

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2904

(SENATE AUTHORS: HAWJ)

| DATE | D-PG | OFFICIAL STATUS |
|------------|------|--|
| 03/14/2023 | 1741 | Introduction and first reading |
| | | Referred to Environment, Climate, and Legacy |
| 03/27/2023 | | Comm report: To pass as amended |
| | | Second reading |

1.1 A bill for an act

1.2 relating to state government; modifying environment and natural resources laws;

1.3 modifying forestry laws; modifying game and fish laws; modifying water law;

1.4 requiring reports; making technical corrections; amending Minnesota Statutes

1.5 2022, sections 84.788, subdivision 5; 84.82, subdivision 2, by adding a subdivision;

1.6 84.821, subdivision 2; 84.84; 84.86, subdivision 1; 84.87, subdivision 1; 84.922,

1.7 subdivision 4; 84.992, subdivisions 2, 5; 85.015, subdivision 10; 85.052, subdivision

1.8 6; 89A.11; 90.181, subdivision 2; 97A.015, subdivision 51; 97A.031; 97A.126;

1.9 97A.137, subdivisions 3, 5; 97A.401, subdivision 1, by adding a subdivision;

1.10 97A.405, subdivision 5; 97A.421, subdivision 3; 97B.031, subdivision 1; 97B.071;

1.11 97B.301, subdivisions 2, 6; 97B.318, subdivision 1; 97B.668; 97C.041; 97C.315,

1.12 subdivision 1; 97C.345, subdivision 1; 97C.371, subdivisions 1, 2, 4; 97C.395,

1.13 subdivision 1; 97C.601, subdivision 1; 97C.836; 103G.005, by adding subdivisions;

1.14 103G.287, subdivision 2; 103G.299, subdivisions 1, 2, 5, 10; 103G.301,

1.15 subdivisions 6, 7; 115.061; proposing coding for new law in Minnesota Statutes,

1.16 chapters 11A; 97C; 103G; repealing Minnesota Statutes 2022, section 97C.055;

1.17 Minnesota Rules, parts 6100.5000, subparts 3, 4, 5; 6100.5700, subpart 4.

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

1.19 Section 1. **[11A.236] ACCOUNT TO INVEST FINANCIAL ASSURANCE MONEY**

1.20 **FROM PERMITS TO MINE.**

1.21 Subdivision 1. **Establishment; appropriation.** (a) The State Board of Investment, when

1.22 requested by the commissioner of natural resources, may invest money collected by the

1.23 commissioner as part of financial assurance provided under a permit to mine issued under

1.24 chapter 93. The State Board of Investment may establish one or more accounts into which

1.25 money may be deposited for the purposes of this section, subject to the policies and

1.26 procedures of the State Board of Investment. Use of any money in the account is restricted

1.27 to the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted

1.28 thereunder and as authorized under any trust fund agreement or other conditions established

1.29 under a permit to mine.

2.1 (b) Money in an account established under paragraph (a) is appropriated to the
 2.2 commissioner for the purposes for which the account is established under this section.

2.3 Subd. 2. **Account maintenance and investment.** (a) The commissioner of natural
 2.4 resources may deposit money in the appropriate account and may withdraw money from
 2.5 the appropriate account for the financial assurance purposes identified in sections 93.46 to
 2.6 93.51 and rules adopted thereunder and as authorized under any trust fund agreement or
 2.7 other conditions established under the permit to mine for which the financial assurance is
 2.8 provided, subject to the policies and procedures of the State Board of Investment.

2.9 (b) Investment strategies related to an account established under this section must be
 2.10 determined jointly by the commissioner of natural resources and the executive director of
 2.11 the State Board of Investment. The authorized investments for an account are the investments
 2.12 authorized under section 11A.24 that are made available for investment by the State Board
 2.13 of Investment.

2.14 (c) Investment transactions must be at a time and in a manner determined by the executive
 2.15 director of the State Board of Investment. Decisions to withdraw money from the account
 2.16 must be determined by the commissioner of natural resources, subject to the policies and
 2.17 procedures of the State Board of Investment. Investment earnings must be credited to the
 2.18 appropriate account for financial assurance under the identified permit to mine.

2.19 (d) An account may be terminated by the commissioner of natural resources at any time,
 2.20 so long as the termination is in accordance with applicable statutes and rules and any trust
 2.21 fund agreement or other conditions established under the permit to mine, subject to the
 2.22 policies and procedures of the State Board of Investment.

2.23 Sec. 2. Minnesota Statutes 2022, section 84.788, subdivision 5, is amended to read:

2.24 Subd. 5. **Report of ownership transfers; fee.** (a) Application for transfer of ownership
 2.25 of an off-highway motorcycle registered under this section must be made to the commissioner
 2.26 within 15 days of the date of transfer.

2.27 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
 2.28 purchaser using a bill of sale that includes the vehicle serial number.

2.29 (c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser
 2.30 fails to apply for transfer of ownership as provided under this subdivision.

3.1 Sec. 3. Minnesota Statutes 2022, section 84.82, subdivision 2, is amended to read:

3.2 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or
3.3 reregistration shall be made to the commissioner or an authorized deputy registrar of motor
3.4 vehicles in a format prescribed by the commissioner and shall state the legal name and
3.5 address of every owner of the snowmobile.

3.6 (b) A person who purchases a snowmobile from a retail dealer shall make application
3.7 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary
3.8 21-day registration permit to each purchaser who applies to the dealer for registration. The
3.9 temporary permit must contain the dealer's identification number and phone number. Each
3.10 retail dealer shall submit completed registration and fees to the deputy registrar at least once
3.11 a week. No fee may be charged by a dealer to a purchaser for providing the temporary
3.12 permit.

3.13 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy
3.14 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number
3.15 or a commissioner or deputy registrar temporary 21-day permit. The registration number
3.16 must be printed on a registration decal issued by the commissioner or a deputy registrar.
3.17 Once issued, the registration number decal must be affixed to the snowmobile in a clearly
3.18 visible and permanent manner for enforcement purposes as the commissioner of natural
3.19 resources shall prescribe according to subdivision 3b. A dealer subject to paragraph (b)
3.20 shall provide the registration materials or temporary permit to the purchaser within the
3.21 temporary 21-day permit period. The registration is not valid unless signed by at least one
3.22 owner.

3.23 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33 shall also
3.24 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement
3.25 with the commissioner of public safety may prescribe the accounting and procedural
3.26 requirements necessary to ensure efficient handling of registrations and registration fees.
3.27 Deputy registrars shall strictly comply with these accounting and procedural requirements.

3.28 (e) In addition to other fees prescribed by law, an issuing fee of \$4.50 is charged for
3.29 each snowmobile registration renewal, duplicate or replacement registration card, and
3.30 replacement decal, and an issuing fee of \$7 is charged for each snowmobile registration and
3.31 registration transfer issued by:

3.32 (1) a registrar or a deputy registrar and must be deposited in the manner provided in
3.33 section 168.33, subdivision 2; or

4.1 (2) the commissioner and must be deposited in the state treasury and credited to the
4.2 snowmobile trails and enforcement account in the natural resources fund.

4.3 Sec. 4. Minnesota Statutes 2022, section 84.82, is amended by adding a subdivision to
4.4 read:

4.5 Subd. 3b. **Display of registration decal.** (a) A person must not operate a snowmobile
4.6 in the state or allow another to operate the person's snowmobile in the state unless the
4.7 snowmobile has its unexpired registration decal affixed to each side of the snowmobile and
4.8 the decals are legible.

4.9 (b) The registration decal must be affixed:

4.10 (1) for snowmobiles made after June 30, 1972, in the areas provided by the manufacturer
4.11 under section 84.821, subdivision 2; and

4.12 (2) for all other snowmobiles, on each side of the cowling on the upper half of the
4.13 snowmobile.

4.14 (c) When any previously affixed registration decal is destroyed or lost, a duplicate must
4.15 be affixed in the same manner as provided in paragraph (b).

4.16 Sec. 5. Minnesota Statutes 2022, section 84.821, subdivision 2, is amended to read:

4.17 Subd. 2. **Area for registration number.** All snowmobiles made after June 30, 1972,
4.18 and sold in Minnesota, shall be designed and made to provide an area on which to affix the
4.19 registration number decal. ~~This area shall be at a location and of dimensions prescribed by~~
4.20 ~~rule of the commissioner.~~ A clear area must be provided on each side of the cowling with
4.21 a minimum size of 3-1/2 square inches and at least 12 inches from the ground when the
4.22 machine is resting on a hard surface.

4.23 Sec. 6. Minnesota Statutes 2022, section 84.84, is amended to read:

4.24 **84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

4.25 (a) Within 15 days after the transfer of ownership, or any part thereof, other than a
4.26 security interest, or the destruction or abandonment of any snowmobile, written notice of
4.27 the transfer or destruction or abandonment shall be given to the commissioner in such form
4.28 as the commissioner shall prescribe.

4.29 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
4.30 purchaser using a bill of sale that includes the vehicle serial number.

5.1 (c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser
 5.2 fails to apply for transfer of ownership as provided under this subdivision. Every owner or
 5.3 part owner of a snowmobile shall, upon failure to give notice of destruction or abandonment,
 5.4 be subject to the penalties imposed by section 84.88.

5.5 Sec. 7. Minnesota Statutes 2022, section 84.86, subdivision 1, is amended to read:

5.6 Subdivision 1. **Required rules, fees, and reports.** (a) With a view of achieving maximum
 5.7 use of snowmobiles consistent with protection of the environment the commissioner of
 5.8 natural resources shall adopt rules in the manner provided by chapter 14, for the following
 5.9 purposes:

5.10 (1) registration of snowmobiles ~~and display of registration numbers;~~

5.11 (2) use of snowmobiles insofar as game and fish resources are affected;

5.12 (3) use of snowmobiles on public lands and waters, or on grant-in-aid trails;

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

5.15 (5) specifications relating to snowmobile mufflers; and

5.16 (6) a comprehensive snowmobile information and safety education and training program;
 5.17 ~~including that includes~~ but is not limited to ~~the preparation and dissemination of preparing~~
 5.18 and disseminating snowmobile information and safety advice to the public, ~~the training of~~
 5.19 snowmobile operators, and ~~the issuance of~~ issuing snowmobile safety certificates to
 5.20 snowmobile operators who successfully complete the snowmobile safety education and
 5.21 training course.

5.22 (b) For the purpose of administering ~~such~~ the program under paragraph (a), clause (6),
 5.23 and to defray expenses of training and certifying snowmobile operators, the commissioner
 5.24 shall collect a fee from each person who receives the youth or adult training. The
 5.25 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
 5.26 a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a
 5.27 manner that neither significantly overrecovers nor underrecovers costs, including overhead
 5.28 costs, involved in providing the services. The fees are not subject to the rulemaking provisions
 5.29 of chapter 14, and section 14.386 does not apply. The fees may be established by the
 5.30 commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for
 5.31 licensing agents under this subdivision, shall be deposited in the snowmobile trails and
 5.32 enforcement account in the natural resources fund and the amount thereof, except for the
 5.33 electronic licensing system commission established by the commissioner under section

6.1 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
 6.2 annually to the Enforcement Division of the Department of Natural Resources for ~~the~~
 6.3 ~~administration of such~~ administering the programs. In addition to the fee established by the
 6.4 commissioner, instructors may charge each person any fee paid by the instructor for the
 6.5 person's online training course and up to the established fee amount for class materials and
 6.6 expenses. The commissioner shall cooperate with private organizations and associations,
 6.7 private and public corporations, and local governmental units in furtherance of the program
 6.8 established under ~~this paragraph (a)~~, clause (6). School districts may cooperate with the
 6.9 commissioner and volunteer instructors to provide space for the classroom portion of the
 6.10 training. The commissioner shall consult with the commissioner of public safety in regard
 6.11 to training program subject matter and performance testing that leads to the certification of
 6.12 snowmobile operators.

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

6.19 Sec. 8. Minnesota Statutes 2022, section 84.87, subdivision 1, is amended to read:

6.20 Subdivision 1. **Operation on streets and highways.** (a) No person shall operate a
 6.21 snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county
 6.22 state-aid, or county highway in this state and, in the case of a divided trunk or county
 6.23 highway, on the right-of-way between the opposing lanes of traffic, except as provided in
 6.24 sections 84.81 to 84.90. No person shall operate a snowmobile within the right-of-way of
 6.25 any trunk, county state-aid, or county highway between the hours of one-half hour after
 6.26 sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way
 6.27 and in the same direction as the highway traffic on the nearest lane of the roadway adjacent
 6.28 thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate
 6.29 highway or freeway within this state.

6.30 (b) Notwithstanding any provision of paragraph (a) to the contrary:

6.31 (1) under conditions prescribed by the commissioner of transportation, the commissioner
 6.32 of transportation may allow two-way operation of snowmobiles on either side of the trunk
 6.33 highway right-of-way where the commissioner of transportation determines that two-way

7.1 operation will not endanger users of the trunk highway or riders of the snowmobiles using
7.2 the trail;

7.3 (2) under conditions prescribed by a local road authority as defined in section 160.02,
7.4 subdivision 25, the road authority may allow two-way operation of snowmobiles on either
7.5 side of the right-of-way of a street or highway under the road authority's jurisdiction, where
7.6 the road authority determines that two-way operation will not endanger users of the street
7.7 or highway or riders of the snowmobiles using the trail;

7.8 (3) the commissioner of transportation under clause (1) and the local road authority
7.9 under clause (2) shall notify the commissioner of natural resources and the local law
7.10 enforcement agencies responsible for the streets or highways of the locations of two-way
7.11 snowmobile trails authorized under this paragraph; and

7.12 (4) two-way snowmobile trails authorized under this paragraph shall be posted for
7.13 two-way operation at the authorized locations.

7.14 (c) A snowmobile may make a direct crossing of a street or highway at any hour of the
7.15 day provided:

7.16 (1) the crossing is made at an angle of approximately 90 degrees to the direction of the
7.17 highway and at a place where no obstruction prevents a quick and safe crossing;

7.18 (2) the snowmobile is brought to a complete stop before crossing the shoulder or main
7.19 traveled way of the highway;

7.20 (3) the driver yields the right-of-way to all oncoming traffic which constitutes an
7.21 immediate hazard;

7.22 (4) in crossing a divided highway, the crossing is made only at an intersection of such
7.23 highway with another public street or highway or at a safe location approved by the road
7.24 authority;

7.25 (5) if the crossing is made between the hours of one-half hour after sunset to one-half
7.26 hour before sunrise or in conditions of reduced visibility, only if both front and rear lights
7.27 are on; and

7.28 (6) a snowmobile may be operated upon a bridge, other than a bridge that is part of the
7.29 main traveled lanes of an interstate highway, when required for the purpose of avoiding
7.30 obstructions to travel when no other method of avoidance is possible; provided the
7.31 snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made
7.32 within 100 feet of the bridge and the crossing is made without undue delay.

8.1 (d) No snowmobile shall be operated upon a public street or highway unless it is equipped
8.2 with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by
8.3 rules of the commissioner, reflector material of a minimum area of 16 square inches mounted
8.4 on each side forward of the handle bars, and with brakes each of which shall conform to
8.5 standards prescribed by rule of the commissioner pursuant to the authority vested in the
8.6 commissioner by section 84.86, and each of which shall be subject to approval of the
8.7 commissioner of public safety.

8.8 (e) A snowmobile may be operated upon a public street or highway other than as provided
8.9 by paragraph (c) in an emergency during the period of time when and at locations where
8.10 snow upon the roadway renders travel by automobile impractical.

8.11 (f) All provisions of chapters 169 and 169A shall apply to the operation of snowmobiles
8.12 upon streets and highways, except for those relating to required equipment, and except those
8.13 which by their nature have no application. Section 169.09 applies to the operation of
8.14 snowmobiles anywhere in the state or on the ice of any boundary water of the state.

8.15 (g) Any sled, trailer, or other device being towed by a snowmobile must be equipped
8.16 with reflective materials as required by rule of the commissioner.

8.17 Sec. 9. Minnesota Statutes 2022, section 84.922, subdivision 4, is amended to read:

8.18 Subd. 4. **Report of transfers.** (a) Application for transfer of ownership must be made
8.19 to the commissioner within 15 days of the date of transfer.

8.20 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
8.21 purchaser using a bill of sale that includes the vehicle serial number.

8.22 (c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser
8.23 fails to apply for transfer of ownership as provided under this subdivision.

8.24 Sec. 10. Minnesota Statutes 2022, section 84.992, subdivision 2, is amended to read:

8.25 Subd. 2. **Program.** The commissioner of natural resources shall develop and implement
8.26 a program for the Minnesota Naturalist Corps that supports state parks and trails in providing
8.27 interpretation of the natural and cultural features of state parks and trails in order to enhance
8.28 visitors' awareness, understanding, and appreciation of those features and encourages the
8.29 wise and sustainable use of the environment.

9.1 Sec. 11. Minnesota Statutes 2022, section 84.992, subdivision 5, is amended to read:

9.2 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if
9.3 the person:

9.4 ~~(1) is a permanent resident of the state;~~

9.5 ~~(2) is a participant in an approved college internship program in a field related to natural
9.6 resources, cultural history, interpretation, or conservation; and~~

9.7 ~~(3) has completed at least one year of postsecondary education.~~

9.8 Sec. 12. Minnesota Statutes 2022, section 85.015, subdivision 10, is amended to read:

9.9 Subd. 10. **Luce Line Trail, Hennepin, McLeod, and Meeker Counties.** (a) The trail
9.10 shall originate at Gleason Lake in Plymouth Village, Hennepin County, ~~and shall follow~~
9.11 the route of the Chicago Northwestern Railroad, and include a connection to Greenleaf Lake
9.12 State Recreation Area.

9.13 (b) The trail shall be developed for multiuse wherever feasible. The department shall
9.14 cooperate in maintaining its integrity for modes of use consistent with local ordinances.

9.15 (c) In establishing, developing, maintaining, and operating the trail, the commissioner
9.16 shall cooperate with local units of government and private individuals and groups. Before
9.17 acquiring any parcel of land for the trail, the commissioner of natural resources shall develop
9.18 a management program for the parcel and conduct a public hearing on the proposed
9.19 management program in the vicinity of the parcel to be acquired. The management program
9.20 of the commissioner shall include but not be limited to the following:

9.21 (1) fencing of portions of the trail where necessary to protect adjoining landowners; and

9.22 (2) ~~the maintenance of~~ maintaining the trail in a ~~litter free~~ litter-free condition to the
9.23 extent practicable.

9.24 (d) The commissioner shall not acquire any of the right-of-way of the Chicago
9.25 Northwestern Railway Company until the abandonment of the line described in this
9.26 subdivision has been approved by the Surface Transportation Board or the former Interstate
9.27 Commerce Commission. Compensation, in addition to the value of the land, shall include
9.28 improvements made by the railroad, including but not limited to, bridges, trestles, public
9.29 road crossings, or any portion thereof, it being the desire of the railroad that such
9.30 improvements be included in the conveyance. The fair market value of the land and
9.31 improvements shall be recommended by two independent appraisers mutually agreed upon
9.32 by the parties. The fair market value thus recommended shall be reviewed by a review

10.1 appraiser agreed to by the parties, and the fair market value thus determined, and supported
 10.2 by appraisals, may be the purchase price. The commissioner may exchange lands with
 10.3 landowners abutting the right-of-way described in this section to eliminate diagonally shaped
 10.4 separate fields.

10.5 Sec. 13. Minnesota Statutes 2022, section 85.052, subdivision 6, is amended to read:

10.6 Subd. 6. **State park reservation system.** (a) The commissioner may, by written order,
 10.7 develop reasonable reservation policies for ~~campsites and other~~ using camping, lodging,
 10.8 and day-use facilities and for tours, educational programs, seminars, events, and rentals.
 10.9 The policies are exempt from the rulemaking provisions under chapter 14, and section
 10.10 14.386 does not apply.

10.11 (b) The revenue collected from the state park reservation fee established under subdivision
 10.12 5, including interest earned, ~~shall~~ must be deposited in the state park account in the natural
 10.13 resources fund and is annually appropriated to the commissioner for the cost of operating
 10.14 the state park reservation and point-of-sale system.

10.15 Sec. 14. Minnesota Statutes 2022, section 89A.11, is amended to read:

10.16 **89A.11 SUNSET.**

10.17 Sections 89A.01; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07; 89A.08; 89A.09;
 10.18 89A.10; 89A.105; and 89A.11 expire June 30, ~~2028~~ 2033.

10.19 Sec. 15. Minnesota Statutes 2022, section 90.181, subdivision 2, is amended to read:

10.20 Subd. 2. **Deferred payments.** (a) If the amount of the statement is not paid or the payment
 10.21 is not postmarked within 30 days of the statement date ~~thereof, it shall bear, the amount~~
 10.22 bears interest at the rate determined pursuant to section 16A.124, except that the purchaser
 10.23 ~~shall not be~~ is not required to pay interest that totals \$1 or less. If the amount is not paid
 10.24 within 60 days, the commissioner shall place the account in the hands of the commissioner
 10.25 of revenue according to chapter 16D, who shall proceed to collect the ~~same~~ amount due.
 10.26 When deemed in the best interests of the state, the commissioner shall take possession of
 10.27 the timber for which an amount is due wherever it may be found and sell the ~~same~~ timber
 10.28 informally or at public auction after giving reasonable notice.

10.29 (b) The proceeds of the sale ~~shall~~ must be applied, first, to the payment of the expenses
 10.30 of seizure and sale; and, second, to the payment of the amount due for the timber, with
 10.31 interest; ~~and~~ . The surplus, if any, ~~shall belong~~ belongs to the state; ~~and~~ . In case a sufficient
 10.32 amount is not realized to pay these amounts in full, the balance ~~shall~~ must be collected by

11.1 the attorney general. ~~Neither~~ Payment of the amount, ~~nor~~ the recovery of judgment ~~therefor~~
 11.2 for the amount, nor satisfaction of the judgment, ~~nor~~ the or seizure and sale of timber, ~~shall~~
 11.3 does not:

11.4 (1) release the sureties on any security deposit given pursuant to this chapter,~~or;~~

11.5 (2) preclude the state from afterwards claiming that the timber was cut or removed
 11.6 contrary to law and recovering damages for the trespass thereby committed; or

11.7 (3) preclude the state from prosecuting the offender criminally.

11.8 Sec. 16. Minnesota Statutes 2022, section 97A.015, subdivision 51, is amended to read:

11.9 Subd. 51. **Unloaded.** "Unloaded" means, with reference to a firearm, without ammunition
 11.10 in the barrels and magazine, if the magazine is in the firearm. A muzzle-loading firearm
 11.11 ~~with~~ is unloaded if:

11.12 (1) for a flintlock ignition is unloaded if, it does not have priming powder in a pan. ~~A~~
 11.13 ~~muzzle-loading firearm with;~~

11.14 (2) for a percussion ignition is unloaded if, it does not have a percussion cap on a nipple;

11.15 (3) for an electronic ignition system, the battery is removed and is disconnected from
 11.16 the firearm; and

11.17 (4) for an encapsulated powder charge ignition system, the primer is removed from the
 11.18 firearm.

11.19 Sec. 17. Minnesota Statutes 2022, section 97A.031, is amended to read:

11.20 **97A.031 WANTON WASTE.**

11.21 (a) Unless expressly allowed, a person may not wantonly waste or destroy a usable part
 11.22 of a protected wild animal.

11.23 (b) This section does not apply to common carp.

11.24 Sec. 18. Minnesota Statutes 2022, section 97A.126, is amended to read:

11.25 **97A.126 WALK-IN ACCESS PROGRAM.**

11.26 Subdivision 1. **Establishment.** A walk-in access program is established to provide public
 11.27 access to wildlife habitat on private land for hunting, bird-watching, nature photography,
 11.28 and similar compatible uses, excluding trapping, as provided under this section. The

12.1 commissioner may enter into agreements with other units of government and landowners
12.2 to provide private land hunting access.

12.3 Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have
12.4 a walk-in access ~~hunter~~ validation in possession to hunt, photograph, and watch wildlife on
12.5 private lands, including agricultural lands, that are posted as being enrolled in the walk-in
12.6 access program.

12.7 (b) Hunting, bird-watching, nature photography, and similar compatible uses on private
12.8 lands that are posted as enrolled in the walk-in access program is allowed from one-half
12.9 hour before sunrise to one-half hour after sunset.

12.10 (c) ~~Hunter~~ Access on private lands that are posted as enrolled in the walk-in access
12.11 program is restricted to nonmotorized use, except by ~~hunters~~ persons with disabilities
12.12 operating motor vehicles on established trails or field roads who possess a valid permit to
12.13 shoot from a stationary vehicle under section 97B.055, subdivision 3.

12.14 (d) The general provisions for use of wildlife management areas adopted under sections
12.15 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,
12.16 firearms and target shooting, hunting stands, abandonment of trash and property, destruction
12.17 or removal of property, introduction of plants or animals, and animal trespass, apply to
12.18 ~~hunters on~~ use of lands enrolled in the walk-in access program.

12.19 (e) Any use of enrolled lands other than ~~hunting according to~~ use authorized under this
12.20 section is prohibited, including:

12.21 (1) harvesting bait, including minnows, leeches, and other live bait;

12.22 (2) training dogs or using dogs for activities other than hunting; and

12.23 (3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind,
12.24 or other structure, unless constructed or maintained by the landowner.

12.25 Subd. 3. **Walk-in-access ~~hunter~~ validation; fee.** The fee for a walk-in-access ~~hunter~~
12.26 validation is \$3.

12.27 Sec. 19. Minnesota Statutes 2022, section 97A.137, subdivision 3, is amended to read:

12.28 Subd. 3. **Use of motorized vehicles by ~~disabled hunters~~ people with disabilities.** The
12.29 commissioner may ~~issue~~ provide an accommodation by issuing a special permit, without a
12.30 fee, authorizing a ~~hunter~~ person with a ~~permanent physical~~ disability to use a ~~snowmobile,~~
12.31 ~~highway-licensed vehicle, all-terrain vehicle,~~ an other power-driven mobility device, as
12.32 defined under Code of Federal Regulations, title 28, section 35.104, or a motor boat in

13.1 wildlife management areas. To qualify for a permit under this subdivision, the ~~disabled~~
 13.2 ~~person must possess;~~ provide credible assurance to the commissioner that the device or
 13.3 motor boat is used because of a disability.

13.4 ~~(1) the required hunting licenses; and~~

13.5 ~~(2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.~~

13.6 Sec. 20. Minnesota Statutes 2022, section 97A.137, subdivision 5, is amended to read:

13.7 Subd. 5. **Portable stands.** (a) Prior to the Saturday on or nearest September 16, a portable
 13.8 stand may be left overnight in a wildlife management area by a person with a valid bear
 13.9 license who is hunting within 100 yards of a bear bait site that is legally tagged and registered
 13.10 as prescribed under section 97B.425. Any person leaving a portable stand overnight under
 13.11 this subdivision must affix a tag with: (1) the person's name and address; (2) the licensee's
 13.12 driver's license number; or (3) the "MDNR#" license identification number issued to the
 13.13 licensee. The tag must be affixed to the stand in a manner that it can be read from the ground.

13.14 (b) From November 1 through December 31, a portable stand may be left overnight by
 13.15 a person possessing a license to take deer in a wildlife management area located in whole
 13.16 or in part north and west of a line described as follows:

13.17 State Trunk Highway 1 from the west boundary of the state to State Trunk Highway 89;
 13.18 then north along State Trunk Highway 89 to Fourtown; then north on County State-Aid
 13.19 Highway 44, Beltrami County, to County Road 704, Beltrami County; then north on County
 13.20 Road 704 to Dick's Parkway State Forest Road; then north on Dick's Parkway to County
 13.21 State-Aid Highway 5, Roseau County; then north on County State-Aid Highway 5 to
 13.22 Warroad; then north on State Trunk Highway 11 to State Trunk Highway 313; then north
 13.23 on State Trunk Highway 313 to the north boundary of the state.

13.24 A person leaving a portable stand overnight under this paragraph must affix a tag with: (1)
 13.25 the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#"
 13.26 license identification number issued to the licensee. The tag must be affixed to the stand so
 13.27 that it can be read from the ground and must be made of a material sufficient to withstand
 13.28 weather conditions. A person leaving a portable stand overnight in a wildlife management
 13.29 area under this paragraph may not leave more than two portable stands in any one wildlife
 13.30 management area. Unoccupied portable stands left overnight under this paragraph may be
 13.31 used by any member of the public. ~~This paragraph expires December 31, 2019.~~

14.1 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2019, and
 14.2 Minnesota Statutes, section 97A.137, subdivision 5, paragraph (b), is revived and reenacted
 14.3 as of that date.

14.4 Sec. 21. Minnesota Statutes 2022, section 97A.401, subdivision 1, is amended to read:

14.5 Subdivision 1. **Commissioner's authority.** The commissioner may issue special permits
 14.6 for the activities in this section. A special permit may be issued in the form of a general
 14.7 permit to a governmental subdivision or to the general public to conduct one or more
 14.8 activities under subdivisions 2 to 8 9.

14.9 Sec. 22. Minnesota Statutes 2022, section 97A.401, is amended by adding a subdivision
 14.10 to read:

14.11 Subd. 9. **Taking wild animals with federal incidental take permit.** The commissioner
 14.12 must prescribe conditions for and may issue a permit to a person for taking wild animals
 14.13 during activities covered under a federal incidental take permit issued under section
 14.14 10(a)(1)(B) of the federal Endangered Species Act, including to a landowner for taking wild
 14.15 animals during activities covered by a certificate of inclusion issued by the commissioner
 14.16 under Code of Federal Regulations, title 50, section 13.25(e).

14.17 Sec. 23. Minnesota Statutes 2022, section 97A.405, subdivision 5, is amended to read:

14.18 Subd. 5. **Resident licenses.** (a) To obtain a resident license, ~~a resident~~ an individual 21
 14.19 years of age or older must be a resident and:

14.20 (1) possess a current Minnesota driver's license or a valid application receipt for a driver's
 14.21 license that is at least 60 days past the issuance date;

14.22 (2) possess a current identification card issued by the commissioner of public safety or
 14.23 a valid application receipt for an identification card that is at least 60 days past the issuance
 14.24 date; ~~or~~

14.25 (3) present evidence showing proof of residency in cases when clause (1) or (2) would
 14.26 violate the Religious Freedom Restoration Act of 1993, Public Law 103-141; or

14.27 (4) possess a Tribal identification card as provided in paragraph (b).

14.28 (b) For purposes of this subdivision, "Tribal identification card" means an unexpired
 14.29 identification card as provided under section 171.072, paragraphs (b) and (c). The Tribal
 14.30 identification card:

14.31 (1) must contain the enrolled Tribal member's Minnesota residence address; and

15.1 (2) may be used to obtain a resident license under paragraph (a) only if the Tribal member
 15.2 does not have a current driver's license or state identification card in any state.

15.3 (c) A person must not have applied for, purchased, or accepted a resident hunting, fishing,
 15.4 or trapping license issued by another state or foreign country within 60 days before applying
 15.5 for a resident license under this section.

15.6 Sec. 24. Minnesota Statutes 2022, section 97A.421, subdivision 3, is amended to read:

15.7 Subd. 3. **Issuance after conviction; big game.** (a) A person may not use a big-game
 15.8 license purchased before conviction, obtain ~~any~~ a big-game license, or take big game under
 15.9 a lifetime license, issued under section 97A.473, for three years after the person is convicted
 15.10 of:

15.11 (1) a gross misdemeanor violation under the game and fish laws relating to big game;

15.12 (2) doing an act without a required big-game license; or

15.13 (3) the second violation within three years under the game and fish laws relating to big
 15.14 game.

15.15 (b) A person may not obtain any deer license or take deer under a lifetime license issued
 15.16 under section 97A.473 for one year after the person is convicted of hunting deer with the
 15.17 aid or use of bait under section 97B.328.

15.18 (c) The revocation period under paragraphs (a) and (b) doubles if the conviction is for
 15.19 a deer that is a trophy deer scoring higher than 170 using the scoring method established
 15.20 for wildlife restitution values adopted under section 97A.345.

15.21 Sec. 25. Minnesota Statutes 2022, section 97B.031, subdivision 1, is amended to read:

15.22 Subdivision 1. **Permissible firearms and ammunition; big game and wolves.** A person
 15.23 may take big game and wolves with a firearm only if:

15.24 (1) ~~the~~ any rifle, shotgun, ~~and~~ or handgun used is a caliber of at least .22 inches and ~~with~~
 15.25 has centerfire ignition;

15.26 (2) the firearm is loaded only with single projectile ammunition;

15.27 (3) a projectile used is a caliber of at least .22 inches and has a soft point or is an
 15.28 expanding bullet type;

15.29 (4) ~~the~~ any muzzleloader used ~~is incapable of being~~ has the projectile loaded only at the
 15.30 breech muzzle;

16.1 (5) ~~the~~ any smooth-bore muzzleloader used is a caliber of at least .45 inches; and

16.2 (6) ~~the~~ any rifled muzzleloader used is a caliber of at least .40 inches.

16.3 Sec. 26. Minnesota Statutes 2022, section 97B.071, is amended to read:

16.4 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
 16.5 **ORANGE OR BLAZE PINK.**

16.6 (a) Except as provided in rules adopted under paragraph ~~(e)~~ (d), a person may not hunt
 16.7 or trap during the open season where deer may be taken by firearms under applicable laws
 16.8 and ordinances, unless the visible portion of the person's cap and outer clothing above the
 16.9 waist, excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze
 16.10 pink includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within
 16.11 each foot square. This section does not apply to migratory-waterfowl hunters on waters of
 16.12 this state or in a stationary shooting location or to trappers on waters of this state.

16.13 (b) Except as provided in rules adopted under paragraph ~~(e)~~ (d), and in addition to the
 16.14 requirement in paragraph (a), a person may not take small game other than turkey, migratory
 16.15 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one
 16.16 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph
 16.17 does not apply to a person when in a stationary location while hunting deer by archery or
 16.18 when hunting small game by falconry.

16.19 (c) A person in a fabric or synthetic ground blind on public land must have:

16.20 (1) a blaze orange or blaze pink safety covering on the top of the blind that is visible for
 16.21 360 degrees around the blind; or

16.22 (2) at least 144 square inches of blaze orange or blaze pink material on each side of the
 16.23 blind.

16.24 ~~(e)~~ (d) The commissioner may, by rule, prescribe an alternative color in cases where
 16.25 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
 16.26 Law 103-141.

16.27 ~~(d)~~ (e) A violation of paragraph (b) ~~shall~~ does not result in a penalty, but is punishable
 16.28 only by a safety warning.

16.29 Sec. 27. Minnesota Statutes 2022, section 97B.301, subdivision 2, is amended to read:

16.30 Subd. 2. **Limit of one deer.** A person may obtain one regular firearms season deer
 16.31 license, one muzzleloader season deer license, and one archery season deer license in the

17.1 same license year, but may not ~~tag~~ take more than one deer except as provided in subdivisions
17.2 3 and 4.

17.3 Sec. 28. Minnesota Statutes 2022, section 97B.301, subdivision 6, is amended to read:

17.4 Subd. 6. **Residents or nonresidents under age 18; taking either-sex deer.** A resident
17.5 or nonresident under the age of 18 may take a deer of either sex except in those antlerless
17.6 permit areas and seasons where no antlerless permits are offered. In antlerless permit areas
17.7 where no antlerless permits are offered, the commissioner may provide a limited number
17.8 of youth either sex permits to residents or nonresidents under age 18, under the procedures
17.9 provided in section 97B.305, and may give preference to residents or nonresidents under
17.10 the age of 18 that have not previously been selected. This subdivision does not authorize
17.11 the taking of ~~an antlerless~~ a deer by another member of a party under subdivision 3.

17.12 Sec. 29. Minnesota Statutes 2022, section 97B.318, subdivision 1, is amended to read:

17.13 Subdivision 1. **Shotgun use area.** During ~~the regular~~ any firearms season in the shotgun
17.14 use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading
17.15 long guns, and legal handguns may be used for taking deer. Legal shotguns include those
17.16 with rifled barrels. The shotgun use area is that portion of the state lying within the following
17.17 described boundary: Beginning on the west boundary of the state at the northern boundary
17.18 of Clay County; thence along the northern boundary of Clay County to State Trunk Highway
17.19 (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94
17.20 (I-94); thence along I-94 to County State-Aid Highway (CSAH) 40, Douglas County; thence
17.21 along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas
17.22 County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to
17.23 CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to
17.24 CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd
17.25 County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH
17.26 27; thence along STH 27 to the Mississippi River; thence along the east bank of the
17.27 Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to
17.28 U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence
17.29 along the east, south, and west boundaries of the state to the point of beginning.

18.1 Sec. 30. Minnesota Statutes 2022, section 97B.668, is amended to read:

18.2 **97B.668 ~~GAME BIRDS~~ ANIMALS CAUSING DAMAGE.**

18.3 Subdivision 1. Game birds causing damage. Notwithstanding sections 97B.091 and
 18.4 97B.805, subdivisions 1 and 2, a person or agent of that person on lands and nonpublic
 18.5 waters owned or operated by the person may nonlethally scare, haze, chase, or harass game
 18.6 birds that are causing property damage or to protect a disease risk at any time or place that
 18.7 a hunting season for the game birds is not open. This section does not apply to public waters
 18.8 as defined under section 103G.005, subdivision 15. This section does not apply to migratory
 18.9 waterfowl on nests and other federally protected game birds on nests, except ducks and
 18.10 geese on nests when a permit is obtained under section 97A.401.

18.11 Subd. 2. Deer and elk causing damage. (a) Notwithstanding section 97B.091, a property
 18.12 owner, the property owner's immediate family member, or an agent of the property owner
 18.13 may nonlethally scare, haze, chase, or harass deer or elk that are causing damage to
 18.14 agricultural crops that are propagated under generally accepted agricultural practices.

18.15 (b) Paragraph (a) applies only:

18.16 (1) in the immediate area of the crop damage; and

18.17 (2) during the closed season for taking deer or elk.

18.18 (c) Paragraph (a) does not allow:

18.19 (1) using poisons;

18.20 (2) using dogs;

18.21 (3) conduct that drives a deer or elk to the point of exhaustion;

18.22 (4) activities that require a permit under section 97A.401; or

18.23 (5) conduct that causes the death of or that is likely to cause the death of a deer or elk.

18.24 (d) A property owner or the owner's agent must report the death of a deer or elk to staff
 18.25 in the Division of Fish and Wildlife within 24 hours of the death if the death resulted from
 18.26 actions taken under paragraph (a).

18.27 Sec. 31. Minnesota Statutes 2022, section 97C.041, is amended to read:

18.28 **97C.041 COMMISSIONER MAY REMOVE ROUGH FISH AND ~~CATFISH.~~**

18.29 The commissioner may take rough fish, ~~lake whitefish,~~ and rainbow smelt with seines,
 18.30 nets, and other devices. ~~The commissioner may also take catfish with seines, nets, and other~~

19.1 ~~devices on the Minnesota-Wisconsin boundary waters.~~ The commissioner may hire or
 19.2 contract persons, or issue permits, to take the fish. The commissioner shall prescribe the
 19.3 manner of taking and disposal. The commissioner may award a contract under this section
 19.4 without competitive bidding. Before establishing the contractor's compensation, the
 19.5 commissioner must consider the qualifications of the contractor, including the contractor's
 19.6 equipment, knowledge of the waters, and ability to perform the work.

19.7 Sec. 32. Minnesota Statutes 2022, section 97C.315, subdivision 1, is amended to read:

19.8 Subdivision 1. **Lines.** An angler may not use more than one line, except that:

19.9 (1) two lines may be used to take fish through the ice; ~~and~~

19.10 (2) the commissioner may, by rule, authorize the use of two lines in areas designated by
 19.11 the commissioner in Lake Superior; and

19.12 (3) two lines may be used in the Minnesota River downstream of the Granite Falls Dam
 19.13 and in the Mississippi River downstream of St. Anthony Falls.

19.14 Sec. 33. Minnesota Statutes 2022, section 97C.345, subdivision 1, is amended to read:

19.15 Subdivision 1. **When use prohibited.** Except as specifically authorized, a person may
 19.16 not take fish with a spear from the third Monday in February to the Friday before the last
 19.17 Saturday in April and may not take fish with a fish trap, net, dip net, seine, or other device
 19.18 capable of taking fish from the third Monday in February ~~to~~ through April 30.

19.19 Sec. 34. [97C.348] FELT-SOLED WADERS.

19.20 Using felt-soled waders is prohibited in waters of the state. For purposes of this section
 19.21 "felt-soled waders" means boots or shoes that have water-absorbing material affixed to the
 19.22 soles or bottoms.

19.23 Sec. 35. Minnesota Statutes 2022, section 97C.371, subdivision 1, is amended to read:

19.24 Subdivision 1. **Species allowed.** Only rough fish, catfish, lake whitefish, cisco (tulibee),
 19.25 and northern pike may be taken by spearing.

19.26 Sec. 36. Minnesota Statutes 2022, section 97C.371, subdivision 2, is amended to read:

19.27 Subd. 2. **Dark houses required for certain species.** Catfish, lake whitefish, cisco
 19.28 (tulibee), and northern pike may be speared only from dark houses.

20.1 Sec. 37. Minnesota Statutes 2022, section 97C.371, subdivision 4, is amended to read:

20.2 Subd. 4. **Open season.** The open season for spearing through the ice is November 15
20.3 ~~to~~ through the last Sunday in February.

20.4 Sec. 38. Minnesota Statutes 2022, section 97C.395, subdivision 1, is amended to read:

20.5 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling
20.6 are as follows:

20.7 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth
20.8 bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend ~~to~~ through
20.9 the last Sunday in February;

20.10 (2) for lake trout, from January 1 ~~to~~ through October 31;

20.11 (3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
20.12 splake on all lakes located outside or partially within the Boundary Waters Canoe Area,
20.13 from January 15 ~~to~~ through March 31;

20.14 (4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
20.15 splake on all lakes located entirely within the Boundary Waters Canoe Area, from January
20.16 1 ~~to~~ through March 31;

20.17 (5) for brown trout, brook trout, rainbow trout, and splake, between January 1 ~~to~~ through
20.18 October 31 as prescribed by the commissioner by rule except as provided in section 97C.415,
20.19 subdivision 2; and

20.20 (6) for salmon, as prescribed by the commissioner by rule.

20.21 (b) The commissioner shall close the season in areas of the state where fish are spawning
20.22 and closing the season will protect the resource.

20.23 Sec. 39. Minnesota Statutes 2022, section 97C.601, subdivision 1, is amended to read:

20.24 Subdivision 1. **Season.** The open season for frogs is May 16 ~~to~~ through March 31. The
20.25 commissioner may, by rule, establish closed seasons in specified areas.

20.26 Sec. 40. Minnesota Statutes 2022, section 97C.836, is amended to read:

20.27 **97C.836 LAKE SUPERIOR LAKE TROUT; EXPANDED ASSESSMENT**
20.28 **HARVEST.**

20.29 The commissioner shall provide for taking of lake trout by licensed commercial operators
20.30 in Lake Superior management zones MN-3 and MN-2 for expanded assessment and sale.

21.1 The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake
 21.2 Superior management zone MN-3 beginning annually in 2007 and zone MN-2 beginning
 21.3 annually in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone
 21.4 MN-3 and 2,000 lake trout in zone MN-2 and may be reduced when necessary to protect
 21.5 the lake trout population or to manage the effects of invasive species or fish disease. Taking
 21.6 lake trout for expanded assessment and sale shall be allowed from June 1 ~~to~~ through
 21.7 September 30, but may end earlier in the respective zones if the quotas are reached. The
 21.8 quotas must be reassessed at the expiration of the current ten-year Fisheries Management
 21.9 Plan for the Minnesota Waters of Lake Superior.

21.10 Sec. 41. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
 21.11 to read:

21.12 Subd. 9c. **Ecosystem harm.** "Ecosystem harm" means to change the biological
 21.13 community and ecology in a manner that results in loss of ecological structure or function.

21.14 Sec. 42. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
 21.15 to read:

21.16 Subd. 13b. **Negative impact to surface waters.** "Negative impact to surface waters"
 21.17 means a change in hydrology sufficient to cause aquatic ecosystem harm or alter riparian
 21.18 uses long term.

21.19 Sec. 43. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
 21.20 to read:

21.21 Subd. 15i. **Sustainable diversion limit.** "Sustainable diversion limit" means a maximum
 21.22 amount of water that can be removed directly or indirectly from a surface water body in a
 21.23 defined geographic area on a monthly or annual basis without causing a negative impact to
 21.24 the surface water body.

21.25 Sec. 44. [103G.134] **ORDERS AND INVESTIGATIONS.**

21.26 (a) The commissioner has the following powers and duties when acting pursuant to the
 21.27 enforcement provisions of this chapter:

21.28 (1) to adopt, issue, reissue, modify, deny, revoke, enter into, or enforce reasonable orders,
 21.29 schedules of compliance, and stipulation agreements;

21.30 (2) to issue notices of violation;

22.1 (3) to require a person holding a permit issued under this chapter or otherwise impacting
 22.2 the public waters of the state without a permit issued under this chapter to:

22.3 (i) make reports;

22.4 (ii) install, use, and maintain monitoring equipment or methods;

22.5 (iii) perform tests according to methods, at locations, at intervals, and in a manner as
 22.6 the commissioner prescribes; and

22.7 (iv) provide other information as the commissioner may reasonably require; and

22.8 (4) to conduct investigations; issue notices, public and otherwise; and order hearings as
 22.9 the commissioner deems necessary or advisable to discharge duties under this chapter,
 22.10 including but not limited to issuing permits and authorizing an employee or agent appointed
 22.11 by the commissioner to conduct the investigations and other authorities cited in this section.

22.12 **Sec. 45. [103G.146] DUTY OF CANDOR.**

22.13 (a) A person must not knowingly:

22.14 (1) make a false statement of fact or fail to correct a false statement of material fact
 22.15 regarding any matter pertaining to this chapter;

22.16 (2) fail to disclose information that the person knows is necessary for the commissioner
 22.17 to make an informed decision under this chapter; or

22.18 (3) offer information that the person knows to be false.

22.19 (b) If a person has offered material information to the commissioner and the person
 22.20 comes to know the information is false, the person must take reasonable remedial measures
 22.21 to provide the accurate information.

22.22 **Sec. 46. Minnesota Statutes 2022, section 103G.287, subdivision 2, is amended to read:**

22.23 **Subd. 2. Relationship to surface water resources.** Groundwater appropriations ~~that~~
 22.24 ~~will have negative impacts to surface waters are subject to applicable provisions in section~~
 22.25 ~~103G.285~~ may be authorized only if they avoid known negative impacts to surface waters.
 22.26 If the commissioner determines that groundwater appropriations are having a negative
 22.27 impact to surface waters, the commissioner may use a sustainable diversion limit or other
 22.28 relevant method, tools, or information to implement measures so that groundwater
 22.29 appropriations do not negatively impact the surface waters.

23.1 Sec. 47. Minnesota Statutes 2022, section 103G.299, subdivision 1, is amended to read:

23.2 Subdivision 1. **Authority to issue administrative penalty orders.** (a) As provided in
 23.3 paragraph (b), the commissioner may issue an order requiring violations to be corrected
 23.4 and administratively assessing monetary penalties for violations of sections 103G.271 and
 23.5 103G.275, and any rules adopted under those sections.

23.6 (b) An order under this section may be issued to a person for water appropriation activities
 23.7 without a required permit or for violating the terms of a required permit.

23.8 (c) The order must be issued as provided in this section and in accordance with the plan
 23.9 prepared under subdivision 12.

23.10 Sec. 48. Minnesota Statutes 2022, section 103G.299, subdivision 2, is amended to read:

23.11 Subd. 2. **Amount of penalty; considerations.** (a) The commissioner may issue orders
 23.12 assessing administrative penalties ~~based on potential for harm and deviation from compliance.~~
 23.13 ~~For a violation that presents:~~ up to \$40,000.

23.14 ~~(1) a minor potential for harm and deviation from compliance, the penalty will be no~~
 23.15 ~~more than \$1,000;~~

23.16 ~~(2) a moderate potential for harm and deviation from compliance, the penalty will be~~
 23.17 ~~no more than \$10,000; and~~

23.18 ~~(3) a severe potential for harm and deviation from compliance, the penalty will be no~~
 23.19 ~~more than \$20,000.~~

23.20 (b) In determining the amount of a penalty the commissioner may consider:

23.21 (1) the gravity of the violation, including potential for, or real, damage to the public
 23.22 interest or natural resources of the state;

23.23 (2) the history of past violations;

23.24 (3) the number of violations;

23.25 (4) the economic benefit gained by the person by allowing or committing the violation
 23.26 based on data from local or state bureaus or educational institutions; and

23.27 (5) other factors as justice may require, if the commissioner specifically identifies the
 23.28 additional factors in the commissioner's order.

23.29 (c) For a violation after an initial violation, including a continuation of the initial violation,
 23.30 the commissioner must, in determining the amount of a penalty, consider the factors in
 23.31 paragraph (b) and the:

- 24.1 (1) similarity of the most recent previous violation and the violation to be penalized;
- 24.2 (2) time elapsed since the last violation;
- 24.3 (3) number of previous violations; and
- 24.4 (4) response of the person to the most recent previous violation identified.

24.5 Sec. 49. Minnesota Statutes 2022, section 103G.299, subdivision 5, is amended to read:

24.6 Subd. 5. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner determines
 24.7 that the violation has been corrected or appropriate steps have been taken to correct the
 24.8 action, the penalty must be forgiven. Unless the person requests review of the order under
 24.9 subdivision 6 or 7 before the penalty is due, the penalty in the order is due and payable:

24.10 (1) on the 31st day after the order was received, if the person subject to the order fails
 24.11 to provide information to the commissioner showing that the violation has been corrected
 24.12 or that appropriate steps have been taken toward correcting the violation; or

24.13 (2) on the 20th day after the person receives the commissioner's determination under
 24.14 subdivision 4, paragraph (c), if the person subject to the order has provided information to
 24.15 the commissioner that the commissioner determines is not sufficient to show that the violation
 24.16 has been corrected or that appropriate steps have been taken toward correcting the violation.

24.17 (b) For repeated or serious violations, the commissioner may issue an order with a penalty
 24.18 that is not forgiven after the corrective action is taken. The penalty is due ~~by~~ 31 days after
 24.19 the order ~~was~~ is received, unless review of the order under subdivision 6 or 7 ~~has been~~ is
 24.20 sought.

24.21 (c) Interest at the rate established in section 549.09 begins to accrue on penalties under
 24.22 this subdivision on the 31st day after the order with the penalty ~~was~~ is received.

24.23 Sec. 50. Minnesota Statutes 2022, section 103G.299, subdivision 10, is amended to read:

24.24 Subd. 10. **Cumulative remedy.** The authority of the commissioner to issue a corrective
 24.25 order assessing penalties is in addition to other remedies available under statutory or common
 24.26 law, ~~except that the state may not seek civil penalties under any other provision of law for~~
 24.27 ~~the violations covered by the administrative penalty order.~~ The payment of a penalty does
 24.28 not preclude the use of other enforcement provisions, ~~under which penalties are not assessed,~~
 24.29 in connection with the violation for which the penalty was assessed.

25.1 Sec. 51. [103G.2991] PENALTIES; ENFORCEMENT.

25.2 Subdivision 1. Civil penalties. (a) The commissioner, according to section 103G.134,
25.3 may issue a notice to a person who violates:

25.4 (1) this chapter;

25.5 (2) a permit issued under this chapter or a term or condition of a permit issued under
25.6 this chapter;

25.7 (3) a duty under this chapter to permit an inspection, entry, or monitoring activity or a
25.8 duty under this chapter to carry out an inspection or monitoring activity;

25.9 (4) a rule adopted under this chapter;

25.10 (5) a stipulation agreement, variance, or schedule of compliance entered into under this
25.11 chapter; or

25.12 (6) an order issued by the commissioner under this chapter.

25.13 (b) A person issued a notice forfeits and must pay to the state a penalty, in an amount
25.14 to be determined by the district court, of not more than \$10,000 per day of violation.

25.15 (c) In the discretion of the district court, a defendant under this section may be required
25.16 to:

25.17 (1) forfeit and pay to the state a sum that adequately compensates the state for the
25.18 reasonable value of restoration, monitoring, and other expenses directly resulting from the
25.19 unauthorized use of or damage to natural resources of the state; and

25.20 (2) forfeit and pay to the state an additional sum to constitute just compensation for any
25.21 damage, loss, or destruction of the state's natural resources and for other actual damages to
25.22 the state caused by an unauthorized use of natural resources of the state.

25.23 (d) As a defense to damages assessed under paragraph (c), a defendant may prove that
25.24 the violation was caused solely by:

25.25 (1) an act of God;

25.26 (2) an act of war;

25.27 (3) negligence on the part of the state;

25.28 (4) an act or failure to act that constitutes sabotage or vandalism; or

25.29 (5) any combination of clauses (1) to (5).

26.1 (e) The civil penalties and damages provided for in this subdivision may be recovered
26.2 by a civil action brought by the attorney general in the name of the state in Ramsey County
26.3 District Court. Civil penalties and damages provided for in this subdivision may be resolved
26.4 by the commissioner through a negotiated stipulation agreement according to the authority
26.5 granted to the commissioner in section 103G.134.

26.6 Subd. 2. **Enforcement.** This chapter and rules, standards, orders, stipulation agreements,
26.7 schedules of compliance, and permits adopted or issued by the commissioner under this
26.8 chapter or any other law for preventing, controlling, or abating damage to natural resources
26.9 may be enforced by one or more of the following:

26.10 (1) criminal prosecution;

26.11 (2) action to recover civil penalties;

26.12 (3) injunction;

26.13 (4) action to compel performance; or

26.14 (5) other appropriate action according to this chapter.

26.15 Subd. 3. **Injunctions.** A violation of this chapter or rules, standards, orders, stipulation
26.16 agreements, variances, schedules of compliance, and permits adopted or issued under this
26.17 chapter constitutes a public nuisance and may be enjoined as provided by law in an action,
26.18 in the name of the state, brought by the attorney general.

26.19 Subd. 4. **Actions to compel performance.** (a) In an action to compel performance of
26.20 an order issued by the commissioner for any purpose related to preventing, controlling, or
26.21 abating damage to natural resources under this chapter, the court may require a defendant
26.22 adjudged responsible to do and perform any and all acts set forth in the commissioner's
26.23 order and all things within the defendant's power that are reasonably necessary to accomplish
26.24 the purposes of the order.

26.25 (b) If a municipality or its governing or managing body or any of its officers is a
26.26 defendant, the court may require the municipality to exercise its powers, without regard to
26.27 any limitation of a requirement for an election or referendum imposed thereon by law and
26.28 without restricting the powers of the commissioner, to do any or all of the following, without
26.29 limiting the generality hereof:

26.30 (1) levy taxes or special assessments;

26.31 (2) prescribe service or use charges;

26.32 (3) borrow money;

- 27.1 (4) issue bonds;
- 27.2 (5) employ assistance;
- 27.3 (6) acquire real or personal property;
- 27.4 (7) let contracts;
- 27.5 (8) otherwise provide for doing work or constructing, installing, maintaining, or operating
- 27.6 facilities; and
- 27.7 (9) do all acts and things reasonably necessary to accomplish the purposes of the
- 27.8 commissioner's order.
- 27.9 (c) The court must grant a municipality under paragraph (b) the opportunity to determine
- 27.10 the appropriate financial alternatives to be used to comply with the court-imposed
- 27.11 requirements.
- 27.12 (d) An action brought under this subdivision must be venued in Ramsey County District
- 27.13 Court.

27.14 Sec. 52. Minnesota Statutes 2022, section 103G.301, subdivision 6, is amended to read:

27.15 Subd. 6. **Filing application.** An application for a permit must be filed with the

27.16 commissioner ~~and~~. If the proposed activity for which the permit is requested is within a

27.17 municipality, ~~or~~ is within or affects a watershed district or a soil and water conservation

27.18 district, or is within the boundaries of a reservation or Tribal community of a federally

27.19 recognized Indian Tribe in Minnesota, a copy of the application with maps, plans, and

27.20 specifications must be served on the mayor of the municipality, the secretary of the board

27.21 of managers of the watershed district, ~~and~~ the secretary of the board of supervisors of the

27.22 soil and water conservation district, or the Tribal chair of the federally recognized Indian

27.23 Tribe, as applicable. For purposes of this section, "federally recognized Indian Tribe" means

27.24 the Minnesota Tribal governments listed in section 10.65, subdivision 2.

27.25 Sec. 53. Minnesota Statutes 2022, section 103G.301, subdivision 7, is amended to read:

27.26 Subd. 7. **Recommendation of local units of government and federally recognized**

27.27 **Indian Tribes.** (a) If the proposed activity for which the permit is requested is within a

27.28 municipality, or is within or affects a watershed district or a soil and water conservation

27.29 district, the commissioner may obtain a written recommendation of the managers of the

27.30 district and the board of supervisors of the soil and water conservation district or the mayor

27.31 of the municipality before issuing or denying the permit.

28.1 (b) The managers, supervisors, or mayor must file a recommendation within 30 days
28.2 after receiving of a copy of the application for permit.

28.3 (c) If the proposed activity for which the permit is requested is within the boundaries of
28.4 a reservation or Tribal community of a federally recognized Indian Tribe in Minnesota, the
28.5 federally recognized Indian Tribe may:

28.6 (1) submit recommendations to the commissioner within 30 days of receiving the
28.7 application; or

28.8 (2) request Tribal consultation according to section 10.65 within 30 days of receiving
28.9 the application.

28.10 (d) If Tribal consultation is requested under paragraph (c), clause (2), a permit application
28.11 is not complete until after the consultation occurs or 90 days after the request for consultation
28.12 is made, whichever is sooner.

28.13 Sec. 54. Minnesota Statutes 2022, section 115.061, is amended to read:

28.14 **115.061 DUTY TO NOTIFY; AVOIDING WATER POLLUTION.**

28.15 (a) Except as provided in paragraph (b), it is the duty of every person to notify the agency
28.16 immediately of the discharge, accidental or otherwise, of any substance or material under
28.17 its control which, if not recovered, may cause pollution of waters of the state, and the
28.18 responsible person shall recover as rapidly and as thoroughly as possible such substance or
28.19 material and take immediately such other action as may be reasonably possible to minimize
28.20 or abate pollution of waters of the state caused thereby.

28.21 (b) Notification is not required under paragraph (a) for a discharge of five gallons or
28.22 less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not
28.23 affect the other requirements of paragraph (a).

28.24 (c) Promptly after notifying the agency of a discharge under paragraph (a), a publicly
28.25 owned treatment works or a publicly or privately owned domestic sewer system owner must
28.26 provide notice to the potentially impacted public and to any downstream drinking water
28.27 facility that may be impacted by the discharge. Notice to the public and to any drinking
28.28 water facility must be made using the most efficient communications system available to
28.29 the facility owner such as in person, telephone call, radio, social media, web page, or another
28.30 expedited form. In addition, signage must be posted at all impacted public use areas within
28.31 the same jurisdiction or notification must be provided to the entity that has jurisdiction over
28.32 any impacted public use areas. A notice under this paragraph must include the date and time

29.1 of the discharge, a description of the material released, a warning of the potential public
 29.2 health risk, and the permittee's contact information.

29.3 (d) The agency must provide guidance that includes but is not limited to methods and
 29.4 protocols for providing timely notice under this section.

29.5 **Sec. 55. WATER USE PERMITS; CITY OF LAKE ELMO.**

29.6 (a) Notwithstanding any other provision of law, the commissioner of natural resources
 29.7 may:

29.8 (1) issue permits necessary for the city of Lake Elmo to construct and operate a new
 29.9 municipal water supply well; and

29.10 (2) amend existing water use permits issued to the city of Lake Elmo to increase the
 29.11 authorized volume of water that may be appropriated under the permits to a level consistent
 29.12 with the amount anticipated to be needed each year according to a water supply plan approved
 29.13 by the commissioner under Minnesota Statutes, section 103G.291.

29.14 (b) This section expires June 30, 2027.

29.15 **Sec. 56. WHITE BEAR LAKE AREA WATER-USE PERMIT MODIFICATION**
 29.16 **MORATORIUM.**

29.17 (a) Except as provided under paragraph (b), the commissioner of natural resources may
 29.18 not reduce the total maximum amount of groundwater use permitted under a White Bear
 29.19 Lake area water-use permit issued or amended before January 1, 2023.

29.20 (b) Notwithstanding paragraph (a), the commissioner of natural resources may reduce
 29.21 the authorized amount of groundwater use permitted or impose additional restrictions or
 29.22 conditions if necessary to address emergency preparedness or other public health and safety
 29.23 issues as determined by the commissioner.

29.24 (c) For the purposes of this section, "White Bear Lake area water-use permit" means a
 29.25 water-use permit authorizing the use of groundwater from one or more wells located wholly
 29.26 or partially within a five-mile radius of White Bear Lake.

29.27 (d) This section expires June 30, 2027.

29.28 **Sec. 57. REGISTRATION DECAL FORMAT TRANSITION.**

29.29 Separately displaying registration numbers is not required when a larger-format
 29.30 registration decal as provided under Minnesota Statutes, section 84.82, subdivision 2, is

30.1 displayed according to Minnesota Statutes, section 84.82, subdivision 3b. Snowmobiles
 30.2 displaying valid but older, smaller-format registration decals must display the separate
 30.3 registration numbers. Persons may obtain duplicate registration decals in the new, larger
 30.4 format, when available, without being required to display the separate registration numbers.

30.5 Sec. 58. **REVISOR INSTRUCTION.**

30.6 The revisor of statutes must renumber the subdivisions of Minnesota Statutes, section
 30.7 103G.005, listed in column A to the references listed in column B. The revisor must make
 30.8 necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent
 30.9 with the renumbering:

| | <u>Column A</u> | <u>Column B</u> |
|-------|------------------------|------------------------|
| 30.10 | | |
| 30.11 | <u>subdivision 9b</u> | <u>subdivision 9d</u> |
| 30.12 | <u>subdivision 13a</u> | <u>subdivision 13c</u> |
| 30.13 | <u>subdivision 15h</u> | <u>subdivision 15j</u> |

30.14 Sec. 59. **REPEALER.**

30.15 (a) Minnesota Statutes 2022, section 97C.055, is repealed.

30.16 (b) Minnesota Rules, parts 6100.5000, subparts 3, 4, and 5; and 6100.5700, subpart 4,
 30.17 are repealed.

APPENDIX
Repealed Minnesota Statutes: S2904-1

97C.055 REMOVING DEAD FISH.

The commissioner shall remove and dispose of dead fish that accumulate in or upon the shores of public waters in quantities that are a public nuisance or are detrimental to game fish.

6100.5000 SNOWMOBILE REGISTRATION AND DISPLAY OF NUMBERS.

Subp. 3. **Affixation of number.** The registration number of the snowmobile, shown on the registration certificate, shall be affixed to the snowmobile and maintained in a clear, legible manner. On all machines made after June 30, 1972, and sold in Minnesota, such registration number shall be affixed in the space provided therefor in accordance with part 6100.5700, subpart 4. On all other machines it shall be affixed on each side of the cowling on the upper half of the machine, as follows.

[Image Not Shown]

Subp. 4. **Description of decal or number; lost or destroyed number or decal.** All letters and numbers shall be of a color which will contrast with the surface to which applied, and shall be at least three inches high and three-eighths inch stroke. When any previously affixed registration number or decal is destroyed or lost, a duplicate shall be affixed in the manner shown above. The registration number shall remain the same if renewed by July 1 following the expiration date.

Subp. 5. **General prohibition.** No person shall operate or transport, and no person shall permit the operation of, a snowmobile within this state which does not have its registration number and unexpired decal affixed in the form and manner required by this part, unless the owner is exempted from the registration requirements of this state by Minnesota Statutes, section 84.82.

6100.5700 REQUIRED EQUIPMENT.

Subp. 4. **Snowmobile registration number affixation.** All snowmobiles made after June 30, 1972, and sold in Minnesota, shall be designed and made to provide an area on which to affix the snowmobile registration number at the following location and of the following dimensions:

A. A clear area shall be provided on each side of the cowling or pan with the minimum size of 3-1/2 inches vertical by 11 inches horizontal.

B. It shall be a minimum of 12 inches from the ground when the machine is resting on a hard surface.