from the trust fund to the commissioner of natural resources to develop, implement, and evaluate a project focusing on wildlife tourism as a sustainable industry in Minnesota in cooperation with the office of tourism.

(d) Integrated Prairie  
Management

\$175,000 the first year and \$175,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the University of Minnesota and Clay county in a cooperative project for an aggregate resource inventory on public lands, prairie restoration and research, and stewardship plans for management options. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Improved Agricultural Systems  
Overlying Sensitive Aquifers  
in Southwestern Minnesota

\$200,000 is from the future resources fund to the commissioner of agriculture for an agreement with the University of Minnesota, Southwest Experiment Station, to provide technical support, research, systems evaluation, and advisory teams to protect sensitive alluvial aquifers threatened by nitrate contamination in southwest Minnesota.

(f) Diversifying Agriculture for  
Environmental, Economic, and Social Benefits

\$200,000 the first year and \$200,000 the second year are from the trust fund to the University of Minnesota to research new plant materials and crop management systems for diversification.

(g) Minnesota River Basin  
Initiative; Local Leadership

\$150,000 the first year and \$150,000 the second year are from the trust fund to the board of water and soil resources for a cost share agreement with the Minnesota River Basin Joint Powers Board for landscape planning and demonstration, and restoration and management projects for the Minnesota River on a cost-share basis.

(h) Commercial Fertilizer Plant  
for Livestock Solid Waste  
Processing

\$400,000 is from the future resources fund to the agricultural utilization research institute for an agreement with AquaCare International, Inc. to establish a commercial grade fertilizer plant that will enhance and process animal wastewater solids through micronization technology. This appropriation must be matched by at least \$425,000 of nonstate money. As a condition of receiving this appropriation, AquaCare International, Inc. must agree to pay to the state a royalty. Notwithstanding Minnesota Statutes, section 116P.10, the royalty must be two percent of gross revenues accruing to AquaCare International, Inc. from this application of micronization technology. Receipts from the royalty must be credited to the fund.

(i) Preservation of Native  
Wild Rice Resource

\$200,000 is from the future resources fund to the commissioner of natural resources for an agreement with Leech Lake Reservation to analyze critical factors in different northern rice habitats and determine methods to preserve the natural diversity of wild rice. This appropriation must be matched by at least \$45,000 of nonstate money.

(j) Wild Rice Management  
Planning

\$200,000 is from the future resources fund to the commissioner of natural resources for an

agreement with the Boise Forte Band of Chippewa to develop databases and management plans for northern wild rice lakes. This appropriation must be matched by at least \$20,000 of nonstate money.

(k) Mesabi Iron Range,  
Water and Mineral Resource  
Planning

\$200,000 the first year and \$200,000 the second year are from the trust fund to the commissioner of natural resources. \$125,000 the first year and \$125,000 the second year are from the trust fund to the University of Minnesota to develop and assemble essential data on stockpile composition and ownership, complete hydrogeologic base maps, site and design an overflow outlet, and distribute results to local government and industry. This project is to be coordinated by the Range Association of Municipalities and Schools. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(l) Sustainable Aquaculture  
Development in Minnesota

\$130,000 is from the future resources fund to the commissioner of agriculture in cooperation with the University of Minnesota to develop, demonstrate, and evaluate prototypes of aquaponic systems that operate in an urban environment and use a combination of aquacultural and hydroponic techniques to produce fish and plants for human consumption. \$55,000 is from the future resources fund to the commissioner of agriculture in cooperation with the MinAqua Fisheries Cooperative, with assistance from the University of Minnesota, for the purchase, operation, and demonstration of ozonation equipment for water treatment and conditioning in large recirculating aquaculture systems. These appropriations are available until June 30, 2002, at which time the project must be completed and final products deliv-

ered, unless an earlier date is specified in the work program. As a condition of receiving this appropriation, MinAqua Fisheries Cooperative must agree to pay to the state a royalty. Notwithstanding Minnesota Statutes, section 116P.10, the royalty must be two percent of the gross revenues accruing to MinAqua Fisheries Cooperative from this application of ozonation technology. Receipts from the royalty must be credited to the fund.

(m) Sustainable Farming  
Systems – Continuation

\$350,000 is from the future resources fund to the University of Minnesota, Minnesota Institute for Sustainable Agriculture, for on-farm and experiment station research, documentation and dissemination of information on alternative farm practices in order to integrate recent scientific advances, improve farm efficiencies, promote profitability, and to enhance environmental quality.

(n) Economic Analysis of  
Agriculture for Multiple  
Benefits

\$200,000 is from the future resources fund to the commissioner of agriculture for an agreement with the Land Stewardship Project to evaluate economic and environmental benefits from current and future agricultural production.

(o) Nonwood Agricultural Fibers  
and Industrial Hemp for Pulp  
and Paper Manufacture

\$200,000 is from the future resources fund to the University of Minnesota to investigate the feasibility of various agricultural pulp markets in the development of small scale pulp mills in the agricultural regions of the state.

(p) Sustainable Livestock  
Systems

\$350,000 is from the future resources fund to the commissioner of agriculture for an agree-

ment with the University of Minnesota, West Central Experiment Station, for on-farm research and education programs to support small- to moderate-scale farms through whole farm planning and monitoring of forage-based livestock systems.

(q) Forest Wildlife Biologist  
for Ruffed Grouse

\$1,000,000 is from the future resources fund to the commissioner of natural resources for an agreement with the Ruffed Grouse Society, Inc. to fund a position and related costs for a forest wildlife biologist employed by the society that will provide technical assistance to public and private landowners for improved ruffed grouse habitat and related forest wildlife conservation. The activity funded by this appropriation must be done in collaboration with institutes of higher learning and state agencies. The amounts of this appropriation made available in each fiscal year must not exceed those stated in the work program. As a condition of receiving this appropriation, the society must demonstrate that it has created a private endowment to fund this position and related costs with nonstate money after this appropriation has been spent. The society must demonstrate that it has a sound financial plan to increase the principal of the endowment to at least \$1,000,000 of nonstate money by January 1, 2000, and to \$2,000,000 of nonstate money by June 30, 2007. The work program must provide that failure of the society to meet the goals of the financial plan on time will cause further payments from this appropriation to be withheld until the goals are met. This appropriation is available until June 30, 2007, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(r) Organic Farming  
Training Project

\$175,000 the first year and \$175,000 the second year are from the trust fund to the commissioner of agriculture for an agreement

with the Minnesota Food Association in cooperation with the Midwest Organic Alliance to recruit and train new immigrant and conventional farmers in sustainable and organic methods utilizing a mentoring approach.

(s) Construction and Demolition  
Waste Abatement  
Demonstration Project

\$250,000 is from the future resources fund to the director of the office of environmental assistance for an agreement with the Green Institute to field test building salvage strategies, expanding markets for salvaged materials, and creating a community-based enterprise model.

Subd. 8. Urbanization Impacts  
973,000                      400,000

Summary by Fund

Future Resources		
Fund	573,000	-0-
Trust Fund	400,000	400,000

(a) Resources for Redevelopment:  
A Community Property  
Investigation Program

\$100,000 is from the future resources fund to the pollution control agency for an agreement with the Minnesota Environmental Initiative to assess environmental contamination in up to sixteen brownfield sites statewide on a cost-share basis for each site in order to promote property redevelopment by community nonprofit organizations.

(b) Tools and Training for  
Community-Based Planning

\$225,000 the first year and \$225,000 the second year are from the trust fund to the office of strategic and long-range planning to develop software, data, and training for local government planning for delivery of state geographic information systems data and models for social and environmental decision making.



(c) Protecting Dakota County  
Farmland and Natural Areas

\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Dakota county to inventory and identify unique farmland and natural areas and to protect land through conservation easements.

(d) Urban Corridor Design

\$400,000 is from the future resources fund to the University of Minnesota to develop sustainability designs for selected urban corridors. One project must be inside the metropolitan area and one project must be outside the metropolitan area.

(e) Conservation-Based Development  
Program

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Land Trust to design four model developments and acquire conservation easements within new developments that enhance the natural, rural landscape. This appropriation must be matched by at least \$65,000 of nonstate money.

(f) Chisago Lakes Outlet  
Channel Project

\$40,000 is from the future resources fund to the commissioner of natural resources for an agreement with Chisago county to complete the final construction phase of the outlet channel at Chisago Lakes. This appropriation must be matched by at least \$50,000 of nonstate money.

(g) Blufflands Implementation

\$33,000 the first year is from the future resources fund to the commissioner of natural resources for an agreement with Winona county to implement land protection recommendations in the blufflands design manual.

Subd. 9. Innovations in Energy  
and Transportation

263,000                      62,000

Summary by Fund

Future Resources

Fund	200,000	-0-
Trust Fund	63,000	62,000

(a) Ice Arena Design for Efficiency  
and Air Quality - Continuation

\$100,000 is from the future resources fund to the amateur sports commission for an agreement with the Center for Energy and Environment in cooperation with the department of health to enhance energy efficiency and assure indoor air quality in new and existing ice arenas in Minnesota technical assistance and energy audits.

(b) Promoting High Efficiency  
Cogeneration

\$100,000 is from the future resources fund to the office of strategic and long-range planning and the Minnesota environmental quality board to develop a statewide inventory of potential cogeneration sites and a regulatory guidance manual.

(c) Evaluate Biodiesel Made From  
Waste Fats and Oils

\$63,000 the first year and \$62,000 the second year are from the trust fund to the commissioner of agriculture in cooperation with the Minnesota Soybean Growers Association to produce a diesel fuel from soybeans and waste cooking oils and greases, for laboratory evaluation of the fuel for particulates and engine power, and for trial in light-duty vehicles. The appropriation must be matched by at least \$50,000 of nonstate money.

Subd. 10. Decision-Making Tools

1,000,000                      705,000

Summary by Fund

Future Resources

Fund	295,000	-0-
Trust Fund	705,000	705,000

(a) Goodhue County Natural Resources  
Inventory and Management Plan

\$75,000 is from the future resources fund to the board of water and soil resources for an agreement with Goodhue county to inventory, evaluate, and describe natural resources and create a geographic information system-based map and database. The appropriation must be matched by at least \$50,000 of non-state money.

(b) Public Access to Mineral  
Knowledge

\$100,000 is from the future resources fund to the department of natural resources to accelerate the automation of historic mineral exploration information and to make the database accessible and searchable.

(c) Updating Outmoded Soil  
Surveys – Continuation

\$250,000 the first year and \$250,000 the second year are from the trust fund to the board of water and soil resources for the first biennium of a four biennia project to accelerate a statewide program to begin to update and digitize soil surveys in up to 25 counties, including Fillmore county. Participating counties must provide a cost share.

(d) Climate Variability and Change  
Impacts on Minnesota Resources

\$175,000 the first year and \$175,000 the second year are from the trust fund to the University of Minnesota to develop a database of climate measures relevant to recreation, tourism, agriculture, and forestry, and to construct climate scenarios for Minnesota over the next 50 years. \* (The preceding text beginning “(d) Climate Variability and Change Impacts on Minnesota Resources” was vetoed by the governor.)

(e) Minnesota Environmentally  
Preferable Chemicals Project

\$75,000 the first year and \$75,000 the second year are from the trust fund to the office

of environmental assistance for an agreement with the Institute for Local Self-Reliance to build an industry network of users and producers of petrochemicals and biochemicals, and to promote a shift to environmentally preferable chemicals. This appropriation must be matched by at least \$40,000 of nonstate money.

(f) GIS Utilization of Historic  
Timberland Survey Records

\$120,000 is from the future resources fund to the Minnesota Historical Society to digitize and distribute historic timberland survey records in a geographic information system format.

(g) By-Products Application  
to Agricultural, Mineland, and  
Forest Soils

\$175,000 the first year and \$175,000 the second year are from the trust fund to the pollution control agency for an agreement with Western Lake Superior Sanitary District to create a northeast Minnesota consortium of public utilities, wood-products, and mining industries to research environmentally sound coapplications of industrial and municipal by-products for agriculture, forestry, and mineland reclamation. This appropriation must be matched by at least \$21,000 of nonstate money.

(h) Winter Severity Index  
for Deer

\$30,000 the first year and \$30,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Deer Hunters Association to determine the relationship between the winter severity index, deer condition, and deer mortality. This appropriation must be matched by at least \$5,000 in nonstate money and at least \$30,000 in-kind match. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered,

unless an earlier date is specified in the work program.

Subd. 11. Environmental Education

1,970,000                      885,000

Summary by Fund

Future Resources

Fund	1,085,000	-0-
Trust Fund	885,000	885,000

(a) Uncommon Ground: An Educational Television Series

\$200,000 the first year and \$200,000 the second year are from the trust fund to the University of Minnesota for matching funding to produce a televised series of natural landscapes chronicling two centuries of change in Minnesota.

(b) Karst Education for Southeastern Minnesota

\$60,000 the first year and \$60,000 the second year are from the trust fund to the board of water and soil resources for an agreement with the Southeast Minnesota Water Resources Board to develop teacher training workshops, educational materials, and exhibits demonstrating the connections between land use and ground water contamination in southeastern Minnesota.

(c) Minnesota Wolf Public Education

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the International Wolf Center to develop educational curriculum, conduct teacher training workshops, and develop a traveling exhibit on wolves to address the current Minnesota wolf management debate. This appropriation must be matched by at least \$15,500 of nonstate money.

(d) Bear Center

\$20,000 is from the future resources fund to the commissioner of natural resources for a

grant to a bear center to develop a business plan, marketing study, facility predesign, and exhibit design.

(e) Accessible Outdoor  
Recreation

\$200,000 the first year and \$200,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with wilderness inquiry to survey facilities in at least 50 state recreation units for the Minnesota guide to universal access, develop assessments of inclusion in recreation and environmental education activities, and provide opportunities for participation. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Science Outreach and  
Integrated Learning on Soil

\$125,000 the first year and \$125,000 the second year are from the trust fund to the Science Museum of Minnesota to develop a soils experiment center and demonstration plots to increase the awareness of soil science and soil health. This appropriation must be matched by at least \$100,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(g) Teacher Training in  
Interdisciplinary Environmental  
Education

\$30,000 the first year and \$30,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Audubon Center of the North Woods to train K-12 teachers in environmental education techniques.

(h) Development and Rehabilitation  
of Recreational Shooting Ranges

\$350,000 is from the future resources fund to the commissioner of natural resources to provide cost-share grants to local recreational shooting clubs for the purpose of developing or rehabilitating shooting sports facilities for public use. In addition to the required work program, grants may not be approved until grant proposals to be funded have been submitted to the legislative commission on Minnesota resources and the commission has approved the grants or allowed 60 days to pass.

(i) Youth Outdoor Environmental  
Education Program

\$125,000 is from the future resources fund to the commissioner of natural resources for an agreement with Dakota county to develop youth-at-risk environmental education programs.

(j) Twin Cities Environmental  
Service Learning – Continuation

\$20,000 the first year and \$20,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Eco Education to provide training and matching grants for student service environmental learning projects. This appropriation must be matched by at least \$40,000 of nonstate money.

(k) Minnesota Whitetail Deer  
Resource Center Exhibits

\$400,000 is from the future resources fund to the commissioner of natural resources for an agreement with the Minnesota Deer Hunters Association to construct exhibits on white-tail deer in Minnesota. This appropriation is available to the extent matched by expenditure of nonstate money on land and a building to display the exhibits.

(l) Sustainability Forums

\$100,000 the first year and \$100,000 the second year are from the trust fund to the office of environmental assistance for an agreement with the Minnesota Division of the Izaak Walton League of America to conduct forums for the public and local units of government on sustainability and community-based planning objectives.

(m) Minnesota River Watershed Ecology and History Exhibit

\$90,000 the first year is from the future resources fund to the Minnesota Historical Society for an agreement with Joseph R. Brown Heritage Society to design and construct exhibits at the Joseph R. Brown Minnesota River Center.

(n) Hyland Lake Environmental Center

\$100,000 the first year and \$100,000 the second year are from the trust fund to the metropolitan council for an agreement with Suburban Hennepin Regional Park District for pre-design and design of an environmental education center in Hyland-Bush-Anderson Lakes Regional Park Reserve.\* **(The preceding text beginning “(n) Hyland Lake Environmental Center” was vetoed by the governor.)**

(o) Aquaculture, Hydroponics, and Greenhouse Research Lab

\$100,000 the first year is from the future resources fund to the commissioner of agriculture for an agreement with Chisago Lakes High School to design and construct a greenhouse, hydroponics, and aquaculture facility to support an outdoor living classroom.

Subd. 12. Benchmarks and Indicators  
 2,315,000                      1,915,000

Summary by Fund

Future Resources		
Fund	200,000	-0-
Trust Fund	1,915,000	1,915,000



## Great Lakes

Protection Account	200,000	-0-
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(a) Measuring Children's Exposures  
to Environmental Health Hazards

\$250,000 the first year and \$250,000 the second year are from the trust fund to the University of Minnesota in cooperation with the department of health to augment a federal study of exposure of children to multiple environmental hazards, to evaluate comparative health risks, and to design intervention strategies.

(b) Minnesota County Biological  
Survey - Continuation

\$800,000 the first year and \$800,000 the second year are from the trust fund to the commissioner of natural resources for the seventh biennium of a 12-biennia project to accelerate the survey that identifies significant natural areas and systematically collects and interprets data on the distribution and ecology of natural communities, rare plants, and animals.

(c) Environmental Indicators  
Initiative - Continuation

\$200,000 the first year and \$200,000 the second year are from the trust fund to the commissioner of natural resources for the third and final biennium to complete a set of statewide environmental indicators that will assist public understanding of Minnesota environmental health and the effectiveness of sustainable development efforts.

(d) Dakota County Wetland Health  
Monitoring Program

\$80,000 the first year and \$80,000 the second year are from the trust fund to the commissioner of the pollution control agency for an agreement with Dakota county to evaluate wetland health through citizen volunteers, develop wetland biodiversity projects in urban areas, and conduct public education.

(e) Predicting Water and Forest  
Resources Health and Sustainability

\$150,000 the first year and \$150,000 the second year are from the trust fund to the University of Minnesota, Natural Resources Research Institute, to assess ecosystem health using indicators and to develop models that incorporate landscape composition change.

(f) Potential for Infant Risk  
from Nitrate Contamination

\$200,000 is from the future resources fund to the commissioner of health to study nitrate and bacteria-contaminated drinking water of infants and families at risk.

(g) Assessing Lake Superior Waters  
Off the North Shore

\$100,000 the first year and \$100,000 the second year of this appropriation are from the trust fund, and \$200,000 is from the Great Lakes protection account to the University of Minnesota Duluth for a pilot program to establish benchmark data for Lake Superior. Expenses may not include capital cost for a research vessel. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(h) Minnesota's Forest Bird  
Diversity Initiative – Continuation

\$175,000 the first year and \$175,000 the second year are from the trust fund to the commissioner of natural resources for the fifth biennium of a six-biennium project to establish benchmarks for using birds as ecological indicators of forest health. This appropriation must be matched by at least \$80,000 of nonstate contributions. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(i) Farm Ponds as Critical Habitats for Native Amphibians

\$125,000 the first year and \$125,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Upper Mississippi Science Center to study management practices that sustain healthy populations of amphibians in southeastern Minnesota farm ponds and to recommend monitoring methods suitable for testing amphibian habitat quality. This appropriation must be matched by at least \$200,000 of nonstate contributions. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Improved Minnesota Fungus Collection and Database

\$35,000 the first year and \$35,000 the second year are from the trust fund to the University of Minnesota to consolidate and preserve fungus specimen collections and computerize the data for use in agriculture, forestry, and recreation management.

Subd. 13. Critical Lands or Habitats

4,640,000                      2,790,000

Summary by Fund

Future Resources

Fund	1,850,000	-0-
Trust Fund	2,790,000	2,790,000

(a) Sustainable Woodlands and Prairies on Private Lands - Continuation

\$225,000 the first year and \$225,000 the second year are from the trust fund to the commissioner of natural resources, in cooperation with the Minnesota Forestry Association and the Nature Conservancy, to develop stewardship plans for private landowners and to implement natural resource projects by providing matching money to private landowners. This appropriation is available until June 30, 2002, at which time the project

must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) National Prairie Passage; Linking Isolated Prairie Preserves

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of transportation to link isolated tallgrass prairie preserves with corridors of prairie. This appropriation must be matched by at least \$600,000 of nonstate money.

(c) Greening the Metro Mississippi-Minnesota River Valleys

\$400,000 the first year and \$400,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Greening the Great River Park to implement private and public habitat projects in the Mississippi and Minnesota River Valleys. This appropriation must be matched by at least \$374,000 of nonstate money and cost sharing is required for projects on private lands. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Restoring the Greater Prairie Chicken to Southwestern Minnesota

\$30,000 the first year and \$30,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Prairie Chicken Society to restore the greater prairie chicken to appropriate habitat.

(e) Prairie Heritage Fund -- Continuation

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Pheasants Forever, Inc. to acquire and develop land for prairie grasslands and

wetlands to be donated to the public. The land must be open and accessible to the public. This appropriation must be matched by at least \$500,000 of money. In addition to the required work program, parcels may not be acquired until parcel lists have been submitted to the legislative commission on Minnesota resources and the commission has approved the parcel list or allowed 60 days to pass.

(f) Public Boat Access and Fishing Piers

\$500,000 the first year and \$500,000 the second year are from the trust fund, and \$310,000 is from the future resources fund to the commissioner of natural resources for increased access to lakes and rivers statewide through the provision of public boat access, fishing piers, and shoreline access, with approximately equal allocations for the Twin Cities metropolitan area and the remainder of the state. These appropriations are available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. \$212,000 of the appropriation from the future resources fund is available immediately upon enactment.

(g) Arboretum Land Acquisition and Wetlands Restoration – Continuation

\$350,000 the first year and \$350,000 the second year are from the trust fund to the University of Minnesota for an agreement with the University of Minnesota Landscape Arboretum Foundation for the third biennium for land acquisition. The priority is to acquire approximately 40 acres of land within the Arboretum boundary before completing the Spring Peeper Meadow wetland restoration. This appropriation must be matched by at least \$700,000 of nonstate money.

(h) Native Prairie Prescribed Burns

\$200,000 the first year and \$200,000 the second year are from the trust fund for a grant to

the commissioner of natural resources for an agreement with the Nature Conservancy for prescribed burns of native prairie on state wildlife lands.

(i) Implement the Chisago and Washington Counties Green Corridor Project – Continuation

\$200,000 the first year and \$200,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with 1000 Friends of Minnesota for land protection activities, including at least \$300,000 for cost-share grants to local governments for fee or less than fee acquisition.

(j) RIM Shoreland Stabilization

\$175,000 the first year and \$175,000 the second year are from the trust fund to the commissioner of natural resources to complete the high priority bank stabilization on Lake Winnibigoshish and, if additional match money becomes available, to begin similar work on Lac Qui Parle Lake. This appropriation must be matched by at least \$56,000 of nonstate money. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(k) Enhancing Canada Goose Hunting Opportunities for Recreation and Management Purposes

\$340,000 is from the future resources fund to the commissioner of natural resources to work with waterfowl conservation organizations to secure leases for goose forage areas and to increase public goose hunting opportunities.

(l) Nongame Wildlife Management

\$235,000 the first year and \$235,000 the second year are appropriated from the trust fund to the commissioner of natural resources for

the purpose of nongame wildlife management.

(m) Wildlife Habitat  
Acquisition and Development

\$150,000 the first year and \$150,000 the second year are from the trust fund to the commissioner of natural resources to acquire and protect land and to make improvements of a capital nature for the Chub lake natural area. The appropriation is available until expended and must be matched by federal or local funds totaling \$300,000.

(n) Trout Stream  
Protection

\$1,200,000 is from the future resources fund to the commissioner of natural resources for trout stream protection.\* **(The preceding text beginning “(n) Trout Stream Protection” was vetoed by the governor.)**

Subd. 14. Native Species Planting  
945,000                      595,000

Summary by Fund

Future Resources		
Fund	350,000	-0-
Trust Fund	595,000	595,000

(a) Minnesota ReLeaf Matching  
Grant Program – Continuation

\$250,000 the first year and \$250,000 the second year are from the trust fund, and \$350,000 is from the future resources fund to the commissioner of natural resources for the fourth biennium, with at least \$210,000 for matching grants to local communities to protect native oak forests from oak wilt and to provide technical assistance and cost sharing with communities for tree planting and community forestry assessments. \$200,000 of this appropriation the first year is for tree replacement in the cities of St. Peter and Comfrey. The appropriation from the future resources fund is available immediately upon enactment.

(b) Landscaping for Wildlife and  
Nonpoint Source Pollution Prevention

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with St. Paul Neighborhood Energy Consortium to work with urban and suburban communities to expand native species planting through residential landscaping and cooperative neighborhood projects. The activities must include participant cost sharing. This appropriation must be matched by at least \$24,000 of nonstate money.

(c) Lakescaping for Wildlife and  
Water Quality Initiative

\$70,000 the first year and \$70,000 the second year are from the trust fund to the commissioner of natural resources in cooperation with the Minnesota Lakes Association to promote lakescaping for wildlife and water quality through workshops, demonstration sites, and a registry program for lakeshore owners. The activities must include participant cost sharing.

(d) Development and Assessment of  
Oak Wilt Biological Control  
Technologies – Continuation

\$100,000 the first year and \$100,000 the second year are from the trust fund to the University of Minnesota to evaluate biocontrol efficacy, spore mat production, and root graft barrier guidelines for oak wilt, in cooperation with the department of agriculture.

(e) Restoring Ecological Health to  
St. Paul's Mississippi River Bluffs

\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Friends of the Parks and Trails of St. Paul and Ramsey County to inventory and restore native species, and to plan for critical greenways and natural area habitat. This appropriation is available until June 30,



2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 15. Native Fish

229,000                      229,000

Summary by Fund

Trust Fund	229,000	229,000
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(a) Mussel Resource Survey

\$200,000 the first year and \$200,000 the second year are from the trust fund to the commissioner of natural resources for the first biennium of a three-biennium project to survey mussels statewide for resource management.

(b) Freshwater Mussel Resources in the St. Croix River

\$29,000 the first year and \$29,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Macalester College to continue refugia studies and assess populations for freshwater mussels.

Subd. 16. Exotic Species

405,000                      145,000

Summary by Fund

Future Resources

Fund	260,000	-0-
Trust Fund	145,000	145,000

(a) Biological Control of Eurasian

Water Milfoil and Purple

Loosestrife - Continuation

\$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for the fourth biennium of a five-biennium project to develop and implement biological controls for Eurasian water milfoil and purple loosestrife. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Evaluate Establishment, Impact of  
Leafy Spurge Biocontrol Agents

\$70,000 the first year and \$70,000 the second year are from the trust fund to the commissioner of agriculture to study flea beetles introduced to control leafy spurge by site characterization and assessment for biological control. This appropriation is available until June 30, 2002, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Restoring Native Vegetation in  
Parks and Nature Centers

\$260,000 the first year is from the future resources fund to the commissioner of natural resources for an agreement with the St. Paul Audubon Society to restore native vegetation at community nature centers and parks.

Subd. 17. Data Availability Requirements

(a) During the biennium ending June 30, 2001, the data collected by the projects funded under this section that have common value for natural resource planning and management must conform to information architecture as defined in guidelines and standards adopted by the office of technology. Spatial data must conform with guidelines and standards described in the geographic data compatibility guidelines available from the land management information center. These data must be made available under the provisions of the Data Practices Act in chapter 13.

(b) For the purposes of information dissemination to the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet. To the extent practicable, spatial data and their documentation must be made available through the Minnesota Geographic Data Clearinghouse.

(c) As part of project expenditures, recipients of land acquisition appropriations must

provide the information necessary to update public recreation information maps to the department of natural resources in the specified form.

#### Subd. 18. Project Requirements

It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must comply with Minnesota Statutes, chapter 116P.

#### Subd. 19. Match Requirements

Unless specifically authorized, appropriations in this section that must be matched and for which the match has not been committed by December 31, 1999, are canceled, and in-kind contributions may not be counted as match.

#### Subd. 20. Payment Conditions and Capital Equipment Expenditures

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 1999, or the date the work program is approved, whichever is later, are eligible for reimbursement. Payment must be made upon receiving documentation that project-eligible reimbursable amounts have been expended, except that reasonable amounts may be advanced to projects in order to accommodate cash flow needs. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

#### Subd. 21. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121 to 16B.123, re-

quiring the purchase of recycled, repairable, and durable materials, the purchase of uncoated paper stock, and the use of soy-based ink, the same as if it were a state agency.

#### Subd. 22. Energy Conservation

A recipient to whom an appropriation is made in this section for a capital improvement project shall ensure that the project complies with the applicable energy conservation standards contained in law, including Minnesota Statutes, sections 216C.19 to 216C.21, and rules adopted thereunder. The recipient may use the energy planning and intervention and energy technologies units of the commissioner of public service to obtain information and technical assistance on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

#### Subd. 23. Accessibility

New structures must be shown to meet the design standards in the Americans with Disabilities Act Accessibility Guidelines. Non-structural facilities such as trails, campgrounds, picnic areas, parking, play areas, water sources, and the access routes to these features should be shown to be designed using guidelines in the Recommendations for Accessibility Guidelines: Recreational Facilities and Outdoor Developed Areas.

#### Subd. 24. Year 2000 Compatible

A recipient to whom an appropriation is made in this section for computer equipment and software must ensure that the project expenditures comply with year 2000 compatible database and software.

#### Subd. 25. Carryforward

(a) The availability of the appropriations for the following projects is extended to June 30, 2000: Laws 1997, chapter 216, section 15, subdivision 5, paragraph (a), Ft. Snelling State Park—upper bluff utilization and AYH

hostel; paragraph (c), Jeffers petroglyphs environmental assessment and prairie restoration; paragraph (g), Native American perspective of the historic north shore; subdivision 6, paragraph (g), lakeshore restoration – Minneapolis chain of lakes; subdivision 9, paragraph (a), grants to local governments to assist natural resource decision making; paragraph (e), North Minneapolis upper river master plan; paragraph (g), Miller Creek management; and paragraph (h), trout habitat preservation using alternative watershed management practices; subdivision 10, paragraph (g), Fillmore county soil survey update; subdivision 11, paragraph (a), foundations to integrated access to environmental information; subdivision 12, paragraph (a), sustainable development assistance for municipalities through electric utilities; paragraph (h), soy-based diesel fuel study; subdivision 13, paragraph (g), state wolf management: electronically moderating the discussion; subdivision 14, paragraph (f), loons; indicators of mercury in the environment; subdivision 17, paragraph (a), sustainable woodlands on private lands; and paragraph (d) prairie heritage project; subdivision 20, paragraph (a), ballast water technology demonstration for exotic species control; Laws 1995, chapter 220, section 19, subdivision 12, paragraph (a), restore historic Mississippi river mill site, as amended by Laws 1997, chapter 216, section 15, subdivision 26, paragraph (b).

(b) The availability of the appropriations for the following projects is extended to June 30, 2001: Laws 1997, chapter 216, section 15, subdivision 5, paragraph (f), historical and cultural museum on Vermilion Lake Indian Reservation; subdivision 7, paragraph (f), mercury manometers; subdivision 16, paragraph (b), Arboretum Land Acquisition; Laws 1996, chapter 463, section 22, subdivision 8, Pickwick Mill, as amended by Laws 1997, chapter 246, section 32.

## Sec. 17. ADDITIONAL APPROPRIATIONS

The following amounts are appropriated in fiscal year 1999 from the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section 116P.02, subdivision 6.

\$496,000 in fiscal year 1999 is added to the appropriation in Laws 1997, chapter 216, section 15, subdivision 4, paragraph (a), clause (1), for state park and recreation area acquisition.

\$495,000 in fiscal year 1999 is added to the appropriation in Laws 1997, chapter 216, section 15, subdivision 4, paragraph (b), metropolitan regional park system.

## Sec. 18. TRADE AND ECONOMIC DEVELOPMENT

250,000

-0-

This appropriation is for the Minnesota investment fund under Minnesota Statutes, section 116J.8731, to make a grant to the city of Windom to assist an expanding agricultural processing facility. The amount of the grant is not subject to the limit in Minnesota Statutes, section 116J.8731, subdivision 5. If the grant is used to acquire or improve real property, the grant agreement between the city of Windom and a recipient must provide that, if the grant recipient sells, transfers, or exchanges the real property, any capital gain or other profit on the transaction that accrues to the grant recipient must be paid to the commissioner for credit to the Minnesota investment fund in the same proportion as was paid from the Minnesota investment fund to acquire or improve the real property.

If this appropriation remains unencumbered on March 31, 2000, the amount cancels and is reappropriated to the agricultural utilization research institute and is available in the first or second year.

Sec. 19. Minnesota Statutes 1998, section 14.386, is amended to read:

14.386 **PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.**

(a) A rule adopted, amended, or repealed by an agency, under a statute enacted after January 1, 1997, authorizing or requiring rules to be adopted but excluded from the rule-

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making provisions of chapter 14 or from the definition of a rule, has the force and effect of law only if:

(1) the revisor of statutes approves the form of the rule by certificate;

(2) the office of administrative hearings approves the rule as to its legality within 14 days after the agency submits it for approval and files two copies of the rule with the revisor's certificate in the office of the secretary of state; and

(3) a copy is published by the agency in the State Register.

A statute enacted after January 1, 1997, authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule does not excuse compliance with this section unless it makes specific reference to this section.

(b) A rule adopted under this section is effective for a period of two years from the date of publication of the rule in the State Register. The authority for the rule expires at the end of this two-year period.

(c) The chief administrative law judge shall adopt rules relating to the rule approval duties imposed by this section and section 14.388, including rules establishing standards for review.

(d) This section does not apply to:

(1) any group or rule listed in section 14.03, subdivisions 1 and 3, except as otherwise provided by law;

(2) game and fish rules of the commissioner of natural resources adopted under section 84.027, subdivision 13, or sections 97A.0451 to 97A.0459;

(3) experimental and special management waters designated by the commissioner of natural resources under sections 97C.001 and 97C.005; or

(4) game refuges designated by the commissioner of natural resources under section 97A.085; or

(5) transaction fees established by the commissioner of natural resources for electronic or telephone sales of licenses, stamps, permits, registrations, or transfers under section 84.027, subdivision 15, paragraph (a), clause (3).

(e) If a statute provides that a rule is exempt from chapter 14, and section 14.386 does not apply to the rule, the rule has the force of law unless the context of the statute delegating the rulemaking authority makes clear that the rule does not have force of law.

Sec. 20. Minnesota Statutes 1998, section 16A.531, is amended by adding a subdivision to read:

Subd. 3. AGRICULTURAL FUND. There is created in the state treasury an agricultural fund as a special revenue fund for deposit of receipts from agricultural related fees and activities conducted by the state.

Sec. 21. Minnesota Statutes 1998, section 16B.171, as amended by Laws 1999, chapter 86, article 1, section 7, is amended to read:

**16B.171 EXCEPTION FOR FEDERAL TRANSPORTATION CONTRACTS.**

Notwithstanding section 16C.08 or other any law to the contrary, the commissioner of transportation, commissioner of the pollution control agency, or commissioner of nat-

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ural resources may, when required by a federal agency entering into an intergovernmental contract, negotiate contract terms providing for full or partial prepayment to the federal agency before work is performed or services are provided.

Sec. 22. Minnesota Statutes 1998, section 17.03, is amended by adding a subdivision to read:

**Subd. 13. SEMIANNUAL REPORTS.** (a) By October 15 and April 15 of each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations from the agricultural fund in section 16A.531 a report on the amount of revenue raised in each fee account within the fund, the expenditures from each account, and the purposes for which the expenditures were made.

(b) The report delivered on October 15 of each year must include the commissioner's recommendations, if any, for changes in statutes relating to the fee accounts of the agricultural fund.

Sec. 23. Minnesota Statutes 1998, section 17.038, is amended to read:

**17.038 STATISTICAL SERVICES ACCOUNT.**

The statistical services account is established in the state treasury agricultural fund. All payments for statistical services performed by the agricultural statistics division of the department of agriculture must be deposited in the state treasury agricultural fund and credited to the statistical services account. The money in the account is appropriated to the commissioner of agriculture to administer the programs of the agricultural statistics division.

Sec. 24. Minnesota Statutes 1998, section 17.102, subdivision 4, is amended to read:

**Subd. 4. MINNESOTA GROWN ACCOUNT.** The Minnesota grown account is established as an account in the state treasury agricultural fund. License fee receipts and penalties collected under this section must be deposited in the state treasury agricultural fund and credited to the Minnesota grown account. The money in the account is continuously appropriated to the commissioner to implement and enforce this section and to promote the Minnesota grown logo and labeling.

Sec. 25. Minnesota Statutes 1998, section 17.109, subdivision 1, is amended to read:

**Subdivision 1. ESTABLISHMENT.** The Minnesota grown matching account is established as a separate account in the state treasury agricultural fund. The account shall be administered by the commissioner of agriculture as provided in this section.

Sec. 26. Minnesota Statutes 1998, section 17.115, subdivision 3, is amended to read:

**Subd. 3. AWARDING OF LOANS.** (a) Applications for loans must be made to the commissioner on forms prescribed by the commissioner.

(b) The applications must be reviewed, ranked, and recommended by a loan review panel appointed by the commissioner. The loan review panel shall consist of two lenders with agricultural experience, two resident farmers of the state using sustainable agriculture methods, two resident farmers of the state using organic agriculture methods, a farm management specialist, a representative from a post-secondary education institution, and a chair from the department.

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(c) The loan review panel shall rank applications according to the following criteria:

(1) realize savings to the cost of agricultural production and project savings to repay the cost of the loan;

(2) reduce or make more efficient use of energy; and

(3) reduce production costs.

(d) A loan application must show that the loan can be repaid by the applicant.

(e) The commissioner must consider the recommendations of the loan review panel and may make loans for eligible projects. Priority must be given based on the amount of savings realized by adopting the practice implemented by the loan.

Sec. 27. Minnesota Statutes 1998, section 17.116, subdivision 3, is amended to read:

Subd. 3. **AWARDING OF GRANTS.** (a) Applications for grants must be made to the commissioner on forms prescribed by the commissioner.

(b) The applications must be reviewed, ranked, and recommended by a technical review panel appointed by the commissioner. The technical review panel shall consist of a soil scientist, an agronomist, a representative from a post-secondary educational institution, two resident farmers of the state using sustainable agriculture methods, two resident farmers of the state using organic agriculture methods, and a chair from the department.

(c) The technical review panel shall rank applications according to the following criteria:

(1) direct or indirect energy savings or production;

(2) environmental benefit;

(3) farm profitability;

(4) the number of farms able to apply the techniques or the technology proposed;

(5) the effectiveness of the project as a demonstration;

(6) the immediate transferability of the project to farms; and

(7) the ability of the project to accomplish its goals.

(d) The commissioner shall consider the recommendations of the technical review panel and may award grants for eligible projects. Priority must be given to applicants who are farmers or groups of farmers.

(e) Grants for eligible projects may not exceed \$25,000 unless the portion above \$25,000 is matched on an equal basis by the applicant's cash or in-kind land use contribution. Grant funding of projects may not exceed \$50,000 under this section, but applicants may utilize other funding sources. A portion of each grant must be targeted for public information activities of the project.

(f) A project may continue for up to three years. Multiyear projects must be reevaluated by the technical review panel and the commissioner before second or third year funding is approved. A project is limited to one grant for its funding.

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

Sec. 28. Minnesota Statutes 1998, section 17.117, subdivision 3, is amended to read:

Subd. 3. **APPROPRIATIONS.** Up to ~~\$40,000,000~~ \$140,000,000 of the balance in the water pollution control revolving fund in section 446A.07, as determined by the public facilities authority, is appropriated to the commissioner for the establishment of this program.

Sec. 29. Minnesota Statutes 1998, section 17.136, is amended to read:

**17.136 ANIMAL FEEDLOTS; POLLUTION CONTROL; FEEDLOT AND MANURE MANAGEMENT ADVISORY COMMITTEE.**

(a) The commissioner of agriculture and the commissioner of the pollution control agency shall establish a feedlot and manure management advisory committee to identify needs, goals, and suggest policies for research, monitoring, and regulatory activities regarding feedlot and manure management. In establishing the committee, the commissioner shall give first consideration to members of the existing feedlot advisory group.

(b) The committee must include representation from beef, dairy, pork, chicken, and turkey producer organizations. The committee shall not exceed ~~18~~ 21 members, but, after June 30, ~~1997~~ 1999, must include representatives from at least four environmental organizations, eight livestock producers, and four experts in soil and water science, nutrient management, and animal husbandry, one commercial solid manure applicator who is not a producer, one commercial liquid manure applicator who is not a producer, and one member from an organization representing local units of government, and chairs of the senate and the house of representatives committees that deal with agricultural policy or the designees of the chairs. In addition, the departments of agriculture, health, and natural resources, the pollution control agency, board of water and soil resources, soil and water conservation districts, the federal Natural Resource Conservation Service, the association of Minnesota counties, and the Farm Service Agency shall serve on the committee as ex officio nonvoting members.

(c) The advisory committee shall elect a chair and a vice-chair from its members. The department and the agency shall provide staff support to the committee.

(d) The commissioner of agriculture and the commissioner of the pollution control agency shall consult with the advisory committee during the development of any policies, rules, or funding proposals or recommendations relating to feedlots or feedlot-related manure management.

(e) The commissioner of agriculture shall consult with the advisory committee on establishing a list of manure management research needs and priorities.

(f) The advisory committee shall advise the commissioners on other appropriate matters.

(g) Nongovernment members of the advisory committee shall receive expenses, in accordance with section 15.059, subdivision 6. The advisory committee expires on June 30, 2001.

Sec. 30. Minnesota Statutes 1998, section 17.457, subdivision 10, is amended to read:

Subd. 10. **FEE.** The commissioner shall impose a fee for permits in an amount sufficient to cover the costs of issuing the permits and for facility inspections. The fee may not

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exceed \$50. Fee receipts must be deposited in the state treasury agricultural fund and credited to the special revenue fund Eurasian wild pigs account and are appropriated to the commissioner for the purposes of this section.

Sec. 31. Minnesota Statutes 1998, section 17.59, subdivision 5, is amended to read:

Subd. 5. **COMMODITIES RESEARCH AND PROMOTION ACCOUNT.** All fees collected by the department under sections 17.51 to 17.69 and any other fees and income received by the department in the administration of these statutes shall be deposited in a separate account known as the commodity research and promotion account in the special revenue agricultural fund. Money in the account, including interest, is appropriated to the commissioner to carry out the duties of sections 17.51 to 17.69.

Sec. 32. [17.710] **AGRICULTURAL PRODUCTION CONTRACTS.**

A production contract entered into, renewed, or amended on or after July 1, 1999, between an agricultural producer and a processor of agricultural products must not contain provisions that prohibit the producer from disclosing terms, conditions, and prices contained in the contract. Any provision prohibiting disclosure by the producer is void.

Sec. 33. Minnesota Statutes 1998, section 17.85, is amended to read:

**17.85 LABORATORY SERVICES ACCOUNT.**

A laboratory services account is established in the state treasury agricultural fund. Payments for laboratory services performed by the laboratory services division of the department of agriculture must be deposited in the state treasury agricultural fund and credited to the laboratory services account. Money in the account, including interest earned on the account, is annually appropriated to the commissioner of agriculture to administer the programs of the laboratory services division.

Sec. 34. Minnesota Statutes 1998, section 17.982, subdivision 1, is amended to read:

Subdivision 1. **CRIMINAL PENALTIES.** A person who violates chapter 29, 31, 31A, 31B, or 34 for which a penalty has not been prescribed is guilty of a misdemeanor.

Sec. 35. Minnesota Statutes 1998, section 17.983, subdivision 1, is amended to read:

Subdivision 1. **ADMINISTRATIVE PENALTIES; CITATION.** If a person has violated chapter 29, 31, 31A, 31B, 32, or 34, the commissioner may issue a written citation to the person by personal service or by certified mail. The citation shall describe the nature of the violation and the statute or rule alleged to have been violated; state the time for correction; and the amount of any proposed fine. The citation must advise the person to notify the commissioner in writing within 30 days if the person wishes to appeal the citation. If the person fails to appeal the citation, the citation is the final order and not subject to further review.

Sec. 36. Minnesota Statutes 1998, section 17A.11, is amended to read:

**17A.11 FEES FOR LIVESTOCK WEIGHING.**

The commissioner shall prescribe the fee necessary to cover the cost of state weighing, to be assessed and collected from the seller in the manner the commissioner may prescribe. The fee assessed must be the same, and the manner of collection of the fee must be uniform at all facilities. At any location where state weighing is performed in accordance

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with this chapter and the total annual fees collected are insufficient to pay the cost of the weighing, the annual deficit shall be assessed and collected in the manner the commissioner may prescribe. Additional money arising from the weighing of animals by the commissioner, which has been collected and retained by any person, shall be paid on demand to the commissioner. All money collected by the commissioner shall be deposited in the state treasury agricultural fund and credited to the livestock weighing fund account. Money in the account is appropriated to the commissioner to carry out the duties of section 17A.10 and for activities and duties required under chapter 31B.

Sec. 37. Minnesota Statutes 1998, section 17B.15, subdivision 1, is amended to read:

Subdivision 1. **ADMINISTRATION; APPROPRIATION.** The fees for inspection and weighing shall be fixed by the commissioner and be a lien upon the grain. The commissioner shall set fees for all inspection and weighing in an amount adequate to pay the expenses of carrying out and enforcing the purposes of sections 17B.01 to 17B.23, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reserve sufficient for up to six months. The commissioner shall review the fee schedule twice each year. Fee adjustments are not subject to chapter 14. Payment shall be required for services rendered. If the grain is in transit, the fees shall be paid by the carrier and treated as advance charges, and, if received for storage, the fees shall be paid by the warehouse operator, and added to the storage charges.

All fees collected and all fines and penalties for violation of any provision of this chapter shall be deposited in the grain inspection and weighing account, which is created in the state treasury agricultural fund for carrying out the purpose of sections 17B.01 to 17B.23. The money in the account, including interest earned on the account, is annually appropriated to the commissioner of agriculture to administer the provisions of sections 17B.01 to 17B.23. When money from any other account is used to administer sections 17B.01 to 17B.23, the commissioner shall notify the chairs of the agriculture, environment and natural resources finance, and ways and means committees of the house of representatives; the agriculture and rural development and finance committees of the senate; and the finance division of the environment and natural resources committee of the senate.

Sec. 38. Minnesota Statutes 1998, section 18B.05, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** A pesticide regulatory account is established in the state treasury agricultural fund. Fees and penalties collected under this chapter must be deposited in the state treasury agricultural fund and credited to the pesticide regulatory account. Money in the account, including interest, is appropriated to the commissioner for the administration and enforcement of this chapter.

Sec. 39. Minnesota Statutes 1998, section 18B.26, subdivision 5, is amended to read:

Subd. 5. **REVIEW AND REGISTRATION.** (a) The commissioner may not deny the registration of a pesticide because the commissioner determines the pesticide is not essential.

(b) The commissioner shall review each application and may approve, deny, or cancel the registration of any pesticide. The commissioner may impose state use and dis-

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tribution restrictions on a pesticide as part of the registration to prevent unreasonable adverse effects on the environment.

(c) The commissioner must notify the applicant of the approval, denial, cancellation, state use or distribution restrictions.

(d) The applicant may request a hearing on any adverse action of the commissioner within 30 days after being notified.

(e) The commissioner may exempt pesticides that have been deregulated or classified as minimum risk by the United States Environmental Protection Agency from the requirement of registration.

Sec. 40. Minnesota Statutes 1998, section 18C.131, is amended to read:

**18C.131 FERTILIZER INSPECTION ACCOUNT.**

A fertilizer inspection account is established in the state treasury. The fees collected under this chapter and interest attributable to money in the account must be deposited in the state treasury and credited to the fertilizer inspection account in the agricultural fund. Money in the account, including interest earned, is appropriated to the commissioner for the administration and enforcement of this chapter.

Sec. 41. Minnesota Statutes 1998, section 18E.02, subdivision 5, is amended to read:

Subd. 5. **ELIGIBLE PERSON.** "Eligible person" means:

(1) a responsible party or an owner of real property, but does not include the state, a state agency, a political subdivision of the state, except as provided in clause (2), the federal government, or an agency of the federal government;

(2) the owners of municipal airports at ~~Perham, Madison, and Hector~~, in Minnesota where a licensed aerial pesticide applicator has caused an incident through storage, handling, or distribution operations for agricultural chemicals if (i) the commissioner has determined that corrective action is necessary and (ii) the commissioner determines, and the agricultural chemical response compensation board concurs, that based on an affirmative showing made by the owner, a responsible party cannot be identified or the identified responsible party is unable to comply with an order for corrective action; or

(3) a person involved in a transaction relating to real property who is not a responsible party or owner of the real property and who voluntarily takes corrective action on the property in response to a request or order for corrective action from the commissioner; ~~except an owner of a municipal airport not listed in clause (2).~~

Sec. 42. Minnesota Statutes 1998, section 18E.03, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** The agricultural chemical response and reimbursement account is established as an account in the state treasury agricultural fund.

Sec. 43. **[18E.035] FINANCIAL SECURITY; MUNICIPAL AIRPORTS.**

As a condition for the use of space or facilities for the storage, handling, or distribution of agricultural chemicals on the grounds of a municipal airport, a licensed aerial pes-

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ticide applicator shall hold the owner of the airport harmless for any expenses to cover necessary corrective actions caused by the applicator.

Sec. 44. Minnesota Statutes 1998, section 21.115, is amended to read:

**21.115 FEES; SEED POTATO INSPECTION FUND ACCOUNT.**

The commissioner shall fix the fees for all inspections and certifications in such amounts as from time to time may be found necessary to pay the expenses of carrying out and enforcing the purposes of sections 21.111 to 21.122, with a reasonable reserve, and shall require the same to be paid before such inspections or certifications are made. All moneys collected as fees or as penalties for violations of any of the provisions of such sections shall be paid into the state treasury agricultural fund and therein credited to the seed potato inspection fund account of the commissioner, which fund account is hereby created and appropriated for carrying out the purposes of sections 21.111 to 21.122. Interest, if any, received on deposits of these moneys shall be credited to such fund the account, and there shall be paid into this fund any sum provided by the legislature for the purpose of carrying out the provisions of such sections.

Sec. 45. Minnesota Statutes 1998, section 21.116, is amended to read:

**21.116 EXPENSES.**

All necessary expenses incurred in carrying out the provisions of sections 21.111 to 21.122 and the compensation of officers, inspectors, and employees appointed, designated, or employed by the commissioner, as provided in such sections, together with their necessary traveling expenses, together with the traveling expenses of the members of the advisory seed potato certification committee, and other expenses necessary in attending committee meetings, shall be paid from, and only from, the seed potato inspection fund account, on order of the commissioner and commissioner of finance's voucher warrant.

Sec. 46. Minnesota Statutes 1998, section 21.90, subdivision 3, is amended to read:

Subd. 3. **TESTS OF VARIETIES.** If the commissioner needs to verify that a hybrid seed field corn variety is adapted to the corn growing zone declared by the originator or owner, it must, when grown in several official comparative trials by the director of the Minnesota agricultural experiment station in the declared zone of adaptation, have an average kernel moisture at normal harvest time which does not differ from the average kernel moisture content of three or more selected standard varieties adapted for grain production in that particular growing zone by more than four percentage points. If a new variety when tested has more than six percentage points of moisture over the standard variety, it must have the relative maturity increased by five days in the correct zone of adaptation before it can be sold the second year. If it does not exceed the standard varieties by more than five percentage points of moisture the second year tested, it can be sold the third year with the same relative maturity. If upon being tested the third year the moisture percentage points are found to be over the four percentage points allowed, the variety then must have the relative maturity increased by five days in the correct zone. The varieties to be used as standard varieties for determining adaptability to a zone shall be selected for each zone by the director of the Minnesota agricultural experiment station with the advice and consent of the commissioner of agriculture. Should a person, firm, originator, or owner of a hybrid seed field corn variety wish to offer hybrid seed for sale or distribution in this state, the person, firm, originator, or owner not having distributed any

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products in Minnesota during the past ten years, or not having any record of testing by an agency acceptable to the commissioner, then after registration of the variety the commissioner is required to have the variety tested for one year by the director of the Minnesota agricultural experiment station before it may be distributed in Minnesota. Should any person, firm, originator, or owner of a seed field corn variety be guilty of two successive violations with respect to the declaration of relative maturity date and zone number, then the violator must commence a program of pretesting for varieties as determined by the commissioner. The list of varieties to be used as standards in each growing zone shall be sent by the commissioner not later than February 1 of each year to each seed firm registering hybrid varieties with the commissioner as of the previous April 1. To assist in defraying the expenses of the Minnesota agricultural experiment station in carrying out the provisions of this section, there shall be transferred annually from the seed inspection fund account to the agricultural experiment station a sum which shall at least equal 80 percent of the total revenue from all hybrid seed field corn variety registrations.

Sec. 47. Minnesota Statutes 1998, section 21.92, is amended to read:

**21.92 SEED INSPECTION FUND ACCOUNT.**

There is established in the state treasury agricultural fund an account known as the seed inspection fund account. Fees and penalties collected by the commissioner under sections 21.80 to 21.92 and interest attributable to money in the account shall be deposited into this account. The rates at which the fees are charged may be adjusted pursuant to section 16A.1285. Money in the account, including interest earned, is appropriated to the commissioner for the administration and enforcement of sections 21.80 to 21.92.

Sec. 48. Minnesota Statutes 1998, section 25.39, subdivision 4, is amended to read:

Subd. 4. **COMMERCIAL FEED INSPECTION ACCOUNT.** A commercial feed inspection account is established in the state treasury agricultural fund. Fees and penalties collected under sections 25.35 to 25.43 and interest attributable to money in the account must be deposited in the state treasury agricultural fund and credited to the commercial feed inspection account. Money in the account, including interest earned, is appropriated to the commissioner for the administration and enforcement of sections 25.341 to 25.43.

Sec. 49. Minnesota Statutes 1998, section 27.07, subdivision 6, is amended to read:

Subd. 6. **COOPERATIVE AGREEMENTS; FEES; ACCOUNT.** The commissioner may collect fees as provided for in cooperative agreements between the commissioner and the United States Department of Agriculture for the inspection of fresh fruits, vegetables, and other products. The fees and interest attributable to money in the account must be deposited in the state treasury agricultural fund and credited to a fruit and vegetables inspection account. Money in the account, including interest earned, is appropriated to the commissioner to administer the cooperative agreements.

Sec. 50. Minnesota Statutes 1998, section 28A.075, is amended to read:

**28A.075 DELEGATION TO LOCAL BOARD OF HEALTH.**

(a) At the request of a local board of health that licensed and inspected grocery and convenience stores on January 1, 1999, the commissioner may must enter into an agreement agreements before January 1, 2001, with a local board boards of health to delegate

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all or part of the appropriate local board of health the licensing and inspection duties of the commissioner pertaining to retail food handlers that are grocery or convenience stores. Retail grocery or convenience stores inspected under the state meat inspection program of chapter 31A are exempt from delegation.

(b) A local board of health must adopt an ordinance consistent with the Minnesota Food Code, Minnesota Rules, chapter 4626, for all of its jurisdiction to regulate grocery and convenience stores and the ordinance (Food Code) must not be in conflict with standards set in law or rule.

**Sec. 51. [28A.0752] DELEGATION OF POWERS AND DUTIES.**

**Subdivision 1. AGREEMENTS TO PERFORM DUTIES OF THE COMMISSIONER.** (a) Agreements to delegate licensing and inspection duties pertaining to retail grocery or convenience stores shall include licensing, inspection, reporting and enforcement duties authorized under sections 17.04, 28A.13, 29.21, 29.23, 29.235, 29.236, 29.237, 29.24, 29.25, 29.26, 29.27, 29.28, 30.003, 30.01, 30.099, 30.103, 30.104, 30.15, 30.19, 30.49, 30.50, 30.55, 30.56, 30.57, 30.58, and 30.59, appropriate sections of the Minnesota Food Law, chapter 31, and applicable Minnesota food rules.

(b) Agreements are subject to subdivision 3.

(c) This subdivision does not affect agreements entered into under section 28A.075 or current cooperative agreements which base inspections and licensing responsibility on the firm's most predominant mode of business.

**Subd. 2. AGREEMENTS TO PERFORM DUTIES OF THE COMMISSIONER.** An agreement to delegate licensing and inspection of retail food handlers that are grocery or convenience stores to a local board of health must be approved by the commissioner and is subject to subdivision 3.

**Subd. 3. TERMS OF AGREEMENTS.** (a) Agreements authorized under this section must be in writing and signed by the delegating authority and the designated agent.

(b) The agreement must list criteria the delegating authority will use to determine if the designated agent's performance meets appropriate standards and is sufficient to replace performance by the delegating authority.

(c) The agreement may specify minimum staff requirements and qualifications, set procedures for the assessment of costs, and provide for termination procedures if the delegating authority determines that the designated agent has failed to comply with the agreement.

(d) The delegating authority and the designated agent are required to perform inspections utilizing the Minnesota Food Code's minimum and maximum standards.

(e) A designated agent must not perform licensing, inspection, or enforcement duties under the agreement in territory outside its jurisdiction unless approved by the commissioner and governing body for that territory through a separate agreement.

(f) The scope of agreements established under this section is limited to duties and responsibilities agreed upon by the parties. The agreement may provide for automatic renewal and for notice of intent to terminate by either party.

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(g) During the life of the agreement, the delegating authority shall not perform duties that the designated agent is required to perform under the agreement, except inspections necessary to determine compliance with the agreement and this section or as agreed to by the parties.

(h) The delegating authority shall consult with, advise, and assist a designated agent in the performance of its duties under the agreement.

(i) This section does not alter the responsibility of the delegating authority for the performance of duties specified by law and rule.

Sec. 52. Minnesota Statutes 1998, section 28A.08, subdivision 3, as amended by Laws 1999, chapter 59, section 2, is amended to read:

Subd. 3. **FEES EFFECTIVE JULY 1, 1999.**

Type of food handler	License Fee Effective July 1, 1999	Penalties	
		Late Renewal	No License
1. Retail food handler			
(a) Having gross sales of only prepackaged nonperishable food of less than \$15,000 for the immediately previous license or fiscal year and filing a statement with the commissioner	<del>\$ 45</del> <u>\$ 48</u>	<del>\$ 15</del> <u>\$ 16</u>	<del>\$ 25</del> <u>\$ 27</u>
(b) Having under \$15,000 gross sales including food preparation or having \$15,000 to \$50,000 gross sales for the immediately previous license or fiscal year	<del>\$ 61</del> <u>\$ 65</u>	<del>\$ 15</del> <u>\$ 16</u>	<del>\$ 25</del> <u>\$ 27</u>
(c) Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year	<del>\$118</del> <u>\$126</u>	<del>\$ 35</del> <u>\$ 37</u>	<del>\$ 75</del> <u>\$ 80</u>
(d) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	<del>\$202</del> <u>\$216</u>	<del>\$ 50</del> <u>\$ 54</u>	<del>\$100</del> <u>\$107</u>

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(e) Having \$1,000,000 to \$5,000,000 gross sales for the immediately previous license or fiscal year	\$562 <u>\$601</u>	\$100 <u>\$107</u>	\$175 <u>\$187</u>
(f) Having \$5,000,000 to \$10,000,000 gross sales for the immediately previous license or fiscal year	\$787 <u>\$842</u>	\$150 <u>\$161</u>	\$300 <u>\$321</u>
(g) Having over \$10,000,000 gross sales for the immediately previous license or fiscal year	\$899 <u>\$962</u>	\$200 <u>\$214</u>	\$350 <u>\$375</u>
2. Wholesale food handler			
(a) Having gross sales or service of less than \$25,000 for the immediately previous license or fiscal year	\$-50 <u>\$ 54</u>	\$-15 <u>\$ 16</u>	\$-15 <u>\$ 16</u>
(b) Having \$25,000 to \$250,000 gross sales or service for the immediately previous license or fiscal year	\$225 <u>\$241</u>	\$-50 <u>\$ 54</u>	\$100 <u>\$107</u>
(c) Having \$250,000 to \$1,000,000 gross sales or service from a mobile unit without a separate food facility for the immediately previous license or fiscal year	\$337 <u>\$361</u>	\$-75 <u>\$ 80</u>	\$150 <u>\$161</u>
(d) Having \$250,000 to \$1,000,000 gross sales or service not covered under paragraph (c) for the immediately previous license or fiscal year	\$449 <u>\$480</u>	\$100 <u>\$107</u>	\$200 <u>\$214</u>
(e) Having \$1,000,000 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year	\$562 <u>\$601</u>	\$125 <u>\$134</u>	\$250 <u>\$268</u>
(f) Having over \$5,000,000 gross sales for the immediately previous license or fiscal year	\$647 <u>\$692</u>	\$150 <u>\$161</u>	\$300 <u>\$321</u>

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3.	Food broker	\$112	<del>\$ 30</del>	<del>\$ 50</del>
		<u>\$120</u>	<u>\$ 32</u>	<u>\$ 54</u>
4.	Wholesale food processor or manufacturer			
	(a) Having gross sales of less than \$125,000 for the immediately previous license or fiscal year	\$150	<del>\$ 50</del>	\$100
		<u>\$161</u>	<u>\$ 54</u>	<u>\$107</u>
	(b) Having \$125,000 to \$250,000 gross sales for the immediately previous license or fiscal year	\$310	<del>\$ 75</del>	\$150
		<u>\$332</u>	<u>\$ 80</u>	<u>\$161</u>
	(c) Having \$250,001 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$449	\$100	\$200
		<u>\$480</u>	<u>\$107</u>	<u>\$214</u>
	(d) Having \$1,000,001 to 5,000,000 gross sales for the immediately previous license or fiscal year	\$562	<del>\$125</del>	<del>\$250</del>
		<u>\$601</u>	<u>\$134</u>	<u>\$268</u>
	(e) Having \$5,000,001 to \$10,000,000 gross sales for the immediately previous license or fiscal year	\$647	\$150	\$300
		<u>\$692</u>	<u>\$161</u>	<u>\$321</u>
	(f) Having over \$10,000,000 gross sales for the immediately previous license or fiscal year	\$900	\$200	\$350
		<u>\$963</u>	<u>\$214</u>	<u>\$375</u>
5.	Wholesale food processor of meat or poultry products under supervision of the U. S. Department of Agriculture			
	(a) Having gross sales of less than \$125,000 for the immediately previous license or fiscal year	\$100	<del>\$ 25</del>	<del>\$ 50</del>
		<u>\$107</u>	<u>\$ 27</u>	<u>\$ 54</u>
	(b) Having \$125,000 to \$250,000 gross sales for the immediately previous license or fiscal year	\$169	<del>\$ 50</del>	<del>\$ 75</del>
		<u>\$181</u>	<u>\$ 54</u>	<u>\$ 80</u>

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(c) Having \$250,001 to \$1,000,000 gross sales for the immediately previous license or fiscal year				
	\$253	\$ 75	\$125	
	<u>\$271</u>	<u>\$ 80</u>	<u>\$134</u>	
(d) Having \$1,000,001 to \$5,000,000 gross sales for the immediately previous license or fiscal year				
	\$310	\$ 75	\$150	
	<u>\$332</u>	<u>\$ 80</u>	<u>\$161</u>	
(e) Having \$5,000,001 to \$10,000,000 gross sales for the immediately previous license or fiscal year				
	\$366	\$100	\$175	
	<u>\$392</u>	<u>\$107</u>	<u>\$187</u>	
(f) Having over \$10,000,000 gross sales for the immediately previous license or fiscal year				
	\$500	\$150	\$250	
	<u>\$535</u>	<u>\$161</u>	<u>\$268</u>	
6.	Wholesale food processor or manufacturer operating only at the state fair	\$125	\$ 40	\$ 50
7.	Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota Farmstead cheese	\$ 30	\$ 10	\$ 15
8.	Nonresident frozen dairy manufacturer	\$200	\$ 50	\$ 75
9.	Wholesale food manufacturer processing less than 700,000 pounds per year of raw milk	\$ 30	\$ 10	\$ 15
10.	A milk marketing organization without facilities for processing or manufacturing that purchases milk from milk producers for delivery to a licensed wholesale food processor or manufacturer	\$ 50	\$ 15	\$ 25

**Sec. 53. [28A.081] CERTIFICATE FEES.**

A fee of \$75 for each certificate shall be charged to all food establishments that request certificates issued by the Minnesota department of agriculture to facilitate the movement of Minnesota processed and manufactured foods destined for export from the state of Minnesota. Certificates include, but are not limited to, a certificate of free sale, certificate of export, certificate of sanitation, sanitary certificate, certificate of origin and/or free sale, certificate of health and/or free sale, sanitation, and purity, certificate of free trade, certificate of free sale, sanitation, purity, and origin, certificate of health, sanitation, purity, and free sale, and letter of plant certification.

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The commissioner shall bill a food establishment within seven days after issuing a certificate to the establishment. The operator of the food establishment must submit payment for a certificate within ten days of the billing date. If a certificate fee payment is not received within 15 days of the billing date, the commissioner may not issue any future certificates until previous fees due are paid in full.

Sec. 54. Minnesota Statutes 1998, section 29.22, subdivision 5, is amended to read:

Subd. 5. **DISPOSITION OF FEES.** All fees collected and all fines paid for a violation of sections 29.21 to 29.28 or rules promulgated under those sections, as well as all license fees and penalties must be deposited in the ~~state treasury agricultural fund~~, and credited to a separate account to be known as the egg law inspection fund account, which is hereby created, set aside, and appropriated as a revolving fund account to be used by the department to help defray the expense of inspection, supervision, and enforcement of sections 29.21 to 29.28 and is in addition to and not in substitution for the sums regularly appropriated or otherwise made available for this purpose to the department.

Sec. 55. Minnesota Statutes 1998, section 31.101, subdivision 10, is amended to read:

Subd. 10. **MEAT AND POULTRY RULES.** Federal regulations in effect on ~~April 1, 1997~~ January 1, 1999, as provided by Code of Federal Regulations, title 9, ~~parts part 301 to 362 and 381 to 391~~, with the exception of ~~Subpart C Exemptions, sections 381.10 to 381.15 et seq.~~, are incorporated as part of the meat and poultry rules in this state. The rules may be amended by the commissioner under chapter 14.

Sec. 56. Minnesota Statutes 1998, section 31.94, is amended to read:

#### 31.94 COMMISSIONER DUTIES.

(a) The commissioner shall enforce sections 31.92 to 31.95. The commissioner shall withhold from sale or trade any product sold, labeled, or advertised in violation of sections 31.92 to 31.95.

(b) The commissioner shall investigate the offering for sale, labeling, or advertising of an article or substance as organically grown, organically processed, or produced in an organic environment if there is reason to believe that action is in violation of sections 31.92 to 31.95.

(c) The commissioner may adopt rules that further clarify organic food standards and marketing practices.

(d) In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:

(1) survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;

(2) work with the University of Minnesota to demonstrate the on-farm applicability of organic agriculture practices to conditions in this state;

(3) direct the programs of the department so as to work toward the promotion of organic agriculture in this state;

(4) inform agencies of how state or federal programs could utilize and support organic agriculture practices; and

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(5) work closely with farmers, the University of Minnesota, the Minnesota trade office, and other appropriate organizations to identify opportunities and needs as well as ensure coordination and avoid duplication of state agency efforts regarding research, teaching, and extension work relating to organic agriculture.

(e) By November 15 of each even-numbered year the commissioner, in conjunction with the task force created in section 31.95, subdivision 3a, shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture. The report must include:

(1) a description of current state or federal programs directed toward organic agriculture, including significant results and experiences of those programs;

(2) a description of specific actions the department of agriculture is taking in the area of organic agriculture, including the proportion of the department's budget spent on organic agriculture;

(3) a description of current and future research needs at all levels in the area of organic agriculture; and

(4) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect organic agriculture.

Sec. 57. Minnesota Statutes 1998, section 31.95, subdivision 3a, is amended to read:

Subd. 3a. **CERTIFICATION ORGANIZATIONS.** (a) A Minnesota grown organic product that is labeled "certified" must be certified by a designated certification organization.

(b) A certified organic product sold in this state must be certified by a designated certification organization or by a certification organization approved by the commissioner. Before approving a certification organization, the commissioner must seek the evaluation and recommendation of the Minnesota organic advisory task force.

(c) The commissioner shall appoint a Minnesota organic advisory task force composed of members of the organic industry to advise the commissioner on organic issues. Members of the task force may not be paid compensation or costs for expenses to advise the commissioner on policies and practices to improve organic agriculture in Minnesota. The task force shall consist of the following residents of the state:

(1) three farmers using organic agriculture methods;

(2) one organic food retailer or distributor;

(3) one representative of organic food certification agencies;

(4) one organic food processor;

(5) one representative from the Minnesota extension service;

(6) one representative from an environmental nonprofit organization;

(7) two at-large members; and

(8) one representative from the agricultural utilization research institute. Terms, compensation, and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2004-2003.

New language is indicated by underline, deletions by strikeout.

Sec. 58. Minnesota Statutes 1998, section 31A.01, is amended to read:

**31A.01 POLICY.**

Meat, poultry, and meat food products are an important source of the nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat, poultry, and meat food products distributed to them are wholesome, unadulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat, poultry, or meat food products injure the public welfare, destroy markets for wholesome, unadulterated, and properly labeled and packaged meat, poultry, and meat food products, and result in losses to livestock producers and processors of meat, poultry, and meat food products and injury to consumers. Unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with wholesome, unadulterated, and properly labeled and packaged articles, to the detriment of consumers and the general public.

Regulation by the commissioner and cooperation between this state and the United States under this chapter are appropriate to protect the health and welfare of consumers and accomplish the purposes of this chapter.

Sec. 59. Minnesota Statutes 1998, section 31A.02, subdivision 4, is amended to read:

Subd. 4. **ANIMALS.** "Animals" means cattle, swine, sheep, goats, poultry, farmed cervidae, as defined in section 17.451, subdivision 2, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, horses, equines, and other large domesticated animals; ~~not including poultry.~~

Sec. 60. Minnesota Statutes 1998, section 31A.02, is amended by adding a subdivision to read:

Subd. 17a. **FEDERAL POULTRY INSPECTION ACT.** "Federal Poultry Inspection Act" means the Federal Poultry Products Inspection Act, as amended.

Sec. 61. Minnesota Statutes 1998, section 31A.02, is amended by adding a subdivision to read:

Subd. 24. **POULTRY.** "Poultry" means any domesticated bird, including, but not limited to, chickens, turkeys, ducks, geese, or guineas.

Sec. 62. Minnesota Statutes 1998, section 31A.15, subdivision 1, is amended to read:

Subdivision 1. **INSPECTION.** The provisions of sections 31A.01 to 31A.16 requiring inspection of the slaughter of animals and the preparation of the carcasses, parts of carcasses, meat, poultry, and meat food products at establishments conducting slaughter and preparation do not apply:

(1) to the processing by a person of the person's own animals and the owner's preparation and transportation in intrastate commerce of the carcasses, parts of carcasses, meat, poultry, and meat food products of those animals exclusively for use by the owner and members of the owner's household, nonpaying guests, and employees; or

(2) to the custom processing by a person of cattle, sheep, swine, poultry, or goats delivered by the owner for processing, and the preparation or transportation in intrastate

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commerce of the carcasses, parts of carcasses, meat, poultry, and meat food products of animals, exclusively for use in the household of the owner by the owner and members of the owner's household, nonpaying guests, and employees. Meat from custom processing of cattle, sheep, swine, poultry, or goats must be identified and handled as required by the commissioner, during all phases of processing, chilling, cooling, freezing, preparation, storage, and transportation. The custom processor may not engage in the business of buying or selling carcasses, parts of carcasses, meat, poultry, or meat food products of animals usable as human food unless the carcasses, parts of carcasses, meat, poultry, or meat food products have been inspected and passed and are identified as inspected and passed by the Minnesota department of agriculture or the United States Department of Agriculture.

Sec. 63. Minnesota Statutes 1998, section 31A.21, subdivision 1, is amended to read:

Subdivision 1. **DESIGNATION.** The Minnesota department of agriculture is the state agency responsible for cooperating with the United States Secretary of Agriculture under section 301 of the Federal Meat Inspection Act and of the Poultry Products Inspection Act to develop and administer the state meat inspection program under this chapter so that its requirements at least equal those imposed under titles I and IV of the Federal Meat Inspection Act and of the Poultry Products Inspection Act to develop and administer the state program under sections 31A.17 to 31A.20 to carry out the purposes of this chapter and the federal act.

Sec. 64. Minnesota Statutes 1998, section 31A.21, subdivision 3, is amended to read:

Subd. 3. **ADVICE; CONSULTATION.** The Minnesota department of agriculture may recommend to the United States Secretary of Agriculture officials or employees of this state for appointment to the advisory committees provided for in section 301 of the Federal Meat Inspection Act and of the Poultry Products Inspection Act. The Minnesota department of agriculture shall serve as the representative of the governor for consultation with the secretary under paragraph (c) of section 301 of the Federal Meat Inspection Act and of the Poultry Products Inspection Act unless the governor selects another representative.

Sec. 65. Minnesota Statutes 1998, section 31A.31, is amended to read:

**31A.31 CITATION.**

This chapter may be cited as the Minnesota Meat and Poultry Inspection Act.

**Sec. 66. [31B.07] PRICE AND CONTRACT REPORTS.**

Subdivision 1. **DAILY PRICE REPORTS.** (a) At the close of each business day on which a packer purchased or received on contract livestock for slaughter, the packer must report to the United States Department of Agriculture, Agricultural Marketing Service, and the commissioner of agriculture all prices paid for livestock under contract and through cash market sales during that business day, including:

(1) the amount of the base price and a description of the formula used to establish that base price;

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(2) a description of the types and amount of any premiums or discounts including but not limited to quality characteristics, grade and yield, volume, early delivery, percent lean, and transportation or acquisition cost savings to the packer; and

(3) the basis on which payment was made including live-weight, carcass weight, or value in the meat.

(b) The commissioner shall make information reported by packers available to the public, through an electronic medium, on the day succeeding the day covered by the packer's report. The disclosure of information reported by the commissioner may be made only in a form that ensures that:

(1) the identity of the parties involved in any transaction described in a report is not disclosed;

(2) the identity of the packer submitting a report is not disclosed; and

(3) the confidentiality of proprietary business information is otherwise protected.

**Subd. 2. QUARTERLY REPORTS; COMMISSIONER PUBLICATION OF TERMS AND PRICE.** (a) A packer that acquires livestock for slaughter under contract with one or more producers shall, within ten business days after the close of each calendar quarter, provide a report to the commissioner. The report must include copies of each type of marketing agreement, contract, and joint venture agreement used by the packer to procure slaughter livestock from producers during the previous calendar quarter.

(b) Not later than 15 business days after packers have provided reports required under paragraph (a), the commissioner shall release to the agricultural press and other interested parties a summary report of the contract terms and prices offered by packers to producers during the previous calendar quarter.

**Subd. 3. EXPIRATION.** The reporting provisions of this section expire 30 days after a department or agency of the federal government has a price reporting requirement at least as comprehensive as this section.

Sec. 67. Minnesota Statutes 1998, section 32.21, subdivision 4, is amended to read:

**Subd. 4. PENALTIES.** (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor or subject to a civil penalty up to \$1,000.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) or (d) that the milk producer has violated this section.

(c) A milk producer who violates subdivision 3, clause (1), (2), (3), (4), or (5), is subject to clauses (1) to (3) of this paragraph.

(1) Upon notification of the first violation in a 12-month period, the producer must meet with the dairy plant field service representative to initiate corrective action within 30 days.

(2) Upon the second violation within a 12-month period, the producer is subject to a civil penalty of \$300. The commissioner shall notify the producer by certified mail stating the penalty is payable in 30 days, the consequences of failure to pay the penalty, and the consequences of future violations.

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(3) Upon the third violation within a 12-month period, the producer is subject to an additional civil penalty of \$300 and possible revocation of the producer's permit or certification. The commissioner shall notify the producer by certified mail that all civil penalties owed must be paid within 30 days and that the commissioner is initiating administrative procedures to revoke the producer's permit or certification to sell milk for at least 30 days.

(d) The producer's shipment of milk must be immediately suspended if the producer is identified as an individual source of milk containing residues causing a bulk load of milk to test positive in violation of subdivision 3, clause (6) or (7). Shipment may resume The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days and shipment may resume only after subsequent milk has been sampled by the commissioner or the commissioner's agent and found to contain no residues above established tolerances or safe levels.

The Grade A or manufacturing grade permit may be restored if the producer remains eligible only for manufacturing grade until the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner within the 30-day temporary permit status period. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended. A milk producer whose milk supply is in violation of subdivision 3, clause (6) or (7), and has caused a bulk load to test positive is subject to clauses (1) to (3) of this paragraph.

(1) For the first violation in a 12-month period, a dairy plant may collect from the responsible producer the value of the contaminated truck load of milk. If the amount collected by the plant is less than two days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer.

(2) For the second violation in a 12-month period, a dairy plant may collect from the responsible producer the value of the contaminated truck load of milk. If the amount collected by the plant is less than four days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer.

(3) For the third violation in a 12-month period, a dairy plant may collect from the responsible producer the value of the contaminated load of milk. If the amount collected by the plant is less than four days of milk production on that farm, then the commissioner must assess the difference as a civil penalty payable by the plant or marketing organization on behalf of the responsible producer. The commissioner shall also notify the producer by certified mail that the commissioner is initiating administrative procedures to revoke the producer's right to sell milk for a minimum of 30 days.

(4) If a bulk load of milk tests negative for residues and there is a positive producer sample on the load, no civil penalties may be assessed to the producer. The plant must report the positive result within 24 hours and reject further milk shipments from that producer until the producer's milk tests negative. The department shall suspend the producer's permit and count the violation on the producer's record. The producer remains eligible only for manufacturing grade until Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days during which time the producer

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reviews must review the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, display the signed certificate in the milkhouse, and send verification to the commissioner. To maintain a permit or certification to market milk, this program must be reviewed within 30 days. If these conditions are met, the Grade A or manufacturing grade permit must be reinstated. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended.

(e) A milk producer that has been certified as completing the "Milk and Dairy Beef Residue Prevention Protocol" within 12 months of the first violation of subdivision 3, clause (7), need only review the cause of the violation with a field service representative within three days to maintain Grade A or manufacturing grade permit and shipping status if all other requirements of this section are met.

(f) Civil penalties collected under this section must be deposited in the milk inspection services account established in this chapter.

Sec. 68. Minnesota Statutes 1998, section 32.394, subdivision 9, is amended to read:

**Subd. 9. PAYMENTS; REFUNDS; DISPOSITION.** Fees are payable by a processor or marketing organization by July 1 of each year for Grade A, and by January 1 of each year for manufacturing grade, and if not paid within 30 days of the due date, the service must be discontinued, and permission to market manufacturing grade or Grade A milk or milk products or use the Grade A label must be withdrawn. A processor may terminate payment and service without loss of the Grade A label if written notice of that intention is given prior to the due date of the payment of an assessment and if the continuous inspection of the plant is assumed by a city whose milk control ordinance is substantially equivalent to Minnesota law and rule and is enforced with equal effectiveness. If a farm discontinues the production of milk within six months of the billing date, a request for a refund based on inspection services not received may be made by the processor or by the marketing organization on behalf of its patrons. This request must be made in writing by July 1 for manufacturing grade, or by December 31 for Grade A, and on approval by the commissioner refunds must be made to the processor or marketing organization.

The fees for services performed by the activities of this section must be deposited in the state treasury agricultural fund and constitute a separate account to be known as the dairy services account, which is hereby created. Money in the account, including interest earned, is appropriated to the commissioner to administer this chapter.

Sec. 69. Minnesota Statutes 1998, section 35.02, subdivision 1, is amended to read:

**Subdivision 1. MEMBERS; OFFICERS.** The board has five members appointed by the governor with the advice and consent of the senate, three of whom are producers of livestock in the state, and two of whom are practicing veterinarians licensed in Minnesota. The dean of the college of veterinary medicine of the University of Minnesota may serve as consultant to the board without vote. Appointments to fill unexpired terms must be made from the classes to which the retiring members belong. The board shall elect a president and a vice-president from among its members and a veterinarian licensed in Minnesota who is not a member to be its executive ~~secretary~~ director for a term of one year and until a successor qualifies. The board shall set the duties of the ~~secretary~~ director.

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Sec. 70. Minnesota Statutes 1998, section 35.04, is amended to read:

**35.04 DUTY OF BOARDS OF HEALTH.**

Boards of health as defined in section 145A.02, subdivision 2, shall assist the board in the prevention, suppression, control, and eradication of contagious and infectious dangerous diseases among domestic animals when directed to do so by the secretary director or any member of the board. Two or more local boards may be required in emergencies to cooperate in giving assistance. The rules of the state board prevail over conflicting local board rules.

Sec. 71. Minnesota Statutes 1998, section 35.05, is amended to read:

**35.05 AUTHORITY OF STATE BOARD.**

(a) The state board may quarantine or kill any domestic animal infected with, or which has been exposed to, a contagious or infectious dangerous disease if it is necessary to protect the health of the domestic animals of the state.

(b) The board may regulate or prohibit the arrival in and departure from the state of infected or exposed animals and, in case of violation of any rule or prohibition, may detain any animal at its owner's expense. The board may regulate or prohibit the importation of domestic animals which, in its opinion, may injure the health of Minnesota livestock.

(c) The board may implement the United States, Voluntary Johne's Disease Herd Status Program for cattle.

(d) Rules adopted by the board under authority of this chapter must be published in the State Register.

Sec. 72. Minnesota Statutes 1998, section 35.08, is amended to read:

**35.08 KILLING OF DISEASED ANIMALS.**

If the board decides upon the killing of an animal affected with tuberculosis, paratuberculosis, or brucellosis, it shall notify the animal's owner or keeper of the decision. If the board, through its executive secretary director, orders that an animal may be transported for immediate slaughter to any abattoir where the meat inspection division of the United States Department of Agriculture maintains inspection, or where the animal and plant health inspection service of the United States Department of Agriculture or the board establishes field postmortem inspection, the owner must receive the value of the net salvage of the carcass.

Before the animal is removed from the premises of the owner, the representative or authorized agent of the board must agree with the owner in writing as to the value of the animal. In the absence of an agreement, three competent, disinterested persons, one appointed by the board, one by the owner, and a third by the first two, shall appraise the animal at its full replacement cost taking into consideration the purpose and use of the animal.

The appraisal made under this section must be in writing, signed by the appraisers, and certified by the board to the commissioner of finance, who shall draw a warrant on the state treasurer for the amount due the owner.

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Sec. 73. Minnesota Statutes 1998, section 35.09, subdivision 2, is amended to read:

Subd. 2. **EXCEPTIONS.** The owner of an animal is entitled to the indemnity provided in subdivision 1, except in the following cases:

- (1) steers;
- (2) animals which have not been kept in good faith for one year or since their birth in the state;
- (3) animals brought into the state, contrary to law or rules of the board;
- (4) animals diseased on arrival in the state;
- (5) animals belonging to the United States;
- (6) animals belonging to institutions maintained by the state, a county, or a municipality;
- (7) animals which the owner or claimant knew or should have known were diseased at the time they were acquired;
- (8) animals exposed to brucellosis through the owner's negligence;
- (9) animals which have been injected with brucellosis vaccine, bacterin, or other preparations made from or through the agency of Brucella Microorganisms unless it was done in compliance with the rules of the board;
- (10) animals belonging to a person who has received indemnity as a result of a former inspection or tests and has then introduced into the same herd any animals which have not passed the tuberculin or brucellosis test;
- (11) animals if the owner, agent, or person in possession of them has not complied with the rules of the board with respect to condemned animals;
- (12) condemned animals which are not destroyed within 15 days after the date of appraisal, or for which the owner refuses to sign the appraisal or report of the members of the appraisal board, except that in extraordinary circumstances and in meritorious cases and at the discretion of the executive secretary ~~director~~ of the board the time limit of 15 days may be extended an additional 15 days if the owner receives permission from the executive secretary ~~director~~ within 15 days of the date of appraisal;
- (13) livestock affected with tuberculosis, paratuberculosis, or brucellosis unless the entire herd of which the affected livestock is a part, or from which the affected livestock has originated, is examined and tested under the supervision of the board, in order to determine if they are free from the disease;
- (14) livestock affected with tuberculosis, paratuberculosis, or brucellosis unless the owner has carried out the instructions of the board relating to cleaning, disinfection, and rendering the stables and premises in a sanitary condition within 15 days of the time of removal of the animals from the premises, except when, because of inclement weather or other extenuating circumstances, the time is extended by the executive secretary director of the board;
- (15) livestock affected with tuberculosis, paratuberculosis, or brucellosis, if the owner has fed milk or milk products derived from creameries which was not pasteurized as required by state laws; and

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(16) animals owned by a nonresident if neither the owner nor the owner's agent breed livestock in Minnesota.

If, at any time, the annual appropriation for payment of indemnities becomes exhausted as a result of condemnation and slaughter of animals, the board shall discontinue making further official tests or authorizing tests unless an owner signs a waiver on blanks furnished by the board of payment of indemnity for any animals that may be condemned as the result of a test and inspection which releases the state from any obligation to pay indemnity from any future appropriation.

Sec. 74. Minnesota Statutes 1998, section 35.09, subdivision 2a, is amended to read:

Subd. 2a. **NONREACTORS; CATTLE INELIGIBLE FOR TEST.** The board may condemn and appraise nonreactors to the brucellosis test and exposed cattle not eligible to be tested from herds affected with brucellosis and may pay the owner the difference between the appraisal value and the salvage value up to \$300 for grade animals or \$600 for purebred registered animals if the board through its executive secretary ~~director~~ has determined according to criteria adopted by the board that herd depopulation is essential to the goal of bovine brucellosis eradication. Indemnity payable by the state must be reduced by the amount paid by the United States Department of Agriculture. No indemnity may be paid for steers.

Sec. 75. Minnesota Statutes 1998, section 35.67, is amended to read:

#### 35.67 RABIES INVESTIGATION.

If the executive secretary ~~director~~ of the board of animal health, or a board of health as defined in section 145A.02, subdivision 2, receives a written complaint that rabies exists in a town or city in the board's jurisdiction, the board of health shall investigate, either personally or through subordinate officers, the truth of the complaint. A board of health may also make an investigation and determination independently, without having received a complaint. The fact that a board of health has investigated and determined that rabies does not exist in a jurisdiction does not deprive the executive secretary ~~director~~ of the board of animal health of jurisdiction or authority to make an investigation and determination with reference to the territory. For the purposes of sections 35.67 to 35.69, the jurisdiction of the executive secretary ~~director~~ of the board of animal health is the entire state.

Sec. 76. Minnesota Statutes 1998, section 35.68, is amended to read:

#### 35.68 RABIES PROCLAMATION.

If a board of health as defined in section 145A.02, subdivision 2, investigates and finds that rabies does exist in a town or city the board of health shall make and file a proclamation of the investigation and determination which prohibits the owner or custodian of any dog from allowing the dog to be at large within the town or city unless the dog is effectively muzzled so that it cannot bite any other animal or person.

If the executive secretary ~~director~~ of the board of animal health, after investigation, has determined that rabies exists in any territory in the state, similar proclamations must be issued in all towns and cities within the territory or area in which it is necessary to control the outbreak and prevent the spread of the disease. The proclamation must prohibit the owner or custodian of any dog within the designated territory from permitting or al-

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lowing the dog to be at large within the territory unless the dog is effectively muzzled so that it cannot bite any other animal or person.

All local peace officers and boards of health shall enforce sections 35.67 to 35.69.

A proclamation issued by the board of health must be filed with the clerk of the political subdivision responsible for the board of health. One issued by the executive ~~secretary~~ director of the board of animal health must be filed with the clerk of each town and city within the territory it covers.

Each officer with whom the proclamation is filed shall publish a copy of it in one issue of a legal newspaper published in the clerk's town or city if one is published there. If no newspaper is published there, the clerk must post a copy of the proclamation in three public places. Publication is at the expense of the municipality.

Proof of publication must be by affidavit of the publisher and proof of posting must be by the person doing the posting. The affidavit must be filed with the proclamation. The proclamation is effective five days after the publication or posting and remains effective for the period of time not exceeding six months specified in it by the board of health making the proclamation.

Sec. 77. Minnesota Statutes 1998, section 35.82, subdivision 1b, is amended to read:

Subd. 1b. **CARCASSES FOR PET OR MINK FOOD.** (a) The board, through its executive ~~secretary~~ director, may issue a permit to the owner or operator of a pet food processing establishment, a mink rancher, or a supplier of an establishment, located within the boundaries of Minnesota, to transport the carcasses of domestic animals that have died or have been killed, other than by being slaughtered for human or animal consumption, over the public highways to the establishment for pet food or mink food purposes only. The owners and operators of pet food processing establishments or their suppliers and mink ranch operators located in any adjacent state with which a reciprocal agreement is in effect under subdivision 3 are not required to possess a permit issued under this subdivision. The permit is valid for one year following the date of issue unless it is revoked.

(b) The owner or operator of a pet food processing plant or mink ranch shall employ an official veterinarian. A veterinarian named in the permit application who is accepted by the board to act as the official veterinarian is authorized to act as its representative.

(c) Carcasses collected by owners or operators under permit may be used for pet food or mink food purposes if the official veterinarian examines them and finds them suitable for pet food or mink food purposes.

(d) Carcasses not passed by the official veterinarian for pet food or mink food purposes must be disposed of by a rendering plant operating under permit from the board.

(e) The board must require pet food processing establishments, owners and operators of mink ranches, and suppliers of these establishments to conform to rules of the board applicable to rendering plants within the state.

Sec. 78. Minnesota Statutes 1998, section 35.82, subdivision 2, is amended to read:

Subd. 2. **DISPOSITION OF CARCASSES.** (a) Except as provided in subdivision 1b and paragraph (d), every person owning or controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consump-

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tion, shall as soon as reasonably possible bury the carcass at a depth adequate to prevent scavenging by other animals in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive ~~secretary~~ director, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as required by law, to transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

(c) An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leakproof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose. A carcass on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run at large.

(d) A sheep producer may compost sheep carcasses owned by the producer on the producer's land without a permit and is exempt from compost facility specifications contained in rules of the board.

(e) The board shall develop best management practices for dead animal disposal and the pollution control agency feedlot program shall distribute them to livestock producers in the state.

Sec. 79. Minnesota Statutes 1998, section 35.82, subdivision 3, is amended to read:

Subd. 3. **RECIPROCALITY.** The executive ~~secretary~~ director of the board may enter into a reciprocal agreement on behalf of this state with an adjacent state which provides for permits to be issued to rendering plants, pet food processing establishments or suppliers of establishments, and mink ranch operators located in either state to transport car-

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casses to their plants, establishments, or ranches over the public highways of this state and the reciprocating state.

This subdivision applies if the adjacent state has in effect standards and requirements which are the equivalent of the standards and requirements of this state as established by the board.

Sec. 80. Minnesota Statutes 1998, section 35.92, subdivision 5, is amended to read:

Subd. 5. **SUBPOENAS.** The board of animal health through its executive secretary director may issue subpoenas to compel the attendance of witnesses or submission of books, documents, and records affecting the authority or privilege granted by a license, registration, certification, or permit issued under this chapter or by the board or issued by the commissioner of agriculture if agreed to by the commissioner.

Sec. 81. Minnesota Statutes 1998, section 35.93, subdivision 1, is amended to read:

Subdivision 1. **ADMINISTRATIVE REMEDIES.** The board of animal health may seek to remedy violations by authorizing the executive secretary director to issue a written warning, administrative meeting, cease and desist, stop-sale, or other special order, seizure, stipulation, or agreement, if the board determines that the remedy is in the public interest.

Sec. 82. Minnesota Statutes 1998, section 41B.044, subdivision 2, is amended to read:

Subd. 2. **ETHANOL DEVELOPMENT FUND.** There is established in the state treasury an ethanol development fund. All repayments of financial assistance granted under subdivision 1, including principal and interest, must be deposited into ~~this the~~ the general fund. ~~Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the ethanol production facility loan program, including costs incurred by the authority to establish and administer the program.~~

Sec. 83. Minnesota Statutes 1998, section 84.027, subdivision 15, is amended to read:

Subd. 15. **ELECTRONIC TRANSACTIONS.** (a) The commissioner may receive an application for, sell, and issue any license, stamp, permit, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. Notwithstanding section 97A.472, electronic and telephone transactions may be made outside of the state. The commissioner may:

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

(2) assign a license identification number to an applicant who purchases a hunting or fishing license by electronic means, to serve as temporary authorization to engage in the licensed activity until the license is received or expires;

(3) charge and permit agents to charge a fee of individuals who make electronic transactions, and transactions by telephone, including a transaction the issuing fee under section 97A.485, subdivision 6, and a credit card an additional transaction fee not to exceed \$3.50 ~~for electronic transactions;~~

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(4) select up to four volunteer counties, not more than two in the metropolitan area, to participate in this pilot project and the counties shall select the participating agents; and

(5) upon completion of a pilot project, implement a statewide system and select the participating agents; and

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

(b) A county shall not collect a commission for the sale of licenses or permits made by agents selected by the participating counties under this subdivision.

(c) Establishment of the transaction fee under paragraph (a), clause (3), is not subject to the rulemaking procedures of chapter 14.

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

Sec. 84. Minnesota Statutes 1998, section 84.0855, is amended by adding a subdivision to read:

Subd. 1a. **SOFTWARE SALES.** Notwithstanding section 16B.405, the commissioner may sell or license intellectual property and software products or services developed by the department or custom developed by a vendor for the department.

Sec. 85. Minnesota Statutes 1998, section 84.0855, subdivision 2, is amended to read:

Subd. 2. **RECEIPTS; APPROPRIATION.** Money received by the commissioner under this section or to buy supplies for the use of volunteers, may be credited to one or more special accounts in the state treasury and is appropriated to the commissioner for the purposes for which the money was received. Money received from sales at the state fair shall be available for state fair related costs. Money received from sales of intellectual property and software products or services shall be available for development, maintenance, and support of software products and systems.

Sec. 86. Minnesota Statutes 1998, section 84.81, is amended by adding a subdivision to read:

Subd. 13. **METAL TRACTION DEVICE.** "Metal traction device" means any metal device or array of metal devices attached to a snowmobile track to enhance traction that is:

(1) made of metal, except that metal cleats affixed perpendicular to the direction of travel of a snowmobile track which was manufactured in 1981 or earlier shall not be considered a metal traction device; or

(2) affixed to a snowmobile track with metal components that extend more than one-fourth inch from the bottom of the track.

Sec. 87. Minnesota Statutes 1998, section 84.8205, is amended by adding a subdivision to read:

Subd. 6. **DUPLICATE STATE TRAIL STICKERS.** The commissioner shall issue a duplicate sticker to persons whose sticker is lost or destroyed using the process es-

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established under section 97A.405, subdivision 3, and rules promulgated thereunder. The fee for a duplicate state trail sticker is \$2, with an issuing fee of 50 cents.

Sec. 88. Minnesota Statutes 1998, section 84.83, subdivision 3, is amended to read:

Subd. 3. **PURPOSES FOR THE ACCOUNT.** The money deposited in the account and interest earned on that money may be expended only as appropriated by law for the following purposes:

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails, including maintenance of trails on lands and waters of Voyageurs National Park;

(2) for acquisition, development, and maintenance of state recreational snowmobile trails;

(3) for snowmobile safety programs; and

(4) for the administration and enforcement of sections 84.81 to 84.90.

Sec. 89. Minnesota Statutes 1998, section 84.83, subdivision 4, is amended to read:

Subd. 4. **PROVISIONS APPLICABLE TO FUNDING RECIPIENTS.** (a) Recipients of Minnesota trail assistance program funds must be afforded the same protection and be held to the same standard of liability as a political subdivision under chapter 466 for activities associated with the administration, design, construction, maintenance, and grooming of snowmobile trails.

(b) Recipients of Minnesota trail assistance program funds who maintain ice trails on waters of Voyageurs National Park are expressly immune from liability under section 466.03, subdivision 6e.

Sec. 90. Minnesota Statutes 1998, section 84.86, subdivision 1, is amended to read:

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

(1) Registration of snowmobiles and display of registration numbers.

(2) Use of snowmobiles insofar as game and fish resources are affected.

(3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails, including, but not limited to, the use of specified metal traction devices and nonmetal traction devices.

(4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.

(5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of ad-

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ministering such program and to defray a portion of the expenses of training and certifying snowmobile operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the youth and young adult training and a fee established under chapter 16A from each person who receives the adult training. The commissioner shall establish a fee that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner shall deposit the fee in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the commissioner of natural resources for the administration of such programs. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 91. Minnesota Statutes 1998, section 84.862, subdivision 1, is amended to read:

Subdivision 1. **YOUTH AND YOUNG ADULT SAFETY TRAINING.** Effective October 1, 1998, any resident born after December 31, 1979, who operates a snowmobile in Minnesota, must possess a valid snowmobile safety certificate or a driver's license or identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12. The certificate or qualification indicator may only be issued upon successful completion of the a course authorized under section 84.86 or 84.862, subdivision 2, if the person is 16 years of age or older.

Sec. 92. Minnesota Statutes 1998, section 84.862, subdivision 2, is amended to read:

Subd. 2. **ADULT SAFETY TRAINING.** Effective October 1, 2002, any resident born after December 31, 1976, and before December 31, 1983, who operates a snowmobile in Minnesota, must possess a valid operator's permit or driver's license or identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12, showing successful completion of a safety course designed for adults or persons 16 years of age or older. Whenever possible, the course shall include a riding component that stresses stopping distances.

Sec. 93. Laws 1999, chapter 4, section 2, is amended to read:

Sec. 2. **[84.8712] METAL TRACTION DEVICES; PROHIBITION ON PAVED TRAILS.**

Subdivision 1. **PROHIBITION.** A person may not use a snowmobile with metal traction devices on any paved public trail, except:

- (1) as provided by a local government with jurisdiction over a trail;
- (2) to make the shortest possible crossing over a paved state trail at slow speed; or

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(3) on any portion of a paved state trail designated by the commissioner. A person may not use a snowmobile with metal traction devices on a paved public trail, except as otherwise provided by a local government with jurisdiction over a trail or any portion of a paved state trail designated by the commissioner.

Subd. 2. **CIVIL CITATION; AUTHORITY TO ISSUE.** Conservation officers and other licensed peace officers may issue civil citations to a person who operates a snowmobile in violation of this section. The citation must impose a penalty of no more than \$50 for the first offense, no more than \$300 for the second offense, and no more than \$600 for third and subsequent offenses.

Subd. 3. **APPEALS.** Civil citations for offenses under this section may be appealed under the procedures in section 116.072, subdivision 6, if the recipient of the citation requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. For the purposes of the enforcement of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the commissioner of natural resources. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. **ENFORCEMENT.** Civil citations for offenses under this section may be enforced under section 116.072, subdivision 9. If a person fails to pay a penalty owed under this section, the person may not operate a snowmobile until the penalty is paid. Penalty amounts must be remitted within 30 days of issuance of the penalty citation.

Subd. 5. **ALLOCATION OF PENALTY AMOUNTS.** Penalty amounts collected from civil citations issued under this section are deposited to the unit of government employing the officer that issues the civil citation. The commissioner must deposit penalty amounts received by the state in the snowmobile trails and enforcement account established by section 84.83, subdivision 1. The penalty amounts in the account must be dedicated for the repair of paved public trails.

Subd. 6. **SELECTION OF REMEDY.** A person operating a snowmobile in violation of this section is guilty of a petty misdemeanor punishable by a fine of no more than \$50 for the first offense, no more than \$300 for the second offense, and no more than \$600 for the third and subsequent offenses. A peace officer may not seek both civil and petty misdemeanor penalties for a violation of this section.

Sec. 94. **[84.8713] METAL TRACTION DEVICE STICKER.**

Subdivision 1. **STICKER REQUIRED; FEE.** (a) An owner of a snowmobile registered in the state may not operate the snowmobile with a track equipped with metal traction devices unless a metal traction device sticker is affixed to the snowmobile. The commissioner shall issue a metal traction device sticker upon application and payment of a \$12 fee. The sticker is valid for one year following June 30 in the year it is issued.

(b) The requirements in paragraph (a) do not apply to snowmobiles owned, leased, or operated by the state or a political subdivision, or to snowmobiles used in an organized race, so long as they do not utilize a paved public trail, except as otherwise provided in this chapter.

(c) Fees collected under this section shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund. Money deposited under this section is appropriated to the commissioner of natural re-

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sources, and must be used for repair of paved public trails, unless a trail is exempted by local authorities under section 84.8712, except that any money not necessary for this purpose may be used for the grant-in-aid snowmobile trail system.

Subd. 2. **PLACEMENT OF STICKER.** The metal traction device sticker must be permanently affixed to the forward half of the snowmobile and clearly visible to law enforcement authorities.

Subd. 3. **LICENSE AGENTS.** The commissioner shall sell metal traction device stickers for a \$1 issuance fee through the process established under section 84.82, subdivision 2.

Subd. 4. **DUPLICATE METAL TRACTION DEVICE STICKERS.** The commissioner or an authorized deputy registrar of motor vehicles shall issue a duplicate metal traction device sticker to a person whose sticker is lost or destroyed. A duplicate sticker may not be issued unless the applicant takes an oath covering the facts of loss or destruction of the sticker and signs an affidavit. The fee for a duplicate metal traction device sticker is \$2, with an issuing fee of 50 cents.

Subd. 5. **REPEALER.** This section is repealed on July 1, 2004.

Sec. 95. Minnesota Statutes 1998, section 84.872, subdivision 1, is amended to read:

**Subdivision 1. RESTRICTIONS ON OPERATION.** (a) Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state-aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality.

A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or a valid motor vehicle operator's driver's license issued by the commissioner of public safety or the driver's license authority of another state or identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12.

(b) Notwithstanding section 84.862, no person under the age of 14 years shall operate a snowmobile on any public land, public easements, or water or grant-in-aid trail unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older designated by the parent or guardian. However, a person 12 years of age or older but under the age of 14 years may operate a snowmobile on public lands, public easements, and waters or a grant-in-aid trail if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or an identification card with a valid snowmobile qualification indicator issued under section 171.07, subdivision 12.

Sec. 96. Minnesota Statutes 1998, section 84.91, subdivision 1, is amended to read:

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

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

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to sections 169.121 to 169.1218 and 169.123 to 169.129. In addition to the applicable sanctions under chapter 169, a person who is convicted of violating section 169.121 while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a lawful request to submit to testing under section 169.123, shall be prohibited from operating the snowmobile or all-terrain vehicle for a period of one year. The commissioner shall notify the convicted person of the time period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169.121, subdivision 3. Otherwise, administrative and judicial review of the prohibition is governed by section 169.123.

(e) The court shall promptly forward to the commissioner and the department of public safety copies of all convictions and criminal and civil sanctions imposed under this section and chapter 169 relating to snowmobiles and all-terrain vehicles.

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

Sec. 97. Minnesota Statutes 1998, section 84.98, subdivision 6, is amended to read:

Subd. 6. **FEES.** The commissioner may charge a fee for any service performed by the Minnesota conservation corps. Fees generated shall be deposited in a special revenue fund and appropriated to the commissioner for Minnesota conservation corps projects and administration.

Sec. 98. **ADDING LAND TO BLUE MOUNDS STATE PARK.**

**[85.012 Subd. 8.]** The following area is added to Blue Mounds state park: That part of the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 13; Township 103 North, Range 45 West, Rock County, described as follows: Commencing at the southwest corner of said Northeast Quarter of the Southwest Quarter; thence on an assumed bearing of South 89 degrees 36 minutes 41 seconds East along the south line of said Northeast Quarter of the Southwest Quarter 165.00 feet to the point of beginning; thence North 00 degrees 17 minutes 27 seconds West parallel with the west line of said section 1438.74 feet to an iron stake with DNR caps; thence South 88 degrees 57 minutes 33 seconds East along an existing fence line 42.15 feet; thence South 00 degrees 30 minutes 38 seconds West along an existing fence line 1438.16 feet to the south line of said Northeast Quarter of the Southwest Quarter; thence North 89 degrees 36 minutes 41 seconds West along said south line 22.02 feet to the point of beginning.

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**Sec. 99. IRON RANGE OFF-HIGHWAY VEHICLE RECREATION AREA, ST. LOUIS COUNTY.**

**Subdivision 1. [85.013 Subd. 12a.] ADDITIONS TO IRON RANGE OFF-HIGHWAY VEHICLE RECREATION AREA, ST. LOUIS COUNTY.** The following areas are added to the Iron Range off-highway vehicle recreation area, all in St. Louis county:

(1) Section 2, Township 58 North, Range 17 West, EXCEPT: the East Half; the North Half of the Northwest Quarter; and the Southeast Quarter of the Northwest Quarter;

(2) Section 3, Township 58 North, Range 17 West, EXCEPT: the Southeast Quarter; the North Half of the Northeast Quarter; the North Half of the Northwest Quarter; the Southwest Quarter of the Northwest Quarter; and the Northwest Quarter of the Southwest Quarter;

(3) Section 4, Township 58 North, Range 17 West, EXCEPT: the West Half; the Northeast Quarter; the North Half of the Southeast Quarter; and the Southwest Quarter of the Southeast Quarter;

(4) Section 8, Township 58 North, Range 17 West, EXCEPT: the West Half; the West Half of the Southeast Quarter; and the West Half of the Northeast Quarter;

(5) Section 9, Township 58 North, Range 17 West;

(6) Section 11, Township 58 North, Range 17 West, EXCEPT: the West Half of the Northwest Quarter; and the Northwest Quarter of the Southwest Quarter;

(7) Section 14, Township 58 North, Range 17 West, EXCEPT: the East Half;

(8) Section 15, Township 58 North, Range 17 West, lying North of the DM&IR grade, EXCEPT: the Southwest Quarter; and the South Half of the Northwest Quarter;

(9) Section 16, Township 58 North, Range 17 West, lying North of county road 921, EXCEPT: the East Half of the Southeast Quarter, lying North of the DM&IR grade;

(10) Section 22, Township 58 North, Range 17 West, lying North of the DM&IR grade; and

(11) Section 23, Township 58 North, Range 17 West, a 100 foot corridor of the Mesabi Trail as located between the west line of said Section 23 and Minnesota trunk highway No. 135.

**Subd. 2. ADVISORY COMMITTEE; ADDING MEMBERS.** The advisory committee created under Laws 1996, chapter 407, section 32, subdivision 4, shall continue to provide direction on the planning, development, and operation of the Iron Range off-highway vehicle recreation area, including the land added under subdivision 1. The following members are added to the advisory committee:

(1) a representative of the city council of Gilbert; and

(2) a representative of the city council of Virginia.

**Subd. 3. MINING.** The commissioner shall recognize the possibility that mining, including, but not limited, to taconite and iron ore, may be conducted in the future within

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the Iron Range off-highway vehicle area and that use of portions of the surface estate and control of the flowage of water may be necessary for future mining operations.

Subd. 4. MANAGEMENT PLAN. The commissioner of natural resources and the local area advisory committee shall cooperatively develop a separate comprehensive management plan for the land added to the Iron Range off-highway vehicle recreation area under subdivision 1. The management plan shall provide for:

- (1) multiple use recreation for off-highway vehicles;
- (2) protection of natural resources;
- (3) limited timber management;
- (4) mineral exploration and mining management;
- (5) land acquisition needs;
- (6) road and facility development; and

(7) trail and road connections between the land added under subdivision 1 and the land added by Laws 1996, chapter 407, section 32, subdivision 6.

The completed management plan, together with the management plan completed under Laws 1996, chapter 407, section 32, subdivision 5, shall serve as the master plan for the Iron Range off-highway vehicle recreation area under Minnesota Statutes, section 86A.09.

Subd. 5. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this section, the provisions of Laws 1996, chapter 407, section 32, apply to the land added to the Iron Range off-highway vehicle recreation area under subdivision 1.

Sec. 100. Minnesota Statutes 1998, section 85.015, subdivision 4, is amended to read:

**Subd. 4. DOUGLAS TRAIL, OLNSTED, WABASHA, AND GOODHUE COUNTIES.** (a) The trail shall originate at Rochester in Olmsted county and shall follow the route of the Chicago Great Western Railroad to Pine Island in Goodhue county and there terminate.

(b) Additional trails may be established that extend the Douglas trail system to include Pine Island, Mazeppa in Wabasha county to Zumbrota, Bellechester, Goodhue, and Red Wing in Goodhue county. In addition to the criteria in section 86A.05, subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

(c) The trail shall be developed primarily for riding and hiking.

(d) Under no circumstances shall the commissioner acquire any of the right-of-way of the Chicago Great Western Railroad until the abandonment of the line of railway described in this subdivision has been approved by the Interstate Commerce Commission.

Sec. 101. Minnesota Statutes 1998, section 85.015, is amended by adding a subdivision to read:

Subd. 21. GITCHI-GAMI TRAIL, LAKE AND COOK COUNTIES. (a) The trail shall originate in the city of Two Harbors and shall extend in a northeasterly direction

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along the shore of Lake Superior, running parallel to state highway 61 to the city of Grand Marais.

(b) The trail shall be developed primarily for hiking and bicycling.

Sec. 102. Minnesota Statutes 1998, section 85.019, subdivision 2, is amended to read:

Subd. 2. **PARKS AND OUTDOOR RECREATION AREAS.** The commissioner shall administer a program to provide grants to units of government for up to 50 percent of the costs ~~or \$50,000, whichever is less,~~ of acquisition and betterment of public land and improvements needed for parks and other outdoor recreation areas and facilities.

Sec. 103. Minnesota Statutes 1998, section 85.019, is amended by adding a subdivision to read:

Subd. 4b. **REGIONAL TRAILS.** The commissioner shall administer a program to provide grants to units of government for up to 50 percent of the costs of acquisition and betterment of public land and improvements needed for trails deemed to be of regional significance according to criteria published by the commissioner. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years.

Sec. 104. Minnesota Statutes 1998, section 85.019, is amended by adding a subdivision to read:

Subd. 4c. **LOCAL TRAIL CONNECTIONS.** The commissioner shall administer a program to provide grants to units of government for up to 50 percent of the costs of acquisition and betterment of public land and improvements needed for trails that connect communities, trails, and parks and thereby increase the effective length of trail experiences. If land used for the trails is not in full public ownership, then the recipients must prove it is dedicated to the purposes of the grants for at least 20 years.

Sec. 105. Minnesota Statutes 1998, section 85.40, subdivision 5, is amended to read:

Subd. 5. **CROSS-COUNTRY SKI TRAIL.** “Cross-country ski trail” means a public pathway designated and promoted for cross country skiing, ~~excluding trails that have not received state acquisition or betterment funds for recreational purposes in state parks as defined in section 85.012, on state forest lands as defined in section 89.001, on state trails as defined in section 85.015, on elements of the regional recreation open space system as defined in section 473.147, or on trails within the cross-country ski grant-in-aid program as defined in section 85.44.~~

Sec. 106. Minnesota Statutes 1998, section 85.41, subdivision 1, is amended to read:

Subdivision 1. **ON PERSON.** While skiing on cross-country ski trails, a person ~~between the ages of 16 and 64 years~~ age 16 and over shall carry in immediate possession a valid, signed cross-country ski pass. A landowner who grants an easement for a grant-in-aid ski trail is not required to have a pass when skiing on the landowner's property.

Sec. 107. Minnesota Statutes 1998, section 85.41, subdivision 4, is amended to read:

Subd. 4. **FORM.** The department shall provide forms and blanks to all agents authorized to issue passes by the commissioner. The pass shall be with the skier and available

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for inspection by any peace or conservation officer. The pass shall include the applicant's name signature and other information deemed necessary by the commissioner.

Sec. 108. Minnesota Statutes 1998, section 85.41, subdivision 5, is amended to read:

Subd. 5. **AGENT'S ISSUING FEE.** The fee for a cross-country ski pass shall be increased by the amount of an issuing fee of ~~50 cents~~ \$1 per pass. The issuing fee ~~may~~ shall be retained by the seller of the pass. A pass shall indicate the amount of the fee that is retained by the seller. ~~This subdivision does not apply to any pass sold by the state.~~

Sec. 109. Minnesota Statutes 1998, section 85.42, is amended to read:

**85.42 USER FEE; VALIDITY.**

(a) The fee for an annual cross-country ski pass is ~~\$5 for an individual pass or \$7.50 for a combination husband and wife pass~~ \$9 for an individual age 16 and over. The fee for a three-year pass is ~~\$14 for an individual pass or \$21 for a combination husband and wife pass~~ \$24 for an individual age 16 and over. This fee shall be collected at the time the pass is purchased. Three-year passes are valid for three years beginning the previous July 1. Annual passes are valid for one year beginning the previous July 1. Passes are not transferable.

(b) The cost for a daily cross-country skier pass is ~~\$1~~ \$2 for an individual age 16 and over. This fee shall be collected at the time the pass is purchased. The daily pass is valid only for the date designated on the pass form.

(c) A pass must be signed by the skier across the front of the pass to be valid and becomes nontransferable on signing.

Sec. 110. Minnesota Statutes 1998, section 85.44, is amended to read:

**85.44 CROSS-COUNTRY SKI TRAIL GRANT-IN-AID PROGRAM.**

The commissioner shall establish a grant-in-aid program for local units of government and special park districts for the acquisition, development, and maintenance of cross-country ski trails. Grants shall be available for acquisition of trail easements but may not be used to acquire any lands in fee title. Local units of government and special park districts applying for and receiving grants under this section shall be considered to have cross-country ski trails for one year following the expiration of their last grant. The department shall reimburse all public sponsors of grants-in-aid cross-country ski trails based upon criteria established by the department. Prior to the use of any reimbursement criteria, a certain proportion of the revenues shall be allocated on the basis of user fee sales location.

Sec. 111. Minnesota Statutes 1998, section 85.45, subdivision 1, is amended to read:

Subdivision 1. **SKIING WITHOUT PASS.** No person may ski on a ~~public cross-country ski trail, including a grant-in-aid cross-country ski trail,~~ without a valid, signed cross-country ski pass. ~~Effective July 1, 1984,~~ Any person who violates this subdivision is guilty of a petty misdemeanor.

Sec. 112. Minnesota Statutes 1998, section 86B.415, is amended to read:

**86B.415 LICENSE FEES.**

Subdivision 1. **WATERCRAFT 19 FEET OR LESS.** The fee for a watercraft license for watercraft 19 feet or less in length is ~~\$12~~ \$18 except:

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(1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered for rent or lease, the fee is \$6;

(2) for a canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell 19 feet in length or less, the fee is \$7;

(3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching boat and water safety, the fee is as provided in subdivision 4; and

(4) for a watercraft owned by a dealer under a dealer's license, the fee is as provided in subdivision 5;

(5) for a personal watercraft, the fee is \$25; and

(6) for a watercraft less than 17 feet in length, other than a watercraft listed in clauses (1) to (5), the fee is \$12.

Subd. 2. **WATERCRAFT OVER 19 FEET.** Except as provided in subdivisions 3, 4, and 5, the watercraft license fee:

(1) for a watercraft more than 19 feet but less than 26 feet in length is ~~\$20~~ \$30;

(2) for a watercraft 26 feet but less than 40 feet in length is ~~\$30~~ \$45; and

(3) for a watercraft 40 feet in length or longer is ~~\$40~~ \$60.

Subd. 3. **WATERCRAFT OVER 19 FEET FOR HIRE.** The license fee for a watercraft more than 19 feet in length for hire with an operator is \$50 each.

Subd. 4. **WATERCRAFT USED BY NONPROFIT CORPORATION FOR TEACHING.** The watercraft license fee for a watercraft used by a nonprofit organization for teaching boat and water safety is \$3 each.

Subd. 5. **DEALER'S LICENSE.** There is no separate fee for watercraft owned by a dealer under a dealer's license. The fee for a dealer's license is ~~\$30~~ \$45.

Subd. 6. **TRANSFER OR DUPLICATE LICENSE.** The fee to transfer a watercraft license or be issued a duplicate license is \$3.

Subd. 7. **WATERCRAFT SURCHARGE.** A \$5 surcharge is placed on each watercraft licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring, and research of nuisance aquatic exotic species such as zebra mussel, purple loosestrife, and Eurasian water milfoil in public waters and public wetlands.

Subd. 7a. **PERSONAL WATERCRAFT SURCHARGE.** A \$50 surcharge is placed on each personal watercraft licensed under subdivisions 1 to 5 for enforcement of personal watercraft laws and for personal watercraft safety education. The surcharge must be deposited in the state treasury and credited to the water recreation account in the natural resources fund. Any grants to counties from revenue collected under this subdivision must be proportional to the use of personal watercraft in each county. Grants made under this subdivision are subject to the applicable administrative, reporting, and auditing requirements in sections 86B.701 and 86B.705.

Subd. 8. **REGISTRAR'S FEE.** In addition to the license fee, a fee of \$2 shall be charged for a watercraft license:

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(1) issued through the registrar or a deputy registrar of motor vehicles and the additional fee shall be disposed of in the manner provided in section 168.33, subdivision 2; or

(2) issued through the commissioner and the additional fee shall be deposited in the state treasury and credited to the water recreation account.

Subd. 9. **DISPOSITION OF RECEIPTS.** Money received for watercraft licenses shall be deposited in the state treasury and credited to the water recreation account.

Subd. 10. **ACCOUNTING.** The commissioner of natural resources, in agreement with the commissioner of public safety, may prescribe the accounting and procedural requirements necessary to assure efficient handling of watercraft registrations and license fees by deputy registrars. Deputy registrars shall strictly comply with these accounting and procedural requirements.

Sec. 113. Minnesota Statutes 1998, section 88.067, is amended to read:

**88.067 TRAINING OF GRANTS TO LOCAL FIRE DEPARTMENTS.**

The commissioner may make grants for procurement of fire suppression equipment and training of fire departments in techniques of fire control that. These grants will enable them local fire departments to assist the state more effectively in controlling wildfires. The commissioner may require a local match for any grant. Fire suppression equipment may include, but is not limited to, fire suppression tools and equipment, protective clothing, dry hydrants, communications equipment, and conversion of vehicles to wildfire suppression vehicles. Training shall be provided to the extent practicable in coordination with other public agencies with training and educational responsibilities.

Sec. 114. Minnesota Statutes 1998, section 89A.01, is amended by adding a subdivision to read:

Subd. 10a. PEER REVIEW. "Peer review" means a scientifically based review conducted by individuals with substantial knowledge and experience in the subject matter.

Sec. 115. Minnesota Statutes 1998, section 89A.02, is amended to read:

**89A.02 POLICY.**

It is the policy of the state to:

(1) pursue the sustainable management, use, and protection of the state's forest resources to achieve the state's economic, environmental, and social goals;

(2) encourage cooperation and collaboration between public and private sectors in the management of the state's forest resources;

(3) recognize and consider forest resource issues, concerns, and impacts at the site and landscape levels; and

(4) recognize the broad array of perspectives regarding the management, use, and protection of the state's forest resources, and establish processes and mechanisms that seek and incorporate these perspectives in the planning and management of the state's forest resources.

Nothing in this chapter abolishes, repeals, or negates any existing authorities, policies, programs, or activities of the commissioner or other statutory authorities related to managing and protecting the state's forest resources.

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Sec. 116. Minnesota Statutes 1998, section 89A.03, is amended to read:

**89A.03 MINNESOTA FOREST RESOURCES COUNCIL.**

Subdivision 1. **MEMBERSHIP.** ~~The Minnesota forest resources council has 13 members appointed by the governor and one member appointed by the Indian affairs council. The governor must appoint a chair and 15 other members to the Minnesota forest resources council. The Indian affairs council will appoint one additional member. When making appointments to the council, the governor must appoint knowledgeable individuals with an understanding of state forest resource issues who fairly reflect a balance of the various interests in the sustainable management, use, and protection of the state's forest resources in order to achieve the purpose and policies specified in section 89A.02, and subdivision 2 of this section. The council membership appointed by the governor must include the following individuals:~~

- (1) ~~a representative~~ two representatives ~~from an organization~~ organizations representing environmental interests within the state;
- (2) a representative from an organization representing the interests of management of game species;
- (3) a representative from a conservation organization;
- (4) a representative from an association representing forest products industry within the state;
- (5) a commercial logging contractor active in a forest product association;
- (6) a representative from a statewide association representing the resort and tourism industry;
- (7) a faculty or researcher of a Minnesota research or higher educational institution;
- (8) an owner of nonindustrial, private forest land of 40 acres or more;
- (9) ~~an agricultural woodlot owner~~ owner of nonindustrial, private forest land;
- (10) a representative from the department;
- (11) a county land commissioner who is a member of the Minnesota association of county land commissioners;
- (12) a representative from the United States Forest Service unit with land management responsibility in Minnesota; and
- (13) a representative from a labor organization with membership having an interest in forest resource issues;
- (14) an individual representing a secondary wood products manufacturing organization; and
- (15) a chair.

Subd. 2. **PURPOSE.** The council ~~shall~~ must develop recommendations to the governor and to federal, state, county, and local governments with respect to forest resource policies and practices that result in the sustainable management, use, and protection of the state's forest resources. The policies and practices must:

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- (1) acknowledge the interactions of complex sustainable forest resources, multiple ownership patterns, and local to international economic forces;
- (2) give equal consideration to the long-term economic, ecological, and social needs and limits of the state's forest resources;
- (3) foster the productivity of the state's forests to provide a diversity of sustainable benefits at site-levels and landscape-levels;
- (4) enhance the ability of the state's forest resources to provide future benefits and services;
- (5) foster no net loss of forest land in Minnesota:
- (6) encourage appropriate mixes of forest cover types and age classes within landscapes to promote biological diversity and viable forest-dependent fish and wildlife habitats;
- (7) encourage collaboration and coordination with multiple constituencies in planning and managing the state's forest resources; and
- (8) address the environmental impacts and their implement mitigations as recommended in the generic environmental impact statement on timber harvesting.

Subd. 3. **COUNCIL MEETINGS.** The council shall establish procedures for conducting its meetings in accordance with section 471.705 that include provisions for seeking and incorporating public input. At a minimum, meetings of the council and all of the committees, task forces, technical teams, regional committees, and other groups the council may establish must be conducted in accordance with section 471.705. Except where prohibited by law, the council must establish additional processes to broaden public involvement in all aspects of its deliberations.

Subd. 4. **COUNCIL OFFICERS AND STAFF.** The council shall elect a chair from among its members. The council may shall employ an executive director and administrative assistant who shall have the authority to employ staff. Technical expertise that will enable the council to carry out its functions must be provided to the council by those interests represented on the council.

Subd. 5. **MEMBERSHIP REGULATION.** Terms, compensation, nomination, appointment, and removal of council members are governed by section 15.059. Section 15.059, subdivision 5, does not govern the expiration date of the council.

Subd. 6. **REPORT.** By January 1, 1997, the council shall prepare a report to the governor and legislature on the status of the state's forest resources, and strategic directions to provide for their management, use, and protection. Information generated by the reporting requirements in this chapter must be incorporated in the council's report. To the extent possible, the council's report must also identify the activities and accomplishments of various programs that directly affect the state's forest resources. The council must report to the governor and to the legislative committees and divisions with jurisdiction over environment and natural resource policy and finance by February 1 of each year. The report must describe the progress and accomplishments made by the council during the preceding year.

Subd. 7. **REVIEW OF FOREST RESOURCES PLAN AND ASSESSMENT.** The council shall undertake a review of the forest resource management plan and forest

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assessment requirements contained in section 89.011, and report to the commissioner no later than July 1, 1996, on the appropriateness and effectiveness of these requirements, including recommendations for enhancing existing forest resource planning processes. The council shall review draft statewide and district forest resource planning documents, and incorporate the findings, including any recommendation, of such reviews in its biennial report specified in subdivision 6.

Sec. 117. Minnesota Statutes 1998, section 89A.04, is amended to read:

#### 89A.04 PARTNERSHIP.

It is the policy of the state to encourage forest landowners, forest managers, and loggers to establish a partnership in which the implementation of council recommendations can occur in a timely and coordinated manner across ownerships. The partnership shall serve as a forum for discussing operational implementation issues and problem solving related to forest resources management and planning concerns, and be responsive to the recommendations of the council. This partnership shall also actively foster collaboration and coordination among forest managers and landowners in addressing landscape-level operations and concerns. In fulfilling its responsibilities as identified in this chapter, the council shall seek input from and consult with the partnership may advise the council. Nothing in this section shall imply extra rights or influence for the partnership.

Sec. 118. Minnesota Statutes 1998, section 89A.05, is amended to read:

#### 89A.05 TIMBER HARVESTING AND FOREST MANAGEMENT GUIDELINES.

Subdivision 1. **DEVELOPMENT.** The council shall coordinate the development of comprehensive timber harvesting and forest management guidelines. The guidelines must address the water, air, soil, biotic, recreational, and aesthetic resources found in forest ecosystems by focusing on those impacts commonly associated with applying site-level forestry practices. The guidelines must reflect a range of practical and sound practices based on the best available scientific information, and be integrated to minimize conflicting recommendations while being easy to understand and implement. Best management practices previously developed for forest management must be incorporated into the guidelines. By June 30, 2003, the council shall periodically review and, when if deemed necessary, update the guidelines. Changes to the guidelines shall be peer reviewed prior to final adoption by the council. By December 1999, the council must undertake a peer review of the recommendations in the forest management guidelines adopted in December 1998 for protecting forest riparian areas and seasonal ponds.

Subd. 2. **ECONOMIC CONSIDERATIONS.** Before the implementation of timber harvesting and forest management guidelines, new site-level practices and landscape-level programs, the council shall analyze the costs and benefits of new site-level practices and landscape-level programs. When the analysis concludes that new landscape-level programs and site-level practices will result in adverse economic effects, including decreased timber supply and negative effects on tourism, opportunities to offset those effects must be explored. The council shall also:

- (1) identify and quantify forest and timberland acreages that will no longer be available for harvest; and
- (2) encourage public resource agencies to provide sustainable, predictable supplies of high-quality forest resource benefits, including timber supplies that are consistent

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with their multiple mandates and diverse management objectives. These benefits should be provided by public resource agencies in proportion to their forest land's capability to do so.

Subd. 2a. **REVIEW.** In reviewing the guidelines, the council must consider information from forest resources, practices, compliance, and effectiveness monitoring programs of the department. The council's recommendations relating to revisions to the forest management guidelines must be subject to peer reviewers appointed by the council. The council must consider recommendations of peer reviewers prior to final adoption of revisions to the guidelines.

Subd. 3. **APPLICATION.** The timber harvesting and forest management guidelines are voluntary. Prior to their actual use, the council ~~shall~~ must develop guideline implementation goals for each major forest land ownership category. If the information developed as a result of the forest resources, practices, compliance, and effectiveness monitoring programs ~~established in section 89A.07~~ conducted by the department or other information obtained by the council indicates the implementation goals for the guidelines are not being met and the council determines significant adverse impacts are occurring, the council shall recommend to the governor additional measures to address those impacts. The council ~~shall~~ must incorporate the recommendations as part of the council's biennial report required by section 89A.03, subdivision 6.

Subd. 4. **MONITORING RIPARIAN FORESTS.** The commissioner, with program advice from the council, shall accelerate monitoring the extent and condition of riparian forests, the extent to which harvesting occurs within riparian management zones and seasonal ponds, and the use and effectiveness of timber harvesting and forest management guidelines applied in riparian management zones and seasonal ponds. This information shall, to the extent possible, be consistent with the monitoring programs identified in section 89A.07. Information gathered on riparian forests and timber harvesting in riparian management zones and seasonal ponds as specified in this subdivision shall be presented to the legislature by February 2001 and in subsequent reports required in section 89A.03, subdivision 6.

Sec. 119. Minnesota Statutes 1998, section 89A.06, is amended to read:

**89A.06 LANDSCAPE-LEVEL FOREST RESOURCE PLANNING AND COORDINATION.**

Subdivision 1. **FRAMEWORK.** The council ~~shall~~ must establish a framework that will enable long-range strategic planning and landscape coordination to occur, to the extent possible, across all forested regions of the state and across all ownerships. The framework must include:

- (1) identification of the landscapes within which long-range strategic planning of forest resources can occur, provided that the landscapes must be delineated based on broadly defined ecological units and existing classification systems, yet recognize existing political and administrative boundaries and planning processes;
- (2) a statement of principles and goals for landscape-based forest resource planning; and
- (3) identification of a general process by which landscape-based forest resource ~~planning can occur~~ occurs, provided that the process must give considerable latitude to

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design planning processes that fit the unique needs and resources of each landscape; reflect a balanced consideration of the economic, social, and environmental conditions and needs of each landscape; and interface and establish formats that are compatible with other landscape-based forest resource plans.

Subd. 2. **REGIONAL FOREST RESOURCE COMMITTEES.** To foster landscape-based forest resource planning, the council shall ~~must~~ establish regional forest resource committees. ~~The~~ Each regional committees must committee shall:

- (1) include representative interests in a particular region that are committed to and involved in landscape planning and coordination activities;
- (2) serve as a forum for landowners, managers, and representative interests to discuss landscape forest resource issues;
- (3) identify and implement an open and public process whereby landscape-based strategic planning of forest resources can occur;
- (4) integrate its report with existing public and private landscape planning efforts in the region;
- (5) facilitate landscape coordination between existing regional landscape planning efforts of land managers, both public and private;
- (6) identify and facilitate opportunities for public participation in existing landscape planning efforts in this region;
- (7) identify sustainable forest resource goals for the landscape and strategies to achieve those goals; and
- (5) (8) provide a regional perspective to the council with respect to council activities.

Subd. 2a. **REGIONAL FOREST COMMITTEE REPORTING.** The council must report annually on the activities and progress made by the regional forest committees established under subdivision 2, including the following:

- (1) by December 1, 1999, the regional committee for the council's northeast landscape will complete the identification of draft desired future outcomes, key issues, and strategies for the landscape;
- (2) by July 1, 2000, the council will complete assessments for the council's north central and southeast landscape regions;
- (3) by July 1, 2001, the regional committees for the north central and southeast landscapes will complete draft desired future outcomes, key issues, and strategies for their respective landscapes; and
- (4) the council will establish time lines for additional regional landscape committees and activities as staffing and funding allow.

Subd. 3. **REGIONAL COMMITTEE OFFICERS AND STAFF.** Each regional committee shall elect a chair from among its members. The council chair may appoint a chair from the regional committee participants. The council shall ensure must include in its budget request sufficient resources for each regional committees have sufficient staff resources committee to carry out their its mission as defined in this section.

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Subd. 4. **REPORT.** Each regional committee ~~shall~~ must report to the council its work activities and accomplishments.

Sec. 120. Minnesota Statutes 1998, section 89A.07, subdivision 3, is amended to read:

Subd. 3. **EFFECTIVENESS MONITORING.** The commissioner, in cooperation with other research and land management organizations, shall evaluate the effectiveness of practices to mitigate impacts of timber harvesting and forest management activities on the state's forest resources. The council shall provide oversight and program direction for the development and implementation of this monitoring program. The commissioner shall report to the council on the effectiveness of these practices.

Sec. 121. Minnesota Statutes 1998, section 89A.07, subdivision 5, is amended to read:

Subd. 5. **CITIZEN CONCERNS.** The council shall facilitate the establishment of a process to accept comments from the public on negligent timber harvesting or forest management practices. ~~Comments must also be directed to the organization administering the certification program.~~

Sec. 122. Minnesota Statutes 1998, section 89A.10, is amended to read:

**89A.10 CONTINUING EDUCATION; CERTIFICATION.**

It is the policy of the state to encourage timber harvesters and forest resource professionals to establish ~~voluntary certification and~~ continuing education programs within their respective professions that promote sustainable forest management. The council shall, where appropriate, facilitate the development of these programs.

Sec. 123. Minnesota Statutes 1998, section 92.45, is amended to read:

**92.45 STATE LAND ON MEANDERED LAKES WITHDRAWN FROM SALE.**

All state lands bordering on or adjacent to meandered lakes and other public waters and watercourses, with the live timber growing on them, are withdrawn from sale except as provided in this section. The commissioner of natural resources may sell the timber as otherwise provided by law for cutting and removal under conditions the commissioner prescribes. The conditions must be in accordance with approved, sustained-yield forestry practices. The commissioner must reserve the timber and impose other conditions the commissioner deems necessary to protect 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, (Statutes at Large, volume 46, page 1020), the timber on state lands is subject to restrictions like those now imposed by the act on federal lands.

The following land is reserved for public travel: of all land bordering on or adjacent to meandered lakes and other public waters and watercourses and withdrawn from sale, a strip two rods wide, the ordinary high-water mark being its waterside boundary, and its landside boundary a line drawn parallel to the ordinary high-water mark and two rods distant landward from it. Wherever the conformation of the shore line or conditions require, the commissioner must reserve a wider strip.

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Except for sales under section 282.018, subdivision 1, when a state agency or any other unit of government requests the legislature to authorize the sale of state lands bordering on or adjacent to meandered lakes and other public waters and watercourses, the commissioner 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 commissioner for public purposes, retention of a conservation easement for shoreland preservation by the commissioner under chapter 84C, or a cooperative management agreement with, or transfer to, another unit of government.

The commissioner may sell state lands bordering on or adjacent to the Mississippi river or any lakes, waters, and watercourses in its bottom lands, desired or needed by the United States government for, or in connection with, any project heretofore authorized by Congress, to improve navigation in the Mississippi River at public sale according to law, as in other cases, upon application by an authorized United States official. The application must describe the land and include a map showing its location with reference to adjoining properties.

Sec. 124. Minnesota Statutes 1998, section 92.46, subdivision 1, is amended to read:

Subdivision 1. **PUBLIC CAMPGROUNDS.** (a) The director may designate suitable portions of the state lands withdrawn from sale and not reserved, as provided in section 92.45, as permanent state public campgrounds. The director may have the land surveyed and platted into lots of convenient size, and lease them for cottage and camp purposes under terms and conditions the director prescribes, subject to the provisions of this section.

(b) A lease may not be for a term more than 20 years. The lease may allow renewal, from time to time, for additional terms of no longer than 20 years each. The lease may be canceled by the commissioner 90 days after giving the person leasing the land written notice of violation of lease conditions. The lease rate shall be based on the appraised value of leased land as determined by the commissioner of natural resources and shall be adjusted by the commissioner at the fifth, tenth, and 15th anniversary of the lease, if the appraised value has increased or decreased. For leases that are renewed in 1991 and following years, the lease rate shall be five percent of the appraised value of the leased land. The appraised value shall be the value of the leased land without any private improvements and must be comparable to similar land without any improvements within the same county. The minimum appraised value that the commissioner assigns to the leased land must be substantially equal to the county assessor's estimated market value of similar land adjusted by the assessment/sales ratio as determined by the department of revenue.

(c) By July 1, 1986, the commissioner of natural resources shall adopt rules under chapter 14 to establish procedures for leasing land under this section. The rules shall be subject to review and approval by the commissioners of revenue and administration prior to the initial publication pursuant to chapter 14 and prior to their final adoption. The rules must address at least the following:

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- (1) method of appraising the property; and
- (2) an appeal procedure for both the appraised values and lease rates.

(d) All money received from these leases must be credited to the fund to which the proceeds of the land belong.

Notwithstanding section 16A.125 or any other law to the contrary, 50 for fiscal years 1999 and 2000, 100 percent, and thereafter, 50 percent, of the money received from the lease of permanent school fund lands leased pursuant to this subdivision must be credited to the lakeshore leasing and sales account in the permanent school fund and is appropriated for use to survey, appraise, and pay associated selling and, leasing, or exchange costs of lots as required in this section and Minnesota Statutes 1992, section 92.67, subdivision 3. The money may not be used to pay the cost of surveying lots not scheduled for sale. Any money designated for deposit in the permanent school fund that is not needed to survey, appraise, and pay associated selling and, leasing, or exchange costs of lots, as required in this section, shall be deposited in the permanent school fund. The commissioner shall add to the appraised value of any lot offered for sale or exchange the costs of surveying, appraising, and selling disposing of the lot, and shall first deposit into the permanent school fund an amount equal to the costs of surveying, appraising, and selling disposing of any lot paid out of the permanent school fund. Any remaining money shall be deposited into any other contributing funds in proportion to the contribution from each fund. In no case may the commissioner add to the appraised value of any lot offered for sale or exchange an amount more than \$700 for the actual contract service costs of surveying and, appraising, and disposing of the lot.

Sec. 125. Minnesota Statutes 1998, section 97B.020, is amended to read:

**97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.**

Except as provided in this section, a person born after December 31, 1979, may not obtain a license to take wild animals by firearms. A person may obtain a hunting license if unless the person has a firearms safety certificate or equivalent certificate, driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13, previous hunting license, or other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement. A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or national guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

Sec. 126. Minnesota Statutes 1998, section 103B.227, subdivision 2, is amended to read:

**Subd. 2. NOTICE OF BOARD VACANCIES.** Appointing authorities for watershed management organization board members shall publish a notice of vacancies resulting from expiration of members' terms and other reasons. The notices must be published at least once in a newspaper of general circulation in the watershed management organization area. The notices must state that persons interested in being appointed to serve on the watershed management organization board may submit their names to the appointing authority for consideration. After December 31, 1999, staff of local units of government that are members of the watershed management organization are not eligible

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to be appointed to the board. Published notice of the vacancy must be given at least 15 days before an appointment or reappointment is made.

Sec. 127. Minnesota Statutes 1998, section 103F.515, subdivision 2, is amended to read:

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;
- (2) is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description;
- (3) consists of a drained wetland;
- (4) is land that with a windbreak would be beneficial to resource protection;
- (5) is land in a sensitive groundwater area;
- (6) is riparian land;
- (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to four acres of cropland or one acre of noncropland for each acre of wetland restored;
- (8) is a woodlot on agricultural land;
- (9) is 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:

(1) be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;

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

(3) not be set aside, enrolled or diverted under another federal or state government program unless enrollment in the conservation reserve program would provide additional conservation benefits or a longer term of enrollment than under the current federal or state program; and

(4) have been in agricultural crop production for at least two of the last five years before the date of application except drained wetlands, riparian lands, woodlots, abandoned building sites, or land on a hillside used for pasture.

(d) 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.

(e) 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 103F.505.

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Sec. 128. Minnesota Statutes 1998, section 103G.271, subdivision 6, is amended to read:

Subd. 6. **WATER USE PERMIT PROCESSING FEE.** (a) Except as described in paragraphs (b) to (f), a water use permit processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

- (1) 0.05 cents per 1,000 gallons for the first 50,000,000 gallons per year;
- (2) 0.10 cents per 1,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;
- (3) 0.15 cents per 1,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year;
- (4) 0.20 cents per 1,000 gallons for amounts greater than 150,000,000 gallons but less than 200,000,000 gallons per year;
- (5) 0.25 cents per 1,000 gallons for amounts greater than 200,000,000 gallons but less than 250,000,000 gallons per year;
- (6) 0.30 cents per 1,000 gallons for amounts greater than 250,000,000 gallons but less than 300,000,000 gallons per year;
- (7) 0.35 cents per 1,000 gallons for amounts greater than 300,000,000 gallons but less than 350,000,000 gallons per year;
- (8) 0.40 cents per 1,000 gallons for amounts greater than 350,000,000 gallons but less than 400,000,000 gallons per year; and
- (9) 0.45 cents per 1,000 gallons for amounts greater than 400,000,000 gallons per year.

(b) For once-through cooling systems, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

- (1) for nonprofit corporations and school districts, 15.0 cents per 1,000 gallons; and
- (2) for all other users, 20 cents per 1,000 gallons.

(c) The fee is payable based on the amount of water appropriated during the year and, except as provided in paragraph (f), the minimum fee is \$50.

(d) For water use processing fees other than once-through cooling systems:

- (1) the fee for a city of the first class may not exceed \$175,000 per year;
- (2) the fee for other entities for any permitted use may not exceed:
  - (i) \$35,000 per year for an entity holding three or fewer permits;
  - (ii) \$50,000 per year for an entity holding four or five permits;
  - (iii) \$175,000 per year for an entity holding more than five permits;
- (3) the fee for agricultural irrigation may not exceed \$750 per year;

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(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed \$10,000 for its permit for water use related to the cogeneration of electricity and steam; and

(5) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water use processing fee for a permit issued for irrigation of agricultural land is \$10 for years in which:

(1) there is no appropriation of water under the permit; or

(2) the permit is suspended for more than seven consecutive days between May 1 and October 1.

~~(g) For once-through systems fees payable after July 1, 1993, 75 percent of the fees must be credited to a special account and are appropriated to the Minnesota public facilities authority for loans under section 446A.21.~~

#### Sec. 129. [103G.705] STREAM PROTECTION AND IMPROVEMENT LOAN PROGRAM.

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

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

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

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

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

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(1) the amount of the annual loan repayment and the associated administrative costs;  
or

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

Subd. 2. STREAM PROTECTION AND IMPROVEMENT FUND. There is established in the state treasury a stream protection and redevelopment fund. All repayments of loans made and administrative fees assessed under subdivision 1 must be deposited in this fund. Interest earned on money in the fund accrues to the fund and money in the fund is appropriated to the commissioner of natural resources for purposes of the stream protection and redevelopment program, including costs incurred by the commissioner to establish and administer the program.

Sec. 130. Minnesota Statutes 1998, section 115.55, subdivision 5a, is amended to read:

Subd. 5a. **INSPECTION CRITERIA FOR EXISTING SYSTEMS.** (a) An inspection of an existing system must evaluate the criteria in paragraphs (b) to ~~(h)~~ (j).

(b) If the inspector finds one or more of the following conditions:

- (1) sewage discharge to surface water;
- (2) sewage discharge to ground surface;
- (3) sewage backup; or

(4) any other situation with the potential to immediately and adversely affect or threaten public health or safety,

then the system constitutes an imminent threat to public health or safety and, if not repaired, must be upgraded, replaced, or its use discontinued within ten months of receipt of the notice described in subdivision 5b, or within a shorter period of time if required by local ordinance.

(c) An existing system that has none of the conditions in paragraph (b), and has at least two feet of soil separation need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more restrictive.

(d) Paragraph (c) does not apply to systems in shoreland areas regulated under sections 103F.201 to 103F.221, wellhead protection areas as defined in section 103I.005, or those used in connection with food, beverage, and lodging establishments regulated under chapter 157.

(e) If the local unit of government with jurisdiction over the system has adopted an ordinance containing local standards pursuant to subdivision 7, the existing system must comply with the ordinance. If the system does not comply with the ordinance, it must be upgraded, replaced, or its use discontinued according to the ordinance.

(f) If a seepage pit, drywell, cesspool, or leaching pit exists and the local unit of government with jurisdiction over the system has not adopted local standards to the contrary, the system is failing and must be upgraded, replaced, or its use discontinued within the time required by subdivision 3 or local ordinance.

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(g) If the system fails to provide sufficient groundwater protection, then the local unit of government or its agent shall order that the system be upgraded, replaced, or its use discontinued within the time required by rule or the local ordinance.

(h) The authority to find a threat to public health under section 145A.04, subdivision 8, is in addition to the authority to make a finding under paragraphs (b) to (d).

(i) Local inspectors must use the standard inspection form provided by the agency. The inspection information required by local ordinance may be included as an attachment to the standard form. The following language must appear on the standard form: "If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This does not apply to systems in shoreland areas, wellhead protection areas, or those used in connection with food, beverage, and lodging establishments as defined in law."

(j) For the purposes of this subdivision, an "existing system" means a functioning system installed prior to April 1, 1996.

Sec. 131. Minnesota Statutes 1998, section 115A.02, is amended to read:

#### 115A.02 LEGISLATIVE DECLARATION OF POLICY; PURPOSES.

(a) It is the goal of this chapter to protect the state's land, air, water, and other natural resources and the public health by improving waste management in the state to serve the following purposes:

- (1) reduction in the amount and toxicity of waste generated;
- (2) separation and recovery of materials and energy from waste;
- (3) reduction in indiscriminate dependence on disposal of waste;
- (4) coordination of solid waste management among political subdivisions; and
- (5) orderly and deliberate development and financial security of waste facilities including disposal facilities.

(b) The waste management goal of the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream and thereby protect the state's land, air, water, and other natural resources and the public health. The following waste management practices are in order of preference:

- (1) waste reduction and reuse;
- (2) waste recycling;
- (3) composting of yard waste and food waste;
- (4) resource recovery through mixed municipal solid waste composting or incineration; and
- (5) land disposal which produces no measurable methane gas or which involves the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale; and

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(6) land disposal which produces measurable methane and which does not involve the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale.

Sec. 132. Minnesota Statutes 1998, section 115A.908, subdivision 2, is amended to read:

Subd. 2. **DEPOSIT OF REVENUE.** Revenue collected shall be credited to the motor vehicle transfer account in the environmental fund. As cash flow permits, the commissioner of finance must transfer (1) \$3,200,000 each fiscal year from the motor vehicle transfer account to the environmental response, compensation, and compliance account established in section 115B.20; and (2) \$1,200,000 each fiscal year from the motor vehicle transfer account to the general fund.

Sec. 133. Minnesota Statutes 1998, section 115B.39, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** (a) In addition to the definitions in this subdivision, the definitions in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445, except as specifically modified in this subdivision.

(b) "Cleanup order" means a consent order between responsible persons and the agency or an order issued by the United States Environmental Protection Agency under section 106 of the federal Superfund Act.

(c) "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a mixed municipal solid waste disposal facility that has stopped accepting waste by controlling the sources of releases or threatened releases at the facility. "Closure" includes removing contaminated equipment and liners; applying final cover; grading and seeding final cover; installing wells, borings, and other monitoring devices; constructing groundwater and surface water diversion structures; and installing gas control systems and site security systems, as necessary. The commissioner may authorize use of final cover that includes processed materials that meet the requirements in Code of Federal Regulations, title 40, section 503.32, paragraph (a).

(d) "Closure upgrade" means construction activity that will, at a minimum, modify an existing cover so that it satisfies current rule requirements for mixed municipal solid waste land disposal facilities.

(e) "Contingency action" means organized, planned, or coordinated courses of action to be followed in case of fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.

(f) "Corrective action" means steps taken to repair facility structures including liners, monitoring wells, separation equipment, covers, and aeration devices and to bring the facility into compliance with design, construction, groundwater, surface water, and air emission standards.

(g) "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

(h) "Dump materials" means nonhazardous mixed municipal solid wastes disposed at a Minnesota waste disposal site other than a qualified facility prior to 1973.

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(i) "Environmental response action" means response action at a qualified facility, including corrective action, closure, postclosure care; contingency action; environmental studies, including remedial investigations and feasibility studies; engineering, including remedial design; removal; remedial action; site construction; and other similar clean-up-related activities.

(j) "Environmental response costs" means:

(1) costs of environmental response action, not including legal or administrative expenses; and

(2) costs required to be paid to the federal government under section 107(a) of the federal Superfund Act, as amended.

(k) "Postclosure" or "postclosure care" means actions taken for the care, maintenance, and monitoring of closure actions at a mixed municipal solid waste disposal facility.

(l) "Qualified facility" means a mixed municipal solid waste disposal facility as described in the most recent agency permit, including adjacent property used for solid waste disposal that did not occur under a permit from the agency, that:

(1)(i) is or was permitted by the agency;

(2)(ii) stopped accepting solid waste, except demolition debris, for disposal by April 9, 1994; and

(3)(iii) stopped accepting demolition debris for disposal by June 1, 1994, except that demolition debris may be accepted until May 1, 1995, at a permitted area where disposal of demolition debris is allowed, if the area where the demolition debris is deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid waste was deposited; or

(2)(i) is or was permitted by the agency; and

(ii) stopped accepting waste by January 1, 2000, except that demolition debris, industrial waste, and municipal solid waste combustor ash may be accepted until January 1, 2001, at a permitted area where disposal of such waste is allowed, if the area where the waste is deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid waste was deposited.

Sec. 134. Minnesota Statutes 1998, section 115B.40, subdivision 2, is amended to read:

Subd. 2. **PRIORITY LIST.** (a) The commissioner shall establish a priority list for preventing or responding to releases of hazardous substances, pollutants and contaminants, or decomposition gases at qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1). The commissioner shall periodically revise the list to reflect changing conditions at facilities that affect priority for response actions. The initial priority list must be established by January 1, 1995.

(b) The priority list required under this subdivision must be based on the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the

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facility, the potential for contamination of drinking water supplies, the potential for direct human contact, and the potential for destruction of sensitive ecosystems.

Sec. 135. Minnesota Statutes 1998, section 115B.40, subdivision 3, is amended to read:

Subd. 3. **NOTIFICATION.** By September 1, 1994, the commissioner shall notify the owner or operator of, and persons subject to a cleanup order at, each qualified facility defined in section 115B.39, subdivision 2, paragraph (1), clause (1), of whether the requirements of subdivision 4 or 5 have been met. If the requirements have not been met at a facility, the commissioner, by the earliest practicable date, shall notify the owner or operator and persons subject to a cleanup order of what actions need to be taken.

Sec. 136. Minnesota Statutes 1998, section 115B.40, subdivision 4, is amended to read:

Subd. 4. **QUALIFIED FACILITY NOT UNDER CLEANUP ORDER; DUTIES.** (a) The owner or operator of a qualified facility that is not subject to a cleanup order shall:

(1) complete closure activities at the facility, or enter into a binding agreement with the commissioner to do so, as provided in paragraph (d) (e), within one year from the date the owner or operator is notified by the commissioner under subdivision 3 of the closure activities that are necessary to properly close the facility in compliance with facility's permit, closure orders, or enforcement agreement with the agency, and with the solid waste rules in effect at the time the facility stopped accepting waste;

(2) undertake or continue postclosure care at the facility until the date of notice of compliance under subdivision 7;

(3) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1), transfer to the commissioner of revenue for deposit in the solid waste fund established in section 115B.42 any funds required for proof of financial responsibility under section 116.07, subdivision 4h, that remain after facility closure and any post-closure care and response action undertaken by the owner or operator at the facility including, if proof of financial responsibility is provided through a letter of credit or other financial instrument or mechanism that does not accumulate money in an account, the amount that would have accumulated had the owner or operator utilized a trust fund, less any amount used for closure, postclosure care, and response action at the facility; and

(4) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (2), transfer to the commissioner of revenue for deposit in the solid waste fund established in section 115B.42 an amount of cash that is equal to the sum of their approved current contingency action cost estimate and the present value of their approved estimated remaining postclosure care costs required for proof of financial responsibility under section 116.07, subdivision 4h.

(b) The owner or operator of a qualified facility that is not subject to a cleanup order shall:

(1) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1), provide the commissioner with a copy of all applicable comprehensive general liability insurance policies and other liability policies relating to property

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damage, certificates, or other evidence of insurance coverage held during the life of the facility; and

(~~5~~) (2) enter into a binding agreement with the commissioner to:

(i) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1), take any actions necessary to preserve the owner or operator's rights to payment or defense under insurance policies included in clause (4) (1); cooperate with the commissioner in asserting claims under the policies; and, within 60 days of a request by the commissioner, but no earlier than July 1, 1996, assign only those rights under the policies related to environmental response costs;

(ii) cooperate with the commissioner or other persons acting at the direction of the commissioner in taking additional environmental response actions necessary to address releases or threatened releases and to avoid any action that interferes with environmental response actions, including allowing entry to the property and to the facility's records and allowing entry and installation of equipment; and

(iii) refrain from developing or altering the use of property described in any permit for the facility except after consultation with the commissioner and in conformance with any conditions established by the commissioner for that property, including use restrictions, to protect public health and welfare and the environment.

(~~b~~) (c) The owner or operator of a qualified facility defined in section 115B.39, subdivision 2, paragraph (1), clause (1), that is a political subdivision may use a portion of any funds established for response at the facility, which are available directly or through a financial instrument or other financial arrangement, for closure or postclosure care at the facility if funds available for closure or postclosure care are inadequate and shall assign the rights to any remainder to the commissioner.

(~~e~~) (d) The agreement required in paragraph (~~a~~) (b), clause (~~5~~) (2), must be in writing and must apply to and be binding upon the successors and assigns of the owner. The owner shall record the agreement, or a memorandum approved by the commissioner that summarizes the agreement, with the county recorder or registrar of titles of the county where the property is located.

(~~d~~) (e) A binding agreement entered into under paragraph (a), clause (1), may include a provision that the owner or operator will reimburse the commissioner for the costs of closing the facility to the standard required in that clause.

Sec. 137. Minnesota Statutes 1998, section 115B.40, subdivision 5, is amended to read:

Subd. 5. **QUALIFIED FACILITY UNDER CLEANUP ORDER; DUTIES.** (a) For a qualified facility that is subject to a cleanup order, persons identified in the order shall complete construction of the remedy required under the cleanup order and:

(1) for a federal order, receive a concurrent determination of the United States Environmental Protection Agency and the agency or commissioner that the remedy is functioning properly and is performing as designed; or

(2) for a state order, receive acknowledgment from the agency or commissioner that the obligations under the order for construction of the remedy have been met.

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(b) The owner or operator of a qualified facility that is subject to a cleanup order, in addition to any applicable requirement in paragraph (a), shall comply with subdivision 4, paragraph paragraphs (a), ~~clauses~~ clause (3) ~~to (5)~~ or (4); and (b).

Sec. 138. Minnesota Statutes 1998, section 115B.40, subdivision 6, is amended to read:

Subd. 6. **COMMISSIONER; DUTIES.** (a) If the owner or operator of a qualified facility that is subject to the requirements of subdivision 4, paragraph (a), fails to comply with subdivision 4, paragraph (a), clause (1) or (2), the commissioner shall:

(1) undertake or complete closure activities at the facility in compliance with the solid waste rules in effect at the time the commissioner takes action under this clause; and

(2) undertake or continue postclosure care at the facility as required under subdivision 2.

(b) If a facility has been properly closed under subdivision 4, but the applicable closure requirements are less environmentally protective than closure requirements in the solid waste rules in effect on January 1, 1993, the commissioner shall determine whether the facility should be closed to the higher standards and, if so, shall undertake additional closure activities at the facility to meet those standards. The commissioner may determine that additional closure activities are unnecessary only if it is likely that response actions will be taken in the near future and that those response actions will result in removal or significant alteration of the closure activities or render the closure activities unnecessary.

Sec. 139. Minnesota Statutes 1998, section 115B.40, subdivision 7, is amended to read:

Subd. 7. **NOTICE OF COMPLIANCE; EFFECTS.** (a) The commissioner shall provide written notice of compliance to the appropriate owner or operator or person subject to a cleanup order when:

(1) the commissioner determines that the requirements of subdivision 4 or 5 have been met; and

(2) the person who will receive the notice has submitted to the commissioner a written waiver of any claims the person may have against any other person for recovery of any environmental response costs related to a qualified facility that were incurred prior to the date of notice of compliance.

(b) Beginning on the date of the notice of compliance:

(1) the commissioner shall assume all obligations of the owner or operator or person for environmental response actions under the federal Superfund Act and any federal or state cleanup orders and shall undertake all further action under subdivision 1 at or related to the facility that the commissioner deems appropriate and in accordance with the priority list; and

(2) the commissioner may not seek recovery against the owner or operator of the facility or any responsible person of any costs incurred by the commissioner for environmental response action at or related to the facility, except:

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(i) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1), to the extent of insurance coverage held by the owner or operator or responsible person; or

(ii) as provided in section 115B.402.

(c) The commissioner and the attorney general shall communicate with the United States Environmental Protection Agency addressing the manner and procedure for the state's assumption of federal obligations under paragraph (b), clause (1).

Sec. 140. Minnesota Statutes 1998, section 115B.40, subdivision 8, is amended to read:

Subd. 8. **STATUTES OF LIMITATIONS.** (a) With respect to claims for recovery of environmental response costs related to qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1), the running of all applicable periods of limitation under state law is suspended until July 1, 2004.

(b) A waiver of claims for recovery of environmental response costs under this section or section 115B.43 is extinguished for that portion of reimbursable costs under section 115B.43 that have not been reimbursed by July 1, 2004.

Sec. 141. Minnesota Statutes 1998, section 115B.405, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION.** The owner or operator of a qualified facility may apply to the commissioner for exclusion from the landfill cleanup program under sections 115B.39, 115B.40, 115B.41, 115B.412, and 115B.43. Applications for qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1), must be received by the commissioner by February 1, 1995. Applications for qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (2), must be received by the commissioner by December 31, 1999. The owner or operator of a qualified facility that is subject to a federal cleanup order or that includes any portion that is tax-forfeited may not apply for exclusion under this section. In addition to other information required by the commissioner, an application must include a disclosure of all financial assurance accounts established for the facility. Applications for exclusion must:

(1) show that the operator or owner is complying with the agency's rules adopted under section 116.07, subdivision 4h, and is complying with a financial assurance plan for the facility that the commissioner has approved after determining that the plan is adequate to provide for closure, postclosure care, and contingency action;

(2) demonstrate that the facility is closed or is in compliance with a closure schedule approved by the commissioner; and

(3) include a waiver of all claims for recovery of costs incurred under sections 115B.01 to 115B.24 and the federal Superfund Act at or related to a qualified facility.

Sec. 142. Minnesota Statutes 1998, section 115B.42, is amended to read:

**115B.42 SOLID WASTE FUND.**

Subdivision 1. **ESTABLISHMENT; APPROPRIATION; SEPARATE ACCOUNTING.** (a) The solid waste fund is established in the state treasury. The fund con-

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sists of money credited to the fund and interest earned on the money in the fund. Except as provided in subdivision 2, ~~clause clauses (7) and (8)~~, money in the fund is annually appropriated to the commissioner for the purposes listed in subdivision 2.

(b) The commissioner of finance shall separately account for revenue deposited in the fund from financial assurance funds or other mechanisms, the metropolitan landfill contingency action trust fund, and all other sources of revenue.

Subd. 2. **EXPENDITURES.** (a) Money in the fund may be spent by the commissioner to:

- (1) inspect permitted mixed municipal solid waste disposal facilities to:
  - (i) evaluate the adequacy of final cover, slopes, vegetation, and erosion control;
  - (ii) determine the presence and concentration of hazardous substances, pollutants or contaminants, and decomposition gases; and
  - (iii) determine the boundaries of fill areas;
- (2) monitor and take, or reimburse others for, environmental response actions, including emergency response actions, at qualified facilities;
- (3) acquire and dispose of property under section 115B.412, subdivision 3;
- (4) recover costs under section 115B.39;
- (5) administer, including providing staff and administrative support for, sections 115B.39 to 115B.445;
- (6) enforce sections 115B.39 to 115B.445;
- (7) subject to appropriation, administer the agency's groundwater and solid waste management programs;
- (8) pay for private water supply well monitoring and health assessment costs of the commissioner of health in areas affected by unpermitted mixed municipal solid waste disposal facilities;
- (9) reimburse persons under section 115B.43; ~~and~~
- (9) (10) reimburse mediation expenses up to a total of \$250,000 annually or defense costs up to a total of \$250,000 annually for third-party claims for response costs under state or federal law as provided in section 115B.414; and
- (11) perform environmental assessments, up to \$1,000,000, at unpermitted mixed municipal solid waste disposal facilities.

**Sec. 143. [115B.421] CLOSED LANDFILL INVESTMENT FUND.**

The closed landfill investment fund is established in the state treasury. The fund consists of money credited to the fund, and interest and other earnings on money in the fund. The commissioner of finance shall transfer an initial amount of \$5,100,000 from the balance in the solid waste fund beginning in fiscal year 2000 and shall continue to transfer \$5,100,000 for each following fiscal year, ceasing after 2003. The fund shall be managed to maximize long-term gain through the state board of investment. Money in

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the fund may be spent by the commissioner after fiscal year 2020 in accordance with section 115B.42, subdivision 2, clauses (1) to (6).

Sec. 144. Minnesota Statutes 1998, section 115B.43, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** Environmental response costs at qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1), for which a notice of compliance has been issued under section 115B.40, subdivision 7, are reimbursable as provided in this section.

Sec. 145. Minnesota Statutes 1998, section 115B.442, is amended by adding a subdivision to read:

Subd. 1a. **DEFINITION OF QUALIFIED FACILITIES.** For the purposes of sections 115B.441 to 115B.445, "qualified facility" means only those qualified facilities defined in section 115B.39, subdivision 2, paragraph (1), clause (1).

Sec. 146. Minnesota Statutes 1998, section 116.07, subdivision 7, is amended to read:

Subd. 7. **COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.** Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

- (1) the distribution to applicants of forms provided by the pollution control agency;
- (2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and
- (3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

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(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Natural Resources Conservation Service and the Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(i) After May 17, 1997, Any new rules or amendments to existing rules proposed under the authority granted in this subdivision, or to implement new fees on animal feedlots, must be submitted to the members of legislative policy and finance committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

(j) Until new rules are adopted that provide for plans for manure storage structures, any plans for a liquid manure storage structure must be prepared or approved by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee.

(k) A county may adopt by ordinance standards for animal feedlots that are more stringent than standards in pollution control agency rules.

(l) After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted.

Sec. 147. Minnesota Statutes 1998, section 116.072, is amended by adding a subdivision to read:

**Subd. 13. FEEDLOT ADMINISTRATIVE PENALTY ORDERS.** (a) Prior to the commissioner proposing an administrative penalty order to a feedlot operator for a violation of feedlot laws or rules, the agency staff who will determine if a penalty is appropriate and who will determine the size of the penalty shall offer to meet with the feedlot operator to discuss the violation, and to allow the feedlot operator to present any information that may affect any agency decisions on the administrative penalty order.

(b) For serious feedlot law violations for which an administrative penalty order is issued under this section, the penalty may be forgiven if:

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- (1) the abated penalty is used for environmental improvements to the farm; and  
(2) the commissioner determines that the violation has been corrected or that appropriate steps are being taken to correct the action.

Sec. 148. Minnesota Statutes 1998, section 116.073, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO ISSUE.** Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who:

(1) disposes of solid waste as defined in section 116.06, subdivision 22, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property;

(2) fails to report or recover oil or hazardous substance discharges as required under section 115.061; or

(3) fails to take discharge preventive or preparedness measures required under chapter 115E. In addition, pollution control agency staff designated by the commissioner may issue citations to owners and operators of facilities dispensing petroleum products who violate sections 116.46 to 116.50 and Minnesota Rules, ~~chapter~~ chapters 7150 and 7151, and Minnesota Rules, parts 7001.4200 to 7001.4300. The citations for violation of sections 116.46 to 116.50 and Minnesota Rules, chapter 7150, may be issued only after the owners and operators have had a 90-day period to correct all the violations stated in a letter issued previously by pollution control agency staff. A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose of or otherwise manage the waste or discharged oil or hazardous substance, reimburse any government agency that has disposed of the waste or discharged oil or hazardous substance and contaminated debris for the reasonable costs of disposal, or correct any underground storage tank violations.

Sec. 149. Minnesota Statutes 1998, section 116.073, subdivision 2, is amended to read:

Subd. 2. **PENALTY AMOUNT.** The citation must impose the following penalty amounts:

(1) \$100 per major appliance, as defined in section 115A.03, subdivision 17a, up to a maximum of \$2,000;

(2) \$25 per waste tire, as defined in section 115A.90, subdivision 11, up to a maximum of \$2,000;

(3) \$25 per lead acid battery governed by section 115A.915, up to a maximum of \$2,000;

(4) \$1 per pound of other solid waste or \$20 per cubic foot up to a maximum of \$2,000;

(5) up to \$200 for any amount of waste that escapes from a vehicle used for the transportation of solid waste if, after receiving actual notice that waste has escaped the vehicle, the person or company transporting the waste fails to immediately collect the waste;

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(6) \$50 per violation of rules adopted under section 116.49, relating to underground storage tank system design, construction, installation, and notification requirements, up to a maximum of \$2,000;

(7) \$250 per violation of rules adopted under section 116.49, relating to upgrading of existing underground storage tank systems, up to a maximum of \$2,000;

(8) \$100 per violation of rules adopted under section 116.49, relating to underground storage tank system general operating requirements, up to a maximum of \$2,000;

(9) \$250 per violation of rules adopted under section 116.49, relating to underground storage tank system release detection requirements, up to a maximum of \$2,000;

(10) \$50 per violation of rules adopted under section 116.49, relating to out-of-service underground storage tank systems and closure, up to a maximum of \$2,000; and

(11) \$50 per violation of sections 116.48 to 116.491 relating to underground storage tank system notification, monitoring, environmental protection, and tank installers training and certification requirements, up to a maximum of \$2,000;

(12) \$25 per gallon of oil or hazardous substance discharged which is not reported or recovered under section 115.061, up to a maximum of \$2,000;

(13) \$1 per gallon of oil or hazardous substance being stored, transported, or otherwise handled without the prevention or preparedness measures required under chapter 115E, up to a maximum of \$2,000; and

(14) \$250 per violation of Minnesota Rules, parts 7001.4200 to 7001.4300, or Minnesota Rules, chapter 7151, related to aboveground storage tank systems, up to a maximum of \$2,000.

#### Sec. 150. [116.915] MERCURY REDUCTION.

Subdivision 1. GOAL. It is the goal of the state to reduce mercury contamination by reducing the release of mercury into the air and water of the state by 60 percent from 1990 levels by December 31, 2000, and by 70 percent from 1990 levels by December 31, 2005. The goal applies to the statewide total of releases from existing and new sources of mercury. The commissioner shall publish updated estimates of 1990 releases in the State Register.

Subd. 2. REDUCTION STRATEGIES. The commissioner shall implement the strategies recommended by the mercury contamination reduction initiative advisory council and identified on pages 31 to 42 of the Minnesota pollution control agency's report entitled "Report on the Mercury Contamination Reduction Initiative Advisory Council's Results and Recommendations" as transmitted to the legislature by the commissioner's letter dated March 15, 1999. The commissioner shall solicit, by July 1, 1999, voluntary reduction agreements from sources that emit more than 50 pounds of mercury per year.

Subd. 3. PROGRESS REPORTS. The commissioner, in cooperation with the director of the office of environmental assistance, shall submit progress reports to the legislature on October 15, 2001, and October 15, 2005. The reports shall address the state's success in meeting the mercury release reduction goals of subdivision 1, and discuss whether different voluntary or mandatory reduction strategies are needed. The reports

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shall also discuss whether the reduction goals are still appropriate given the most recent information regarding mercury risks.

Sec. 151. Minnesota Statutes 1998, section 156.001, subdivision 2, is amended to read:

Subd. 2. **ACCREDITED OR APPROVED COLLEGE OF VETERINARY MEDICINE.** "Accredited or approved college of veterinary medicine" means a veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation or approval by the American Veterinary Medical Association Council on Education.

Sec. 152. Minnesota Statutes 1998, section 156.001, subdivision 3, is amended to read:

Subd. 3. **ANIMAL.** "Animal" does not include poultry or birds of any kind.

Sec. 153. Minnesota Statutes 1998, section 156.001, is amended by adding a subdivision to read:

Subd. 6a. **FIRM.** "Firm" includes a corporation, limited liability company, and limited liability partnership, wherever incorporated, organized, or registered.

Sec. 154. Minnesota Statutes 1998, section 156.01, subdivision 3, is amended to read:

Subd. 3. **OFFICERS.** The board shall elect from its number a president and such other officers as are necessary, all from within its membership. One person may hold the offices of both secretary and treasurer. The board shall have a seal and the power to subpoena witnesses, to administer oaths, and take testimony. It shall make, alter, or amend such rules as may be that are necessary to carry this chapter into effect the provisions of this chapter. It shall hold examinations for applicants for license to engage in veterinary practice at a time and place of its own choosing. Notice of such an examination shall must be posted 90 days before the date set for an the examination in all veterinary schools approved by the board in the state, and shall must be published in the journal of the American Veterinary Medical Association. American Association of Veterinary State Boards "Directory of Veterinary Licensure Requirements." The board may hold such other meetings as it deems necessary; but no meeting shall exceed three days duration.

Sec. 155. Minnesota Statutes 1998, section 156.02, subdivision 1, is amended to read:

Subdivision 1. **LICENSE APPLICATION.** Application for a license to practice veterinary medicine in this state shall be made in writing to the board of veterinary medicine upon a form furnished by the board, accompanied by satisfactory evidence that the applicant is at least 18 years of age, is of good moral character, and has one of the following:

- (1) a diploma conferring the degree of doctor of veterinary medicine, or an equivalent degree, from an accredited or approved college of veterinary medicine;
- (2) an ECFVG certificate; or
- (3) a certificate from the dean of an accredited or approved college of veterinary medicine stating that the applicant is a student in good standing expecting to be graduated

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at the completion of the current academic year of the college in which the applicant is enrolled.

The application shall contain the information and material required by subdivision 2 and any other information that the board may, in its sound judgment, require. The application shall be filed with the board at least 45 60 days before the date of the examination. If the board deems it advisable, it may require that such application be verified by the oath of the applicant.

Sec. 156. Minnesota Statutes 1998, section 156.02, subdivision 2, is amended to read:

Subd. 2. **REQUIRED WITH APPLICATION.** Every application shall contain the following information and material:

(1) the application fee set by the board in the form of a check or money order payable to the board, which fee is not returnable in the event permission to take the examination is denied for good cause;

(2) a copy of a diploma from an accredited or approved college of veterinary medicine or a certificate from the dean or secretary of an accredited or approved college of veterinary medicine showing the time spent in the school and the date when the applicant was duly and regularly graduated or will duly and regularly graduate or verification of ECFVG certification;

(3) affidavits of at least two veterinarians and three adults who are not related to the applicant setting forth how long a time, when, and under what circumstances they have known the applicant, and any other facts as may be proper to enable the board to determine the qualifications of the applicant; and

(4) if the applicant has served in the armed forces, a copy of discharge papers.

Sec. 157. Minnesota Statutes 1998, section 156.03, is amended to read:

#### 156.03 EXAMINATION; PAYMENT.

Upon filing the application and any other papers, affidavits, or proof that the board of veterinary medicine may require, together with the payment to the board of a fee as set by the board, the board, if satisfied, shall issue to the applicant for license an order for examination. Every applicant for a license shall submit to a theoretical or practical examination, or both, as designated by the board. The examination may be oral, or written, or both of the application fee and appropriate examination fee as set by the board, the board shall issue to the applicant a permit to take the national examination in veterinary medicine and the Minnesota Veterinary Jurisprudence Examination. All applicants must be evaluated using an examination prescribed by the board. A passing score for the national examination must be the criterion referenced passing score as determined by the National Board Examination Committee.

Sec. 158. Minnesota Statutes 1998, section 156.072, is amended to read:

#### 156.072 NONRESIDENTS; LICENSES.

Subdivision 1. **APPLICATION.** A doctor of veterinary medicine duly admitted to practice in any of the other states or territories or District of Columbia state, common-

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wealth, territory, or district of the United States or province of Canada desiring permission to practice veterinary medicine in this state shall submit an application to the board upon forms prescribed by the board. Upon proof of licensure to practice in any other state or territory or in the District of Columbia United States or Canadian jurisdiction and having been actively engaged in practicing veterinary medicine therein, for at least three of the five years next preceding the application, or having been engaged in full time teaching of veterinary medicine in an approved or accredited college for at least three of the five years next preceding the application, or any combination thereof, the national examination in veterinary medicine may be waived, upon the recommendation of the board, and the applicant be admitted to practice without examination. However, the board may impose any other tests as examinations it considers proper.

Subd. 2. **REQUIRED WITH APPLICATION.** Such doctor of veterinary medicine shall accompany the application by the following:

(1) a copy of a diploma from an accredited or approved college of veterinary medicine or certification from the dean, registrar, or secretary of an accredited or approved college of veterinary medicine attesting to the applicants graduation from an accredited or approved college of veterinary medicine, or a certificate of satisfactory completion of the ECFVG program.

(2) affidavits of two licensed practicing doctors of veterinary medicine of the state, territory or District of Columbia so certifying residing in the United States or Canadian licensing jurisdiction in which the applicant is currently practicing, attesting that they are well acquainted with such the applicant, that the applicant is a person of good moral character, and has been actively engaged in practicing or teaching as the case may be in such state, territory, or District of Columbia jurisdiction for the period above prescribed;

(2) (3) a certificate from the regulatory agency having jurisdiction over the conduct of practice of veterinary medicine that such applicant is in good standing and is not the subject of disciplinary action or pending disciplinary action;

(3) (4) a certificate from all other jurisdictions in which the applicant holds a currently active license or held a license within the past ten years, stating that the applicant is and was in good standing and has not been subject to disciplinary action; and

(4) (5) in lieu of clauses (3) and (4), certification from the Veterinary Information Verification Agency that the applicant's licensure is in good standing;

(6) a fee as set by the board in form of check or money order payable to the board, no part of which shall be refunded should the application be denied;

(7) score reports on previously taken national examinations in veterinary medicine, certified by the Veterinary Information Verification Agency; and

(8) if requesting waiver of examination, provide evidence of meeting licensure requirements in the state of the applicant's original licensure that were substantially equal to the requirements for licensure in Minnesota in existence at that time.

Subd. 3. **EXAMINATION.** A doctor of veterinary medicine duly admitted to practice in any of the other states or territories or in the District of Columbia state, commonwealth, territory, or district of the United States or province of Canada desiring admission to practice in this state but who has not been actively engaged in the practice thereof for at

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least three of the preceding five years must be examined for admission in accordance with the requirements prescribed herein for those not admitted to practice anywhere.

Subd. 4. **TEMPORARY PERMIT.** The board may issue without examination a temporary permit to practice veterinary medicine in this state to a person who has submitted an application approved by the board for license pending examination, and holds a doctor of veterinary medicine degree or an equivalent degree from an approved or accredited veterinary college of veterinary medicine or an ECFVG certification. The temporary permit shall expire the day after publication of the notice of results of the first examination given after the permit is issued. No temporary permit may be issued to any applicant who has previously failed the national examination ~~in this state or in any other state, territory, or district of the United States or a foreign country and is currently not licensed in any licensing jurisdiction of the United States or Canada or to any person whose license has been revoked or suspended or who is currently subject to a disciplinary order in any licensing jurisdiction of the United States or Canada.~~

**Sec. 159. [156.074] TEMPORARY LICENSE.**

A graduate of a nonaccredited or approved college of veterinary medicine, who has satisfactorily completed the fourth year of clinical study at an approved or accredited college of veterinary medicine and has successfully passed the national examination in veterinary medicine and the Minnesota Veterinary Jurisprudence Examination, and is enrolled in the ECFVG program, may be granted a temporary license. The holder of a temporary license issued under these provisions must practice under the supervision of a Minnesota licensed veterinarian. The temporary license is valid until the candidate obtains ECFVG certification or for a maximum of two years from the date of issue.

Sec. 160. Minnesota Statutes 1998, section 156.10, is amended to read:

**156.10 UNLAWFUL PRACTICE WITHOUT LICENSE OR PERMIT;  
GROSS MISDEMEANOR.**

It shall be unlawful is a gross misdemeanor for any person to practice veterinary medicine in the state without having first secured a veterinary license or temporary permit, as provided in this chapter, and any person violating the provisions of this section shall be guilty of a gross misdemeanor and punished therefor according to the laws of the state.

Sec. 161. Minnesota Statutes 1998, section 156.11, is amended to read:

**156.11 CORPORATIONS FIRMS NOT TO PRACTICE.**

(a) It shall be is unlawful in the state of Minnesota for any corporation firm, other than one organized pursuant to chapter 319A or 319B, to practice veterinary medicine, or to hold itself out or advertise itself in any way as being entitled to practice veterinary medicine, or to receive the fees, or portions of fees, or gifts or other emoluments or benefits compensation derived from the practice of veterinary medicine, or the performance of veterinary services by any person, whether such that person be is licensed to practice veterinary medicine or not. Any corporation firm violating the provisions of this section shall be is guilty of a gross misdemeanor and must be fined not more than \$3,000 for each offense, and. Each day that this chapter section is violated shall be considered is a separate offense.

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(b) Notwithstanding section 319B.08, a veterinary medical practice firm has 12 months after the death of an owner before all of the owner's ownership interest must be acquired by the practice, by persons permitted to own the ownership interest, or by some combination.

Sec. 162. Minnesota Statutes 1998, section 156.12, subdivision 2, is amended to read:

Subd. 2. **AUTHORIZED ACTIVITIES.** No provision of this chapter shall be construed to prohibit:

(a) a person from rendering necessary gratuitous assistance in the treatment of any animal when the assistance does not amount to prescribing, testing for, or diagnosing, operating, or vaccinating and when the attendance of a licensed veterinarian cannot be procured;

(b) a person who is a regular student in an accredited or approved college of veterinary medicine from performing duties or actions assigned by instructors or preceptors or working under the direct supervision of a licensed veterinarian;

(c) a veterinarian regularly licensed in another jurisdiction from consulting with a licensed veterinarian in this state;

(d) the owner of an animal and the owner's regular employee from caring for and treating administering to the animal belonging to the owner, except where the ownership of the animal was transferred for purposes of circumventing this chapter;

(e) veterinarians employed by the University of Minnesota from performing their duties with the college of veterinary medicine, college of agriculture, agricultural experiment station, agricultural extension service, medical school, school of public health, or other unit within the university; or a person from lecturing or giving instructions or demonstrations at the university or in connection with a continuing education course or seminar to veterinarians;

(f) any person from selling or applying any pesticide, insecticide or herbicide;

(g) any person from engaging in bona fide scientific research or investigations which reasonably requires experimentation involving animals;

(h) any employee of a licensed veterinarian from performing duties other than diagnosis, prescription or surgical correction under the direction and supervision of the veterinarian, who shall be responsible for the performance of the employee;

(i) a graduate of a foreign college of veterinary medicine from working under the direct personal instruction, control, or supervision of a veterinarian faculty member of the College of Veterinary Medicine, University of Minnesota in order to complete the requirements necessary to obtain an ECFVG certificate.

Sec. 163. Minnesota Statutes 1998, section 156.12, subdivision 4, is amended to read:

Subd. 4. **TITLES.** It shall be unlawful for a person who has not received a professional degree from an accredited or approved college of veterinary medicine, or ECFVG certification, to use any of the following titles or designations: Veterinary, veterinarian,

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animal doctor, animal surgeon, animal dentist, animal chiropractor, animal acupuncturist, or any other title, designation, word, letter, abbreviation, sign, card, or device tending to indicate that the person is qualified to practice veterinary medicine.

Sec. 164. Minnesota Statutes 1998, section 169.121, subdivision 3, is amended to read:

Subd. 3. **CRIMINAL PENALTIES.** (a) As used in this section:

(1) "Prior impaired driving conviction" means a prior conviction under:

(i) this section; Minnesota Statutes 1996, section 84.91, subdivision 1, paragraph (a), or 86B.331, subdivision 1, paragraph (a); section 169.1211; section 169.129; or section 360.0752;

(ii) section 609.21, subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6); or

(iii) an ordinance from this state, or a statute or ordinance from another state, in conformity with any provision listed in item (i) or (ii).

A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(2) "Prior license revocation" means a driver's license suspension, revocation, cancellation, denial, or disqualification under:

(i) this section or section 169.1211, 169.123, 171.04, 171.14, 171.16, 171.165, 171.17, or 171.18 because of an alcohol-related incident;

(ii) section 609.21, subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6); or

(iii) an ordinance from this state, or a statute or ordinance from another state, in conformity with any provision listed in item (i) or (ii).

"Prior license revocation" also means the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.911, or motorboat operating privileges under section 86B.335, for violations that occurred on or after August 1, ~~1995~~ 1994; the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.91; or the revocation of motorboat operating privileges under section 86B.331.

(b) A person who violates subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or subdivision 1a, or an ordinance in conformity with any of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1, clause (f);

(2) the person violates subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or subdivision 1a, within five years of a prior impaired driving conviction or a prior license revocation;

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(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 or 1a while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

A person convicted of a gross misdemeanor under this paragraph is subject to the mandatory penalties provided in subdivision 3d.

(d) A person is guilty of an enhanced gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1, clause (f), or commits a violation described in paragraph (c), clause (3) or (4), within ten years of one or more prior impaired driving convictions or prior license revocations;

(2) the person violates subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or subdivision 1a, within ten years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or any combination of two or more prior impaired driving convictions and prior license revocations, based on separate incidents.

A person convicted of an enhanced gross misdemeanor under this paragraph may be sentenced to imprisonment in a local correctional facility for not more than two years or to payment of a fine of not more than \$3,000, or both. Additionally, the person is subject to the applicable mandatory penalties provided in subdivision 3e.

(e) The court shall notify a person convicted of violating subdivision 1 or 1a that the registration plates of the person's motor vehicle may be impounded under section 168.042 and the vehicle may be subject to forfeiture under section 169.1217 upon a subsequent conviction for violating this section, section 169.129, or section 171.24, or a subsequent license revocation under section 169.123. The notice must describe the conduct and the time periods within which the conduct must occur in order to result in plate impoundment or forfeiture. The failure of the court to provide this information does not affect the applicability of the plate impoundment or the forfeiture provision to that person.

(f) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor and enhanced gross misdemeanor violations of this section.

(g) The court must impose consecutive sentences when it sentences a person for a violation of this section or section 169.129 arising out of separate behavioral incidents. The court also must impose a consecutive sentence when it sentences a person for a violation of this section or section 169.129 and the person, at the time of sentencing, is on probation for, or serving, an executed sentence for a violation of this section or section 169.129 and the prior sentence involved a separate behavioral incident. The court also may order that the sentence imposed for a violation of this section or section 169.129 shall run consecutively to a previously imposed misdemeanor, gross misdemeanor, or felony sentence for a violation other than this section or section 169.129.

(h) When the court stays the sentence of a person convicted under this section, the length of the stay is governed by section 609.135, subdivision 2.

(i) The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2.

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(j) When an attorney responsible for prosecuting gross misdemeanors or enhanced gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(k) A violation of subdivision 1a may be prosecuted either in the jurisdiction where the arresting officer observed the defendant driving, operating, or in control of the motor vehicle or in the jurisdiction where the refusal occurred.

Sec. 165. Minnesota Statutes 1998, section 169.1217, subdivision 9, is amended to read:

Subd. 9. **DISPOSITION OF FORFEITED VEHICLE.** (a) If the vehicle is administratively forfeited under subdivision 7a, or if the court finds under subdivision 8 that the vehicle is subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

(1) sell the vehicle and distribute the proceeds under paragraph (b); or

(2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for official use, it shall make reasonable efforts to ensure that the motor vehicle is available for use by the agency's officers who participate in the drug abuse resistance education program.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the treasury of the political subdivision that employs the appropriate agency responsible for the forfeiture for use in DWI-related enforcement, training and education. If the appropriate agency is an agency of state government, the net proceeds must be forwarded to the state treasury and credited to the general fund.

~~(c) The proceeds from the sale of forfeited off-road recreational vehicles and motorboats, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the state treasury and credited to the following funds:~~

(1) if the forfeited vehicle is a motorboat, the net proceeds must be credited to the water recreation account in the natural resources fund;

(2) if the forfeited vehicle is a snowmobile, the net proceeds must be credited to the snowmobile trails and enforcement account in the natural resources fund;

(3) if the forfeited vehicle is an all-terrain vehicle, the net proceeds must be credited to the all-terrain vehicle account in the natural resources fund;

(4) if the forfeited vehicle is an off-highway motorcycle, the net proceeds must be credited to the off-highway motorcycle account in the natural resources fund;

(5) if the forfeited vehicle is an off-road vehicle, the net proceeds must be credited to the off-road vehicle account in the natural resources fund; and

(6) if otherwise, the net proceeds must be credited to the general fund.

Sec. 166. Minnesota Statutes 1998, section 169.123, subdivision 1, is amended to read:

Subdivision 1. **PEACE OFFICER DEFINED.** For purposes of this section, section 169.121, and section 169.1211, the term peace officer means (1) a state patrol officer,

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(2) University of Minnesota peace officer, (3) a constable as defined in section 367.40, subdivision 3, (4) police officer of any municipality, including towns having powers under section 368.01, or county, and (5) for purposes of violations of those sections in or on an off-road recreational vehicle or motorboat, or for violations of section 97B.065 or 97B.066, a state conservation officer.

Sec. 167. Minnesota Statutes 1998, section 171.07, subdivision 12, is amended to read:

Subd. 12. **SNOWMOBILE SAFETY CERTIFICATE.** (a) The department shall maintain in its records information transmitted electronically from the commissioner of natural resources identifying each person to whom the commissioner has issued a snowmobile safety certificate. The records transmitted from the department of natural resources must contain the full name and date of birth as required for the driver's license or identification card. Records that are not matched to a driver's license or identification card record may be deleted after seven years.

(b) After receiving information under paragraph (a) that a person has received a snowmobile safety certificate, the department shall include, on all drivers' licenses or Minnesota identification cards subsequently issued to the person, a graphic or written indication that the person has received the certificate.

(c) If a person who has received a snowmobile safety certificate applies for a driver's license or Minnesota identification card before that information has been transmitted to the department, the department may accept a copy of the certificate as proof of its issuance and shall then follow the procedures in paragraph (b).

Sec. 168. Minnesota Statutes 1998, section 171.07, subdivision 13, is amended to read:

Subd. 13. **FIREARMS SAFETY DESIGNATION.** (a) When an applicant has a record transmitted to the department as described in paragraph (c) or presents a firearms safety certificate issued for successfully completing a firearms safety course administered under section 97B.015, voluntarily and requests a driver's license or identification card described in paragraph (b), pays the required fees, and otherwise qualifies, the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card described in paragraph (b).

(b) Pursuant to paragraph (a), the department shall issue a driver's license or Minnesota identification card bearing a designation or symbolic representation, as designed by the commissioner in consultation with the commissioner of natural resources, indicating graphic or written indication that the applicant has successfully completed a firearms safety course and is knowledgeable in firearms safety administered under section 97B.015.

(c) The department shall maintain in its records information transmitted electronically from the commissioner of natural resources identifying each person to whom the commissioner has issued a firearms safety certificate. The records transmitted from the department of natural resources must contain the full name and date of birth as required for the driver's license or identification card. Records that are not matched to a driver's license or identification card record may be deleted after seven years.

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Sec. 169. Minnesota Statutes 1998, section 223.17, subdivision 3, is amended to read:

Subd. 3. **GRAIN BUYERS AND STORAGE FUND ACCOUNT; FEES.** The commissioner shall set the fees for inspections under sections 223.15 to 223.22 at levels necessary to pay the expenses of administering and enforcing sections 223.15 to 223.22. These fees may be adjusted pursuant to the provisions of section 16A.1285.

The fee for any license issued or renewed after June 30, 1997, shall be set according to the following schedule:

(a) \$100 plus \$50 for each additional location for grain buyers whose gross annual purchases are less than \$100,000;

(b) \$200 plus \$50 for each additional location for grain buyers whose gross annual purchases are at least \$100,000, but not more than \$750,000;

(c) \$300 plus \$100 for each additional location for grain buyers whose gross annual purchases are more than \$750,000 but not more than \$1,500,000;

(d) \$400 plus \$100 for each additional location for grain buyers whose gross annual purchases are more than \$1,500,000 but not more than \$3,000,000; and

(e) \$500 plus \$100 for each additional location for grain buyers whose gross annual purchases are more than \$3,000,000.

~~There is created in the state treasury the grain buyers and storage account in the agricultural fund. Money collected pursuant to sections 223.15 to 223.19 shall be paid into the state treasury and credited to the grain buyers and storage fund account and is appropriated to the commissioner for the administration and enforcement of sections 223.15 to 223.22.~~

Sec. 170. Minnesota Statutes 1998, section 231.16, is amended to read:

**231.16 WAREHOUSE OPERATOR TO OBTAIN LICENSE.**

Every person desiring to engage in the business of warehouse operator, before engaging therein, shall be licensed annually by, and shall be under the supervision and subject to the inspection of, the department. Written application in the form prescribed by the department shall be made to the department for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, character, and equipment of the buildings or premises to be used by the warehouse operator, the kind of goods, wares, and merchandise intended to be stored therein, the name of the person or corporation operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the department that the property proposed to be used is suitable for warehouse purposes and that the warehouse operator making the application is qualified to carry on the business of warehousing. Should the department decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose and that the applicants are entitled to a license, notice of the decision shall be given the interested parties and, upon the applicants filing with the department the necessary bond, as provided for in this chapter, the department shall issue the license provided for, upon payment of the license fee, as in this section provided. A warehouse operator to whom a license is issued shall pay for the license a fee based on the storage capacity of the warehouse as follows:

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## Storage capacity in square feet

(1) 5,000 or less	\$ 80
(2) 5,001 to 10,000	\$155
(3) 10,001 to 20,000	\$250
(4) 20,001 to 100,000	\$315
(5) 100,001 to 200,000	\$410
(6) over 200,000	\$470

Fees collected under this chapter shall be paid into the grain buyers and storage fund account established in section 232.22.

The license shall be renewed annually on or before July 1, and always upon payment of the full license fee, as provided for in this section for such renewal; and no license shall be issued for any portion of a year for less than the full amount of the license fee, as provided for in this section. Each license obtained under this chapter shall be publicly displayed in the main office of the place of business of the warehouse operator to whom it is issued. The license shall authorize the warehouse operator to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouse operator already duly licensed under the provisions of this chapter to operate an additional warehouse in the same city or town for which the original license was issued during the term thereof, upon the filing an application for a permit in the form prescribed by the department.

License may be refused for good cause shown and revoked by the department for violation of law or of any rule by it prescribed, upon notice and after hearing.

Sec. 171. Minnesota Statutes 1998, section 232.22, subdivision 3, is amended to read:

Subd. 3. **FEES; GRAIN BUYERS AND STORAGE FUND ACCOUNT.** There is created in the ~~state treasury~~ agricultural fund an account known as the grain buyers and storage fund account. The commissioner shall set the fees for inspections, certifications and licenses under sections 232.20 to 232.25 at levels necessary to pay the costs of administering and enforcing sections 232.20 to 232.25. All money collected pursuant to sections 232.20 to 232.25 and chapters 233 and 236 shall be paid by the commissioner into the state treasury and credited to the grain buyers and storage fund account and is appropriated to the commissioner for the administration and enforcement of sections 232.20 to 232.25 and chapters 233 and 236. All money collected pursuant to chapter 231 shall be paid by the commissioner into the grain buyers and storage fund account and is appropriated to the commissioner for the administration and enforcement of chapter 231.

Sec. 172. Minnesota Statutes 1998, section 233.08, is amended to read:

**233.08 LICENSE.**

No public terminal warehouse may be operated or receive grain for storage until the owners or parties in charge and operating the warehouse obtain a license from the department authorizing the warehouse operator to operate a warehouse under this chapter. Licenses issued or renewed annually expire at midnight on June 30 following the date of issuance or renewal. Before a license may be issued, written application must be made to

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the department for a license specifying the kind of warehouse, the nature of its construction, its capacity and location, the name of the firm or corporation operating it, each member of the firm or officer of the corporation, and other facts the department requires. The department shall act on the application with reasonable dispatch. If no reason exists for refusing the application, a license must be issued upon the payment of the fee set by the commissioner. The amount of the fee must be set to cover the costs of administering and enforcing this chapter.

A license may be revoked by the department for violation of the law or a rule of the department, but may only be revoked upon a written notice or complaint specifying the charges and after a hearing before the department. A license may be refused to a warehouse operator whose license has been revoked within the preceding year.

Fees collected under this chapter must be paid into the grain buyers and storage fund account established in section 232.22.

Sec. 173. Minnesota Statutes 1998, section 236.02, subdivision 4, is amended to read:

Subd. 4. **FEES.** The license fee must be set by the commissioner in an amount sufficient to cover the costs of administering and enforcing this chapter. Fees collected under this chapter must be paid into the grain buyers and storage fund account established in section 232.22.

Sec. 174. Minnesota Statutes 1998, section 239.791, subdivision 1, is amended to read:

Subdivision 1. **MINIMUM OXYGEN CONTENT REQUIRED.** Except as provided in subdivisions 10 to ~~12~~ 14, a person responsible for the product shall comply with the following requirements:

(a) After October 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area must contain at least 2.7 percent oxygen by weight.

(b) After October 1, 1997, all gasoline sold or offered for sale in Minnesota must contain at least 2.7 percent oxygen by weight.

Sec. 175. Minnesota Statutes 1998, section 239.791, subdivision 12, is amended to read:

Subd. 12. **EXEMPTION FOR COLLECTOR VEHICLE AND OFF-ROAD USE.** ~~(a) Except during a carbon monoxide control period in a carbon monoxide control area, A person responsible for the product may offer for sale, sell, or dispense at a retail gasoline station for use in collector vehicles or vehicles eligible to be licensed as collector vehicles, off-road vehicles, motorcycles, boats, snowmobiles, or small engines, gasoline that is not oxygenated in accordance with subdivision 1 if the person meets the conditions in paragraphs (b) to (d) (e).~~ If the nonoxygenated gasoline is for use in a small engine, it must be dispensed into a can with a capacity of six or fewer gallons.

(b) The nonoxygenated gasoline must be unleaded premium grade as defined in section 239.751, subdivision 4.

(c) No more than one storage tank on the premises of the retail gasoline station may be used for storage of the nonoxygenated gasoline offered for sale, sold, or dispensed by the station.

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(d) The pump stands must be posted with a permanent notice stating: "NONOXYGENATED GASOLINE. FOR USE IN COLLECTOR VEHICLES OR VEHICLES ELIGIBLE TO BE LICENSED AS COLLECTOR VEHICLES, OFF-ROAD VEHICLES, MOTORCYCLES, BOATS, SNOWMOBILES, OR SMALL ENGINES ONLY."

(e) For a retail gasoline station located in the county of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, or Wright, a person responsible for the product must annually register with the director, on forms provided by the director, an intent to sell nonoxygenated gasoline during the period of October 1 through January 31. Such person must register on or before August 1 of each year, and must report to the director before April 1 of the following year the total number of gallons of nonoxygenated premium grade gasoline sold during the period of October 1 through January 31. Data submitted to the department under this paragraph shall be considered nonpublic data as defined in section 13.02, subdivision 13.

Sec. 176. Minnesota Statutes 1998, section 239.791, is amended by adding a subdivision to read:

**Subd. 13. EXEMPTION FOR CERTAIN RIPARIAN LANDOWNERS.** (a) A person responsible for the product may offer for sale, sell, and deliver directly to a bulk fuel storage tank gasoline that is not oxygenated in accordance with subdivision 1 if the conditions in paragraphs (b) to (e) are met.

(b) The nonoxygenated gasoline must be unleaded premium grade as defined in section 239.751, subdivision 4.

(c) The bulk fuel storage tank must be stationary or permanent.

(d) The bulk fuel storage tank must be under the control of an owner of littoral or riparian property and located on that littoral or riparian property.

(e) The nonoxygenated gasoline must be purchased for use in vehicles that would qualify for an exemption under subdivision 12, paragraph (a).

Sec. 177. Minnesota Statutes 1998, section 239.791, is amended by adding a subdivision to read:

**Subd. 14. EXEMPTION FOR AIRCRAFT OPERATORS.** A person responsible for the product may offer for sale, sell, and deliver directly to a bulk fuel storage tank gasoline that is not oxygenated in accordance with subdivision 1 for use in aircraft if the nonoxygenated gasoline is unleaded premium grade as defined in section 239.751, subdivision 4.

Sec. 178. Minnesota Statutes 1998, section 290.431, is amended to read:

**290.431 NONGAME WILDLIFE CHECKOFF.**

Every individual who files an income tax return or property tax refund claim form may designate on their original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into an account to be established for the management of nongame wildlife. The commissioner of revenue shall, on the income tax return and the property tax refund claim form, notify filers of their right to designate that a portion of their tax or refund shall be paid into the nongame wildlife management account. The sum of the amounts so designated to be paid

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shall be credited to the nongame wildlife management account for use by the nongame program of the section of wildlife in the department of natural resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the state treasurer. The commissioner of natural resources shall submit a work program for each fiscal year and semiannual progress reports to the legislative commission on Minnesota resources in the form determined by the commission. None of the money provided in this section may be expended unless the commission has approved the work program.

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

Sec. 179. Minnesota Statutes 1998, section 290.432, is amended to read:

**290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.**

A corporation that files an income tax return may designate on its original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that corporation and paid into the nongame wildlife management account established by section 290.431 for use by the section of wildlife in the department of natural resources for its nongame wildlife program. The commissioner of revenue shall, on the corporate tax return, notify filers of their right to designate that a portion of their tax return be paid into the nongame wildlife management account for the protection of endangered natural resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the state treasurer. The commissioner of natural resources shall submit a work program for each fiscal year to the legislative commission on Minnesota resources in the form determined by the commission. None of the money provided in this section may be spent unless the commission has approved the work program.

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

Sec. 180. Minnesota Statutes 1998, section 296A.18, subdivision 3, is amended to read:

Subd. 3. **SNOWMOBILE.** Approximately one percent in fiscal years 1998 and 1999, and ~~three-fourths of one percent thereafter~~, of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, one percent in fiscal years 1998 and 1999, and ~~three-fourths of one percent thereafter~~, of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

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Sec. 181. Minnesota Statutes 1998, section 297H.13, subdivision 5, is amended to read:

Subd. 5. **REPORT ON RECEIPTS.** The commissioner of revenue shall report to the chairs of the house and senate environment and natural resources committees; the house environment and natural resources finance division; the senate environment and agriculture budget division; the house tax committee and the senate taxes and tax laws committee; the commissioner of the pollution control agency; and the director of the office of environmental assistance on the total tax revenues received from the taxes imposed under this chapter. The reports shall be made as follows:

(1) a report by May 31, 1998, August 31 of each year based on amounts received by the commissioner of revenue from January 1, 1998, through April 30, 1998 January 1 through June 30 of that year; and

(2) a report by September 30, 1998, February 28 of each year based on amounts received by the commissioner of revenue from May 1, 1998, through August 31, 1998; and

(3) a report by January 31, 1999, based on amounts received by the commissioner of revenue from September 1, 1998, through December 31, 1998 July 1 through December 31 of the preceding year.

Sec. 182. Minnesota Statutes 1998, section 325E.11, is amended to read:

**325E.11 COLLECTION FACILITIES; NOTICE.**

(a) Any person selling at retail or offering motor oil or motor oil filters for retail sale in this state shall:

(1) post a notice indicating the nearest location where used motor oil and used motor oil filters may be returned at no cost for recycling or reuse, post a toll-free telephone number that may be called by the public to determine a convenient location, or post a listing of locations where used motor oil and used motor oil filters may be returned at no cost for recycling or reuse; or

(2) if the person is subject to section 325E.112, subdivision 1, paragraph (b), post a notice informing customers purchasing motor oil or motor oil filters of the location of the used motor oil and used motor oil filter collection site established by the retailer in accordance with section 325E.112, subdivision 1, paragraph (b), where used motor oil and used motor oil filters may be returned at no cost.

(b) A notice under paragraph (a) shall be posted on or adjacent to the motor oil and motor oil filter displays, be at least 8-1/2 inches by 11 inches in size, contain the universal recycling symbol with the following language:

(1) "It is illegal to put used oil and used motor oil filters in the garbage.";

(2) "Recycle your used oil and used motor oil filters."; and

(3)(i) "There is a free collection site here for your used oil and used motor oil filters.";

(ii) "There is a free collection site for used oil and used motor oil filters located at (name of business and street address).";

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(iii) "For the location of a free collection site for used oil and used motor oil filters call (toll-free phone number)."; or

(iv) "Here is a list of free collection sites for used oil and used motor oil filters."

(c) The division of weights and measures under the department of public service shall enforce compliance with this section as provided in section 239.54. The pollution control agency shall enforce compliance with this section under sections 115.071 and 116.072 in coordination with the division of weights and measures.

Sec. 183. Minnesota Statutes 1998, section 325E.112, subdivision 1, is amended to read:

Subdivision 1. **COLLECTION.** (a) Motor oil and motor oil filter manufacturers and retailers shall seek to provide by May 31, 2001:

(1) access to at least one nongovernmental site for collection of used motor oil and used motor oil filters from the public within a five-mile radius of any resident in the seven-county metropolitan area; and

(2) access to at least one nongovernmental site for collection of used motor oil and used motor oil filters from the public within a city or town with a population of greater than 1,500 outside the seven-county metropolitan area. The commissioner of the pollution control agency shall determine by June 30, 2001, whether these goals have been met.

(b) If the commissioner of the pollution control agency determines that motor oil and motor oil filter manufacturers and retailers have not met the goals in paragraph (a) by May 31, 2001, then beginning July 1, 2001, all retailers that sell at an individual location more than 1,000 motor oil filters per calendar year at retail for off-site installation must provide for collection of used motor oil and used motor oil filters from the public. Retailers who do not collect the used motor oil and used motor oil filters at their individual locations may meet the requirement by entering into a written agreement with another party whose location is:

(1) within two miles of the retailer's location if the retailer is located:

(i) within the Interstate Highway 494/694 beltway;

(ii) in a home rule charter or statutory city or a town contiguous to the Interstate Highway 494/694 beltway; or

(iii) in a home rule charter or statutory city of over 30,000 population within the metropolitan area as defined in section 473.121; or

(2) within five miles of the retailer's location if the retailer is not in an area described in clause (1).

(b) (c) The written agreement under paragraph (b) must specify that the other party will accept from the public up to ten gallons of used motor oil and ten used motor oil filters per person per month during normal hours of operation unless:

(1) the used motor oil is known to be contaminated with antifreeze, other hazardous waste, or other materials which may increase the cost of used motor oil management and disposal;

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(2) the storage equipment for that particular waste is temporarily filled to capacity;  
or

(3) the used motor oil or used motor oil filters are from a business.

~~(e)~~ (d) Persons accepting used motor oil from the public in accordance with this subdivision shall presume that the used motor oil is not contaminated with hazardous waste, provided the person offering the used motor oil is acting in good faith and the person accepting the used motor oil does not have evidence to the contrary. Persons collecting used motor oil from the public must take precautions to prevent contamination of used motor oil storage equipment. Precautions may include, but are not limited to, keeping a log of persons dropping off used motor oil, securing access to used motor oil storage equipment, or posting signage at the site indicating the proper use of the equipment.

~~(d)~~ (e) Persons accepting used motor oil and used motor oil filters under paragraph ~~(a)~~ (b), including persons accepting the oil and filters on behalf of the retailer, may not charge a fee when accepting ten gallons or less of used motor oil or ten or fewer used motor oil filters per person per month.

~~(e)~~ (f) Persons that receive contaminated used motor oil may manage the used motor oil as household hazardous waste through publicly administered household hazardous waste collection programs, with approval from the household hazardous waste program. Used motor oil contaminated with hazardous waste from the public that cannot be managed through a household hazardous waste collection program must be managed as a hazardous waste in accordance with rules adopted by the pollution control agency.

Sec. 184. Minnesota Statutes 1998, section 325E.112, subdivision 3, is amended to read:

Subd. 3. **EDUCATION PROGRAM.** ~~When the~~ By June 30 of each year, the commissioner estimates that all shall estimate the amount of funds available under section 325E.113 that will not be expended for reimbursements, the commissioner may use the estimated unexpended funds and shall transfer all or a portion of the estimated unexpended funds to the office of environmental assistance to cover the costs of educating the public and businesses on the provisions of this section and on proper management of used motor oil, used motor oil filters, and other automotive wastes. In coordination with the pollution control agency, county solid waste administrators, used motor oil and used motor oil filter collection site operators, and manufacturers and retailers of motor oil and motor oil filters, the director of the office of environmental assistance shall educate the public and businesses on the proper management of used motor oil, used motor oil filters, and other automotive wastes. As part of the education efforts, the director shall make information available to the public and businesses regarding the proper management of used motor oil, used motor oil filters, and other automotive wastes on the office's World Wide Web page. The commissioner of the pollution control agency shall also make information regarding the proper management of used motor oil, used motor oil filters, and other automotive wastes available on the agency's World Wide Web page.

Sec. 185. Minnesota Statutes 1998, section 325E.112, subdivision 4, is amended to read:

Subd. 4. **LIABILITY EXEMPTION.** Persons who accept used motor oil and used motor oil filters from the public and retailers and manufacturers who contract with such

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persons for purposes of subdivision 1 are exempt from liability under chapter 115B for the used motor oil, contaminated used motor oil, and used motor oil filters accepted under the provisions of subdivision 1 at facilities that accept used motor oil or used motor oil filters from the public free of charge, after the used motor oil, contaminated used motor oil, and used motor oil filters are sent off-site in compliance with rules adopted by the pollution control agency.

Sec. 186. Minnesota Statutes 1998, section 325E.113, is amended to read:

**325E.113 CONTAMINATED USED MOTOR OIL REIMBURSEMENT ACCOUNT.**

The contaminated used motor oil reimbursement account is established in the environmental fund. Money in the account is appropriated to the commissioner of the pollution control agency for the commissioner's activities under section 325E.112 and to complete the study required by section 201, except that the commissioner may not expend more than \$50,000 for the study required by section 201.

Sec. 187. Minnesota Statutes 1998, section 500.24, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** The definitions in this subdivision apply to this section.

(a) "Farming" means the production of (1) agricultural products; (2) livestock or livestock products; (3) milk or milk products; or (4) fruit or other horticultural products. It does not include the processing, refining, or packaging of said products, nor the provision of spraying or harvesting services by a processor or distributor of farm products. It does not include the production of timber or forest products, the production of poultry or poultry products, or the feeding and caring for livestock that are delivered to a corporation for slaughter or processing for up to 20 days before slaughter or processing.

(b) "Family farm" means an unincorporated farming unit owned by one or more persons residing on the farm or actively engaging in farming.

(c) "Family farm corporation" means a corporation founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, and at least one of said related persons is residing on or actively operating the farm, and none of whose stockholders are corporations; provided that a family farm corporation shall not cease to qualify as such hereunder by reason of any devise or bequest of shares of voting stock.

(d) "Authorized farm corporation" means a corporation meeting the following standards:

- (1) it has no more than five shareholders;
- (2) all its shareholders, other than any estate, are natural persons;
- (3) it does not have more than one class of shares;
- (4) its revenue from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

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(5) shareholders holding 51 percent or more of the interest in the corporation reside on the farm or are actively engaging in farming;

(6) it does not, directly or indirectly, own or otherwise have an interest in any title to more than 1,500 acres of agricultural land; and

(7) none of its shareholders are shareholders in other authorized farm corporations that directly or indirectly in combination with the corporation own more than 1,500 acres of agricultural land.

(e) "Authorized livestock farm corporation" means a corporation formed for the production of livestock and meeting the following standards:

(1) it is engaged in the production of livestock other than dairy cattle;

(2) all its shareholders, other than any estate, are natural persons or family farm corporations;

(3) it does not have more than one class of shares;

(4) its revenue from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(5) shareholders holding 75 percent or more of the control, financial, and capital investment in the corporation are farmers residing in Minnesota and at least 51 percent of the required percentage of farmers are actively engaged in livestock production;

(6) it does not, directly or indirectly, own or otherwise have an interest in any title to more than 1,500 acres of agricultural land; and

(7) none of its shareholders are shareholders in other authorized farm corporations that directly or indirectly in combination with the corporation own more than 1,500 acres of agricultural land.

(f) "Agricultural land" means real estate used for farming or capable of being used for farming in this state.

(g) "Pension or investment fund" means a pension or employee welfare benefit fund, however organized, a mutual fund, a life insurance company separate account, a common trust of a bank or other trustee established for the investment and reinvestment of money contributed to it, a real estate investment trust, or an investment company as defined in United States Code, title 15, section 80a-3.

(h) "Farm homestead" means a house including adjoining buildings that has been used as part of a farming operation or is part of the agricultural land used for a farming operation.

(i) "Family farm partnership" means a limited partnership formed for the purpose of farming and the ownership of agricultural land in which the majority of the interests in the partnership is held by and the majority of the partners are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, at least one of the related persons is residing on or actively operating the farm, and none of the partners are corporations. A family farm partnership does not cease to qualify as a family farm partnership because of a devise or bequest of interest in the partnership.

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(j) "Authorized farm partnership" means a limited partnership meeting the following standards:

(1) it has been issued a certificate from the secretary of state or is registered with the county recorder and farming and ownership of agricultural land is stated as a purpose or character of the business;

(2) no more than five partners;

(3) all its partners, other than any estate, are natural persons;

(4) its revenue from rent, royalties, dividends, interest, and annuities do not exceed 20 percent of its gross receipts;

(5) its general partners hold at least 51 percent of the interest in the land assets of the partnership and reside on the farm or are actively engaging in farming not more than 1,500 acres as a general partner in an authorized limited partnership;

(6) its limited partners do not participate in the business of the limited partnership including operating, managing, or directing management of farming operations;

(7) it does not, directly or indirectly, own or otherwise have an interest in any title to more than 1,500 acres of agricultural land; and

(8) none of its limited partners are limited partners in other authorized farm partnerships that directly or indirectly in combination with the partnership own more than 1,500 acres of agricultural land.

(k) "Farmer" means a natural person who regularly participates in physical labor or operations management in the person's farming operation and files "Schedule F" as part of the person's annual Form 1040 filing with the United States Internal Revenue Service.

(l) "Actively engaged in livestock production" means performing day-to-day physical labor or day-to-day operations management that significantly contributes to livestock production and the functioning of a livestock operation.

(m) "Research or experimental farm" means a corporation, limited partnership, or pension or investment fund that owns or operates agricultural land for research or experimental purposes, provided that any commercial sales from the operation are incidental to the research or experimental objectives of the corporation. A corporation, limited partnership, or pension or investment fund seeking initial approval by the commissioner to operate agricultural land for research or experimental purposes must first submit to the commissioner a prospectus or proposal of the intended method of operation containing information required by the commissioner including a copy of any operational contract with individual participants.

(n) "Breeding stock farm" means a corporation or limited partnership that owns land for the purpose of raising breeding stock, including embryos, for resale to farmers or for the purpose of growing seed, wild rice, nursery plants, or sod. An entity that is organized to raise livestock other than dairy cattle under this paragraph that does not qualify as an authorized farm corporation must:

(1) sell all castrated animals to be fed out or finished to farming operations that are neither directly nor indirectly owned by the business entity operating the breeding stock operation; and

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(2) report its total production and sales annually to the commissioner.

(o) "Aquatic farm" means a corporation or limited partnership that owns or leases agricultural land as a necessary part of an aquatic farm as defined in section 17.47, subdivision 3.

(p) "Religious farm" means a corporation formed primarily for religious purposes whose sole income is derived from agriculture.

(q) "Utility corporation" means a corporation regulated under Minnesota Statutes 1974, chapter 216B, that owns agricultural land for purposes described in that chapter, or an electric generation or transmission cooperative that owns agricultural land for use in its business if the land is not used for farming except under lease to a family farm unit, a family farm corporation, or a family farm partnership.

(r) "Benevolent trust" means a pension fund or family trust established by the owners of a family farm, authorized farm corporation, authorized livestock farm corporation, or family farm corporation that holds an interest in title to agricultural land on which one or more of those owners or shareholders have resided or have been actively engaged in farming as required by paragraph (b), (c), (d), or (e).

(s) "Development organization" means a corporation, limited partnership, or pension or investment fund that owns agricultural land for which the corporation, limited partnership, or pension or investment fund has documented plans to use and subsequently uses the land within six years from the date of purchase for a specific nonfarming purpose, or if the land is zoned nonagricultural, or if the land is located within an incorporated area. A corporation, limited partnership, or pension or investment fund may hold agricultural land in the amount necessary for its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, the land may not be used for farming except under lease to a family farm unit, a family farm corporation, an authorized farm corporation, an authorized livestock farm corporation, a family farm partnership, or an authorized farm partnership, or except when controlled through ownership, options, leaseholds, or other agreements by a corporation that has entered into an agreement with the United States under the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, United States Code, title 42, sections 3901 to 3914) as amended, or a subsidiary or assign of such a corporation.

(t) "Exempt land" means agricultural land owned or leased by a corporation as of May 20, 1973, agricultural land owned or leased by a pension or investment fund as of May 12, 1981, or agricultural land owned or leased by a limited partnership as of May 1, 1988, including the normal expansion of that ownership at a rate not to exceed 20 percent of the amount of land owned as of May 20, 1973, for a corporation; May 12, 1981, for a pension or investment fund; or May 1, 1988, for a limited partnership, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules. A corporation, limited partnership, or pension or investment fund that is eligible to own or lease agricultural land under this section prior to May 1997 may continue to own or lease agricultural land subject to the same conditions and limitations as previously allowed.

(u) "Gifted land" means agricultural land acquired as a gift, either by grant or devise, by an educational, religious, or charitable nonprofit corporation, limited partnership, or

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pension or investment fund if all land so acquired is disposed of within ten years after acquiring the title.

(v) "Repossessioned land" means agricultural land acquired by a corporation, limited partnership, or pension or investment fund by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim on the land, whether created by mortgage or otherwise if all land so acquired is disposed of within five years after acquiring the title. The five-year limitation is a covenant running with the title to the land against any grantee, assignee, or successor of the pension or investment fund, corporation, or limited partnership. The land so acquired must not be used for farming during the five-year period, except under a lease to a family farm unit, a family farm corporation, an authorized farm corporation, an authorized livestock farm corporation, a family farm partnership, or an authorized farm partnership. Notwithstanding the five-year divestiture requirement under this paragraph, a financial institution may continue to own the agricultural land if the agricultural land is leased to the immediately preceding former owner, but must dispose of the agricultural land within ten years of acquiring the title. Livestock acquired by a pension or investment fund, corporation, or limited partnership in the collection of debts, or by a procedure for the enforcement of lien or claim on the livestock whether created by security agreement or otherwise after August 1, 1994, must be sold or disposed of within one full production cycle for the type of livestock acquired or 18 months after the livestock is acquired, whichever is later.

(w) "Commissioner" means the commissioner of agriculture.

(x) "Demonstration corporation" means a nonprofit corporation organized under state nonprofit corporation law and formed primarily for the purpose of demonstrating historical farming practices.

Sec. 188. Minnesota Statutes 1998, section 500.24, subdivision 3, is amended to read:

Subd. 3. **FARMING AND OWNERSHIP OF AGRICULTURAL LAND BY CORPORATIONS RESTRICTED.** No corporation, limited liability company, pension or investment fund, or limited partnership shall engage in farming; nor shall any corporation, limited liability company, pension or investment fund, or limited partnership, directly or indirectly, own, acquire, or otherwise obtain any interest, in agricultural land other than a bona fide encumbrance taken for purposes of security. This subdivision does not apply to general partnerships. This subdivision does not apply to any agricultural land, corporation, limited partnership, or pension or investment fund that meet any of the definitions in subdivision 2, paragraphs (b) to (e), (i), (j), and (m) to (v), and (x), has a conservation plan prepared for the agricultural land, and reports as required under subdivision 4.

Sec. 189. Minnesota Statutes 1998, section 574.263, is amended to read:

574.263 **FORESTRY NATURAL RESOURCE DEVELOPMENT PROJECTS.**

Subdivision 1. **DEFINITION.** For the purposes of this section and section 574.264, "forestry natural resource development project" includes site preparation by discing, shearing, rock raking or piling, patch scarification, or furrowing; prairie restoration; creation of wildlife openings and other wildlife habitat improvements; landscape clearing;

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tree planting; tree seeding; tree pruning; timber stand improvement by thinning or clearing existing forest trees by manual, mechanical, or chemical techniques; or forest road and bridge construction, reconstruction, and maintenance of department of natural resources trails, public accesses, water control structures, fish barriers, sewage treatment systems, roads, and bridges.

Subd. 2. **CONTRACTOR'S BOND.** A contract with the state for a forestry natural resource development project may require a performance bond at the discretion of the commissioner of natural resources. If the commissioner determines that a performance bond is required, it shall not be less than five percent of the contract price.

Subd. 3. **BID DEPOSIT IN PLACE OF PERFORMANCE BOND.** For a contract made by the commissioner for a forestry natural resource development project, the commissioner may require a bid deposit in place of a performance bond for charges that may accrue because of doing the specified work and to enforce the terms of the contract. The commissioner may set the amount of the bid deposit, but it may not be less than five percent of the contract price.

Subd. 4. **PAYMENT BOND.** A contract with the state for a forestry natural resource development project may require a payment bond at the discretion of the commissioner of natural resources. If the commissioner determines that a payment bond is required, the commissioner also has the discretion to decide whether the bond may be in the form of securities in place of a bond as provided in section 574.264. If so, the securities cannot have less value than five percent of the contract price.

Sec. 190. Minnesota Statutes 1998, section 574.264, subdivision 1, is amended to read:

Subdivision 1. **FOREST NATURAL RESOURCE DEVELOPMENT PROJECTS.** In place of a performance or payment bond or bid deposit for a state contract for a forestry natural resource development project less than \$50,000, the person required to file the bond or bid deposit may deposit in a local designated state depository or with the state treasurer a certified check, a cashier's check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit, in the same amount that would be required for the bond or bid deposit. If securities listed in this section are deposited, their value shall not be less than the amount required for the bond or bid deposit and the person required to file the bond or bid deposit shall submit an agreement authorizing the commissioner to sell or otherwise take possession of the securities in the event of default under the contract or nonpayment of any persons furnishing labor and materials under, or to perform, the contract.

Sec. 191. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12, and Laws 1996, chapter 351, section 1, is amended to read:

Sec. 142. **EFFECTIVE DATES.**

Sections 2, 5, 7, 20, 42, 44 to 49, 56, 57, 101, 102, 117, and 141, paragraph (d), are effective the day following final enactment.

Sections 114, 115, 118, and 121 are effective January 1, 1996.

Sections 120, subdivisions 2, 3, 4, and 5, and 141, paragraph (c), are effective July 1, 1996.

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Section 141, paragraph (b), is effective June 30, 1999 2001.

Sections 58 and 66 are effective retroactively to August 1, 1991.

Section 119 is effective September 1, 1996.

Section 120, subdivision 1, is effective July 1, 1999.

Sec. 192. Laws 1996, chapter 351, section 2, as amended by Laws 1997, chapter 216, section 141, is amended to read:

## Sec. 2. RECYCLING GOALS AND ACTIONS.

Subdivision 1. (a) ~~The following recycling or reuse goals shall be considered met if the actions in this subdivision are initiated by the identified parties on or before September 1, 1997, and are fully completed by December 31, 1998. Additionally, the goals in paragraph (b) must be met in at least 50 percent of counties by December 31, 1997; 75 percent by June 1, 1998; and 100 percent by December 31, 1998.~~

(b) ~~Motor oil and motor oil filter manufacturers and retailers shall ensure that:~~

(1) ~~at least 90 percent of residents within the seven-county metropolitan area and residents of a city or town with a population greater than 1,500 have access to a free nongovernment collection site for used motor oil and used motor oil filters within five miles of their residences; and~~

(2) ~~at least one free nongovernment collection site for used motor oil and used motor oil filters generated by the public would be located in each county.~~

(c) ~~Motor oil and motor oil filter manufacturers and retailers shall inform the public about environmental problems associated with improper disposal of used motor oil and used motor oil filters and proper disposal practices for used motor oil and used motor oil filters. At a minimum, this shall include public service announcements designed to reach residents of the state that generate used motor oil and used motor oil filters.~~

(d) ~~(b) The commissioner of the pollution control agency director of the office of environmental assistance shall, by December 31, 1997, and at least annually thereafter or more frequently if deemed necessary, request motor oil and motor oil filter manufacturers and retailers, persons who haul used motor oil and used motor oil filters, and nongovernment persons who accept used motor oil and used motor oil filters from the public to provide an updated list of all existing sites that collect used motor oil, used motor oil filters, or both, from the public, delineating for public promotion which sites collect for free. The commissioner shall use this information to determine whether the parties identified in paragraph (b) have met the goals listed in that paragraph. A collection site operated by the state or a political subdivision, as defined in Minnesota Statutes, section 115A.03, subdivision 24, may be counted towards meeting recycling goals, provided that the parties responsible for meeting the goals of this subdivision voluntarily reimburse the state or political subdivision for all of the costs at that collection site that are associated with used motor oil and used motor oil filter recycling. Persons who accept used motor oil and used motor oil filters from the public shall cooperate with manufacturers and retailers of motor oil and motor oil filters to inform the agency office of environmental assistance within ten 30 days of initiating or ceasing to collect used motor oil or used motor oil filters from the public. The information shall be provided in a form and manner prescribed by the com-~~

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missioner director of the office of environmental assistance. Using the information provided under this paragraph, the director of the office of environmental assistance shall prepare and make available to the public a list of all existing sites that collect used motor oil, used motor oil filters, or both from the public. The list must include all sites in the state, including both government and nongovernment collection sites and both sites that accept used motor oil or used motor oil filters free of charge or for a fee. The director shall update the list at least annually.

(e) (c) Motor oil filter manufacturers shall disclose to retailers whether lead has been intentionally introduced in manufacturing, and retailers shall not knowingly sell motor oil filters containing lead intentionally introduced in manufacturing.

Subd. 2. The commissioner of the pollution control agency may appoint an advisory group of diverse interests to assist the agency with experimentation with various approaches to public education, financial incentives, waste management, and other issues that might affect the effectiveness of recycling efforts. ~~The commissioner may request parties responsible for meeting the recycling goals in subdivision 1 to voluntarily pay for some of the experimentation costs. The existence of this advisory group in no way relieves the parties identified in subdivision 1 of responsibility for meeting the goals listed in that subdivision.~~ The commissioner of the pollution control agency shall appoint an advisory group chair.

Subd. 3. ~~By January 15, 1999, the commissioner of the pollution control agency shall report to the environment and natural resources committees of the senate and the house of representatives on the amount of used motor oil and used motor oil filters being recycled and whether the goals in subdivision 1 have been met and recommend whether the mandate for retailers of motor oil and filters described in Minnesota Statutes, section 325B.112, subdivision 1, is needed to achieve the recycling goals.~~

Sec. 193. Laws 1998, chapter 401, section 53, is amended to read:

#### Sec. 53. FEEDLOT RULES.

By ~~March~~ December 1, 1999, the commissioner of the pollution control agency must submit a copy of updated feedlot permit rules as prescribed in Minnesota Statutes, section 116.07, subdivision 7, paragraph (i). The updated rules must become effective no later sooner than ~~June 1, 1999~~ April 1, 2000.

Sec. 194. Laws 1998, chapter 404, section 7, subdivision 23, is amended to read:

Subd. 23. Metro Regional Trails

5,000,000

For grants to the metropolitan council for acquisition and development of a capital nature of trail connections in the metropolitan area as specified in this subdivision. The purpose of the grants is to improve trails in the metropolitan park and open space system and connect them with existing state and regional trails. Priority shall be given to matching funds for an ISTEA grant.

The funds shall be allocated by the council as follows:

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(1) \$1,050,000 is allocated to Ramsey county as follows:

(i) \$400,000 to complete six miles of trails between the Burlington Northern Regional Trail and Bald Eagle-Otter Lake Regional Park;

(ii) \$150,000 to complete a one-mile connection between Birch Lake and the Lake Tamarack segment of Bald Eagle-Otter Lake Regional Park;

(iii) \$500,000 to acquire real property and design and construct or renovate recreation facilities along the Mississippi River in cooperation with the city of St. Paul;

(2) \$1,050,000 is allocated to the city of St. Paul as follows:

(i) \$250,000 to construct a bridge over Lexington Parkway in Como Regional Park; and

(ii) \$800,000 to enhance amenities for the trailhead at the Lilydale-Harriet Island Regional Park pavilion;

(3) \$1,400,000 is allocated to Anoka county as follows to construct:

(i) ~~\$1,100,000 to construct~~ a pedestrian tunnel under Highway 65 on the Rice Creek West Regional Trail in the city of Fridley; and

(ii) ~~\$300,000 to construct~~ a pedestrian bridge on the Mississippi River Regional Trail crossing over Mississippi Street in the city of Fridley; and

(4) \$1,500,000 is allocated to the suburban Hennepin regional park district as follows:

(i) \$1,000,000 to connect North Hennepin Regional Trail to Luce Line State Trail and Medicine Lake; and

(ii) \$500,000 is for the cost of development and acquisition of the Southwest regional trail in the city of St. Louis Park. The trail must connect the Minneapolis regional trail system at Cedar Lake park to the Hennepin parks regional trail system at the Hopkins trail head.

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Sec. 195. Laws 1998, chapter 404, section 7, subdivision 26, is amended to read:

Subd. 26. Local Initiative Grants

8,000,000

For matching grants to be provided to local units of government for acquisition, development, or renovation of a capital nature of local parks, trails, and natural and scenic areas. Recipients must provide a match of at least one-half of total eligible project costs. The commissioner shall make payment to local units of government upon receiving documentation of reimbursable expenditures. The commissioner shall determine project priorities as appropriate based upon need.

\$3,500,000 of this appropriation is for grants to units of government to acquire and develop outdoor recreation areas, and for grants to units of government to acquire and better natural and scenic areas under Minnesota Statutes, section 85.019, subdivision 4a.

\$1,000,000 of this appropriation is for cooperative trail grants of up to \$50,000 per project to acquire or construct trail linkages between communities, trails, and parks.

\$3,500,000 of this appropriation is for trail grants for the following locally funded publicly owned trails serving multiple communities: \$1,400,000 for Beaver Island Trail in Stearns County, \$1,400,000 for Skunk Hollow Trail in Yellow Medicine and Chippewa Counties, and \$700,000 for Unity Trail in Faribault County. The grant for Beaver Island Trail in Stearns County is available in the manner and the order that follows: \$500,000 is available upon commitment of an equal amount from nonstate sources, \$152,000 is available upon contribution of an equal amount from local governments, \$374,000 is available upon commitment of an equal amount from nonstate sources, and the balance of \$374,000 is available upon commitment of an equal amount from nonstate sources.

Sec. 196. Laws 1999, chapter 161, section 44, is amended to read:

**Sec. 44. PRIVATE SALE OF TAX-FORFEITED AND SURPLUS STATE LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.**

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



(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may sell by private sale the tax-forfeited land that is described in paragraph (c), clauses (1) to (11), under the remaining provisions of Minnesota Statutes, chapter 282. Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c), clause (12).

(b) The land described in paragraph (c) may be sold by private sale to the Iron Range Resource and Rehabilitation Board for economic development. The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal descriptions to correct errors and ensure accuracy. The consideration for the conveyance must be equal to the fair market value of the land plus the cost of appraisal. The conveyance shall not include stockpiled iron-bearing material held under control of the commissioner of natural resources. The commissioner may sell the stockpiled iron-bearing material located on these lands according to Minnesota Statutes, section 93.41.

(c) The lands to be conveyed are located in St. Louis county and are described as:

(1) the Northwest Quarter of the Northwest Quarter Government Lot 3, Section 5, Township 58 North, Range 15 West;

(2) the Northeast Quarter of the Northwest Quarter Government Lot 4, Section 5, Township 58 North, Range 15 West;

(3) the Southwest Quarter of the Northwest Quarter Government Lot 5, Section 5, Township 58 North, Range 15 West;

(4) the Northwest Quarter of the Southwest Quarter Government Lot 6, Section 5, Township 58 North, Range 15 West;

(5) the Southeast Quarter of the Northeast Quarter Government Lot 9, Section 6, Township 58 North, Range 15 West;

(6) the Northwest Quarter of the Southeast Quarter Government Lot 10, Section 6, Township 58 North, Range 15 West;

(7) the Northeast Quarter of the Southeast Quarter Government Lot 11, Section 6, Township 58 North, Range 15 West;

(8) the Southwest Quarter of the Southeast Quarter Government Lot 12, Section 6, Township 58 North, Range 15 West;

(9) the Southeast Quarter of the Southeast Quarter, Section 6, Township 58 North, Range 15 West;

(10) the Northeast Quarter of the Southeast Quarter Government Lot 6, Section 31, Township 59 North, Range 15 West;

(11) the Southeast Quarter of the Southeast Quarter, Section 31, Township 59 North, Range 15 West;

(12) (10) the Northwest Quarter of the Southwest Quarter Government Lot 4, Section 32, Township 59 North, Range 15 West;

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(13) (11) the Northeast Quarter of the Southwest Quarter Government Lot 5, Section 32, Township 59 North, Range 15 West; and

(14) the Southwest Quarter of the Southwest Quarter, Section 32, Township 59 North, Range 15 West; and

(15) (12) the Southeast Quarter of the Southwest Quarter, the surface of the beds of Wine (Wynne) and Syracuse lakes, below the natural ordinary high water mark thereof, as originally surveyed in Sections 5 and 6 of Township 58 North, Range 15 West, and the Southwest Quarter of Section 32, Township 59 North, Range 15 West.

(d) The county has determined that the county's land management interests would best be served if the tax-forfeited lands were returned to private ownership. The commissioner has determined that the surplus land is no longer needed for any state purpose and that the state's land management interests would best be served if the land was returned to private ownership.

#### Sec. 197. PRIVATE CONVEYANCE OF STATE LAND; ROCK COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of natural resources may sell the state-owned land described in paragraph (c) by private sale to the adjacent landowner east of the township road.

(b) The consideration for the sale shall be the land's appraised value as certified by the state and the conveyance shall be in a form approved by the attorney general.

(c) The land to be sold is located in Rock county, consists of 0.6 acres, more or less, and is described as:

That part of the Northwest Quarter of Section 13, Township 103 North, Range 45 West, described as follows:

Commencing at the West Quarter corner of Section 13; thence North 00 degrees 17 minutes 27 seconds West (assumed bearing) along the west line of the Northwest Quarter of said section a distance of 128.17 feet to the point of beginning; thence continuing North 00 degrees 17 minutes 27 seconds West along said west line a distance of 11.84 feet to a point 140.00 feet north of the south line of the Northwest Quarter of said section and the northwest corner of that certain tract of land conveyed to the state of Minnesota by final certificate, filed for record in the office of the Rock county recorder on May 19, 1938, in Book "M" of Misc., pages 515-517; thence South 89 degrees 28 minutes 55 seconds East parallel with the south line of the Northwest Quarter of said section and along the north line of said tract a distance of 1474.45 feet to the northeast corner of said tract; thence South 00 degrees 17 minutes 27 seconds East parallel with the west line of said section and along the east line of said tract a distance of 25.29 feet to an iron stake with DNR caps; thence North 88 degrees 57 minutes 33 seconds West along an existing fence line a distance of 1092.38 feet to Point A and an iron stake; thence continuing North 88 degrees 57 minutes 33 seconds West along said fence line extended a distance of 382.32 feet to said point of beginning.

Said tract is subject to a roadway easement and any other easements of record if any.

(d) The deed from the commissioner shall include the following restrictive covenant: that part of the above described tract of land lying easterly of and within 60 feet of

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Point A shall be maintained in tall grass cover with no use for livestock purposes. A breach of such restrictive covenant shall result in the automatic reversion of the restricted land to the state.

**Sec. 198. STUDY COMMITTEE REGARDING NEED FOR CENTRAL COLLECTION WASTEWATER TREATMENT SYSTEM.**

The commissioner of the Minnesota pollution control agency shall convene a committee of interested persons to address the need for central collection wastewater treatment systems in unsewered areas. The committee shall evaluate the effectiveness of alternative system designs and identify regulatory and other barriers to cost-efficient design and construction. By January 15, 2000, the commissioner shall report the results of the committee's evaluation to the house and senate committees with jurisdiction over environmental policy and budget issues.

**Sec. 199. AERIAL APPLICATOR LIABILITY STUDY.**

The commissioner of agriculture shall conduct a study concerning the issues of liability and regulations of aerial applicators and municipal airports when aerial applicators use municipal airports. In conducting the study the commissioner must consult with representatives of aerial applicators, municipal airports, the Minnesota department of transportation, and other affected parties. Not later than January 15, 2000, the commissioner shall report the findings and recommendations of the study to the committees of the senate and house of representatives having jurisdiction over agricultural policy issues.

**Sec. 200. COMMISSIONER'S ORDERS RESCINDED.**

The commissioner of natural resources' order of January 3, 1999, designating certain lands as wildlife management areas is rescinded.

**Sec. 201. ANALYSIS OF USED OIL FILTER DISPOSAL METHODS.**

In consultation with the office of environmental assistance, representatives of motor oil manufacturers, representatives of motor oil filter manufacturers, representatives of sites that accept used motor oil and used motor oil filters from the public, and representatives of the haulers of mixed municipal solid waste, the commissioner of the pollution control agency shall analyze the technical feasibility of alternative methods of disposing of and recycling of used oil motor filters. The commissioner shall report to the chairs of the house and senate committees with jurisdiction over environmental policy and finance issues by January 15, 2001 on the findings of the analysis performed under this section and any recommendations.

**Sec. 202. LOWER PHALEN CREEK PROJECTS; DEVELOPMENT OF ATHLETIC FIELDS PROHIBITED.**

A person may not construct or develop athletic fields in the city of St. Paul on land within the Lower Phalen watershed area south of Kellogg Avenue that has been approved by the commissioner of natural resources for inclusion within the metro greenways program, as funded by Laws 1998, chapter 404, section 7, subdivision 19.

**Sec. 203. FARMSTEAD WINDBREAK RULES.**

The board of water and soil resources must add farmstead windbreaks as a practice eligible for cost-sharing to the rules adopted under Minnesota Statutes, section 103C.501. Minnesota Statutes, section 14.389, applies to this section.

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

## Sec. 204. RULES FOR PUBLIC USE OF RECREATIONAL AREAS.

(a) The commissioner of natural resources shall amend the proposed permanent rules relating to public use of recreational areas, published in the State Register, volume 23, pages 751 to 763, October 5, 1998, according to this section and pursuant to Minnesota Statutes, section 14.388.

(b) The proposed permanent rules may not be more restrictive than the following provisions:

(1) "forest trail" means a trail that is either constructed, maintained, or located on forest lands administered by the commissioner for recreational activities on forest lands. Forest trail does not include state recreational trails as defined in Minnesota Statutes, section 85.015;

(2) no person may cut live merchantable trees on forest lands for constructing an elevated scaffold, except that shrubs, the lateral branches of trees, and saplings measuring smaller than four inches in diameter at 4-1/2 feet off the ground may be removed;

(3) motor vehicles may operate on forest lands classified as managed on forest roads and forest trails that are not posted and designated as closed, subject to the limitations and exceptions in proposed Minnesota Rules, part 6100.1950;

(4) a public meeting shall be held in the county where the largest portion of the forest lands are located to provide information to and receive comment from the public regarding the proposed classification change;

(5) no person shall operate a motor vehicle on forest lands on or over the beds of lakes, rivers, or streams when ice is not covering the water body, except on a bridge, culvert, or similar structure or designated low water crossing; and

(6) motor vehicles may operate on forest lands classified as limited on forest roads that are not posted and designated closed and on forest trails or areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in proposed Minnesota Rules, part 6100.1950.

(c) The commissioner shall remove the following provisions of the rules, as proposed:

(1) no person shall operate a motor vehicle on forest lands off a forest road or trail, except:

(i) on forest lands classified as managed or limited during the seasons open for taking big game, licensed hunters may use all terrain vehicles off forest trails to retrieve big game animals by taking the most direct route between the carcass and the trail; and

(ii) inside the boundaries of a posted and designated scramble area;

(2) no person shall create an unauthorized trail on forest lands; and

(3) a person may not operate or be in control of a motor vehicle or snowmobile on forest lands while under the influence of alcohol or a controlled or hazardous substance. Arrest and testing procedures are according to Minnesota Statutes, section 84.91 to 84.911.

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**Sec. 205. AGRICULTURAL PRODUCER CONTRACTS; COMMISSIONER TO STUDY; REPORT.**

(a) The commissioner of agriculture, in consultation with legislators, farm organizations, affected commodity groups, producers of agriculture crops and livestock, and agricultural processors, shall conduct a study of current and projected impacts of increasing amounts of livestock, poultry, and specialty crops produced under contract with processors, and the effect of contract production on access to competitive markets for producers who choose not to produce under contract.

(b) Not later than February 15, 2000, the commissioner shall report findings of the study, including, if any, recommendations for law or rule changes, to the committees of the senate and house of representatives having jurisdiction over agriculture policy issues.

**Sec. 206. REVISOR INSTRUCTION.**

The revisor of statutes shall renumber Minnesota Statutes, section 156.072, subdivision 4, as section 156.073.

**Sec. 207. REPEALER.**

Minnesota Statutes 1998, sections 31A.28; 42.01; 42.02; 42.03; 42.04; 42.05; 42.06; 42.07; 42.08; 42.09; 42.10; 42.11; 42.12; 42.13; 42.14; and 473.845, subdivision 2, are repealed.

Minnesota Statutes 1998, sections 35.245; 35.96, subdivision 4; 86B.415, subdivision 7a; and 446A.21, are repealed effective the day following final enactment.

**Sec. 208. EFFECTIVE DATE.**

Sections 19, 29, 69 to 81, 83, 114 to 122, 124, 131, 174, 176, 177, 181, 191, 194 to 196, 200, 203, and 204 are effective on the day following final enactment. Section 112 is effective January 1, 2000.

Section 175 is effective the day after a notice is published in the Federal Register by the United States Environmental Protection Agency redesignating the Twin Cities nonattainment area for carbon monoxide to attainment for carbon monoxide.

Presented to the governor May 24, 1999

Signed by the governor May 25, 1999, 2:40 p.m.

**CHAPTER 232—S.F.No. 709**

*An act relating to state procurement; authorizing the commissioner of administration to award a preference of as much as six percent in the amount bid for specified goods or services to small businesses; providing an exception; amending Minnesota Statutes 1998, section 16C.16, subdivision 7; repealing Minnesota Rules, part 1230.1860, item A.*

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

Section 1. Minnesota Statutes 1998, section 16C.16, subdivision 7, is amended to read:

Subd. 7. **ECONOMICALLY DISADVANTAGED AREAS.** (a) Except as otherwise provided in paragraph (b), the commissioner may award up to a ~~four~~ six percent

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