

(b) Funds distributed shall not be used to displace current funding appropriations from federal or state sources.

(c) Funds shall be distributed to the sponsoring institutions indicating the amount to be distributed to each of the sponsor's clinical medical education programs based on the criteria in this subdivision and in accordance with the commissioner's approval letter. Each clinical medical education program must distribute funds to the training sites as specified in the commissioner's approval letter. Sponsoring institutions, which are accredited through an organization recognized by the department of education or the health care financing administration, may contract directly with training sites to provide clinical training. To ensure the quality of clinical training, those accredited sponsoring institutions must:

(1) develop contracts specifying the terms, expectations, and outcomes of the clinical training conducted at sites; and

(2) take necessary action if the contract requirements are not met. Action may include the withholding of payments under this section or the removal of students from the site.

(d) Any funds not distributed in accordance with the commissioner's approval letter must be returned to the medical education and research fund within 30 days of receiving notice from the commissioner. The commissioner shall distribute returned funds to the appropriate training sites in accordance with the commissioner's approval letter.

Sec. 4. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 19, 2000

Signed by the governor May 30, 2000, 2:16 p.m.

CHAPTER 495—H.F.No. 3516

An act relating to natural resources; allowing expenditure of appropriated money for certain seminars and conferences; clarifying certain prohibitions related to the operation of snowmobiles, all-terrain vehicles, and motorboats; modifying composition of the outdoor recreation system; modifying disposition of certain receipts; designating a migratory waterfowl refuge; modifying certain rulemaking authority; eliminating trawling fees; providing for acquisition of critical aquatic habitat; modifying commissioner's authority to remove rough fish; modifying minnow retailer and turtle license provisions; clarifying forfeiture procedure; modifying mineral land provisions; increasing project amount for security in place of bonds; granting legislative approval for certain water usage; providing for replacement firearms deer licenses; making the experimental two-deer license in certain counties permanent; modifying moose and turkey separate selection processes; authorizing certain expenditures relating to emergency firefighting; clarifying restrictions for certain motorboat operators; modifying certain

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fee setting authority of the commissioner of natural resources; appropriating money; amending Minnesota Statutes 1998, sections 9.071; 84.925, subdivision 1; 86A.04; 86B.331, subdivision 1; 88.12, subdivision 2; 93.05; 93.055; 93.14; 93.15; 93.16; 93.17; 93.193, subdivision 1; 93.21; 93.22; 93.25, subdivisions 1 and 2; 93.26; 93.27; 93.28; 93.285, subdivisions 2 and 3; 93.335, subdivision 1; 93.43; 97A.095, by adding a subdivision; 97A.405, by adding a subdivision; 97A.431, subdivision 4; 97A.435, subdivision 4; 97A.475, subdivision 30, and by adding a subdivision; 97B.015, subdivisions 2 and 4; 97B.301, subdivision 4; 97C.041; 97C.501, subdivisions 1 and 2; and 97C.605, subdivisions 1 and 2; Minnesota Statutes 1999 Supplement, sections 84.86, subdivision 1; 84.91, subdivision 1; 97A.065, subdivision 2; 97B.025; 169.1217, subdivision 7a; 290.431; 290.432; and 574.264, subdivision 1; Laws 1999, chapter 231, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 84; 93; and 97C; repealing Minnesota Statutes 1998, sections 93.07; 93.08; 93.09; 93.10; 93.11; 93.12; 93.13; 93.18; 93.19; 93.191; 93.192; 93.202; 93.23; 93.24; 93.283; 93.285, subdivisions 4 and 5; 93.30; 93.31; 93.32; 93.335, subdivisions 4 and 5; 93.34, subdivisions 1 and 3; 93.351; 93.352; 93.353; 93.354; 93.355; 93.356; 93.357; 93.37; 93.38; 93.39; 93.42; and 97B.312.

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

Section 1. Minnesota Statutes 1998, section 9.071, is amended to read:

9.071 SETTLEMENT OF CLAIMS; OTHER SPECIFIED POWERS.

The council has the powers with respect to the:

- (1) timberlands provided in sections 90.031, 90.041, and 90.151;
- (2) lands acquired from the United States provided in section 94.50;
- (3) lands subject to delinquent drainage assessments provided in section 84A.20;
- (4) transfer of lands between departments of state government provided in section 15.16;
- (5) sale or exchange of lands within national forests provided in sections 92.30 and 92.31;
- (6) approval of acquisition of land for camping or parking area provided in sections 97A.135 and 97A.141;
- (7) ~~modification of iron leases provided in section 93.191;~~
- (8) ~~awarding permits leases to prospect for iron ore provided in section 93.17;~~
- (9) (8) approval of rules for issuance of permits leases to prospect for minerals under state lands provided in section 93.08 93.25; and
- (10) (9) construction of dams provided in section 103G.545.

Sec. 2. [84.0846] NATURAL RESOURCE SEMINARS AND CONFERENCES.

The commissioner of natural resources may advance funds appropriated for natural resource programs to government agencies, the National Fish and Wildlife Foundation, federally recognized Indian tribes and bands, colleges and universities, and nonprofit organizations deemed by the commissioner to be dedicated to the goals

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and objectives of the department for the purpose of sponsoring or cosponsoring conferences and seminars related to natural resources issues and management. The commissioner shall execute grants or contracts with the responsible parties under section 16C.05 prior to advancing any state funds and the agreements must provide for a full accounting of how the state's funds will be spent.

Sec. 3. Minnesota Statutes 1999 Supplement, 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.

(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 administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth and young adult training or 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 fees must be deposited in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the commissioner~~ enforcement division of the department of natural resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. 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. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. 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

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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. 4. Minnesota Statutes 1999 Supplement, 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.

(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 or an ordinance in conformity with it 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 or an ordinance in conformity with it, 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. 5. Minnesota Statutes 1998, section 84.925, subdivision 1, is amended to read:

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Subdivision 1. **PROGRAM ESTABLISHED.** (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course.

(b) For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of ~~not to exceed \$5~~ from each person who receives the training and ~~shall deposit the fee in the all-terrain vehicle account.~~ 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 fees shall be deposited in the all-terrain vehicle account and the amount thereof is appropriated annually to the enforcement division of the department of natural resources for the administration of the program. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

(c) 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 section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. 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 vehicle operators.

Sec. 6. Minnesota Statutes 1998, section 86A.04, is amended to read:

86A.04 COMPOSITION OF SYSTEM.

The outdoor recreation system shall consist of all state parks; state recreation areas; state trails established pursuant to sections 84.029, subdivision 2, and 85.015; state scientific and natural areas; state wilderness areas; state forests; state wildlife management areas; state water access sites, which include all lands and facilities established by the commissioner of natural resources or the commissioner of transportation to provide public access to water; state wild, scenic, and recreational rivers; state historic sites; and state rest areas, which include all facilities established by the commissioner of transportation for the safety, rest, comfort and use of the highway traveler, and shall include all existing facilities designated as rest areas and waysides by the commissioner of transportation; and any other units not listed in this section that are classified under section 86A.05. Each individual state park, state recreation area, and so forth is called a "unit."

Sec. 7. Minnesota Statutes 1998, section 86B.331, subdivision 1, is amended to read:

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Subdivision 1. **ACTS PROHIBITED.** (a) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance to operate the motorboat in operation on the waters of this state.

(b) An owner or other person having charge or control of a motorboat may not knowingly authorize or allow a person, who by reason of a physical or mental disability is incapable of operating the motorboat, to operate the motorboat in operation on the waters of this state.

(c) A person who operates or is in physical control of a motorboat on the waters 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 or an ordinance in conformity with it while operating a motorboat, shall be prohibited from operating the motorboat on the waters of this state for a period of 90 days between May 1 and October 31, extending over two consecutive years if necessary. If the person operating the motorboat refuses to comply with a lawful demand to submit to testing under section 169.123 or an ordinance in conformity with it, the person shall be prohibited from operating the motorboat for a period of one year. The commissioner shall notify the convicted person of the period during which the person is prohibited from operating a motorboat.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 97B.066, subdivision 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 motorboats.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(g) For purposes of this subdivision, a motorboat "in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

Sec. 8. Minnesota Statutes 1998, section 88.12, subdivision 2, is amended to read:

Subd. 2. **CONTRACTS FOR SERVICES FOR FORESTRY OR WILDFIRE PREVENTION WORK; COMMISSIONS TO PERSONS EMPLOYED.** The commissioner is hereby authorized and empowered to contract for or accept the services of any and all persons whose aid is available, temporarily or otherwise, in forestry or wildfire prevention work, either gratuitously or for compensation not in excess of the limits provided by law with respect to the employment of labor by the commissioner. At the request of another emergency response agency, trained forestry wildfire fighting resources may be used to support search and rescue operations. The

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commissioner may issue a commission, or other written evidence of authority, to any such person whose services are so arranged for; and may thereby empower such person to act, temporarily or otherwise, as fire warden, or in any other capacity, with such powers and duties as may be specified in the commission or other written evidence of authority, but not in excess of the powers conferred by law on forest officers.

Sec. 9. Minnesota Statutes 1998, section 93.05, is amended to read:

93.05 HOLDER OF PERMIT OR LEASE.

Subdivision 1. **RIGHT OF ENTRY.** In all cases where state lands have been heretofore or may hereafter be sold pursuant to the provisions of law upon which minerals have been reserved, the holder of any mineral ~~permit or lease~~ subsequently issued thereon may nevertheless enter upon the same lands and prospect ~~thereon thereunder on the lands under the lease.~~

Subd. 2. **SECURITY FOR DAMAGES; CONDEMNATION.** Before entering upon the same lands described in subdivision 1, the ~~permit or lease~~ holder shall pay or secure to the owner of the lands all damages which may arise therefrom and the same may be determined either by mutual agreement or, if the interested parties cannot agree, then the holder of the mineral ~~permit or lease~~ may, in the name of the state of Minnesota, institute proceedings to condemn the same in accordance with the general provisions of according to chapter 117; provided, that the state shall bear no part of the cost of these proceedings, nor pay any part of the damages awarded ~~therein in the proceedings.~~

Subd. 3. **ATTORNEY GENERAL TO INSTITUTE CONDEMNATION.** (a) Upon written request of the holder of any mineral ~~prospecting permit or mineral lease~~ from the state, not in default, with the approval of the commissioner of natural resources, the attorney general shall institute, in the name of the state, proceedings to acquire by condemnation any lands, rights-of-way, drainage or flowage rights, easements or other interests necessary in connection with prospecting for or mining the ore covered by ~~such permit or the lease.~~ All costs and expenses of such the proceedings and all damages awarded therein shall be paid by the holder of the ~~permit or lease.~~

(b) In any eminent domain proceedings ~~hereunder under this section~~, any value which the land taken may have by reason of its location or availability for the depositing of stripping, tailings or other wastes from general mining operations in its vicinity, or for the erection of buildings or structures thereon in connection with such operations, shall be considered in determining the damages to be awarded the owner thereof of the land.

Sec. 10. Minnesota Statutes 1998, section 93.055, is amended to read:

93.055 ACTION TO QUIET TITLE TO LANDS COVERED BY MINERAL PERMIT OR LEASE.

Upon written request of the holder of any mineral ~~prospecting permit or mineral lease~~ from the state, not in default, with the approval of the commissioner of natural resources, the attorney general may institute proceedings to quiet the title and

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determine adverse claims or to register the title of the state to the lands or interests covered by the ~~permit or lease~~. All costs and expenses of such the proceedings including compensation of attorneys for the state shall be paid by the holder of the ~~permit or lease~~. Upon receipt of such request from the holder of a prospecting permit, if approved by the commissioner of natural resources, and if such action is authorized by the attorney general, the running of the time within which the permit holder must begin prospecting thereunder and the time within which the permit holder must apply for a lease or do any other act required by the permit shall be suspended until the entry of final judgment in the action, and the term of the permit and the time required for any action by the holder thereunder shall be extended by a period equivalent to the time from the receipt of the request to the entry of the judgment.

Sec. 11. Minnesota Statutes 1998, section 93.14, is amended to read:

93.14 ISSUANCE OF PERMITS LEASES TO PROSPECT FOR ORES; LEASES.

The commissioner may execute permits leases to prospect for iron ore and other ores upon lands belonging to the state or in which the state has an interest and leases for the mining of such the ores, subject to the conditions provided in sections 93.15 to 93.28.

Sec. 12. Minnesota Statutes 1998, section 93.15, is amended to read:

93.15 MINING UNITS; DESIGNATION; AREA.

Subdivision 1. **DESIGNATION OF MINING UNITS.** (a) The commissioner of natural resources may designate any lands belonging to the state and the beds of any waters belonging to the state or any lands in which the state has an interest as mining units and may rearrange or modify such the mining units from time to time, subject to the limitations herein prescribed of this section.

(b) No mining unit shall contain lands belonging to more than one permanent trust fund, except mining units leased under section 93.25.

(c) Lands which have been sold by the state and are in use as part of the site of a plant for the production of taconite concentrates shall not be designated as mining units. Each mining unit shall consist of a contiguous tract not exceeding 80 acres in area except as follows:

(1) An area not exceeding 90 acres consisting of or including one or more government lots or fractional or oversized subdivisions according to the government survey may be included in one mining unit.

(2) An area of any size which has been covered by a state mining lease or contract heretofore issued and heretofore or hereafter terminated may be included in one mining unit.

(3) An area of any size within the bed of any public waters belonging to the state may be included in one mining unit.

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Subd. 2. **LIST OF MINING UNITS.** The commissioner shall prepare and keep on file in the office of the division of lands and minerals of the department of natural resources and at such other places as the commissioner may direct a list of the mining units designated hereunder under this section, giving the descriptions thereof of the mining units and such other information as the commissioner deems necessary. In case the commissioner shall prescribe special conditions to be included in a prospecting permit or lease for any mining unit as authorized by law, a statement of such the conditions shall be included with the designation of such the unit in the list.

Subd. 3. **ONE MINING UNIT PER LEASE.** Except as otherwise expressly provided by law, each prospecting permit or mining lease shall cover only one entire mining unit designated as herein provided, and the designation of a mining unit in force at the time an application for a prospecting permit therefor is received by the commissioner according to law shall govern and shall remain unchanged for the purposes of such permit or any lease issued pursuant thereto under this section.

Sec. 13. Minnesota Statutes 1998, section 93.16, is amended to read:

93.16 PERMITS LEASES; SALE, NOTICE.

(a) Except as otherwise expressly provided by law, prospecting permits leases for iron ore or other minerals belonging to the state shall be issued only upon public sale as herein provided under this section.

(b) The sale of permits may leases shall be held at such times and places as designated by the commissioner.

(c) The commissioner shall give public notice of intent to hold a public sale by publication in the State Register, the EQB Monitor, and such other publications as the commissioner may direct at least 90 days prior to the proposed date of sale.

(d) The commissioner shall give public notice of each sale by publication for three successive weeks in a daily newspaper that has its known office of issue in the county seat of the county in which the mining units to be leased are located and in a daily newspaper printed and published in each of the cities of St. Paul, Minneapolis, Duluth, Hibbing, and Virginia. If no newspaper has its known office of issue in the county seat of a particular county, the commissioner shall publish notice in the newspaper designated as the publisher of the official proceedings of the county board of that county. The last first publication shall be not less than seven days nor more than at least 30 days before the date of sale. Like notice The public notice of sale shall also be published in the State Register and the EQB Monitor at least 30 days before the date of sale and may be published in not to exceed two additional newspapers and two trade magazines, as the commissioner may direct.

(e) Each notice shall contain the following information:

- (1) time and place of holding the sale;
- (2) The general requirements of law affecting bidders and purchasers of permits;

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(3) the place or places where the list of mining units, to be offered for sale will be available for inspection and where forms for bids and applications for ~~prospecting permits leases~~ may be obtained; and

(4) (3) such other information as the commissioner may direct.

Sec. 14. Minnesota Statutes 1998, section 93.17, is amended to read:

93.17 APPLICATION FOR PERMITS LEASES; BIDS; AWARDS.

Subdivision 1. **LEASE APPLICATION.** (a) Applications for ~~permits leases~~ to prospect for iron ore shall be presented to the commissioner in writing in such form as the commissioner may prescribe at any time before 4:30 p.m., St. Paul, Minnesota time, on the last business day before the day specified for the opening of bids, and no bids submitted after that time shall be considered. The application shall be accompanied by a certified check, cashier's check, or bank money order payable to the state ~~treasurer~~ department of natural resources in the sum of \$50 \$100 for each mining unit as set out ~~above~~.

(b) Each application shall be accompanied also by a sealed bid setting forth the amount of royalty per gross ton of crude ore based upon the iron content of the ore when dried at 212 degrees Fahrenheit, in its natural condition or when concentrated, as set out in ~~detail hereafter~~ section 93.20, subdivisions 12 to 18, that the applicant proposes to pay to the state of Minnesota in case the ~~permit lease~~ shall be awarded.

Subd. 2. **BID REQUIREMENTS.** (a) Whenever a bid on any mining unit exceeds the minimums prescribed in section 93.20, the bidder shall offer a uniform amount above the minimums on all schedules unless the mining unit is expressly excepted from this requirement by the commissioner of natural resources by so specifying in the list of lands and mining units.

A separate sealed bid shall be required for each mining unit as established by the commissioner covered by the application, and shall be accompanied by a certified check made payable to the state treasurer in the sum of \$200 as a guarantee that the applicant will carry out and perform in good faith all the covenants set out in the permit.

(b) The envelope containing each bid shall be plainly marked on the outside showing the date of application, date received by the commissioner, and the name of the applicant. The commissioner shall endorse upon each application and sealed bid the exact time of presentation and preserve the same unopened in the commissioner's office.

Subd. 3. **BID ACCEPTANCE.** (a) At the time and place fixed for the sale, the commissioner shall publicly announce the number of applications and bids received. The commissioner, together with at least one member of the executive council as designated by the council, shall then publicly open the bids and announce the amount of each bid separately. Thereafter, the commissioner, together with the executive council, shall award the ~~permits leases~~ to the highest bidders for the respective mining units, but no bids shall be accepted that shall do not equal or exceed the minimum

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amounts provided for in section 93.20, nor shall any bid be accepted that ~~shall~~ does not comply with the law and be accompanied by a certified check for the faithful performance of the terms of each permit as hereinbefore set out. The right is reserved to the state to reject any and all bids.

(b) All applications for ~~permits~~ leases and bids not accepted at ~~such~~ the sale shall become void at the close of the sale and the ~~checks~~ payment accompanying the applications and bids shall be returned to the applicants entitled to them.

(c) Upon the award of a permit lease, the ~~certified check~~ payment submitted with the application as provided by subdivision 1, shall be deposited with the state treasurer as a fee for the permit, to be credited to the same fund as the ~~rental or royalty~~ from the mining unit affected, and the ~~certified check~~ submitted with the bid as provided by subdivision 2, shall be deposited with the state treasurer and held for further disposition as provided by law lease.

Sec. 15. [93.1925] NEGOTIATED LEASES.

Subdivision 1. CONDITIONS REQUIRED. When the commissioner finds that the best interests of the state will be served and the circumstances in clause (1), (2), or (3) exist, the commissioner, with the approval of the executive council, may issue an iron ore or taconite iron ore mining lease through negotiations to an applicant. A lease may be issued through negotiations under any of the following circumstances:

(1) the state taconite iron ore is adjacent to taconite iron ore owned or leased for mining purposes by the applicant and the commissioner finds that it is impracticable to mine the state taconite iron ore except in conjunction with the mining of the adjacent ore;

(2) the lands to be leased are primarily valuable for their natural iron ore content;
or

(3) the state's mineral ownership interest in the lands to be leased is an undivided fractional interest and the applicant holds under control a majority of the remaining undivided fractional mineral interests in the lands to be leased.

Subd. 2. APPLICATION. (a) An application for a negotiated lease shall be submitted to the commissioner of natural resources. The commissioner shall prescribe the information to be included in the application. The applicant shall submit with the application a certified check, cashier's check, or bank money order, payable to the department of natural resources in the sum of \$100, as a fee for filing the application. The application fee shall not be refunded under any circumstances.

(b) The right is reserved to the state to reject any or all applications for a negotiated lease.

Subd. 3. TERMS. A lease issued under this section shall be in the form set forth in section 93.20, with such additional terms and conditions consistent with the lease as may be agreed upon. The rental and royalty rates agreed upon shall be not less than those prescribed in section 93.20.

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Sec. 16. Minnesota Statutes 1998, section 93.193, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION FOR EXTENSION.** Upon written application by the holder of any mining lease heretofore issued, or hereafter issued upon a prospecting permit heretofore issued, which has been or may be designated as a taconite iron ore mining lease pursuant to Minnesota Statutes 1998, section 93.19 or 93.191, the commissioner of natural resources, with the approval of the executive council, may extend the term thereof of the lease for an additional period of 25 years beyond the term specified therein in the lease, upon the terms and conditions hereinafter prescribed under this section. The additional period of 25 years for which such a the lease is extended, shall be the extended period as such the term is used herein in this section.

Sec. 17. Minnesota Statutes 1998, section 93.21, is amended to read:

93.21 EXECUTION OF LEASE.

The lease provided for in section 93.20 shall be signed by the commissioner for and in behalf of the state, with the official seal of the commissioner attached, and shall be signed by the party of the second part in the presence of two witnesses, and such the signatures and execution of the same by the party of the second part shall be duly acknowledged.

Sec. 18. Minnesota Statutes 1998, section 93.22, is amended to read:

93.22 DISPOSAL OF MONEYS RECEIVED DISPOSITION OF PAYMENTS.

(a) All payments under sections 93.14 to 93.28 ~~93.285~~ shall be made to the state treasurer on the order of the commissioner of finance, or the commissioner, as the case may be, department of natural resources and shall be credited to the permanent fund of the class of land to which the demised premises belong and in case the land shall not belong to any class of land having a permanent fund then all payments shall be credited to such fund as the legislature shall by law direct. as follows:

(1) if the lands or minerals and mineral rights covered by a lease are held by the state by virtue of an act of Congress, payments made under the lease shall be credited to the permanent fund of the class of land to which the leased premises belong;

(2) if a lease covers the bed of navigable waters, payments made under the lease shall be credited to the permanent school fund of the state; and

(3) if the lands or minerals and mineral rights covered by a lease are held by the state in trust for the taxing districts, payments made under the lease shall be distributed annually on the first day of September as follows:

(i) 20 percent to the general fund; and

(ii) 80 percent to the respective counties in which the lands lie, to be apportioned among the taxing districts interested therein as follows: county, three-ninths; town or city, two-ninths; and school district, four-ninths.

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(b) Except as provided under paragraph (a) and except where the disposition of payments may be otherwise directed by law, all payments shall be paid into the general fund of the state.

Sec. 19. [93.245] MINING OF MINERALS OTHER THAN IRON ORE.

(a) If a mineral other than iron ore or taconite ore is found on or in a mining unit covered by a state iron ore or taconite iron ore mining lease, the state lessee may apply to the commissioner of natural resources for a negotiated lease to explore for, mine, and remove the mineral. The terms and conditions under which the mineral may be mined or products recovered shall be as agreed upon by the commissioner and the state lessee. A mineral lease for ores other than iron ore or taconite iron ore must comply with section 93.25 and rules adopted thereunder.

(b) The right is reserved to the state to reject any or all applications for a negotiated lease under paragraph (a). The state may lease, under section 93.25 and rules adopted thereunder, any minerals other than iron ore or taconite iron ore on or in a mining unit covered by a state iron ore or taconite iron ore mining lease.

Sec. 20. Minnesota Statutes 1998, section 93.25, subdivision 1, is amended to read:

Subdivision 1. **LEASES.** The commissioner may issue leases to prospect for, mine, and remove minerals other than iron ore upon any lands owned by the state, including trust fund lands, lands forfeited for nonpayment of taxes whether held in trust or otherwise, and lands otherwise acquired, and the beds of any waters belonging to the state. For purposes of this section, iron ore means iron-bearing material where the primary product is iron metal.

Sec. 21. Minnesota Statutes 1998, section 93.25, subdivision 2, is amended to read:

Subd. 2. **LEASE REQUIREMENTS.** All leases for nonferrous metallic minerals or petroleum must be approved by the executive council, and any other mineral lease issued pursuant to this section that covers 160 or more acres must be approved by the executive council. The rents, royalties, terms, conditions, and covenants of all such leases shall be fixed by the commissioner pursuant to such according to rules as may be prescribed adopted by the commissioner, but no lease shall be for a longer term than 50 years, and all such rents, royalties, terms, conditions, and covenants shall be fully set forth in each lease thus issued and. The rents and royalties therein provided for shall be credited to the funds as provided in section 93.22 or 93.335, subdivision 4, as amended.

Sec. 22. Minnesota Statutes 1998, section 93.26, is amended to read:

93.26 PERMITS AND LEASES TO BE RECORDED FILED.

All permits and leases, with the names and post office addresses of all parties in interest, issued by the commissioner under authority of sections 93.14 to ~~93.28~~ 93.285, before delivery shall be duly recorded at length in the record books to be provided and kept filed for record in the commissioner's office for that purpose and. A certificate of

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such record filing showing the date of record, the book and page thereof, filing shall be endorsed on each such permit or lease.

Sec. 23. Minnesota Statutes 1998, section 93.27, is amended to read:

93.27 ASSIGNMENTS, AGREEMENTS, OR CONTRACTS AFFECTING PERMITS OR LEASES; RECORDS FILING.

All assignments, agreements, or contracts, underlying, overriding, or operating agreements affecting any such permit or a lease shall be made in writing and signed by both parties thereto, witnessed by two witnesses, and properly acknowledged and contain the post office addresses of all parties having an interest; and when so executed presented in triplicate to the commissioner for filing of record. The commissioner shall then record such assignments, agreements, or contracts, underlying, overriding, or operating agreements at length in record books kept and provided for that purpose in the commissioner's office and A certificate of such record filing showing the date thereof and the book and page of filing shall be endorsed on the assignments, agreements, contracts, underlying, overriding, or operating agreements, a copy of which then shall be returned to the party entitled thereto.

Sec. 24. Minnesota Statutes 1998, section 93.28, is amended to read:

93.28 APPROVAL OF INSTRUMENTS; FEES.

All instruments by virtue of which the title to any permit or a lease herein provided for is in any way affected shall receive, as to form and execution, the approval of the commissioner, which approval shall be endorsed thereon, and the instrument when so approved shall be duly recorded filed as provided in section 93.27. For recording any assignment or other instrument affecting the title to any permit or lease or for furnishing certified copies of the records, the commissioner may charge a fee of ten cents per folio. All such fees shall be turned into the state treasury.

Sec. 25. Minnesota Statutes 1998, section 93.285, subdivision 2, is amended to read:

Subd. 2. **INCLUSION IN MINING UNIT.** In case any stockpiled iron ore is situated on land designated or suitable for designation as a mining unit under section 93.15, such the stockpiled ore may, in the discretion of the commissioner of natural resources, be included in such the unit by inserting a description of such the ore in the designation of the unit. Otherwise such the ore shall not be considered as included in such the unit. Upon the inclusion of such the ore in such the unit, it shall be subject to all provisions of law relating to the sale, issuance, terms, and conditions of a prospecting permit and lease covering such the unit and other matters pertaining thereto, so far as applicable, except as hereinafter provided.

Sec. 26. Minnesota Statutes 1998, section 93.285, subdivision 3, is amended to read:

Subd. 3. **STOCKPILE MINING UNIT.** (a) Any stockpiled iron ore, wherever situated, may, in the discretion of the commissioner of natural resources, be designated as a stockpile mining unit for disposal separately from ore in the ground, such

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designation to be made in accordance with the provisions of according to section 93.15, so far as applicable. Thereupon such stockpile mining unit shall be subject to all provisions of law relating to the sale, issuance, terms, and conditions of prospecting permits and leases covering mining units designated under such section 93.15 and other matters pertaining thereto, except as hereinafter provided. Upon application of the holder of a prospecting permit for such a stockpile mining unit, the commissioner of natural resources may, for good cause shown, extend the time for beginning the work of prospecting under the permit to not exceeding six months from the date of the permit.

(b) The commissioner may lease the mining unit at public or private sale for an amount and under terms and conditions prescribed by the commissioner. The lease term may not exceed 25 years. The amount payable for stockpiled iron ore material shall be at least equivalent to the minimum royalty that would be payable under section 93.20.

Sec. 27. Minnesota Statutes 1998, section 93.335, subdivision 1, is amended to read:

Subdivision 1. LAND GROUPED INTO MINING UNITS; LEASES LANDS HELD IN TRUST FOR TAXING DISTRICTS; LEASE TERMS AND CONDITIONS. Lands or minerals and mineral rights, including fractional undivided interests therein, becoming the absolute property of the state under the tax laws, may be grouped into mining units, permits to prospect for iron ore thereon shall be awarded, and Mining leases thereon issued as provided by sections 93.14 to 93.33, and, except as otherwise specifically provided herein under this section, shall be subject to all the terms, conditions, and provisions of such sections shall be applicable thereto 93.14 to 93.33, regardless of whether or not such the lands or minerals and mineral rights are held in trust for taxing districts. Leases issued hereunder shall be in the form provided by law, with only such changes as the commissioner of natural resources shall find necessary to indicate the specific interest covered by the lease and the proportion of the stipulated royalty or rental payable under subdivision 2 or otherwise to conform with the provisions hereof. In case the state owns such a fractional undivided interest and the remaining undivided interest in the property is owned or held under lease for mining purposes by another, the commissioner of natural resources, with the approval of the executive council, upon application of such owner or lessee, without public sale and without prior issuance of a prospecting permit, may enter into a mining lease with such owner or lessee covering the state's interest under the following terms and conditions:

(1) The application shall be in such form and shall contain such information as the commissioner shall prescribe;

(2) Where any of the ore to be mined under such lease lies within the bed of a public lake or stream, the lessee shall obtain an appropriate permit from the commissioner, pursuant to applicable laws;

(3) The lease shall be in the form herein prescribed, except that it may provide for the payment of rental and royalty at such rates as may be agreed upon between the

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parties and may contain such additional appropriate provisions, not inconsistent with law, as may be agreed upon in furtherance of the mutual interests of the parties; provided, that the rental and royalty rates for iron ore shall not be less than the applicable minimum rates prescribed in section 93.20.

Sec. 28. Minnesota Statutes 1998, section 93.43, is amended to read:

93.43 PERMITS, LICENSES, AND LEASES TO COPPER, COPPER-NICKEL OR NICKEL NONFERROUS METALLIC MINERALS PRODUCERS.

(a) The business of mining, producing, or beneficiating copper, copper-nickel or nickel nonferrous metallic minerals is declared to be in the public interest and necessary to the public welfare, and the use of property therefor is declared to be a public use and purpose.

(b) The commissioner of natural resources is authorized to grant permits or licenses, or leases on and across lands owned by the state to any corporation or association engaged in the business of or preparing to engage in the business of mining, producing, or beneficiating copper, copper-nickel or nickel nonferrous metallic minerals for pipe lines, pole lines, conduits, sluiceways, roads, railroads, tramways, or flowage, and to lease any lands owned by the state to any such corporation or association for the depositing of stripping, lean ores, tailings, or waste products of such business.

(c) The commissioner of natural resources is also authorized to license the flooding of state lands in connection with any permit or authorization for the use of public waters issued by the legislature or by the commissioner pursuant to law. Such The permits, licenses, and leases shall be upon such the conditions and, for such the consideration, and for such the period of time as the commissioner may determine.

(d) The county auditor, with the approval of the county board, is authorized to grant permits, licenses, or leases for all such purposes of or across tax-forfeited lands held by the state in trust for any and all taxing districts, upon such the conditions and, for such the considerations, and for such the period of time as the county board may determine. Any proceeds from the granting of such the permits, licenses, or leases by the county auditor shall be apportioned and distributed as other proceeds from the sale or rental of tax-forfeited lands.

Sec. 29. Minnesota Statutes 1999 Supplement, section 97A.065, subdivision 2, is amended to read:

Subd. 2. **FINES AND FORFEITED BAIL.** (a) Fines and forfeited bail collected from prosecutions of violations of: the game and fish laws; sections 84.091 to 84.15; sections 84.81 to 84.91; section 169.121, when the violation involved an off-road recreational vehicle as defined in section 169.01, subdivision 86; chapter 348; and any other law relating to wild animals or aquatic vegetation, must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraphs (b), (c), and (d). In a county in

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a judicial district under section 480.181, subdivision 1, paragraph (b), as added in Laws 1999, chapter 216, article 7, section 26, the share that would otherwise go to the county under this paragraph must be submitted to the state treasurer for deposit in the state treasury and credited to the general fund.

(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.

(c) The county treasurer shall submit one-half of the receipts collected under paragraph (a) from prosecutions of violations of sections 84.81 to 84.91, and 169.121, except receipts that are surcharges imposed under section 357.021, subdivision 6, to the ~~state treasurer~~ commissioner and credit the balance to the county general fund. The ~~state treasurer~~ commissioner shall credit these receipts to the snowmobile trails and enforcement account in the natural resources fund.

(d) The county treasurer shall indicate the amount of the receipts that are surcharges imposed under section 357.021, subdivision 6, and shall submit all of those receipts to the state treasurer.

Sec. 30. Minnesota Statutes 1998, section 97A.095, is amended by adding a subdivision to read:

Subd. 4. SWAN LAKE MIGRATORY WATERFOWL REFUGE. The land described in Laws 1999, chapter 81, section 2, is designated Swan Lake migratory waterfowl refuge under subdivision 1.

Sec. 31. Minnesota Statutes 1998, section 97A.405, is amended by adding a subdivision to read:

Subd. 4. REPLACEMENT LICENSES. The commissioner may permit licensed firearms deer hunters to change zone or season options before the regular firearms deer season begins. The commissioner may issue a replacement license if the applicant submits the original firearms deer license that is being replaced and the applicant pays any increase in cost between the original and the replacement license.

Sec. 32. Minnesota Statutes 1998, section 97A.431, subdivision 4, is amended to read:

Subd. 4. SEPARATE SELECTION; ELIGIBILITY. (a) The commissioner may conduct a separate selection for up to 20 percent of the moose licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection under this paragraph. ~~Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses.~~

(b) The commissioner must conduct a separate selection for 20 percent of the moose licenses to be issued each year. Only individuals who have applied at least ten

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times for a moose license and who have never received a license are eligible for this separate selection.

(c) The commissioner may by rule establish criteria for:

(1) determining eligible family members under this subdivision. paragraph (a);
and

(2) verifying that an individual has made at least ten unsuccessful applications for the purposes of paragraph (b).

(d) A person who is unsuccessful in a separate selection under this subdivision must be included in the selection for the remaining licenses.

Sec. 33. Minnesota Statutes 1998, section 97A.435, subdivision 4, is amended to read:

Subd. 4. **SEPARATE SELECTION OF ELIGIBLE LICENSEES.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons ~~that~~ who are owners or tenants of and that live on at least 40 acres of agricultural or grazing land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. The qualifying agricultural or grazing land may be noncontiguous. Persons ~~that~~ who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons ~~that~~ who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 34. Minnesota Statutes 1998, section 97A.475, subdivision 30, is amended to read:

Subd. 30. **COMMERCIAL NETTING OF FISH.** The fees to take commercial fish are:

(1) commercial license fees:

(i) for residents and nonresidents seining and netting in inland waters, \$90;

(ii) for residents netting in Lake Superior, \$50;

(iii) for residents netting in Lake of the Woods, Rainy, Namakan, and Sand Point lakes, \$50;

(iv) for residents seining in the Mississippi River from St. Anthony Falls to the St. Croix River junction, \$50;

(v) for residents seining, netting, and set lining in Wisconsin boundary waters from Lake St. Croix to the Iowa border, \$50; and

(vi) for a resident apprentice license, \$25; and

(2) commercial gear fees:

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(i) for each gill net in Lake Superior, Wisconsin boundary waters, and Namakan Lake, \$3.50 per 100 feet of net;

(ii) for each seine in inland waters, on the Mississippi River as described in section 97C.801, subdivision 2, and in Wisconsin boundary waters, \$7 per 100 feet;

(iii) for each commercial hoop net in inland waters, \$1.25;

(iv) for each submerged fyke, trap, and hoop net in Lake Superior, St. Louis Estuary, Lake of the Woods, and Rainy, Namakan, and Sand Point lakes, and for each pound net in Lake Superior, \$15;

(v) for each stake and pound net in Lake of the Woods, \$60; and

(vi) for each set line in the Wisconsin boundary waters, \$20; and

(vii) for each trawl used in Lake Superior, \$50.

Sec. 35. Minnesota Statutes 1998, section 97A.475, is amended by adding a subdivision to read:

Subd. 44. REPLACEMENT LICENSES. The fee for a replacement firearms deer license is \$5.

Sec. 36. Minnesota Statutes 1998, section 97B.015, subdivision 2, is amended to read:

Subd. 2. ADMINISTRATION, SUPERVISION, AND ENFORCEMENT. (a) The commissioner shall appoint a qualified person from the enforcement division under civil service rules as supervisor of hunting safety and prescribe the duties and responsibilities of the position. The commissioner shall determine and provide the enforcement division with the necessary personnel for this section.

(b) The commissioner may appoint one or more county directors of hunting safety in each county. An appointed county director is responsible to the enforcement division. The enforcement division may appoint instructors necessary for this section. County directors and instructors shall serve on a voluntary basis without compensation. The enforcement division must supply the materials necessary for the course. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

Sec. 37. Minnesota Statutes 1998, section 97B.015, subdivision 4, is amended to read:

Subd. 4. STUDENT FEE. To defray the expense of the course, the enforcement division shall collect a fee ~~not to exceed~~ \$5 from each person that takes the firearm safety course. 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 fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the enforcement division of the department of natural resources for the administration of the program. In addition to the fee

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established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

Sec. 38. Minnesota Statutes 1999 Supplement, section 97B.025, is amended to read:

97B.025 ADVANCED HUNTER AND TRAPPER EDUCATION.

The commissioner may establish advanced education courses for hunters and trappers. The commissioner, with the approval of the commissioner of finance, may impose shall collect a fee not to exceed \$10 for from each person attending an advanced education a course. 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 fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the enforcement division of the department of natural resources for the administration of the program. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

Sec. 39. Minnesota Statutes 1998, section 97B.301, subdivision 4, is amended to read:

Subd. 4. **TAKING MORE THAN ONE DEER.** (a) The commissioner may, by rule, allow a person to take more than one deer. The commissioner shall prescribe the conditions for taking the additional deer including:

- (1) taking by firearm or archery;
- (2) obtaining additional licenses; and
- (3) payment of a fee not more than the fee for a firearms deer license; and
- (4) the total number of deer that an individual may take.

(b) In Kittson, Lake of the Woods, Marshall, Pennington, and Roseau counties, a person may obtain one firearms deer license and one archery deer license in the same license year, and may take one deer under each license. The commissioner may limit the use of this provision in certain years to protect the deer population in the area.

Sec. 40. [97C.02] ACQUISITION OF CRITICAL AQUATIC HABITAT.

The commissioner shall acquire lands that are critical for fish and other aquatic life and that meet criteria described for aquatic management areas in section 86A.05, subdivision 14. The lands that are acquired may be developed to manage lakes, rivers, streams, and adjacent wetlands and lands for aquatic life, water quality, intrinsic biological value, public fishing, and other compatible outdoor recreational uses. The land may be acquired by gift, lease, easement, or purchase. The commissioner shall designate land acquired under this subdivision as aquatic management areas for the purposes of the outdoor recreation system.

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Sec. 41. Minnesota Statutes 1998, section 97C.041, is amended to read:

97C.041 COMMISSIONER MAY REMOVE ROUGH FISH AND CAT-FISH.

The commissioner may take rough fish, lake whitefish, and rainbow smelt with seines, nets, and other devices. The commissioner may also take catfish with seines, nets, and other devices on the Minnesota-Wisconsin boundary waters. The commissioner may hire or contract persons, or issue permits, to take the fish. The commissioner shall prescribe the manner of taking and disposal. The commissioner may award a contract under this section without competitive bidding. Before establishing the contractor's compensation, the commissioner must consider the qualifications of the contractor, including the contractor's equipment, knowledge of the waters, and ability to perform the work.

Sec. 42. Minnesota Statutes 1998, section 97C.501, subdivision 1, is amended to read:

Subdivision 1. **MINNOW RETAILERS.** (a) A person may not be a minnow retailer without a minnow retailer license except as provided in ~~subdivision~~ subdivisions 2, paragraph (d), and 3. A person must purchase a minnow retailer license for each minnow retail outlet operated, except as provided by subdivision 2, paragraph (d).

(b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow retailer's place of business, except as provided in subdivision 3. A minnow retailer is not required to obtain a minnow retailer's vehicle license if minnows are being transported by common carrier and information is provided that allows the commissioner to find out the location of the shipment in the state.

Sec. 43. Minnesota Statutes 1998, section 97C.501, subdivision 2, is amended to read:

Subd. 2. **MINNOW DEALERS.** (a) A person may not be a minnow dealer without a minnow dealer license except as provided in subdivision 3.

(b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(c) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(d) A person with a minnow dealer's license may sell minnows at one retail outlet. A minnow dealer must obtain a minnow retailer license for each additional retail outlet operated. A minnow dealer operating a retail outlet under a minnow dealer's license must list the following information for the retail outlet: name of the business; city;

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state; zip code; and legal description or fire number. The retail outlet name and location may be changed by making application to the commissioner.

Sec. 44. Minnesota Statutes 1998, section 97C.605, subdivision 1, is amended to read:

Subdivision 1. **LICENSE REQUIRED.** A person may not take, possess, ~~buy,~~ sell, or transport turtles without an angling license, except as provided in subdivision 2.

Sec. 45. Minnesota Statutes 1998, section 97C.605, subdivision 2, is amended to read:

Subd. 2. **SALES LICENSE.** (a) A person may not take, possess, transport, or purchase turtles for sale without a turtle seller's license, except as provided in this subdivision.

(b) A person does not need a turtle seller's license is not required to buy turtles for retail sale to consumers or an angling license:

(1) when buying turtles for resale at a location licensed by the department of agriculture or health for sale or preparation of food retail outlet;

(2) of a person licensed by the department of agriculture or health for sale or preparation of food; or

(3) of a person when buying a turtle at a retail outlet; or

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller.

Sec. 46. Minnesota Statutes 1999 Supplement, section 169.1217, subdivision 7a, is amended to read:

Subd. 7a. **ADMINISTRATIVE FORFEITURE PROCEDURE.** (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) When a motor vehicle is seized under subdivision 2, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Notice mailed by certified mail to the address shown in department of public safety records is sufficient notice to the registered owner of the vehicle. For

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motor vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 169.1217, SUBDIVISION 7a, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500."

(d) Within 30 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is \$7,500 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. Except as provided in this section, judicial reviews and hearings are governed by section 169.123, subdivisions 5c and 6, and shall take place at the same time as any judicial review of the person's license revocation under section 169.123. The proceedings may be combined with any hearing on a petition filed under section 169.123, subdivision 5c, and are governed by the rules of civil procedure.

(e) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized and the plaintiff's interest in the vehicle seized. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person

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who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(f) If the claimant makes a timely demand for a judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under subdivision 8.

(g) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized vehicle, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order sanctions under section 549.211.

Sec. 47. Minnesota Statutes 1999 Supplement, 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 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, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. 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. 48. Minnesota Statutes 1999 Supplement, 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

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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, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. 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. 49. Minnesota Statutes 1999 Supplement, section 574.264, subdivision 1, is amended to read:

Subdivision 1. **NATURAL RESOURCE DEVELOPMENT PROJECTS.** In place of a performance or payment bond or bid deposit for a state contract for a natural resource development project less than ~~\$50,000~~ \$100,000, 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. 50. Laws 1999, chapter 231, section 5, subdivision 4, is amended to read:

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

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

\$3,599,000 the first year and \$3,688,000 the second year are for presuppression and suppression costs of emergency fire fighting and other costs incurred under Minnesota Statutes, section 88.12, subdivision 2, related to search and rescue operations. If the appropriation for either year is insufficient to cover all costs of suppression and search and rescue operations, the amount necessary to pay for ~~emergency firefighting~~ these 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

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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.

Sec. 51. DEVELOPMENT OF SEARCH AND RESCUE OPERATIONS CRITERIA.

(a) By July 1, 2000, the superintendent of the bureau of criminal apprehension and the commissioner of natural resources shall develop criteria for determining the types

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of search and rescue operations that may be supported under sections 8 and 50.

(b) By July 1, 2000, the superintendent and commissioner shall report the criteria developed to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice and environment and natural resources funding.

Sec. 52. WATER SUPPLY MANAGEMENT; LEGISLATIVE APPROVAL.

According to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves the granting of a permit by the commissioner of natural resources to the city of Grand Forks, North Dakota, for consumptive uses of more than 2,000,000 gallons of water per day average in a 30-day period from the Red River of the North for municipal water supply purposes. Approval granted under this section is limited and the term of the permit shall not exceed January 1, 2005.

Sec. 53. REPEALER.

Minnesota Statutes 1998, sections 93.07; 93.08; 93.09; 93.10; 93.11; 93.12; 93.13; 93.18; 93.19; 93.191; 93.192; 93.202; 93.23; 93.24; 93.283; 93.285, subdivisions 4 and 5; 93.30; 93.31; 93.32; 93.335, subdivisions 4 and 5; 93.34, subdivisions 1 and 3; 93.351; 93.352; 93.353; 93.354; 93.355; 93.356; 93.357; 93.37; 93.38; 93.39; 93.42; and 97B.312, are repealed.

Sec. 54. EFFECTIVE DATE.

Sections 8 and 50 are effective July 1, 2000. Sections 39 and 51 are effective the day following final enactment.

Presented to the governor May 19, 2000

Signed by the governor May 30, 2000, 2:07 p.m.

CHAPTER 496—S.F.No. 2693

An act relating to tobacco; regulating sales of certain cigarettes; prohibiting sales of certain cigarettes; defining contraband; providing a private cause of action; amending Minnesota Statutes 1998, section 297F.21, subdivision 1, as amended by Laws 2000, chapter 490, article 10, section 20; proposing coding for new law in Minnesota Statutes, chapter 325D.

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

Section 1. Minnesota Statutes 1998, section 297F.21, subdivision 1, as amended by Laws 2000, chapter 490, article 10, section 20, is amended to read:

Subdivision 1. **CONTRABAND DEFINED.** The following are declared to be contraband and therefore subject to civil and criminal penalties under this chapter:

(a) Cigarette packages which do not have stamps affixed to them as provided in this chapter, including but not limited to (i) packages with illegible stamps and

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