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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 888

02/06/2017 Authored by Fabian and Heintzeman
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
03/27/2017 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
03/28/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
03/30/2017 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
04/18/2017 Returned to the House as Amended by the Senate
Refused to concur and a Conference Committee was appointed
05/09/2017 Read Third Time as Amended by Conference and repassed by the House
Read Third Time as Amended by Conference and repassed by the Senate

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment, natural

1.3 resources, and tourism purposes; modifying fees; providing for disposition of

1.4 certain receipts; modifying grant, contract, and lease provisions; modifying state

1.5 park permit requirements; modifying water safety provisions; modifying provisions

1.6 to take, possess, and transport wildlife; modifying duties and authority; modifying

1.7 Minnesota Naturalist Corps provisions; modifying prescribed burn provisions;

1.8 modifying timber sales provisions; providing for certain contested case hearings,

1.9 appeals, and reviews; modifying landfill cleanup program; modifying tax-forfeited

1.10 land provisions; providing for consumer choice in merchant bags; modifying buffer

1.11 requirements; providing for riparian protection aid; modifying the Water Law;

1.12 modifying invasive species provisions; modifying off-highway vehicle provisions;

1.13 modifying permit and license requirements; modifying Petroleum Tank Release

1.14 Cleanup Act; extending ban on open air swine basins; modifying environmental

1.15 review; modifying Environmental Quality Board; requiring reports; requiring

1.16 rulemaking; amending Minnesota Statutes 2016, sections 84.01, by adding a

1.17 subdivision; 84.027, subdivisions 14a, 14b, by adding subdivisions; 84.788,

1.18 subdivision 2; 84.793, subdivision 1; 84.8031; 84.82, subdivision 2; 84.925,

1.19 subdivision 1; 84.9256, subdivisions 1, 2; 84.946, subdivision 2, by adding a

1.20 subdivision; 84.992, subdivisions 3, 4, 5, 6; 84D.03, subdivisions 3, 4; 84D.04,

1.21 subdivision 1; 84D.05, subdivision 1; 84D.108, subdivision 2a, by adding

1.22 subdivisions; 84D.11, by adding a subdivision; 85.052, subdivision 1; 85.053,

1.23 subdivisions 8, 10; 85.054, by adding a subdivision; 85.055, subdivision 1; 85.22,

1.24 subdivision 2a; 85.32, subdivision 1; 86B.301, subdivision 2; 86B.313, subdivision

1.25 1; 86B.701, subdivision 3; 88.01, subdivision 28; 88.523; 89.39; 90.01, subdivisions

1.26 8, 12, by adding a subdivision; 90.041, subdivision 2; 90.051; 90.101, subdivision

1.27 2; 90.14; 90.145, subdivision 2; 90.151, subdivision 1; 90.162; 90.252; 93.25,

1.28 subdivision 2; 93.47, subdivision 4; 93.481, subdivision 2; 93.50; 94.343,

1.29 subdivision 9; 94.344, subdivision 9; 97A.015, subdivisions 39, 43, 45, 52, 53, by

1.30 adding a subdivision; 97A.045, subdivision 10; 97A.055, subdivision 2; 97A.075,

1.31 subdivision 1; 97A.137, subdivision 5; 97A.201, subdivision 2, by adding a

1.32 subdivision; 97A.225, subdivision 8; 97A.301, subdivision 1; 97A.338; 97A.420,

1.33 subdivision 1; 97A.421, subdivision 2a; 97A.441, subdivision 1; 97B.031,

1.34 subdivision 6; 97B.071; 97B.405; 97B.431; 97B.516; 97B.655, subdivision 1;

1.35 97C.315, subdivision 1; 97C.355, subdivision 2a; 97C.401, subdivision 2; 97C.501,

1.36 subdivision 1; 97C.515, subdivision 2; 97C.701, by adding a subdivision; 103B.101,

1.37 subdivision 12a; 103F.411, subdivision 1; 103F.48, subdivisions 1, 3, 7; 103G.005,

1.38 subdivisions 10b, 10h, by adding a subdivision; 103G.222, subdivisions 1, 3;

1.39 103G.223; 103G.2242, subdivisions 1, 2; 103G.2372, subdivision 1; 103G.271,

subdivisions 1, 6, 6a, 7, by adding a subdivision; 103G.287, subdivisions 1, 4; 103G.411; 114D.25, by adding a subdivision; 115B.39, subdivision 2; 115B.40, subdivision 4; 115C.021, subdivision 1, by adding a subdivision; 116.03, subdivision 2b, by adding subdivisions; 116.07, subdivision 4d, by adding subdivisions; 116.0714; 116C.03, subdivision 2; 116C.04, subdivision 2; 116D.04, subdivisions 2a, 10; 116D.045, subdivision 1; 160.06; 168.1295, subdivision 1; 282.018, subdivision 1; 282.04, subdivision 1; 296A.18, subdivision 6a; Laws 2000, chapter 486, section 4, as amended; Laws 2013, chapter 114, article 4, section 105; Laws 2015, First Special Session chapter 4, article 4, section 136; Laws 2016, chapter 189, article 3, sections 6; 26; 46; proposing coding for new law in Minnesota Statutes, chapters 85; 93; 97B; 115; 115B; 116; 471; 477A; repealing Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5; 97C.701, subdivisions 1a, 6; 97C.705; 97C.711; 116C.04, subdivisions 3, 4; Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500; 6258.0600; 6258.0700, subparts 1, 4, 5; 6258.0800; 6258.0900.

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

ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS

Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2018" and "2019" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are effective the day following final enactment.

APPROPRIATIONS

Available for the Year

Ending June 30

2018

2019

Sec. 2. POLLUTION CONTROL AGENCY

Subdivision 1. <u>Total Appropriation</u>	\$	<u>96,036,000</u>	\$	<u>91,666,000</u>
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Appropriations by Fund

	<u>2018</u>	<u>2019</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>80,527,000</u>	<u>80,157,000</u>
<u>Remediation</u>	<u>11,434,000</u>	<u>11,434,000</u>

3.1 Closed Landfill
 3.2 Investment 4,000,000 -0-

3.3 The amounts that may be spent for each
 3.4 purpose are specified in the following
 3.5 subdivisions.

3.6 The commissioner must present the agency's
 3.7 biennial budget for fiscal years 2020 and 2021
 3.8 to the legislature in a transparent way by
 3.9 agency division, including the proposed
 3.10 budget bill and presentations of the budget to
 3.11 committees and divisions with jurisdiction
 3.12 over the agency's budget.

3.13 **Subd. 2. Environmental Analysis and Outcomes** 12,547,000 12,497,000

3.14 Appropriations by Fund
 3.15 2018 2019
 3.16 Environmental 12,366,000 12,316,000
 3.17 Remediation 181,000 181,000

3.18 (a) \$88,000 the first year and \$88,000 the
 3.19 second year are from the environmental fund
 3.20 for:

3.21 (1) a municipal liaison to assist municipalities
 3.22 in implementing and participating in the
 3.23 water-quality standards rulemaking process
 3.24 and navigating the NPDES/SDS permitting
 3.25 process;

3.26 (2) enhanced economic analysis in the
 3.27 water-quality standards rulemaking process,
 3.28 including more-specific analysis and
 3.29 identification of cost-effective permitting;

3.30 (3) developing statewide economic analyses
 3.31 and templates to reduce the amount of
 3.32 information and time required for
 3.33 municipalities to apply for variances from
 3.34 water-quality standards; and

4.1 (4) coordinating with the Public Facilities
4.2 Authority to identify and advocate for the
4.3 resources needed for municipalities to achieve
4.4 permit requirements.

4.5 (b) \$204,000 the first year and \$204,000 the
4.6 second year are from the environmental fund
4.7 for a monitoring program under Minnesota
4.8 Statutes, section 116.454.

4.9 (c) \$346,000 the first year and \$346,000 the
4.10 second year are from the environmental fund
4.11 for monitoring ambient air for hazardous
4.12 pollutants.

4.13 (d) \$90,000 the first year and \$90,000 the
4.14 second year are from the environmental fund
4.15 for duties related to harmful chemicals in
4.16 children's products under Minnesota Statutes,
4.17 sections 116.9401 to 116.9407. Of this
4.18 amount, \$57,000 each year is transferred to
4.19 the commissioner of health.

4.20 (e) \$109,000 the first year and \$109,000 the
4.21 second year are from the environmental fund
4.22 for registration of wastewater laboratories.

4.23 (f) \$913,000 the first year and \$913,000 the
4.24 second year are from the environmental fund
4.25 to continue perfluorochemical biomonitoring
4.26 in eastern-metropolitan communities, as
4.27 recommended by the Environmental Health
4.28 Tracking and Biomonitoring Advisory Panel,
4.29 and address other environmental health risks,
4.30 including air quality. The communities must
4.31 include Hmong and other immigrant farming
4.32 communities. Of this amount, up to \$677,000
4.33 the first year and \$677,000 the second year
4.34 are for transfer to the Department of Health.

5.1 (g) \$100,000 the first year and \$50,000 the
5.2 second year are from the environmental fund
5.3 for impaired waters listing procedures required
5.4 under this act.

5.5 Subd. 3. **Industrial** 13,509,000 13,508,000

5.6 Appropriations by Fund

5.7 2018 2019

5.8 Environmental 12,979,000 12,978,000

5.9 Remediation 530,000 530,000

5.10 \$530,000 the first year and \$530,000 the
5.11 second year are from the remediation fund for
5.12 the leaking underground storage tank program
5.13 to investigate, clean up, and prevent future
5.14 releases from underground petroleum storage
5.15 tanks and to the petroleum remediation
5.16 program for vapor assessment and
5.17 remediation. These same annual amounts are
5.18 transferred from the petroleum tank fund to
5.19 the remediation fund.

5.20 Subd. 4. **Municipal** 6,625,000 6,624,000

5.21 (a) \$162,000 the first year and \$162,000 the
5.22 second year are from the environmental fund
5.23 for:

5.24 (1) a municipal liaison to assist municipalities
5.25 in implementing and participating in the
5.26 water-quality standards rulemaking process
5.27 and navigating the NPDES/SDS permitting
5.28 process;

5.29 (2) enhanced economic analysis in the
5.30 water-quality standards rulemaking process,
5.31 including more specific analysis and
5.32 identification of cost-effective permitting;

5.33 (3) development of statewide economic
5.34 analyses and templates to reduce the amount

6.1 of information and time required for
6.2 municipalities to apply for variances from
6.3 water quality standards; and
6.4 (4) coordinating with the Public Facilities
6.5 Authority to identify and advocate for the
6.6 resources needed for municipalities to achieve
6.7 permit requirements.

6.8 (b) \$50,000 the first year and \$50,000 the
6.9 second year are from the environmental fund
6.10 for transfer to the Office of Administrative
6.11 Hearings to establish sanitary districts.

6.12 (c) \$615,000 the first year and \$614,000 the
6.13 second year are from the environmental fund
6.14 for subsurface sewage treatment system
6.15 (SSTS) program administration and
6.16 community technical assistance and education,
6.17 including grants and technical assistance to
6.18 communities for water-quality protection. Of
6.19 this amount, \$129,000 each year is for
6.20 assistance to counties through grants for SSTS
6.21 program administration. A county receiving
6.22 a grant from this appropriation must submit
6.23 the results achieved with the grant to the
6.24 commissioner as part of its annual SSTS
6.25 report. Any unexpended balance in the first
6.26 year does not cancel but is available in the
6.27 second year.

6.28 (d) \$639,000 the first year and \$640,000 the
6.29 second year are from the environmental fund
6.30 to address the need for continued increased
6.31 activity in the areas of new technology review,
6.32 technical assistance for local governments,
6.33 and enforcement under Minnesota Statutes,
6.34 sections 115.55 to 115.58, and to complete the

7.1 requirements of Laws 2003, chapter 128,
 7.2 article 1, section 165.

7.3 (e) Notwithstanding Minnesota Statutes,
 7.4 section 16A.28, the appropriations
 7.5 encumbered on or before June 30, 2019, as
 7.6 grants or contracts for subsurface sewage
 7.7 treatment systems, surface water and
 7.8 groundwater assessments, storm water, and
 7.9 water-quality protection in this subdivision
 7.10 are available until June 30, 2022.

7.11 Subd. 5. **Operations** 5,339,000 5,040,000

7.12	<u>Appropriations by Fund</u>		
7.13		<u>2018</u>	<u>2019</u>
7.14	<u>Environmental</u>	<u>4,575,000</u>	<u>4,275,000</u>
7.15	<u>Remediation</u>	<u>764,000</u>	<u>765,000</u>

7.16 (a) \$174,000 the first year and \$174,000 the
 7.17 second year are from the remediation fund for
 7.18 purposes of the leaking underground storage
 7.19 tank program to investigate, clean up, and
 7.20 prevent future releases from underground
 7.21 petroleum storage tanks, and to the petroleum
 7.22 remediation program for vapor assessment
 7.23 and remediation. These same annual amounts
 7.24 are transferred from the petroleum tank fund
 7.25 to the remediation fund.

7.26 (b) \$400,000 the first year and \$400,000 the
 7.27 second year are from the environmental fund
 7.28 to develop and maintain systems to support
 7.29 permitting and regulatory business processes
 7.30 and agency data.

7.31 (c) \$300,000 the first year is from the
 7.32 environmental fund for a grant to the
 7.33 Metropolitan Council under Minnesota
 7.34 Statutes, section 116.195, for wastewater
 7.35 infrastructure to support waste to biofuel

8.1 development. This is a onetime appropriation
 8.2 and is available until June 30, 2019.

8.3 Subd. 6. **Remediation** 14,645,000 10,644,000

8.4 Appropriations by Fund

8.5		<u>2018</u>	<u>2019</u>
8.6	<u>Environmental</u>	<u>904,000</u>	<u>904,000</u>
8.7	<u>Remediation</u>	<u>9,741,000</u>	<u>9,740,000</u>
8.8	<u>Closed Landfill</u>		
8.9	<u>Investment</u>	<u>4,000,000</u>	<u>-0-</u>

8.10 (a) All money for environmental response,
 8.11 compensation, and compliance in the
 8.12 remediation fund not otherwise appropriated
 8.13 is appropriated to the commissioners of the
 8.14 Pollution Control Agency and agriculture for
 8.15 purposes of Minnesota Statutes, section
 8.16 115B.20, subdivision 2, clauses (1), (2), (3),
 8.17 (6), and (7). At the beginning of each fiscal
 8.18 year, the two commissioners shall jointly
 8.19 submit an annual spending plan to the
 8.20 commissioner of management and budget that
 8.21 maximizes the use of resources and
 8.22 appropriately allocates the money between the
 8.23 two departments. This appropriation is
 8.24 available until June 30, 2019.

8.25 (b) \$432,000 the first year and \$432,000 the
 8.26 second year are from the environmental fund
 8.27 to manage contaminated sediment projects at
 8.28 multiple sites identified in the St. Louis River
 8.29 remedial action plan to restore water quality
 8.30 in the St. Louis River area of concern. The
 8.31 base budget for fiscal year 2020 is \$432,000
 8.32 and for fiscal year 2021 is \$0.

8.33 (c) \$3,521,000 the first year and \$3,520,000
 8.34 the second year are from the remediation fund
 8.35 for purposes of the leaking underground

9.1 storage tank program to investigate, clean up,
 9.2 and prevent future releases from underground
 9.3 petroleum storage tanks, and to the petroleum
 9.4 remediation program for purposes of vapor
 9.5 assessment and remediation. These same
 9.6 annual amounts are transferred from the
 9.7 petroleum tank fund to the remediation fund.

9.8 (d) \$252,000 the first year and \$252,000 the
 9.9 second year are from the remediation fund for
 9.10 transfer to the commissioner of health for
 9.11 private water-supply monitoring and health
 9.12 assessment costs in areas contaminated by
 9.13 unpermitted mixed municipal solid waste
 9.14 disposal facilities and drinking water
 9.15 advisories and public information activities
 9.16 for areas contaminated by hazardous releases.

9.17 (e) Notwithstanding Minnesota Statutes,
 9.18 section 115B.421, \$4,000,000 the first year is
 9.19 from the closed landfill investment fund for
 9.20 remedial investigations, feasibility studies,
 9.21 engineering, and cleanup-related activities for
 9.22 purposes of environmental response actions
 9.23 at a priority qualified facility under Minnesota
 9.24 Statutes, section 115B.406. By January 15,
 9.25 2018, the commissioner must submit a status
 9.26 report to the chairs and ranking minority
 9.27 members of the house of representatives and
 9.28 senate committees and divisions with
 9.29 jurisdiction over the environment and natural
 9.30 resources. This is a onetime appropriation and
 9.31 is available until June 30, 2019.

9.32 **Subd. 7. Resource Management and Assistance** **33,137,000** **33,119,000**

9.33 Appropriations by Fund

9.34		<u>2018</u>	<u>2019</u>
9.35	<u>State Government</u>		
9.36	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>

- 10.1 Environmental 33,062,000 33,044,000
- 10.2 (a) Up to \$150,000 the first year and \$150,000
- 10.3 the second year may be transferred from the
- 10.4 environmental fund to the small business
- 10.5 environmental improvement loan account
- 10.6 established in Minnesota Statutes, section
- 10.7 116.993.
- 10.8 (b) \$500,000 the first year and \$500,000 the
- 10.9 second year are from the environmental fund
- 10.10 for competitive recycling grants under
- 10.11 Minnesota Statutes, section 115A.565. This
- 10.12 appropriation is available until June 30, 2021.
- 10.13 Any unencumbered grant and loan balances
- 10.14 in the first year do not cancel but are available
- 10.15 for grants and loans in the second year.
- 10.16 (c) \$693,000 the first year and \$693,000 the
- 10.17 second year are from the environmental fund
- 10.18 for emission reduction activities and grants to
- 10.19 small businesses and other nonpoint emission
- 10.20 reduction efforts. Any unencumbered grant
- 10.21 and loan balances in the first year do not
- 10.22 cancel but are available for grants and loans
- 10.23 in the second year.
- 10.24 (d) \$19,750,000 the first year and \$19,750,000
- 10.25 the second year are from the environmental
- 10.26 fund for SCORE block grants to counties.
- 10.27 (e) \$119,000 the first year and \$119,000 the
- 10.28 second year are from the environmental fund
- 10.29 for environmental assistance grants or loans
- 10.30 under Minnesota Statutes, section 115A.0716.
- 10.31 Any unencumbered grant and loan balances
- 10.32 in the first year do not cancel but are available
- 10.33 for grants and loans in the second year.

- 11.1 (f) \$68,000 the first year and \$69,000 the
11.2 second year are from the environmental fund
11.3 for subsurface sewage treatment system
11.4 (SSTS) program administration and
11.5 community technical assistance and education,
11.6 including grants and technical assistance to
11.7 communities for water-quality protection.
- 11.8 (g) \$125,000 the first year and \$126,000 the
11.9 second year are from the environmental fund
11.10 to address the need for continued increased
11.11 activity in the areas of new technology review,
11.12 technical assistance for local governments,
11.13 and enforcement under Minnesota Statutes,
11.14 sections 115.55 to 115.58, and to complete the
11.15 requirements of Laws 2003, chapter 128,
11.16 article 1, section 165.
- 11.17 (h) All money deposited in the environmental
11.18 fund for the metropolitan solid waste landfill
11.19 fee in accordance with Minnesota Statutes,
11.20 section 473.843, and not otherwise
11.21 appropriated, is appropriated for the purposes
11.22 of Minnesota Statutes, section 473.844.
- 11.23 (i) Notwithstanding Minnesota Statutes,
11.24 section 16A.28, the appropriations
11.25 encumbered on or before June 30, 2019, as
11.26 contracts or grants for environmental
11.27 assistance awarded under Minnesota Statutes,
11.28 section 115A.0716; technical and research
11.29 assistance under Minnesota Statutes, section
11.30 115A.152; technical assistance under
11.31 Minnesota Statutes, section 115A.52; and
11.32 pollution prevention assistance under
11.33 Minnesota Statutes, section 115D.04, are
11.34 available until June 30, 2021.

12.1 (j) \$20,000 the first year is from the
12.2 environmental fund for four grants to local
12.3 units of government to assist with plastic bag
12.4 recycling efforts. Two of the grants must be
12.5 for local units of government in urban areas
12.6 and two of the grants to local units of
12.7 government in rural areas of the state. By
12.8 January 15, 2018, grantees shall report to the
12.9 commissioner on the activities and results of
12.10 their efforts to increase plastic bag recycling.
12.11 This is a onetime appropriation.

12.12 Subd. 8. Watershed 9,220,000 9,220,000

12.13 Appropriations by Fund

12.14	<u>2018</u>	<u>2019</u>
12.15 <u>Environmental</u>	<u>9,002,000</u>	<u>9,002,000</u>
12.16 <u>Remediation</u>	<u>218,000</u>	<u>218,000</u>

12.17 (a) \$1,959,000 the first year and \$1,959,000
12.18 the second year are from the environmental
12.19 fund for grants to delegated counties to
12.20 administer the county feedlot program under
12.21 Minnesota Statutes, section 116.0711,
12.22 subdivisions 2 and 3. Money remaining after
12.23 the first year is available for the second year.

12.24 (b) \$207,000 the first year and \$207,000 the
12.25 second year are from the environmental fund
12.26 for the costs of implementing general
12.27 operating permits for feedlots over 1,000
12.28 animal units.

12.29 (c) \$118,000 the first year and \$118,000 the
12.30 second year are from the remediation fund for
12.31 purposes of the leaking underground storage
12.32 tank program to investigate, clean up, and
12.33 prevent future releases from underground
12.34 petroleum storage tanks, and to the petroleum
12.35 remediation program for vapor assessment

13.1 and remediation. These same annual amounts
 13.2 are transferred from the petroleum tank fund
 13.3 to the remediation fund.

13.4 **Subd. 9. Environmental Quality Board** 1,014,000 1,014,000

13.5 (a) \$511,000 the first year and \$511,000 the
 13.6 second year are from the environmental fund
 13.7 for Environmental Quality Board operations
 13.8 and support.

13.9 (b) \$503,000 the first year and \$503,000 the
 13.10 second year are from the environmental fund
 13.11 for the Environmental Quality Board to lead
 13.12 an interagency team to provide technical
 13.13 assistance regarding the mining, processing,
 13.14 and transporting of silica sand. Of this amount,
 13.15 up to \$75,000 each year may be transferred to
 13.16 the commissioner of natural resources to
 13.17 review the implementation of the rules adopted
 13.18 by the commissioner pursuant to Laws 2013,
 13.19 chapter 114, article 4, section 105, paragraph
 13.20 (b), pertaining to the reclamation of silica sand
 13.21 mines, to ensure that local government
 13.22 reclamation programs are implemented in a
 13.23 manner consistent with the rules.

13.24 **Subd. 10. Transfers**

13.25 (a) The commissioner shall transfer up to
 13.26 \$34,000,000 from the environmental fund to
 13.27 the remediation fund for the purposes of the
 13.28 remediation fund under Minnesota Statutes,
 13.29 section 116.155, subdivision 2.

13.30 (b) The commissioner shall transfer
 13.31 \$2,800,000 in fiscal year 2018 and \$2,500,000
 13.32 in fiscal year 2019 and each year thereafter
 13.33 from the environmental fund in Minnesota
 13.34 Statutes, section 16A.531, to the commissioner

14.1 of management and budget for deposit in the
14.2 general fund.

14.3 Sec. 3. NATURAL RESOURCES

14.4	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 273,360,000</u>	<u>\$ 270,668,000</u>
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14.5 Appropriations by Fund

14.6		<u>2018</u>	<u>2019</u>
14.7	<u>General</u>	<u>79,515,000</u>	<u>77,173,000</u>
14.8	<u>Natural Resources</u>	<u>95,253,000</u>	<u>94,953,000</u>
14.9	<u>Game and Fish</u>	<u>98,292,000</u>	<u>98,242,000</u>
14.10	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
14.11	Permanent School	200,000	200,000

14.12 The amounts that may be spent for each
14.13 purpose are specified in the following
14.14 subdivisions.

14.15	<u>Subd. 2. Land and Mineral Resources</u>		
14.16	Management	5,646,000	5,646,000

14.17 Appropriations by Fund

14.18		<u>2018</u>	<u>2019</u>
14.19	<u>General</u>	<u>1,710,000</u>	<u>1,710,000</u>
14.20	<u>Natural Resources</u>	<u>3,392,000</u>	<u>3,392,000</u>
14.21	<u>Game and Fish</u>	<u>344,000</u>	<u>344,000</u>
14.22	Permanent School	200,000	200,000

14.23 (a) \$319,000 the first year and \$319,000 the
14.24 second year are for environmental research
14.25 relating to mine permitting, of which \$200,000
14.26 each year is from the minerals management
14.27 account and \$119,000 each year is from the
14.28 general fund.

14.29 (b) \$2,815,000 the first year and \$2,815,000
14.30 the second year are from the minerals
14.31 management account in the natural resources
14.32 fund for use as provided in Minnesota Statutes,
14.33 section 93.2236, paragraph (c), for mineral
14.34 resource management, projects to enhance

15.1 future mineral income, and projects to promote
 15.2 new mineral resource opportunities.

15.3 (c) \$200,000 the first year and \$200,000 the
 15.4 second year are from the state forest suspense
 15.5 account in the permanent school fund to secure
 15.6 maximum long-term economic return from
 15.7 the school trust lands consistent with fiduciary
 15.8 responsibilities and sound natural resources
 15.9 conservation and management principles.

15.10 (d) \$125,000 the first year and \$125,000 the
 15.11 second year are for conservation easement
 15.12 stewardship.

15.13 **Subd. 3. Ecological and Water Resources** 32,930,000 32,763,000

15.14 Appropriations by Fund

15.15		<u>2018</u>	<u>2019</u>
15.16	<u>General</u>	<u>17,213,000</u>	<u>17,046,000</u>
15.17	<u>Natural Resources</u>	<u>10,826,000</u>	<u>10,826,000</u>
15.18	<u>Game and Fish</u>	<u>4,891,000</u>	<u>4,891,000</u>

15.19 (a) \$3,242,000 the first year and \$3,242,000
 15.20 the second year are from the invasive species
 15.21 account in the natural resources fund and
 15.22 \$3,206,000 the first year and \$3,206,000 the
 15.23 second year are from the general fund for
 15.24 management, public awareness, assessment
 15.25 and monitoring research, and water access
 15.26 inspection to prevent the spread of invasive
 15.27 species; management of invasive plants in
 15.28 public waters; and management of terrestrial
 15.29 invasive species on state-administered lands.

15.30 (b) \$5,000,000 the first year and \$5,000,000
 15.31 the second year are from the water
 15.32 management account in the natural resources
 15.33 fund for only the purposes specified in
 15.34 Minnesota Statutes, section 103G.27,
 15.35 subdivision 2.

16.1 (c) \$124,000 the first year and \$124,000 the
16.2 second year are for a grant to the Mississippi
16.3 Headwaters Board for up to 50 percent of the
16.4 cost of implementing the comprehensive plan
16.5 for the upper Mississippi within areas under
16.6 the board's jurisdiction.

16.7 (d) \$10,000 the first year and \$10,000 the
16.8 second year are for payment to the Leech Lake
16.9 Band of Chippewa Indians to implement the
16.10 band's portion of the comprehensive plan for
16.11 the upper Mississippi.

16.12 (e) \$264,000 the first year and \$264,000 the
16.13 second year are for grants for up to 50 percent
16.14 of the cost of implementation of the Red River
16.15 mediation agreement.

16.16 (f) \$2,018,000 the first year and \$2,018,000
16.17 the second year are from the heritage
16.18 enhancement account in the game and fish
16.19 fund for only the purposes specified in
16.20 Minnesota Statutes, section 297A.94,
16.21 paragraph (e), clause (1).

16.22 (g) \$950,000 the first year and \$950,000 the
16.23 second year are from the nongame wildlife
16.24 management account in the natural resources
16.25 fund for the purpose of nongame wildlife
16.26 management. Notwithstanding Minnesota
16.27 Statutes, section 290.431, \$100,000 the first
16.28 year and \$100,000 the second year may be
16.29 used for nongame wildlife information,
16.30 education, and promotion.

16.31 (h) Notwithstanding Minnesota Statutes,
16.32 section 84.943, \$13,000 the first year and
16.33 \$13,000 the second year from the critical
16.34 habitat private sector matching account may

- 17.1 be used to publicize the critical habitat license
- 17.2 plate match program.
- 17.3 (i) \$6,000,000 the first year and \$6,000,000
- 17.4 the second year are from the general fund for
- 17.5 the following activities:
- 17.6 (1) financial reimbursement and technical
- 17.7 support to soil and water conservation districts
- 17.8 or other local units of government for
- 17.9 groundwater level monitoring;
- 17.10 (2) surface water monitoring and analysis,
- 17.11 including installation of monitoring gauges;
- 17.12 (3) groundwater analysis to assist with water
- 17.13 appropriation permitting decisions;
- 17.14 (4) permit application review incorporating
- 17.15 surface water and groundwater technical
- 17.16 analysis;
- 17.17 (5) precipitation data and analysis to improve
- 17.18 the use of irrigation;
- 17.19 (6) information technology, including
- 17.20 electronic permitting and integrated data
- 17.21 systems; and
- 17.22 (7) compliance and monitoring.
- 17.23 (j) \$167,000 the first year is for a grant to the
- 17.24 Koronis Lake Association for purposes of
- 17.25 removing and preventing aquatic invasive
- 17.26 species. This is a onetime appropriation and
- 17.27 is available until June 30, 2022.
- 17.28 (k) \$250,000 the first year and \$250,000 the
- 17.29 second year are from the water management
- 17.30 account in the natural resources fund for
- 17.31 economic impact analysis of groundwater
- 17.32 management area and water appropriation
- 17.33 permit plans required under Minnesota

18.1 Statutes, sections 103G.271, subdivision 8,
 18.2 and 103G.287, subdivision 4.

18.3 (l) \$410,000 the first year and \$410,000 the
 18.4 second year are from the heritage enhancement
 18.5 account in the game and fish fund for grants
 18.6 to the Minnesota Aquatic Invasive Species
 18.7 Research Center at the University of
 18.8 Minnesota to prioritize, support, and develop
 18.9 research-based solutions that can reduce the
 18.10 effects of aquatic invasive species in
 18.11 Minnesota by preventing spread, controlling
 18.12 populations, and managing ecosystems and to
 18.13 advance knowledge to inspire action by others.

18.14	<u>Subd. 4. Forest Management</u>	<u>45,781,000</u>	<u>45,281,000</u>
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18.15	<u>Appropriations by Fund</u>		
18.16		<u>2018</u>	<u>2019</u>
18.17	<u>General</u>	<u>28,350,000</u>	<u>28,350,000</u>
18.18	<u>Natural Resources</u>	<u>16,144,000</u>	<u>15,644,000</u>
18.19	<u>Game and Fish</u>	<u>1,287,000</u>	<u>1,287,000</u>

18.20 (a) \$7,145,000 the first year and \$7,145,000
 18.21 the second year are for prevention,
 18.22 presuppression, and suppression costs of
 18.23 emergency firefighting and other costs
 18.24 incurred under Minnesota Statutes, section
 18.25 88.12. The amount necessary to pay for
 18.26 presuppression and suppression costs during
 18.27 the biennium is appropriated from the general
 18.28 fund. By January 15 of each year, the
 18.29 commissioner of natural resources shall submit
 18.30 a report to the chairs and ranking minority
 18.31 members of the house and senate committees
 18.32 and divisions having jurisdiction over
 18.33 environment and natural resources finance,
 18.34 identifying all firefighting costs incurred and
 18.35 reimbursements received in the prior fiscal

19.1 year. These appropriations may not be
19.2 transferred. Any reimbursement of firefighting
19.3 expenditures made to the commissioner from
19.4 any source other than federal mobilizations
19.5 must be deposited into the general fund.

19.6 (b) \$11,644,000 the first year and \$11,644,000
19.7 the second year are from the forest
19.8 management investment account in the natural
19.9 resources fund for only the purposes specified
19.10 in Minnesota Statutes, section 89.039,
19.11 subdivision 2.

19.12 (c) \$1,287,000 the first year and \$1,287,000
19.13 the second year are from the heritage
19.14 enhancement account in the game and fish
19.15 fund to advance ecological classification
19.16 systems (ECS) scientific management tools
19.17 for forest and invasive species management.

19.18 (d) \$780,000 the first year and \$780,000 the
19.19 second year are for the Forest Resources
19.20 Council to implement the Sustainable Forest
19.21 Resources Act.

19.22 (e) \$500,000 the first year is from the forest
19.23 management investment account in the natural
19.24 resources fund for a study of the ability to
19.25 sustainably harvest at least 1,000,000 cords
19.26 of wood annually on state-administered forest
19.27 lands. No later than January 2, 2018, the
19.28 commissioner must report the study's findings
19.29 to the legislative committees with jurisdiction
19.30 over environment and natural resources policy
19.31 and finance. This is a onetime appropriation.

19.32 (f) \$2,000,000 the first year and \$2,000,000
19.33 the second year are from the forest
19.34 management investment account in the natural

20.1 resources fund for state forest reforestation.

20.2 The base from the forest management

20.3 investment account in the natural resources

20.4 fund for fiscal year 2020 and later is

20.5 \$1,250,000.

20.6 (g) \$2,000,000 the first year and \$2,000,000

20.7 the second year are from the forest

20.8 management investment account in the natural

20.9 resources fund for the Next Generation Core

20.10 Forestry data system. The appropriation is

20.11 available until June 30, 2021. The base from

20.12 the forest management investment account in

20.13 the natural resources fund for fiscal year 2020

20.14 and later is \$500,000.

20.15 (h) The base for the natural resources fund in

20.16 fiscal year 2020 and later is \$13,394,000.

20.17 Subd. 5. **Parks and Trails Management**

79,805,000

79,750,000

20.18 Appropriations by Fund

20.19 2018 2019

20.20 General 25,182,000 24,927,000

20.21 Natural Resources 52,350,000 52,550,000

20.22 Game and Fish 2,273,000 2,273,000

20.23 (a) \$1,075,000 the first year and \$1,075,000

20.24 the second year are from the water recreation

20.25 account in the natural resources fund for

20.26 enhancing public water-access facilities.

20.27 (b) \$5,740,000 the first year and \$5,740,000

20.28 the second year are from the natural resources

20.29 fund for state trail, park, and recreation area

20.30 operations. This appropriation is from the

20.31 revenue deposited in the natural resources fund

20.32 under Minnesota Statutes, section 297A.94,

20.33 paragraph (e), clause (2).

21.1 (c) \$17,350,000 the first year and \$17,750,000
21.2 the second year are from the state parks
21.3 account in the natural resources fund for state
21.4 park and state recreation area operation and
21.5 maintenance.

21.6 (d) \$1,005,000 the first year and \$1,005,000
21.7 the second year are from the natural resources
21.8 fund for park and trail grants to local units of
21.9 government on land to be maintained for at
21.10 least 20 years for the purposes of the grants.
21.11 This appropriation is from the revenue
21.12 deposited in the natural resources fund under
21.13 Minnesota Statutes, section 297A.94,
21.14 paragraph (e), clause (4). Any unencumbered
21.15 balance does not cancel at the end of the first
21.16 year and is available for the second year.

21.17 (e) \$130,000 the first year is from the general
21.18 fund, and \$8,424,000 the first year and
21.19 \$8,424,000 the second year are from the
21.20 snowmobile trails and enforcement account
21.21 in the natural resources fund for the
21.22 snowmobile grants-in-aid program. Any
21.23 unencumbered balance does not cancel at the
21.24 end of the first year and is available for the
21.25 second year.

21.26 (f) \$1,685,000 the first year and \$1,685,000
21.27 the second year are from the natural resources
21.28 fund for the off-highway vehicle grants-in-aid
21.29 program. Of this amount, \$1,210,000 the first
21.30 year and \$1,210,000 the second year are from
21.31 the all-terrain vehicle account; \$150,000 each
21.32 year is from the off-highway motorcycle
21.33 account; and \$325,000 each year is from the
21.34 off-road vehicle account. Any unencumbered

22.1 balance does not cancel at the end of the first
22.2 year and is available for the second year.

22.3 (g) \$75,000 the first year and \$75,000 the
22.4 second year are from the cross-country ski
22.5 account in the natural resources fund for
22.6 grooming and maintaining cross-country ski
22.7 trails in state parks, trails, and recreation areas.

22.8 (h) \$250,000 the first year and \$250,000 the
22.9 second year are from the state land and water
22.10 conservation account in the natural resources
22.11 fund for priorities established by the
22.12 commissioner for eligible state projects and
22.13 administrative and planning activities
22.14 consistent with Minnesota Statutes, section
22.15 84.0264, and the federal Land and Water
22.16 Conservation Fund Act. Any unencumbered
22.17 balance does not cancel at the end of the first
22.18 year and is available for the second year.

22.19 (i) \$150,000 the first year is from the
22.20 all-terrain vehicle account in the natural
22.21 resources fund for a grant to the city of Orr to
22.22 predesign, design, and construct the Voyageur
22.23 all-terrain vehicle trail system, including:

22.24 (1) design of the alignment for phase I of the
22.25 Voyageur all-terrain vehicle trail system and
22.26 development of a preliminary phase II
22.27 alignment;

22.28 (2) completion of wetland delineation and
22.29 wetland permitting;

22.30 (3) completion of the engineering design and
22.31 cost estimates for a snowmobile and
22.32 off-highway vehicle bridge over the Vermilion
22.33 River to establish a trail connection; and

23.1 (4) completion of the master plan for the
 23.2 Voyageur all-terrain vehicle trail system.

23.3 This is a onetime appropriation and is
 23.4 available until June 30, 2020.

23.5 (j) \$125,000 the first year is from the general
 23.6 fund for all terrain vehicle grants-in-aid
 23.7 program. This is a onetime appropriation.

23.8 (k) \$250,000 the first year and \$250,000 the
 23.9 second year are from the general fund for
 23.10 matching grants for local parks and outdoor
 23.11 recreation areas under Minnesota Statutes,
 23.12 section 85.019, subdivision 2.

23.13 (l) \$250,000 the first year and \$250,000 the
 23.14 second year are from the general fund for
 23.15 matching grants for local trail connections
 23.16 under Minnesota Statutes, section 85.019,
 23.17 subdivision 4c.

23.18 (m) \$50,000 the first year is from the
 23.19 all-terrain vehicle account in the natural
 23.20 resources fund for a grant to the city of
 23.21 Virginia to assist the Virginia Area All-Terrain
 23.22 Vehicle Club to plan, design, engineer, and
 23.23 permit a comprehensive all-terrain vehicle
 23.24 system in the Virginia area and to connect with
 23.25 the Iron Range Off-Highway Vehicle
 23.26 Recreation Area. This is a onetime
 23.27 appropriation and is available until June 30,
 23.28 2020.

23.29 Subd. 6. **Fish and Wildlife Management**

67,581,000

67,531,000

23.30 Appropriations by Fund

23.31	<u>2018</u>	<u>2019</u>
23.32	<u>Natural Resources</u>	<u>1,912,000</u>
23.33	<u>Game and Fish</u>	<u>65,669,000</u>
		<u>65,619,000</u>

24.1 (a) \$8,167,000 the first year and \$8,167,000
24.2 the second year are from the heritage
24.3 enhancement account in the game and fish
24.4 fund only for activities specified in Minnesota
24.5 Statutes, section 297A.94, paragraph (e),
24.6 clause (1). Notwithstanding Minnesota
24.7 Statutes, section 297A.94, five percent of this
24.8 appropriation may be used for expanding
24.9 hunter and angler recruitment and retention.

24.10 (b) \$30,000 the first year is from the heritage
24.11 enhancement account in the game and fish
24.12 fund for the commissioner of natural resources
24.13 to contract with a private entity to search for
24.14 a site to construct a world-class shooting range
24.15 and club house for use by the Minnesota State
24.16 High School League and for other regional,
24.17 statewide, national, and international shooting
24.18 events. The commissioner must provide public
24.19 notice of the search, including making the
24.20 public aware of the process through the
24.21 Department of Natural Resources' media
24.22 outlets, and solicit input on the location and
24.23 building options for the facility. The siting
24.24 search process must include a public process
24.25 to determine if any business or individual is
24.26 interested in donating land for the facility,
24.27 anticipated to be at least 500 acres. The site
24.28 search team must meet with interested third
24.29 parties affected by or interested in the facility.
24.30 The commissioner must submit a report with
24.31 the results of the site search to the chairs and
24.32 ranking minority members of the legislative
24.33 committees and divisions with jurisdiction
24.34 over environment and natural resources by
24.35 March 1, 2018. This is a onetime
24.36 appropriation.

25.1 (c) \$20,000 the first year is from the heritage
 25.2 enhancement account in the game and fish
 25.3 fund for a study on the effects of lead shot on
 25.4 wildlife on state lands. By January 15, 2018,
 25.5 the commissioner shall provide a report of the
 25.6 study to the chairs and ranking minority
 25.7 members of the legislative committees with
 25.8 jurisdiction over natural resources policy and
 25.9 finance. This is a onetime appropriation.

25.10 **Subd. 7. Enforcement** 39,377,000 39,377,000

25.11 Appropriations by Fund

25.12		<u>2018</u>	<u>2019</u>
25.13	<u>General</u>	<u>5,140,000</u>	<u>5,140,000</u>
25.14	<u>Natural Resources</u>	<u>10,309,000</u>	<u>10,309,000</u>
25.15	<u>Game and Fish</u>	<u>23,828,000</u>	<u>23,828,000</u>
25.16	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

25.17 (a) \$1,718,000 the first year and \$1,718,000
 25.18 the second year are from the general fund for
 25.19 enforcement efforts to prevent the spread of
 25.20 aquatic invasive species.

25.21 (b) \$1,580,000 the first year and \$1,580,000
 25.22 the second year are from the heritage
 25.23 enhancement account in the game and fish
 25.24 fund for only the purposes specified in
 25.25 Minnesota Statutes, section 297A.94,
 25.26 paragraph (e), clause (1).

25.27 (c) \$1,082,000 the first year and \$1,082,000
 25.28 the second year are from the water recreation
 25.29 account in the natural resources fund for grants
 25.30 to counties for boat and water safety. Any
 25.31 unencumbered balance does not cancel at the
 25.32 end of the first year and is available for the
 25.33 second year.

25.34 (d) \$315,000 the first year and \$315,000 the
 25.35 second year are from the snowmobile trails

26.1 and enforcement account in the natural
26.2 resources fund for grants to local law
26.3 enforcement agencies for snowmobile
26.4 enforcement activities. Any unencumbered
26.5 balance does not cancel at the end of the first
26.6 year and is available for the second year.

26.7 (e) \$250,000 the first year and \$250,000 the
26.8 second year are from the all-terrain vehicle
26.9 account for grants to qualifying organizations
26.10 to assist in safety and environmental education
26.11 and monitoring trails on public lands under
26.12 Minnesota Statutes, section 84.9011. Grants
26.13 issued under this paragraph must be issued
26.14 through a formal agreement with the
26.15 organization. By December 15 each year, an
26.16 organization receiving a grant under this
26.17 paragraph shall report to the commissioner
26.18 with details on expenditures and outcomes
26.19 from the grant. Of this appropriation, \$25,000
26.20 each year is for administration of these grants.
26.21 Any unencumbered balance does not cancel
26.22 at the end of the first year and is available for
26.23 the second year.

26.24 (f) \$510,000 the first year and \$510,000 the
26.25 second year are from the natural resources
26.26 fund for grants to county law enforcement
26.27 agencies for off-highway vehicle enforcement
26.28 and public education activities based on
26.29 off-highway vehicle use in the county. Of this
26.30 amount, \$498,000 each year is from the
26.31 all-terrain vehicle account; \$11,000 each year
26.32 is from the off-highway motorcycle account;
26.33 and \$1,000 each year is from the off-road
26.34 vehicle account. The county enforcement
26.35 agencies may use money received under this

27.1 appropriation to make grants to other local
 27.2 enforcement agencies within the county that
 27.3 have a high concentration of off-highway
 27.4 vehicle use. Of this appropriation, \$25,000
 27.5 each year is for administration of these grants.
 27.6 Any unencumbered balance does not cancel
 27.7 at the end of the first year and is available for
 27.8 the second year.

27.9 (g) \$1,000,000 each year is for recruiting,
 27.10 training, and maintaining additional
 27.11 conservation officers.

27.12 (h) The commissioner may hold a conservation
 27.13 officer academy if necessary.

27.14 Subd. 8. **Operations Support** 1,920,000 0

27.15 \$1,920,000 the first year is available for legal
 27.16 costs. Of this amount, up to \$500,000 may be
 27.17 transferred to the Minnesota Pollution Control
 27.18 Agency. This is a onetime appropriation and
 27.19 is available until June 30, 2021.

27.20 Subd. 9. **Pass Through Funds** 320,000 320,000

27.21	<u>Appropriations by Fund</u>		
27.22		<u>2018</u>	<u>2019</u>
27.23	<u>Natural Resources</u>	<u>320,000</u>	<u>320,000</u>

27.24 \$320,000 the first year and \$320,000 the
 27.25 second year are from the natural resources
 27.26 fund for grants to be divided equally between
 27.27 the city of St. Paul for the Como Park Zoo and
 27.28 Conservatory and the city of Duluth for the
 27.29 Duluth Zoo. This appropriation is from the
 27.30 revenue deposited to the natural resources fund
 27.31 under Minnesota Statutes, section 297A.94,
 27.32 paragraph (e), clause (5).

27.33 Subd. 10. **Cancellation**

28.1 The remaining amount of the general fund
28.2 appropriation in Laws 2016, chapter 189,
28.3 article 3, section 3, subdivision 3, for a grant
28.4 to the Koronis Lake Association, estimated to
28.5 be \$167,000, is canceled on June 30, 2017.

28.6 This subdivision is effective the day following
28.7 final enactment.

28.8 **Sec. 4. BOARD OF WATER AND SOIL**
28.9 **RESOURCES**

\$ 13,829,000 \$ 13,529,000

28.10 (a) \$3,423,000 the first year and \$3,423,000
28.11 the second year are for natural resources block
28.12 grants to local governments. Grants must be
28.13 matched with a combination of local cash or
28.14 in-kind contributions. The base grant portion
28.15 related to water planning must be matched by
28.16 an amount as specified by Minnesota Statutes,
28.17 section 103B.3369. The board may reduce the
28.18 amount of the natural resources block grant
28.19 to a county by an amount equal to any
28.20 reduction in the county's general services
28.21 allocation to a soil and water conservation
28.22 district from the county's previous year
28.23 allocation when the board determines that the
28.24 reduction was disproportionate.

28.25 (b) \$3,116,000 the first year and \$3,116,000
28.26 the second year are for grants to soil and water
28.27 conservation districts for the purposes of
28.28 Minnesota Statutes, sections 103C.321 and
28.29 103C.331, and for general purposes, nonpoint
28.30 engineering, and implementation and
28.31 stewardship of the reinvest in Minnesota
28.32 reserve program. Expenditures may be made
28.33 from these appropriations for supplies and
28.34 services benefiting soil and water conservation
28.35 districts. Any district receiving a payment

29.1 under this paragraph shall maintain a Web
29.2 page that publishes, at a minimum, its annual
29.3 report, annual audit, annual budget, and
29.4 meeting notices.

29.5 (c) \$260,000 the first year and \$260,000 the
29.6 second year are for feedlot water quality cost
29.7 share grants for feedlots under 300 animal
29.8 units and nutrient and manure management
29.9 projects in watersheds where there are
29.10 impaired waters.

29.11 (d) \$1,200,000 the first year and \$1,200,000
29.12 the second year are for soil and water
29.13 conservation district cost-sharing contracts for
29.14 perennially vegetated riparian buffers, erosion
29.15 control, water retention and treatment, and
29.16 other high-priority conservation practices.

29.17 (e) \$100,000 the first year and \$100,000 the
29.18 second year are for county cooperative weed
29.19 management cost-share programs and to
29.20 restore native plants in selected invasive
29.21 species management sites.

29.22 (f) \$761,000 the first year and \$761,000 the
29.23 second year are for implementation,
29.24 enforcement, and oversight of the Wetland
29.25 Conservation Act, including administration of
29.26 the wetland banking program and in-lieu fee
29.27 mechanism.

29.28 (g) \$300,000 the first year is for improving
29.29 the efficiency and effectiveness of Minnesota's
29.30 wetland regulatory programs through
29.31 continued examination of United States Clean
29.32 Water Act section 404 assumption including
29.33 negotiation of draft agreements with the
29.34 United States Environmental Protection

30.1 Agency and the United States Army Corps of
30.2 Engineers, planning for an online permitting
30.3 system, upgrading the existing wetland
30.4 banking database, and developing an in-lieu
30.5 fee wetland banking program as authorized
30.6 by statute. This is a onetime appropriation.

30.7 (h) \$166,000 the first year and \$166,000 the
30.8 second year are to provide technical assistance
30.9 to local drainage management officials and
30.10 for the costs of the Drainage Work Group.

30.11 (i) \$100,000 the first year and \$100,000 the
30.12 second year are for a grant to the Red River
30.13 Basin Commission for water quality and
30.14 floodplain management, including
30.15 administration of programs. This appropriation
30.16 must be matched by nonstate funds. If the
30.17 appropriation in either year is insufficient, the
30.18 appropriation in the other year is available for
30.19 it.

30.20 (j) \$140,000 the first year and \$140,000 the
30.21 second year are for grants to Area II
30.22 Minnesota River Basin Projects for floodplain
30.23 management.

30.24 (k) \$125,000 the first year and \$125,000 the
30.25 second year are for conservation easement
30.26 stewardship.

30.27 (l) \$240,000 the first year and \$240,000 the
30.28 second year are for a grant to the Lower
30.29 Minnesota River Watershed District to defray
30.30 the annual cost of operating and maintaining
30.31 sites for dredge spoil to sustain the state,
30.32 national, and international commercial and
30.33 recreational navigation on the lower Minnesota
30.34 River.

31.1 (m) \$3,898,000 the first year and \$3,898,000
 31.2 the second year are for Board of Water and
 31.3 Soil Resources agency administration and
 31.4 operations.

31.5 (n) Notwithstanding Minnesota Statutes,
 31.6 section 103C.501, the board may shift
 31.7 cost-share funds in this section and may adjust
 31.8 the technical and administrative assistance
 31.9 portion of the grant funds to leverage federal
 31.10 or other nonstate funds or to address
 31.11 high-priority needs identified in local water
 31.12 management plans or comprehensive water
 31.13 management plans.

31.14 (o) The appropriations for grants in this section
 31.15 are available until June 30, 2021. If an
 31.16 appropriation for grants in either year is
 31.17 insufficient, the appropriation in the other year
 31.18 is available for it.

31.19 (p) Notwithstanding Minnesota Statutes,
 31.20 section 16B.97, the appropriations for grants
 31.21 in this section are exempt from Department
 31.22 of Administration, Office of Grants
 31.23 Management Policy 08-10 Grant Monitoring.

31.24 Sec. 5. **METROPOLITAN COUNCIL** \$ **8,540,000** \$ **8,540,000**

31.25 Appropriations by Fund

31.26		<u>2018</u>	<u>2019</u>
31.27	<u>General</u>	<u>2,540,000</u>	<u>2,540,000</u>
31.28	<u>Natural Resources</u>	<u>6,000,000</u>	<u>6,000,000</u>

31.29 (a) \$2,540,000 the first year and \$2,540,000
 31.30 the second year are for metropolitan area
 31.31 regional parks operation and maintenance
 31.32 according to Minnesota Statutes, section
 31.33 473.351.

32.1 (b) \$6,000,000 the first year and \$6,000,000
32.2 the second year are from the natural resources
32.3 fund for metropolitan area regional parks and
32.4 trails maintenance and operations. This
32.5 appropriation is from the revenue deposited
32.6 in the natural resources fund under Minnesota
32.7 Statutes, section 297A.94, paragraph (e),
32.8 clause (3).

32.9 **Sec. 6. CONSERVATION CORPS**
32.10 **MINNESOTA**

\$ 945,000 \$ 945,000

32.11 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
32.12		
32.13 <u>General</u>	<u>455,000</u>	<u>455,000</u>
32.14 <u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

32.15 Conservation Corps Minnesota may receive
32.16 money appropriated from the natural resources
32.17 fund under this section only as provided in an
32.18 agreement with the commissioner of natural
32.19 resources.

32.20 **Sec. 7. ZOOLOGICAL BOARD**

\$ 8,610,000 \$ 8,610,000

32.21 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
32.22		
32.23 <u>General</u>	<u>8,450,000</u>	<u>8,450,000</u>
32.24 <u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>

32.25 \$160,000 the first year and \$160,000 the
32.26 second year are from the natural resources
32.27 fund from the revenue deposited under
32.28 Minnesota Statutes, section 297A.94,
32.29 paragraph (e), clause (5).

32.30 **Sec. 8. SCIENCE MUSEUM**

\$ 1,079,000 \$ 1,079,000

32.31 **Sec. 9. ADMINISTRATION**

\$ 800,000 \$ 300,000

33.1 (a) \$300,000 the first year and \$300,000 the
33.2 second year are from the state forest suspense
33.3 account in the permanent school fund for the
33.4 school trust lands director. This appropriation
33.5 is to be used for securing long-term economic
33.6 return from the school trust lands consistent
33.7 with fiduciary responsibilities and sound
33.8 natural resources conservation and
33.9 management principles.

33.10 (b) \$500,000 the first year is from the state
33.11 forest suspense account in the permanent
33.12 school fund for the school trust lands director
33.13 to initiate the private sale of surplus school
33.14 trust lands identified according to Minnesota
33.15 Statutes, section 92.82, paragraph (d),
33.16 including but not limited to valuation
33.17 expenses, legal fees, and transactional staff
33.18 costs. This is a onetime appropriation and is
33.19 available until June 30, 2019.

33.20 Sec. 10. **EXPLORE MINNESOTA TOURISM** \$ **15,148,000** \$ **14,248,000**

33.21 (a) To develop maximum private sector
33.22 involvement in tourism, \$500,000 the first
33.23 year and \$500,000 the second year must be
33.24 matched by Explore Minnesota Tourism from
33.25 nonstate sources. Each \$1 of state incentive
33.26 must be matched with \$6 of private sector
33.27 funding. Cash match is defined as revenue to
33.28 the state or documented cash expenditures
33.29 directly expended to support Explore
33.30 Minnesota Tourism programs. Up to one-half
33.31 of the private sector contribution may be
33.32 in-kind or soft match. The incentive in fiscal
33.33 year 2018 shall be based on fiscal year 2017
33.34 private sector contributions. The incentive in
33.35 fiscal year 2019 shall be based on fiscal year

34.1 2018 private sector contributions. This
34.2 incentive is ongoing.
34.3 (b) Funding for the marketing grants is
34.4 available either year of the biennium.
34.5 Unexpended grant funds from the first year
34.6 are available in the second year.

34.7 (c) \$100,000 each year is for a grant to the
34.8 Northern Lights International Music Festival.

34.9 (d) \$900,000 the first year is for the major
34.10 events grant program. This is a onetime
34.11 appropriation and is available until June 30,
34.12 2021.

34.13	Sec. 11. <u>REVENUE</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,300,000</u>
34.14	<u>\$2,300,000 the second year is for riparian</u>				
34.15	<u>protection aid payments under Minnesota</u>				
34.16	<u>Statutes, section 477A.21.</u>				

34.17 Sec. 12. Laws 2016, chapter 189, article 3, section 6, is amended to read:

34.18	Sec. 6. ADMINISTRATION	\$	250,000	\$	-0-
34.19	\$250,000 the first year is from the state forest				
34.20	suspense account in the permanent school fund				
34.21	for the school trust lands director to initiate				
34.22	real estate development projects on school				
34.23	trust lands as determined by the school trust				
34.24	lands director. This is a onetime appropriation				
34.25	<u>and is available until June 30, 2019.</u>				

34.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

34.27 **ARTICLE 2**

34.28 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

34.29 Section 1. Minnesota Statutes 2016, section 84.01, is amended by adding a subdivision
34.30 to read:

35.1 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys
35.2 or outside counsel to render title opinions, represent the department in severed mineral
35.3 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute
35.4 to the contrary, represent the state in quiet title or title registration actions affecting land or
35.5 interests in land administered by the commissioner.

35.6 Sec. 2. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:

35.7 Subd. 14a. **Permitting efficiency; public notice.** (a) It is the goal of the state that
35.8 environmental and resource management permits be issued or denied within 90 days for
35.9 Tier 1 permits or 150 days for Tier 2 permits following submission of a permit application.
35.10 The commissioner of natural resources shall establish management systems designed to
35.11 achieve the goal.

35.12 (b) The commissioner shall prepare an annual permitting efficiency report that includes
35.13 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit
35.14 categories. The report is due August 1 each year. For permit applications that have not met
35.15 the goal, the report must state the reasons for not meeting the goal. In stating the reasons
35.16 for not meeting the goal, the commissioner shall separately identify delays caused by the
35.17 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the
35.18 level of public engagement. The report must specify the number of days from initial
35.19 submission of the application to the day of determination that the application is complete.
35.20 The report must aggregate the data for the year and assess whether program or system
35.21 changes are necessary to achieve the goal. The report must be posted on the department's
35.22 Web site and submitted to the governor and the chairs and ranking minority members of
35.23 the house of representatives and senate committees having jurisdiction over natural resources
35.24 policy and finance.

35.25 (c) The commissioner shall allow electronic submission of environmental review and
35.26 permit documents to the department.

35.27 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject
35.28 to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~
35.29 permit applicant, in writing, whether the application is complete or incomplete. If the
35.30 commissioner determines that an application is incomplete, the notice to the applicant must
35.31 enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,
35.32 and advise the applicant on how the deficiencies can be remedied. If the commissioner
35.33 determines that the application is complete, the notice must confirm the application's Tier
35.34 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2

36.1 permit, provide the permit applicant with a schedule for reviewing the permit application.
36.2 This paragraph does not apply to an application for a permit that is subject to a grant or loan
36.3 agreement under chapter 446A.

36.4 (e) When public notice of a draft individual Tier 2 permit is required, the commissioner
36.5 must issue the notice with the draft permit within 150 days of receiving a completed permit
36.6 application unless the permit applicant and the commissioner mutually agree to a different
36.7 date. Upon request of the permit applicant, the commissioner must provide a copy of the
36.8 draft permit to the permit applicant and consider comments on the draft permit from the
36.9 permit applicant before issuing the public notice.

36.10 Sec. 3. Minnesota Statutes 2016, section 84.027, subdivision 14b, is amended to read:

36.11 Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct,~~
36.12 ~~reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of
36.13 natural resources to construct, reconstruct, or modify a project or to operate a facility may
36.14 offer to reimburse the department for the reasonable costs ~~of staff time or consultant services~~
36.15 needed to expedite the preapplication process and permit development process through the
36.16 final decision on the permit, including the analysis of environmental review documents.
36.17 The reimbursement shall be in addition to permit application fees imposed by law. When
36.18 the commissioner determines that additional resources are needed to develop the permit
36.19 application in an expedited manner, and that expediting the development is consistent with
36.20 permitting program priorities, the commissioner may accept the reimbursement. The
36.21 commissioner must give the permit applicant an estimate of costs for the expedited service
36.22 to be incurred by the commissioner. The estimate must include a brief description of the
36.23 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each
36.24 task. The proposer and the commissioner shall enter into a written agreement detailing the
36.25 estimated costs for the expedited service to be incurred by the department and any recourse
36.26 available to the applicant if the department fails to comply with the schedule. The agreement
36.27 must also identify staff anticipated to be assigned to the project and describe the
36.28 commissioner's commitment to making assigned staff available for the project until the
36.29 permit decision is made. The commissioner must not issue a permit until the applicant has
36.30 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.
36.31 Reimbursements accepted by the commissioner are appropriated to the commissioner for
36.32 the purpose of developing the permit or analyzing environmental review documents.
36.33 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of
36.34 a permit; shall not affect the commissioner's decision on whether to issue or deny a permit,
36.35 what conditions are included in a permit, or the application of state and federal statutes and

37.1 rules governing permit determinations; and shall not affect final decisions regarding
37.2 environmental review.

37.3 Sec. 4. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
37.4 read:

37.5 Subd. 14c. **Irrevocability, suspensions, or expiration of permits; environmental**
37.6 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to
37.7 appropriate money to the commissioner of natural resources for environmental review and
37.8 permitting activities of the Department of Natural Resources:

37.9 (1) a permit granted by the commissioner may not be terminated or suspended for the
37.10 term of the permit nor shall it expire without the consent of the permittee, except for breach
37.11 or nonperformance of any condition of the permit by the permittee that is an imminent threat
37.12 to impair or destroy the environment or injure the health, safety, or welfare of the citizens
37.13 of the state; and

37.14 (2) environmental review and permit application work on environmental review and
37.15 permits filed before July 1 of that year must not be suspended or terminated.

37.16 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the
37.17 commissioner for the environmental review and permitting activities is enacted.

37.18 Sec. 5. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
37.19 read:

37.20 Subd. 14d. **Unadopted rules.** (a) The commissioner of natural resources must not enforce
37.21 or attempt to enforce an unadopted rule. For the purposes of this subdivision, "unadopted
37.22 rule" means a guideline, bulletin, criterion, manual standard, interpretive statement, or
37.23 similar pronouncement, if the guideline, bulletin, criterion, manual standard, interpretive
37.24 statement, or similar pronouncement meets the definition of a rule as defined under section
37.25 14.02, subdivision 4, but has not been adopted according to the rulemaking process provided
37.26 under chapter 14. If an unadopted rule is challenged under section 14.381, the commissioner
37.27 must overcome a presumption against the unadopted rule.

37.28 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,
37.29 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or
37.30 standard, the commissioner must follow the rulemaking process provided under chapter 14
37.31 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive
37.32 statement, or similar pronouncement.

38.1 Sec. 6. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

38.2 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

38.3 (1) owned and used by the United States, an Indian tribal government, the state, another
38.4 state, or a political subdivision;

38.5 (2) registered in another state or country that have not been within this state for more
38.6 than 30 consecutive days;

38.7 (3) registered under chapter 168, when operated on forest roads to gain access to a state
38.8 forest campground;

38.9 (4) used exclusively in organized track racing events;

38.10 (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident
38.11 off-highway motorcycle state trail pass; ~~or~~

38.12 (6) operated by a person participating in an event for which the commissioner has issued
38.13 a special use permit; or

38.14 (7) operated on boundary trails and registered in another state or country providing equal
38.15 reciprocal registration or licensing exemptions for registrants of this state.

38.16 Sec. 7. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

38.17 Subdivision 1. **Prohibitions on youthful operators.** (a) A person six years or older but
38.18 less than 16 years of age operating an off-highway motorcycle on public lands or waters
38.19 must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

38.20 (b) Except for operation on public road rights-of-way that is permitted under section
38.21 84.795, subdivision 1, a driver's license issued by the state or another state is required to
38.22 operate an off-highway motorcycle along or on a public road right-of-way.

38.23 (c) A person under 12 years of age may not:

38.24 (1) make a direct crossing of a public road right-of-way;

38.25 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

38.26 (3) operate an off-highway motorcycle on public lands or waters unless accompanied
38.27 by a person 18 years of age or older or participating in an event for which the commissioner
38.28 has issued a special use permit.

38.29 (d) Except for public road rights-of-way of interstate highways, a person less than 16
38.30 years of age may make a direct crossing of a public road right-of-way of a trunk, county

39.1 state-aid, or county highway only if that person is accompanied by a person 18 years of age
39.2 or older who holds a valid driver's license.

39.3 (e) A person less than 16 years of age may operate an off-highway motorcycle on public
39.4 road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if
39.5 that person is accompanied by a person 18 years of age or older who holds a valid driver's
39.6 license.

39.7 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate
39.8 an off-highway motorcycle on public lands or waters if the nonresident youth has in
39.9 possession evidence of completing an off-road safety course offered by the Motorcycle
39.10 Safety Foundation or another state as provided in section 84.791, subdivision 4.

39.11 Sec. 8. Minnesota Statutes 2016, section 84.8031, is amended to read:

39.12 **84.8031 GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

39.13 The commissioner must review an off-road vehicle grant-in-aid application and, if
39.14 approved, ~~commence~~ begin public review of the application within 60 days after the
39.15 completed application has been locally approved and submitted to an area parks and trails
39.16 office. If the commissioner fails to approve or deny the application within 60 days after
39.17 submission, the application is deemed approved and the commissioner must provide for a
39.18 30-day public review period. If the commissioner denies an application, the commissioner
39.19 must provide the applicant with a written explanation for denying the application at the time
39.20 the applicant is notified of the denial.

39.21 Sec. 9. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

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

39.26 (b) A person who purchases a snowmobile from a retail dealer shall make application
39.27 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary
39.28 21-day registration permit to each purchaser who applies to the dealer for registration. The
39.29 temporary permit must contain the dealer's identification number and phone number. Each
39.30 retail dealer shall submit completed registration and fees to the deputy registrar at least once
39.31 a week. No fee may be charged by a dealer to a purchaser for providing the temporary
39.32 permit.

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

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

~~(e) A fee of \$2~~ In addition to ~~that otherwise~~ other fees prescribed by law ~~shall be charged for~~, an issuing fee of \$4.50 is charged for each snowmobile registration renewal, duplicate or replacement registration card, and replacement decal and an issuing fee of \$7 is charged for each snowmobile registration and registration transfer issued by:

~~(1) each snowmobile registered by the~~ a registrar or a deputy registrar and the additional fee shall be disposed of must be deposited in the manner provided in section 168.33, subdivision 2; or

~~(2) each snowmobile registered by the commissioner and the additional fee shall~~ must be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund.

Sec. 10. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

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. A parent or guardian must be present at the hands-on training portion of the program for youth who are six through ten years of age.

(b) For the purpose of administering the program and to defray the expenses of training and certifying vehicle operators, the commissioner shall collect a fee from each person who receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the 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.

(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. The commissioner shall incorporate a riding component in the safety education and training program.

Sec. 11. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928 and as provided under paragraph (j), a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an all-terrain vehicle on a public road right-of-way in the state; or

42.1 (3) operate an all-terrain vehicle on public lands or waters, except as provided in
42.2 paragraph (f).

42.3 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age
42.4 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,
42.5 county state-aid, or county highway or operate on public lands and waters or state or
42.6 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate
42.7 issued by the commissioner and is accompanied by a person 18 years of age or older who
42.8 holds a valid driver's license.

42.9 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old,
42.10 but less than 16 years old, must:

42.11 (1) successfully complete the safety education and training program under section 84.925,
42.12 subdivision 1, including a riding component; and

42.13 (2) be able to properly reach and control the handle bars and reach the foot pegs while
42.14 sitting upright on the seat of the all-terrain vehicle.

42.15 (e) A person at least ~~11~~ six years of age may take the safety education and training
42.16 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
42.17 the certificate is not valid until the person reaches age 12.

42.18 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain
42.19 vehicle with an engine capacity up to ~~90cc~~ 110cc if the vehicle is a class 1 all-terrain vehicle
42.20 with straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with
42.21 side-by-side-style seating on public lands or waters if accompanied by a parent or legal
42.22 guardian.

42.23 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

42.24 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands
42.25 or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

42.26 (1) the handle bars and reach the foot pegs while sitting upright on the seat of the
42.27 all-terrain vehicle with straddle-style seating; or

42.28 (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with
42.29 side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

42.30 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16
42.31 years old, may make a direct crossing of a public road right-of-way of a trunk, county

43.1 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or
43.2 state or grant-in-aid trails if:

43.3 (1) the nonresident youth has in possession evidence of completing an all-terrain safety
43.4 course offered by the ATV Safety Institute or another state as provided in section 84.925,
43.5 subdivision 3; and

43.6 (2) the nonresident youth is accompanied by a person 18 years of age or older who holds
43.7 a valid driver's license.

43.8 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain
43.9 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted
43.10 under section 84.928 if the person:

43.11 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;
43.12 and

43.13 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

43.14 Sec. 12. Minnesota Statutes 2016, section 84.9256, subdivision 2, is amended to read:

43.15 Subd. 2. **Helmet and seat belts required.** (a) A person less than 18 years of age shall
43.16 not ride as a passenger or as an operator of an all-terrain vehicle on public land, public
43.17 waters, or on a public road right-of-way unless wearing a safety helmet approved by the
43.18 commissioner of public safety.

43.19 (b) A person less than 18 years of age shall not ride as a passenger or as an operator of
43.20 ~~a class 2~~ an all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

43.21 Sec. 13. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

43.22 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a
43.23 capital expenditure on a capital asset previously owned by the state, within the meaning of
43.24 generally accepted accounting principles as applied to public expenditures. The commissioner
43.25 of natural resources will consult with the commissioner of management and budget to the
43.26 extent necessary to ensure this and will furnish the commissioner of management and budget
43.27 a list of projects to be financed from the account in order of their priority. The legislature
43.28 assumes that many projects for preservation and replacement of portions of existing capital
43.29 assets will constitute betterments and capital improvements within the meaning of the
43.30 Constitution and capital expenditures under generally accepted accounting principles, and
43.31 will be financed more efficiently and economically under this section than by direct
43.32 appropriations for specific projects.

(b) An appropriation for asset preservation must not be used to acquire land or to acquire or construct buildings or other facilities.

(c) Capital budget expenditures for natural resource asset preservation and replacement projects must be for one or more of the following types of capital projects that support the existing programmatic mission of the department: code compliance including health and safety, Americans with Disabilities Act requirements, hazardous material abatement, access improvement, or air quality improvement; building energy efficiency improvements using current best practices; building or infrastructure repairs necessary to preserve the interior and exterior of existing buildings; projects to remove life safety hazards such as building code violations or structural defects; or renovation of other existing improvements to land, including but not limited to trails and bridges.

(d) Up to ten percent of an appropriation awarded under this section may be used for design costs for projects eligible to be funded from this account in anticipation of future funding from the account.

Sec. 14. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to read:

Subd. 4. **Priorities; report.** The commissioner of natural resources must establish priorities for natural resource asset preservation and replacement projects. By January 15 each year, the commissioner must submit to the commissioner of management and budget a list of the projects that have been paid for with money from a natural resource asset preservation and replacement appropriation during the preceding calendar year.

Sec. 15. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

Subd. 3. **Training and mentoring.** The commissioner must develop and implement a training program that adequately prepares Minnesota Naturalist Corps members for the tasks assigned. Each corps member ~~shall be~~ is assigned ~~a state park~~ an interpretive naturalist as a mentor.

Sec. 16. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

Subd. 4. **Uniform ~~patch~~ pin.** Uniforms worn by members of the Minnesota Naturalist Corps must have a ~~patch~~ pin that includes the name of the Minnesota Naturalist Corps and information that the program is funded by the clean water, land, and legacy amendment to the Minnesota Constitution adopted by the voters in November 2008.

45.1 Sec. 17. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

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

45.4 (1) is a permanent resident of the state;

45.5 (2) is a participant in an approved college internship program ~~or has a postsecondary~~
45.6 ~~degree~~ in a field related to natural resource resources, cultural history, interpretation, or
45.7 ~~conservation related field~~; and

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

45.9 Sec. 18. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

45.10 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible
45.11 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~
45.12 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members
45.13 are not employees of the state within the meaning of section 43A.02, subdivision 21.

45.14 Sec. 19. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

45.15 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested
45.16 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),
45.17 (c), or (d), and section 97C.341.

45.18 (b) In waters that are listed as infested waters, except those listed as infested with
45.19 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
45.20 17.4982, subdivision 6, taking wild animals may be permitted for:

45.21 (1) commercial taking of wild animals for bait and aquatic farm purposes as provided
45.22 in a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

45.23 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
45.24 watermilfoil, when the infested waters are listed solely because they contain Eurasian
45.25 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not
45.26 exceeding 16 inches in diameter and 32 inches in length.

45.27 (c) In streams or rivers that are listed as infested waters, except those listed as infested
45.28 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest
45.29 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by
45.30 hook and line for noncommercial personal use is allowed as follows:

(1) fish taken under this paragraph must be used on the same body of water where caught and while still on that water body. Where the river or stream is divided by barriers such as dams, the fish must be caught and used on the same section of the river or stream;

(2) fish taken under this paragraph may not be transported live from or off the water body;

(3) fish harvested under this paragraph may only be used in accordance with this section;

(4) any other use of wild animals used for bait from infested waters is prohibited;

(5) fish taken under this paragraph must meet all other size restrictions and requirements as established in rules; and

(6) all species listed under this paragraph shall be included in the person's daily limit as established in rules, if applicable.

(d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River downstream of the dam at Taylors Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for angling, as provided in a permit issued under section 84D.11, is allowed as follows:

(1) nontarget species must immediately be returned to the water;

(2) gizzard shad taken under this paragraph must be used on the same body of water where caught and while still on that water body. Where the river is divided by barriers such as dams, the gizzard shad must be caught and used on the same section of the river;

(3) gizzard shad taken under this paragraph may not be transported off the water body; and

(4) gizzard shad harvested under this paragraph may only be used in accordance with this section.

This paragraph expires December 1, 2017.

(e) Equipment authorized for minnow harvest in a listed infested water by permit issued under paragraph (b) may not be transported to, or used in, any waters other than waters specified in the permit.

(f) Bait intended for sale may not be held in infested water after taking and before sale, unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

Sec. 20. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates in an infested water listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~ tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit. Tagged gear must not be used in water bodies other than those specified in the license or permit. The permit may authorize department staff to remove tags after the gear is decontaminated. This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.

(b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is listed solely because it contains Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an infested water listed solely because it contains Eurasian watermilfoil and before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is listed as infested solely because it contains Eurasian watermilfoil.

(c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment before placing the equipment into waters of the state.

(d) The commissioner shall provide a commercial licensee with a current listing of listed infested waters at the time that a license or permit is issued.

Sec. 21. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

Subdivision 1. **Classes.** The commissioner shall, as provided in this chapter, classify nonnative species of aquatic plants and wild animals, including subspecies, genotypes, cultivars, hybrids, or genera of nonnative species, according to the following categories:

(1) prohibited invasive species, which may not be possessed, imported, purchased, sold, propagated, transported, or introduced except as provided in section 84D.05;

(2) regulated invasive species, which may not be introduced except as provided in section 84D.07;

(3) unlisted nonnative species, which are subject to the classification procedure in section 84D.06; and

(4) unregulated nonnative species, which are not subject to regulation under this chapter.

Sec. 22. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

Subdivision 1. **Prohibited activities.** A person may not possess, import, purchase, sell, propagate, transport, or introduce a prohibited invasive species, except:

(1) under a permit issued by the commissioner under section 84D.11;

(2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;

(3) under a restricted species permit issued under section 17.457;

(4) when being transported to the department, or another destination as the commissioner may direct, in a sealed container for purposes of identifying the species or reporting the presence of the species;

(5) when being transported for disposal as part of a harvest or control activity when specifically authorized under a permit issued by the commissioner according to section 103G.615, when being transported for disposal as specified under a commercial fishing license issued by the commissioner according to section 97A.418, 97C.801, 97C.811, 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

(6) when being removed from watercraft and equipment, or caught while angling, and immediately returned to the water from which they came; ~~or~~

(7) when being transported from riparian property to a legal disposal site that is at least 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited invasive species are in a covered commercial vehicle specifically designed and used for hauling trash; or

~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

49.1 Sec. 23. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

49.2 Subd. 2a. **Lake Minnetonka pilot study.** (a) The commissioner may issue an additional
49.3 permit to service providers to return to Lake Minnetonka water-related equipment with
49.4 zebra mussels attached after the equipment has been seasonally stored, serviced, or repaired.
49.5 The permit must include verification and documentation requirements and any other
49.6 conditions the commissioner deems necessary.

49.7 (b) Water-related equipment with zebra mussels attached may be returned only to Lake
49.8 Minnetonka (DNR Division of Waters number 27-0133) by service providers permitted
49.9 under subdivision 1.

49.10 (c) The service provider's place of business must be within the Lake Minnetonka
49.11 Conservation District as established according to sections 103B.601 to 103B.645 or within
49.12 a municipality immediately bordering the Lake Minnetonka Conservation District's
49.13 boundaries.

49.14 (d) A service provider applying for a permit under this subdivision must, if approved
49.15 for a permit and before the permit is valid, furnish a corporate surety bond in favor of the
49.16 state for \$50,000 payable upon violation of this chapter while the service provider is acting
49.17 under a permit issued according to this subdivision.

49.18 (e) This subdivision expires December 1, ~~2018~~ 2019.

49.19 Sec. 24. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision
49.20 to read:

49.21 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
49.22 targeted pilot study to include water-related equipment with zebra mussels attached for the
49.23 Gull Narrows State Water Access Site, Government Point State Water Access Site, and
49.24 Gull East State Water Access Site on Gull Lake (DNR Division of Waters number 11-0305)
49.25 in Cass and Crow Wing Counties using the same authorities, general procedures, and
49.26 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake service
49.27 providers participating in the Gull Lake targeted pilot study place of business must be located
49.28 in Cass or Crow Wing County.

49.29 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
49.30 the report to the chairs and ranking minority members of the senate and house of
49.31 representatives committees having jurisdiction over natural resources required under Laws
49.32 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
49.33 recommendations and assessments.

50.1 (c) This subdivision expires December 1, 2019.

50.2 Sec. 25. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision
50.3 to read:

50.4 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional
50.5 targeted pilot study to include water-related equipment with zebra mussels attached for the
50.6 Cross Lake #1 State Water Access Site on Cross Lake (DNR Division of Waters number
50.7 18-0312) in Crow Wing County using the same authorities, general procedures, and
50.8 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place
50.9 of business of lake service providers participating in the Cross Lake targeted pilot study
50.10 must be located in Cass or Crow Wing County.

50.11 (b) If an additional targeted pilot project for Cross Lake is implemented under this
50.12 section, the report to the chairs and ranking minority members of the senate and house of
50.13 representatives committees having jurisdiction over natural resources required under Laws
50.14 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot
50.15 study recommendations and assessments.

50.16 (c) This subdivision expires December 1, 2019.

50.17 Sec. 26. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to
50.18 read:

50.19 Subd. 1a. **Permit for invasive carp.** The commissioner may issue a permit to
50.20 departmental divisions for tagging bighead, black, grass, or silver carp for research or
50.21 control. Under the permit, the carp may be released into the water body from which the carp
50.22 was captured. This subdivision expires December 31, 2021.

50.23 Sec. 27. **[85.0507] FORT RIDGELY GOLF COURSE; GOLF CARTS.**

50.24 The commissioner may by contract, concession agreement, or lease, authorize the use
50.25 of golf carts on the golf course at Fort Ridgely State Park.

50.26 Sec. 28. Minnesota Statutes 2016, section 85.052, subdivision 1, is amended to read:

50.27 Subdivision 1. **Authority to establish.** (a) The commissioner may establish, by written
50.28 order, provisions for the use of state parks for the following:

50.29 (1) special parking space for automobiles or other motor-driven vehicles in a state park
50.30 or state recreation area;

(2) special parking spurs, campgrounds for automobiles, sites for tent camping, other types of lodging, camping, or day use facilities, and special auto trailer coach parking spaces, for the use of the individual charged for the space or facility;

(3) improvement and maintenance of golf courses already established in state parks, and charging reasonable use fees; and

(4) providing water, sewer, and electric service to trailer or tent campsites and charging a reasonable use fee.

(b) Provisions established under paragraph (a) are exempt from section 16A.1283 and the rulemaking provisions of chapter 14. Section 14.386 does not apply.

(c) For the purposes of this subdivision, "lodging" means an enclosed shelter, room, or building with furnishings for overnight use.

Sec. 29. Minnesota Statutes 2016, section 85.053, subdivision 8, is amended to read:

Subd. 8. **Free permit; military personnel; exemption.** (a) ~~A one-day permit, Annual permits under subdivision 4, shall 1 must~~ be issued without a fee ~~for a motor vehicle being used by a person who is serving in~~ to active military service personnel in any branch or unit of the United States armed forces ~~and who is stationed outside Minnesota, during the period of active service and for 90 days immediately thereafter, if the~~ or their dependents and to recipients of a Purple Heart medal. To qualify for a free permit under this subdivision, a person presents the person's current military orders must present qualifying military identification or an annual pass for the United States military issued through the National Parks and Federal Recreational Lands Pass program to the park attendant on duty or other designee of the commissioner.

(b) For purposes of this section, ~~"active service" has the meaning given under section 190.05, subdivision 5c, when performed outside Minnesota~~ subdivision, the commissioner shall establish what constitutes qualifying military identification in the State Register.

~~(c) A permit is not required for a motor vehicle being used by military personnel or their dependents who have in their possession the annual pass for United States military and their dependents issued by the federal government for access to federal recreation sites~~ For vehicles permitted under paragraph (a), the permit or decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom the permit is issued.

(d) The commissioner may issue a daily vehicle permit free of charge to an individual who qualifies under paragraph (a) and does not own or operate a motor vehicle.

52.1 Sec. 30. Minnesota Statutes 2016, section 85.053, subdivision 10, is amended to read:

52.2 Subd. 10. **Free ~~entrance~~ permit; disabled veterans.** (a) The commissioner shall issue
52.3 an annual park permit for no charge to any veteran ~~with a total and permanent~~
52.4 ~~service-connected disability, and a daily park permit to any resident veteran~~ with any level
52.5 of service-connected disability, as determined by the United States Department of Veterans
52.6 Affairs, who presents each year a copy of the veteran's determination letter or other official
52.7 form of validation issued by the United States Department of Veterans Affairs or the United
52.8 States Department of Defense to a park attendant or commissioner's designee. For the
52.9 purposes of this ~~section~~ subdivision, "veteran" has the meaning given in section 197.447.

52.10 (b) For vehicles permitted under paragraph (a), the permit or decal issued under this
52.11 subdivision is valid only when displayed on a vehicle owned and occupied by the person
52.12 to whom the permit is issued.

52.13 (c) The commissioner may issue a daily vehicle permit free of charge to an individual
52.14 who qualifies under paragraph (a) and does not own or operate a motor vehicle.

52.15 Sec. 31. Minnesota Statutes 2016, section 85.054, is amended by adding a subdivision to
52.16 read:

52.17 Subd. 19. **Fort Ridgely golf course.** The commissioner may by contract, concession
52.18 agreement, or lease waive a state park permit and associated fee for motor vehicle entry or
52.19 parking for persons playing golf at the Fort Ridgely State Park golf course provided that
52.20 the contract, concession agreement, or lease payment to the state is set, in part, to compensate
52.21 the state park system for the loss of the state park fees.

52.22 Sec. 32. Minnesota Statutes 2016, section 85.055, subdivision 1, is amended to read:

52.23 Subdivision 1. **Fees.** The fee for state park permits for:

52.24 (1) an annual use of state parks is ~~\$25~~ \$35;

52.25 (2) a second or subsequent vehicle state park permit is ~~\$18~~ \$26;

52.26 (3) a state park permit valid for one day is ~~\$5~~ \$7;

52.27 (4) a daily vehicle state park permit for groups is ~~\$3~~ \$5;

52.28 (5) an annual permit for motorcycles is ~~\$20~~ \$30;

52.29 (6) an employee's state park permit is without charge; and

53.1 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,
53.2 paragraph (a), clauses (1) to (3), is \$12.

53.3 The fees specified in this subdivision include any sales tax required by state law.

53.4 Sec. 33. Minnesota Statutes 2016, section 85.22, subdivision 2a, is amended to read:

53.5 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state
53.6 park items, tours at ~~Forestville Mystery Cave State Park~~, interpretation programs, educational
53.7 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be
53.8 credited to the state parks working capital account. Receipts and expenses from Douglas
53.9 Lodge shall be tracked separately within the account. Money in the account is annually
53.10 appropriated for the purchase and payment of expenses attributable to items for resale or
53.11 rental and operation of Douglas Lodge. Any excess receipts in this account are annually
53.12 appropriated for state park management and interpretive programs.

53.13 Sec. 34. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

53.14 Subdivision 1. ~~Areas marked~~ **Designation.** The commissioner of natural resources is
53.15 authorized in cooperation with local units of government and private individuals and groups
53.16 when feasible to ~~mark~~ manage state water trails on the Lake Superior water trail under
53.17 section 85.0155 and on the following rivers, which have historic, recreational, and scenic
53.18 values: Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon,
53.19 Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro,
53.20 Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa
53.21 from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River
53.22 of the North, Sauk, Otter Tail, Redwood, Blue Earth, Cedar, Shell Rock, and Vermilion in
53.23 St. Louis County, North Fork of the Crow, and South Fork of the Crow Rivers, which have
53.24 historic and scenic values, and to mark appropriately. The commissioner may map and sign
53.25 points of interest, public water access sites, portages, camp sites, and ~~all~~ dams, rapids,
53.26 waterfalls, ~~whirlpools~~, and other serious hazards that are dangerous to canoe, kayak, and
53.27 watercraft travelers. The commissioner may maintain passageway for watercraft on state
53.28 water trails.

53.29 Sec. 35. **[85.47] SPECIAL USE PERMITS; FEES.**

53.30 Fees collected for special use permits to use state trails not on state forest, state park, or
53.31 state recreation area lands and for use of state water access sites must be deposited in the
53.32 natural resources fund.

54.1 Sec. 36. Minnesota Statutes 2016, section 86B.301, subdivision 2, is amended to read:

54.2 Subd. 2. **Exemptions.** A watercraft license is not required for:

54.3 (1) a watercraft that is covered by a license or number in full force and effect under
54.4 federal law or a federally approved licensing or numbering system of another state, or a
54.5 watercraft that is owned by a person from another state and that state does not require
54.6 licensing that type of watercraft, and the watercraft has not been within this state for more
54.7 than 90 consecutive days, which does not include days that a watercraft is laid up at dock
54.8 over winter or for repairs at a Lake Superior port or another port in the state;

54.9 (2) a watercraft from a country other than the United States that has not been within this
54.10 state for more than 90 consecutive days, which does not include days that a watercraft is
54.11 laid up at dock over winter or for repairs at a Lake Superior port or another port in the state;

54.12 (3) a watercraft owned by the United States, an Indian tribal government, a state, or a
54.13 political subdivision of a state, except watercraft used for recreational purposes;

54.14 (4) a ship's lifeboat;

54.15 (5) a watercraft that has been issued a valid marine document by the United States
54.16 government;

54.17 (6) a waterfowl boat during waterfowl-hunting season;

54.18 (7) a rice boat during the harvest season;

54.19 (8) a seaplane;

54.20 (9) a nonmotorized watercraft ten feet in length or less; and

54.21 (10) a watercraft that is covered by a valid license or number issued by a federally
54.22 recognized Indian tribe in the state under a federally approved licensing or numbering system
54.23 and that is owned by a member of that tribe.

54.24 Sec. 37. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

54.25 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws
54.26 relating to watercraft, a person may not operate or permit the operation of a personal
54.27 watercraft:

54.28 (1) without each person on board the personal watercraft wearing a ~~United States Coast~~
54.29 ~~Guard (USCG)-approved~~ wearable personal flotation device ~~with a~~ that is approved by the
54.30 United States Coast Guard (USCG) and has a USCG label indicating it the flotation device
54.31 either is approved for or does not prohibit use with personal watercraft or water skiing;

- 55.1 (2) between one hour before sunset and 9:30 a.m.;
- 55.2 (3) at greater than slow-no wake speed within 150 feet of:
- 55.3 (i) a shoreline;
- 55.4 (ii) a dock;
- 55.5 (iii) a swimmer;
- 55.6 (iv) a raft used for swimming or diving; or
- 55.7 (v) a moored, anchored, or nonmotorized watercraft;
- 55.8 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other
- 55.9 device unless:
- 55.10 (i) an observer is on board; or
- 55.11 (ii) the personal watercraft is equipped with factory-installed or factory-specified
- 55.12 accessory mirrors that give the operator a wide field of vision to the rear;
- 55.13 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,
- 55.14 or personal flotation device of the operator, if the personal watercraft is equipped by the
- 55.15 manufacturer with such a device;
- 55.16 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or
- 55.17 tampered with so as to interfere with the return-to-idle system;
- 55.18 (7) to chase or harass wildlife;
- 55.19 (8) through emergent or floating vegetation at other than a slow-no wake speed;
- 55.20 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,
- 55.21 including weaving through congested watercraft traffic, jumping the wake of another
- 55.22 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing
- 55.23 backwards;
- 55.24 (10) in any other manner that is not reasonable and prudent; or
- 55.25 (11) without a personal watercraft rules decal, issued by the commissioner, attached to
- 55.26 the personal watercraft so as to be in full view of the operator.
- 55.27 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft
- 55.28 to launch or land a person on water skis, a kneeboard, or similar device by the most direct
- 55.29 route to open water.

56.1 Sec. 38. Minnesota Statutes 2016, section 86B.701, subdivision 3, is amended to read:

56.2 Subd. 3. **Allocation of funding.** (a) Notwithstanding section 16A.41, expenditures
56.3 directly related to each appropriation's purpose made on or after January 1 of the fiscal year
56.4 in which the grant is made or the date of work plan approval, whichever is later, are eligible
56.5 for reimbursement unless otherwise provided.

56.6 (b) The amount of funds to be allocated under subdivisions 1 and 2 and shall be
56.7 determined by the commissioner on the basis of the following criteria:

56.8 (1) the number of watercraft using the waters wholly or partially within the county;

56.9 (2) the number of watercraft using particular bodies of water, wholly or partially within
56.10 the county, in relation to the size of the body of water and the type, speed, and size of the
56.11 watercraft utilizing the water body;

56.12 (3) the amount of water acreage wholly or partially within the county;

56.13 (4) the overall performance of the county in the area of boat and water safety;

56.14 (5) special considerations, such as volume of transient or nonresident watercraft use,
56.15 number of rental watercraft, extremely large bodies of water wholly or partially in the
56.16 county; or

56.17 (6) any other factor as determined by the commissioner.

56.18 ~~(b)~~ (c) The commissioner may require reports from the counties, make appropriate
56.19 surveys or studies, or utilize local surveys or studies to determine the criteria required in
56.20 allocation funds.

56.21 Sec. 39. Minnesota Statutes 2016, section 88.01, subdivision 28, is amended to read:

56.22 Subd. 28. **Prescribed burn.** "Prescribed burn" means a fire that is intentionally ignited,
56.23 managed, and controlled for the purpose of managing forests, prairies, or wildlife habitats
56.24 by an entity meeting certification requirements established by the commissioner for the
56.25 purpose of managing vegetation. A prescribed burn that has exceeded its prescribed
56.26 boundaries and requires immediate suppression action by a local fire department or other
56.27 agency with wildfire suppression responsibilities is considered a wildfire.

56.28 Sec. 40. Minnesota Statutes 2016, section 88.523, is amended to read:

56.29 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

Upon application of the owner, any auxiliary forest contract may be made subject to any provisions of law enacted subsequent to the execution of the contract and in force at the time of application, so far as not already applicable, with the approval of the county board and the commissioner of natural resources. A supplemental agreement in a ~~form~~ format prescribed by the commissioner ~~and approved by the attorney general~~ must be executed by the commissioner in behalf of the state and by the owner. The supplemental agreement must be filed and recorded in like manner as the supplemental contract under section 88.49, subdivision 9, and takes effect upon filing and recording.

Sec. 41. Minnesota Statutes 2016, section 89.39, is amended to read:

89.39 PURCHASE AGREEMENTS AND PENALTIES.

Every individual, partnership, or private corporation to whom any planting stock is supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must execute an agreement, ~~upon a form~~ in a format approved by the ~~attorney general~~ commissioner, to comply with ~~all~~ the requirements of sections 89.35 to 89.39 and ~~all~~ conditions prescribed by the commissioner ~~hereunder~~ thereunder. Any party to such an agreement who ~~shall violate any provision thereof shall~~, violates the agreement is, in addition to any other penalties that may be applicable, ~~be~~ liable to the state in a sum equal to three times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty shall be is equal to three times the sale price. ~~Such~~ The penalties ~~shall be~~ are recoverable in a civil action brought in the name of the state by the attorney general.

Sec. 42. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to read:

Subd. 1a. **Affiliate.** "Affiliate" means a person who:

(1) controls, is controlled by, or is under common control with any other person, including, without limitation, a partner, business entity with common ownership, or principal of any business entity or a subsidiary, parent company, or holding company of any person;
or

(2) bids as a representative for another person.

58.1 Sec. 43. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

58.2 Subd. 8. **Permit holder.** "Permit holder" means the person or affiliate of the person who
58.3 is the signatory of a permit to cut timber on state lands.

58.4 Sec. 44. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

58.5 Subd. 12. **Responsible bidder.** "Responsible bidder" means a person or affiliate of a
58.6 person who is financially responsible; demonstrates the judgment, skill, ability, capacity,
58.7 and integrity requisite and necessary to perform according to the terms of a permit issued
58.8 under this chapter; and is not currently debarred by ~~another~~ a government entity for any
58.9 cause.

58.10 Sec. 45. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

58.11 Subd. 2. **Trespass on state lands.** The commissioner may compromise and settle, ~~with~~
58.12 ~~notification to the attorney general~~, upon terms the commissioner deems just, any claim of
58.13 the state for casual and involuntary trespass upon state lands or timber; provided that no
58.14 claim shall be settled for less than the full value of all timber or other materials taken in
58.15 casual trespass or the full amount of all actual damage or loss suffered by the state as a
58.16 result. Upon request, the commissioner shall advise the Executive Council of any information
58.17 acquired by the commissioner concerning any trespass on state lands, giving all details and
58.18 names of witnesses and all compromises and settlements made under this subdivision.

58.19 Sec. 46. Minnesota Statutes 2016, section 90.051, is amended to read:

58.20 **90.051 SUPERVISION OF SALES; BOND.**

58.21 The department employee delegated to supervise state timber appraisals and sales shall
58.22 be bonded in a form to be prescribed by the ~~attorney general~~ commissioner and in the sum
58.23 of not less than \$25,000, conditioned upon the faithful and honest performance of duties.

58.24 Sec. 47. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

58.25 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner
58.26 shall compile a list containing a description of each tract of land upon which any timber to
58.27 be offered is situated and a statement of the estimated quantity of timber and of the appraised
58.28 price of each kind of timber thereon as shown by the report of the state appraiser. No
58.29 description shall be added after the list is posted and no timber shall be sold from land not
58.30 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.
58.31 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet

59.1 or conspicuously posted in the forest office or other public facility most accessible to potential
59.2 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to
59.3 be published once not less than one week before the date of sale in a legal newspaper in the
59.4 county or counties where the land is situated. The notice shall state the time and place of
59.5 the sale and the location at which further information regarding the sale may be obtained.
59.6 The commissioner may give other published or posted notice as the commissioner deems
59.7 proper to reach prospective bidders.

59.8 Sec. 48. Minnesota Statutes 2016, section 90.14, is amended to read:

59.9 **90.14 AUCTION SALE PROCEDURE.**

59.10 (a) All state timber shall be offered and sold by the same unit of measurement as it was
59.11 appraised. No tract shall be sold to any person other than the purchaser responsible bidder
59.12 in whose name the bid was made. The commissioner may refuse to approve any and all bids
59.13 received and cancel a sale of state timber for good and sufficient reasons.

59.14 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,
59.15 or, if unsold at public auction, at the time of purchase at a subsequent sale under section
59.16 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the
59.17 appraised value. In case any purchaser fails to make such payment, the purchaser shall be
59.18 liable therefor to the state in a civil action, and the commissioner may reoffer the timber
59.19 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been
59.20 made.

59.21 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state
59.22 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of
59.23 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~
59.24 commissioner to purchase a permit based solely on the appraiser's estimate of the volume
59.25 of timber described in the permit, provided that the commissioner has expressly designated
59.26 the availability of such option for that tract on the list of tracts available for sale as required
59.27 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the
59.28 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate
59.29 of the volume of timber described on the permit does not have recourse to the provisions
59.30 of section 90.281.

59.31 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall be
59.32 awarded to the high bidder, who shall pay to the commissioner a down payment of 15
59.33 percent of the appraised value that must be received or postmarked within 14 days of the
59.34 date of the sealed bid opening. If a purchaser fails to make the down payment, the purchaser

is liable for the down payment to the state and the commissioner may offer the timber for sale to the next highest bidder as though no higher bid had been made.

(e) Except as otherwise provided by law, at the time the purchaser signs a permit issued under section 90.151, the commissioner shall require the purchaser to make a bid guarantee payment to the commissioner in an amount equal to 15 percent of the total purchase price of the permit less the down payment amount required by paragraph (b) for any bid increase in excess of \$10,000 of the appraised value. If a required bid guarantee payment is not submitted with the signed permit, no harvesting may occur, the permit cancels, and the down payment for timber forfeits to the state. The bid guarantee payment forfeits to the state if the purchaser and successors in interest fail to execute an effective permit.

Sec. 49. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section 90.151, the commissioner may establish a registration system to verify the qualifications of a person or affiliate as a responsible bidder to purchase a timber permit. Any system implemented by the commissioner shall be limited in scope to only that information that is required for the efficient administration of the purchaser qualification requirements of this chapter. The registration system established under this subdivision is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 50. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered permit to the purchaser, in a ~~form~~ format approved by the ~~attorney general~~ commissioner, by the terms of which the purchaser ~~shall be~~ is authorized to enter upon the land; and to cut and remove the timber ~~therein~~ described in the permit as designated for cutting in the report of the state appraiser, according to the provisions of this chapter. The permit ~~shall~~ must be correctly dated and executed by the commissioner and signed by the purchaser. If a permit is not signed by the purchaser within 45 days from the date of purchase, the permit cancels and the down payment for timber required under section 90.14 forfeits to the state. The commissioner may grant an additional period for the purchaser to sign the permit, not to exceed ten business days, provided the purchaser pays a \$200 penalty fee.

(b) The permit ~~shall expire~~ expires no later than five years after the date of sale as the commissioner shall specify or as specified under section 90.191, and the timber ~~shall~~ must be cut and removed within the time specified ~~therein~~. If additional time is needed, the permit

61.1 holder must request, ~~prior to~~ before the expiration date, and may be granted, for good and
61.2 sufficient reasons, up to 90 additional days for the completion of skidding, hauling, and
61.3 removing all equipment and buildings. All cut timber, equipment, and buildings not removed
61.4 from the land after expiration of the permit becomes the property of the state.

61.5 (c) The commissioner may grant ~~an~~ additional ~~period of~~ time not to exceed 240 days
61.6 for ~~the removal of~~ removing cut timber, equipment, and buildings upon receipt of a written
61.7 request by the permit holder for good and sufficient reasons. The permit holder may combine
61.8 in the written request under this paragraph the request for additional time under paragraph
61.9 (b).

61.10 Sec. 51. Minnesota Statutes 2016, section 90.162, is amended to read:

61.11 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

61.12 In lieu of the security deposit equal to the value of all timber covered by the permit
61.13 required by section 90.161, a purchaser of state timber may elect in ~~writing on a form~~ format
61.14 prescribed by the ~~attorney general~~ commissioner to give good and valid surety to the state
61.15 of Minnesota equal to the purchase price for any designated cutting block identified on the
61.16 permit before the date the purchaser enters upon the land to begin harvesting the timber on
61.17 the designated cutting block.

61.18 Sec. 52. Minnesota Statutes 2016, section 90.252, is amended to read:

61.19 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**
61.20 **FEES.**

61.21 Subdivision 1. **Scaling agreement.** The commissioner may enter into an agreement with
61.22 either a timber sale permittee, or the purchaser of the cut products, or both, so that the scaling
61.23 of the cut timber and the collection of the payment for the same can be consummated by
61.24 the state. ~~Such an~~ The agreement shall must be approved as to form and content by the
61.25 ~~attorney general~~ commissioner and ~~shall must~~ provide for a bond or cash in lieu of a bond
61.26 and ~~such~~ other safeguards as are necessary to protect the interests of the state. The scaling
61.27 and payment collection procedure may be used for any state timber sale, except that no
61.28 permittee who is also the consumer shall both cut and scale the timber sold unless ~~such~~ the
61.29 scaling is supervised by a state scaler.

61.30 Subd. 2. **Weight measurement services; fees.** The commissioner may enter into an
61.31 agreement with the owner or operator of any weight scale inspected, tested, and approved
61.32 under chapter 239 to provide weight measurements for ~~the~~ scaling of state timber according

62.1 to section 90.251. The agreement ~~shall~~ must be ~~on a form~~ in a format prescribed by the
62.2 ~~attorney general~~ commissioner, ~~shall become a~~ becomes part of the official record of any
62.3 state timber permit so scaled, and ~~shall~~ must contain safeguards that are necessary to protect
62.4 the interests of the state. Except as otherwise provided by the commissioner, the cost of any
62.5 agreement to provide weight measurement of state timber ~~shall~~ must be paid by the permit
62.6 holder of any state timber permit so measured and the cost ~~shall~~ must be included in the
62.7 statement of the amount due for the permit under section 90.181, subdivision 1.

62.8 Sec. 53. Minnesota Statutes 2016, section 93.25, subdivision 2, is amended to read:

62.9 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals or petroleum
62.10 must be approved by the Executive Council, and any other mineral lease issued pursuant
62.11 to this section that covers 160 or more acres must be approved by the Executive Council.
62.12 The rents, royalties, terms, conditions, and covenants of all such leases shall be fixed by
62.13 the commissioner according to rules adopted by the commissioner, but no lease shall be for
62.14 a longer term than 50 years, and all rents, royalties, terms, conditions, and covenants shall
62.15 be fully set forth in each lease issued. No lease shall be canceled by the state for failure to
62.16 meet production requirements prior to the 36th year of the lease. The rents and royalties
62.17 shall be credited to the funds as provided in section 93.22.

62.18 **EFFECTIVE DATE.** This section is effective the day following final enactment and
62.19 applies to leases in effect or issued on or after that date.

62.20 Sec. 54. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

62.21 Subd. 4. **Administration and enforcement.** The commissioner shall administer and
62.22 enforce sections 93.44 to 93.51 and the rules adopted pursuant hereto. In so doing the
62.23 commissioner may (1) conduct such investigations and inspections as the commissioner
62.24 deems necessary for the proper administration of sections 93.44 to 93.51; (2) enter upon
62.25 any parts of the mining areas in connection with any such investigation and inspection
62.26 without liability to the operator or landowner provided that reasonable prior notice of
62.27 intention to do so shall have been given the operator or landowner; (3) conduct such research
62.28 or enter into contracts related to mining areas and the reclamation thereof as may be necessary
62.29 to carry out the provisions of sections 93.46 to 93.50; and (4) allocate surplus wetland credits
62.30 that are approved by the commissioner under a permit to mine on or after July 1, 1991, and
62.31 that are not otherwise deposited in a state wetland bank.

62.32 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 1991.

Sec. 55. Minnesota Statutes 2016, section 93.481, subdivision 2, is amended to read:

Subd. 2. **Commissioner's review; hearing; burden of proof.** Within 120 days after receiving the an application, ~~or after receiving additional information requested, or after holding a hearing as provided in this section~~ the commissioner has deemed complete and filed, the commissioner shall grant the permit applied for, with or without modifications or conditions, or deny the application unless a contested case hearing is requested under section 93.483. If written objections to the proposed application are filed with the commissioner within 30 days after the last publication required pursuant to this section or within seven days after publication in the case of an application to conduct lean ore stockpile removal, by any person owning property which will be affected by the proposed operation or by any federal, state, or local governmental agency having responsibilities affected by the proposed operations, a public hearing shall be held by the commissioner in the locality of the proposed operations within 30 days of receipt of such written objections and after appropriate notice and publication of the date, time, and location of the hearing. The commissioner's decision to grant the permit, with or without modifications, or deny the application constitutes a final order for purposes of section 93.50. The commissioner in granting a permit with or without modifications shall determine that the reclamation or restoration planned for the operation complies with lawful requirements and can be accomplished under available technology and that a proposed reclamation or restoration technique is practical and workable under available technology. The commissioner may hold public meetings on the application.

Sec. 56. **[93.483] CONTESTED CASE.**

Subdivision 1. **Petition for contested case hearing.** Any person owning property that is adjacent to the proposed operation or any federal, state, or local government having responsibilities affected by the proposed operation identified in the application for a permit to mine under section 93.481 may file a petition with the commissioner to hold a contested case hearing on the completed application. To be considered by the commissioner, a petition must be submitted in writing, must contain the information specified in subdivision 2, and must be submitted to the commissioner within 30 days after the application is deemed complete and filed. In addition, the commissioner may, on the commissioner's own motion, order a contested case hearing on the completed application.

Subd. 2. **Petition contents.** (a) A petition for a contested case hearing must include the following information:

(1) a statement of reasons or proposed findings supporting the commissioner's decision to hold a contested case hearing pursuant to the criteria in subdivision 3; and

64.1 (2) a statement of the issues proposed to be addressed by a contested case hearing and
64.2 the specific relief requested or resolution of the matter.

64.3 (b) To the extent known by the petitioner, a petition for a contested case hearing may
64.4 also include:

64.5 (1) a proposed list of prospective witnesses to be called, including experts, with a brief
64.6 description of the proposed testimony or a summary of evidence to be presented at a contested
64.7 case hearing;

64.8 (2) a proposed list of publications, references, or studies to be introduced and relied
64.9 upon at a contested case hearing; and

64.10 (3) an estimate of time required for the petitioner to present the matter at a contested
64.11 case hearing.

64.12 (c) A petitioner is not bound or limited to the witnesses, materials, or estimated time
64.13 identified in the petition if the requested contested case is granted by the commissioner.

64.14 (d) Any person may serve timely responses to a petition for a contested case hearing.
64.15 The commissioner shall establish deadlines for responses to be submitted.

64.16 Subd. 3. **Commissioner's decision to hold hearing.** The commissioner may grant the
64.17 petition to hold a contested case hearing or order upon the commissioner's own motion that
64.18 a contested case hearing be held if the commissioner finds that:

64.19 (1) there is a material issue of fact in dispute concerning the completed application before
64.20 the commissioner;

64.21 (2) the commissioner has jurisdiction to make a determination on the disputed material
64.22 issue of fact; and

64.23 (3) there is a reasonable basis underlying a disputed material issue of fact so that a
64.24 contested case hearing would allow the introduction of information that would aid the
64.25 commissioner in resolving the disputed facts in order to make a final decision on the
64.26 completed application.

64.27 Subd. 4. **Hearing upon demand of applicant.** If the commissioner denies an application,
64.28 the applicant may, within 30 days after receipt of the commissioner's order denying the
64.29 application, file a demand for a contested case.

64.30 Subd. 5. **Scope of hearing.** If the commissioner decides to hold a contested case hearing,
64.31 the commissioner shall identify the issues to be resolved and limit the scope and conduct
64.32 of the hearing in accordance with applicable law, due process, and fundamental fairness.

65.1 The commissioner may, before granting or ordering a contested case hearing, develop a
65.2 proposed permit or permit conditions to inform the contested case. The contested case
65.3 hearing must be conducted in accordance with sections 14.57 to 14.62. The final decision
65.4 by the commissioner to grant, with or without modifications or conditions, or deny the
65.5 application after a contested case shall constitute a final order for purposes of section 93.50.

65.6 Subd. 6. **Consistency with administrative rules.** The commissioner shall construe the
65.7 administrative procedures under Minnesota Rules, parts 6130.4800 and 6132.4000, in a
65.8 manner that is consistent with this section. To the extent any provision of Minnesota Rules,
65.9 parts 6130.4800 and 6132.4000, conflicts with this section, this section controls.

65.10 Sec. 57. Minnesota Statutes 2016, section 93.50, is amended to read:

65.11 **93.50 APPEAL.**

65.12 Any person aggrieved by any final order, ruling, or decision of the commissioner may
65.13 appeal seek judicial review of such order, ruling, or decision in the manner provided in
65.14 chapter 14 under sections 14.63 to 14.69.

65.15 Sec. 58. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

65.16 Subd. 9. **Approval by ~~attorney general~~ commissioner.** No exchange of class A land
65.17 shall be consummated unless the ~~attorney general shall have given an opinion in writing~~
65.18 commissioner determines that the title to the land proposed to be conveyed to the state is
65.19 good and ~~marketable~~, free from all liens and, with all encumbrances identified except
65.20 reservations herein authorized. The commissioner may use title insurance to aid in the title
65.21 determination. If required by the ~~attorney general~~ commissioner, the landowner ~~shall~~ must
65.22 submit an abstract of title and make and file with the commissioner an affidavit as to
65.23 possession of the land, improvements, liens, and encumbrances thereon, and other matters
65.24 affecting the title.

65.25 Sec. 59. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

65.26 Subd. 9. **Approval of county attorney.** No exchange of class B land shall be
65.27 consummated unless the title to the land proposed to be exchanged therefor ~~shall~~ is first be
65.28 approved by the county attorney in like manner as provided for approval by the ~~attorney~~
65.29 ~~general~~ commissioner in case of class A land. The county attorney's opinion on the title
65.30 ~~shall be~~ is subject to approval by the ~~attorney general~~ commissioner.

66.1 Sec. 60. Minnesota Statutes 2016, section 97A.015, is amended by adding a subdivision
66.2 to read:

66.3 Subd. 35a. **Portable shelter.** "Portable shelter" means a fish house, dark house, or other
66.4 shelter that is set on the ice of state waters to provide shelter and that collapses, folds, or is
66.5 disassembled for transportation.

66.6 Sec. 61. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

66.7 Subd. 39. **Protected wild animals.** "Protected wild animals" ~~are the following wild~~
66.8 ~~animals:~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,
66.9 ciscoes, chubs, and lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,
66.10 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal
66.11 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter
66.12 6134, and wild animals that are protected by a restriction in the time or manner of taking,
66.13 other than a restriction in the use of artificial lights, poison, or motor vehicles.

66.14 Sec. 62. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

66.15 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,
66.16 burbot, cisco, gar, goldeye, and bullhead, except for any fish species listed as endangered,
66.17 threatened, or of special concern in Minnesota Rules, chapter 6134.

66.18 Sec. 63. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

66.19 Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel,
66.20 cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, short-tailed weasel,
66.21 long-tailed weasel, wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar,
66.22 wolverine, muskrat, mink, otter, and beaver.

66.23 Sec. 64. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

66.24 Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, ~~blackbird,~~
66.25 ~~starling, magpie,~~ cormorant, common pigeon, Eurasian collared dove, chukar partridge,
66.26 quail other than bobwhite quail, and mute swan.

66.27 Sec. 65. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

66.28 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals
66.29 that are not protected wild animals including ~~weasel,~~ coyote, plains pocket gopher, porcupine,

67.1 striped skunk, and unprotected birds, except any animal species listed as endangered,
67.2 threatened, or of special concern in Minnesota Rules, chapter 6134.

67.3 Sec. 66. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

67.4 Subd. 10. **Reciprocal agreements on violations.** The commissioner, ~~with the approval~~
67.5 ~~of the attorney general,~~ may enter into reciprocal agreements with game and fish authorities
67.6 in other states and the United States government to provide for:

67.7 (1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents
67.8 for violations of game and fish laws committed in signatory jurisdictions ~~which~~ that result
67.9 in license revocation in that jurisdiction;

67.10 (2) reporting convictions and license revocations of residents of signatory states for
67.11 violations of game and fish laws of Minnesota to game and fish authorities in the
67.12 nonresident's state of residence; and

67.13 (3) release upon signature without posting of bail for residents of signatory states accused
67.14 of game and fish law violations in this state, providing for recovery, in the resident
67.15 jurisdiction, of fines levied if the citation is not answered in this state.

67.16 As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

67.17 Sec. 67. Minnesota Statutes 2016, section 97A.055, subdivision 2, is amended to read:

67.18 Subd. 2. **Receipts.** The commissioner of management and budget shall credit to the
67.19 game and fish fund all money received under the game and fish laws and all income from
67.20 state lands acquired by purchase or gift for game or fish purposes, including receipts from:

67.21 (1) licenses and permits issued;

67.22 (2) fines and forfeited bail;

67.23 (3) sales of contraband, wild animals, and other property under the control of the division,
67.24 except as provided in section 97A.225, subdivision 8, clause (2);

67.25 (4) fees from advanced education courses for hunters and trappers;

67.26 (5) reimbursements of expenditures by the division;

67.27 (6) contributions to the division; and

67.28 (7) revenue credited to the game and fish fund under section 297A.94, paragraph (e),
67.29 clause (1).

68.1 Sec. 68. Minnesota Statutes 2016, section 97A.075, subdivision 1, is amended to read:

68.2 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,
68.3 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),
68.4 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and
68.5 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

68.6 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife
68.7 trust fund, established in section 97A.4742, for each license issued under section 97A.473,
68.8 subdivision 4, shall be credited to the deer management account and is appropriated to the
68.9 commissioner for deer habitat improvement or deer management programs.

68.10 (c) \$1 from each annual deer license and each bear license and \$1 annually from the
68.11 lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued
68.12 under section 97A.473, subdivision 4, shall be credited to the deer and bear management
68.13 account and is appropriated to the commissioner for deer and bear management programs,
68.14 including a computerized licensing system.

68.15 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild
68.16 cervidae health management account and is appropriated for emergency deer feeding and
68.17 wild cervidae health management. Money appropriated for emergency deer feeding and
68.18 wild cervidae health management is available until expended.

68.19 When the unencumbered balance in the appropriation for emergency deer feeding and
68.20 wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the
68.21 unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear
68.22 management programs and computerized licensing.

68.23 ~~(e) Fifty cents from each annual deer license and 50 cents annually from the lifetime~~
68.24 ~~fish and wildlife trust fund established in section 97A.4742, for each license issued under~~
68.25 ~~section 97A.473, subdivision 4, shall be credited to the wolf management and monitoring~~
68.26 ~~account under subdivision 7.~~

68.27 **EFFECTIVE DATE.** This section is effective July 1 of the year following the year the
68.28 wolf is delisted under the federal Endangered Species Act.

68.29 Sec. 69. Minnesota Statutes 2016, section 97A.137, subdivision 5, is amended to read:

68.30 Subd. 5. **Portable stands.** ~~Prior to the Saturday on or nearest September 16,~~ A portable
68.31 stand may be left overnight in a wildlife management area by a person with a valid bear
68.32 license ~~who is hunting within 100 yards of a bear bait site that is legally tagged and registered~~
68.33 ~~as prescribed under section 97B.425~~ to take big game during the respective season. Any

person leaving a portable stand overnight under this subdivision must affix a tag with: (1) the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#" license identification number issued to the licensee. The tag must be affixed to the stand in a manner that it can be read from the ground and be made of a material sufficient to withstand weather conditions. A person leaving a portable stand overnight in a wildlife management area may not leave more than two portable stands in any one wildlife management area.

Sec. 70. Minnesota Statutes 2016, section 97A.201, subdivision 2, is amended to read:

Subd. 2. **Duty of ~~county attorneys and~~ peace officers.** ~~County attorneys and~~ All peace officers must enforce the game and fish laws.

Sec. 71. Minnesota Statutes 2016, section 97A.201, is amended by adding a subdivision to read:

Subd. 3. **Prosecuting authority.** County attorneys are the primary prosecuting authority for violations under section 97A.205, clause (5). Prosecution includes associated civil forfeiture actions provided by law.

Sec. 72. Minnesota Statutes 2016, section 97A.225, subdivision 8, is amended to read:

Subd. 8. **Proceeds of sale.** ~~After determining the expense~~ The proceeds from the sale after payment of the costs of seizing, towing, keeping, and selling the property, the commissioner must pay the and satisfying valid ~~liens from the proceeds according to the court order. The remaining proceeds~~ against the property must be distributed as follows:

(1) 70 percent of the money or proceeds shall be deposited in the state treasury and credited to the game and fish fund; and

(2) 30 percent of the money or proceeds is considered a cost of forfeiting the property and must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.

Sec. 73. Minnesota Statutes 2016, section 97A.301, subdivision 1, is amended to read:

Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person is guilty of a misdemeanor if that person:

(1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates the game and fish laws;

(2) aids or assists in committing the violation;

70.1 (3) knowingly shares in the proceeds of the violation;

70.2 (4) fails to perform a duty or comply with a requirement of the game and fish laws;

70.3 (5) knowingly makes a false statement related to an affidavit regarding a violation or
70.4 requirement of the game and fish laws; or

70.5 (6) violates or attempts to violate a rule under the game and fish laws.

70.6 Sec. 74. Minnesota Statutes 2016, section 97A.338, is amended to read:

70.7 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

70.8 (a) A person who takes, possesses, or transports wild animals over the legal limit, in
70.9 closed season, or without a valid license, when the restitution value of the wild animals is
70.10 over \$1,000 is guilty of a gross overlimit violation. Except as provided in paragraph (b), a
70.11 violation under this section paragraph is a gross misdemeanor.

70.12 (b) If a wild animal involved in a gross overlimit violation is listed as a threatened or
70.13 endangered wild animal, the penalty in paragraph (a) does not apply unless more than one
70.14 animal is taken, possessed, or transported in violation of the game and fish laws.

70.15 Sec. 75. Minnesota Statutes 2016, section 97A.420, subdivision 1, is amended to read:

70.16 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license
70.17 of a person who unlawfully takes, transports, or possesses wild animals when the restitution
70.18 value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the
70.19 person may not use or obtain any license to take the same type of wild animals involved,
70.20 including a duplicate license, until an action is taken under subdivision 6. If the license
70.21 seized under this paragraph was for a big game animal, the license seizure applies to all
70.22 licenses to take big game issued to the individual. If the license seized under this paragraph
70.23 was for small game animals, the license seizure applies to all licenses to take small game
70.24 issued to the individual.

70.25 (b) In addition to the license seizure under paragraph (a), if the restitution value of the
70.26 wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all other
70.27 game and fish licenses held by the person shall be immediately seized. Except as provided
70.28 in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit,
70.29 including a duplicate license, until an action is taken under subdivision 6.

70.30 (c) A person may not take wild animals covered by a license seized under this subdivision
70.31 until an action is taken under subdivision 6.

71.1 Sec. 76. Minnesota Statutes 2016, section 97A.421, subdivision 2a, is amended to read:

71.2 Subd. 2a. **Issuance after conviction; gross overlimits.** (a) A person may not obtain a
71.3 license to take a wild animal and is prohibited from taking wild animals for ten years after
71.4 the date of conviction of a violation when the restitution value of the wild animals is \$2,000
71.5 or more.

71.6 (b) A person may not obtain a license to take a wild animal and is prohibited from taking
71.7 wild animals for ~~a period of~~ five years after the date of conviction of:

71.8 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or more,₂
71.9 but less than \$2,000; or

71.10 (2) a violation when the restitution value of the wild animals exceeds \$500 and the
71.11 violation occurs within ten years of one or more previous license revocations under this
71.12 subdivision.

71.13 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in a
71.14 violation when the restitution value of the wild animals exceeds \$500 and is prohibited from
71.15 taking the type of wild animals involved in the violation for ~~a period of~~ three years after the
71.16 date of conviction of a violation.

71.17 ~~(c)~~ (d) The time period of multiple revocations under paragraph (a) or (b), clause (2),
71.18 ~~shall be~~ are consecutive and no wild animals of any kind may be taken during the entire
71.19 revocation period.

71.20 (e) If a wild animal involved in the conviction is listed as a threatened or endangered
71.21 wild animal, the revocations under this subdivision do not apply unless more than one animal
71.22 is taken, possessed, or transported in violation of the game and fish laws.

71.23 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation provisions
71.24 under this subdivision.

71.25 Sec. 77. Minnesota Statutes 2016, section 97A.441, subdivision 1, is amended to read:

71.26 Subdivision 1. **Angling and spearing; disabled residents.** (a) A person authorized to
71.27 issue licenses must issue, without a fee, licenses to take fish by angling or spearing to a
71.28 resident who is:

71.29 (1) blind;

71.30 (2) a recipient of Supplemental Security Income for the aged, blind, and disabled;

72.1 (3) a recipient of Social Security aid to the disabled under United States Code, title 42,
72.2 section 416, paragraph (i)(l), or section 423(d);

72.3 (4) a recipient of workers' compensation based on a finding of total and permanent
72.4 disability;

72.5 (5) 65 years of age or older and was qualified under clause (2) or (3) at the age of 64;
72.6 ~~or~~

72.7 (6) permanently disabled and meets the disability requirements for Supplemental Security
72.8 Income or Social Security aid to the disabled under United States Code, title 42, section
72.9 416, paragraph (i)(l), or section 423(d);

72.10 (7) receiving aid under the federal Railroad Retirement Act of 1974, United States Code,
72.11 title 45, section 231a(a)(1)(v); or

72.12 (8) a former employee of the United States Postal Service receiving disability pay under
72.13 United States Code, title 5, section 8337.

72.14 (b) A driver's license or Minnesota identification card bearing the applicable designation
72.15 under section 171.07, subdivision 17, serves as satisfactory evidence to obtain a license
72.16 under this subdivision at all agent locations.

72.17 Sec. 78. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

72.18 Subd. 6. ~~Scopes; age 60 or over.~~ A person ~~age 60 or over~~ may use a muzzleloader with
72.19 a scope to take deer during the muzzleloader season. The scope may have magnification
72.20 capabilities.

72.21 Sec. 79. **[97B.032] RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

72.22 The commissioner of natural resources shall not adopt rules further restricting the use
72.23 of lead shot.

72.24 **EFFECTIVE DATE.** This section is effective the day following final enactment and
72.25 applies to rules adopted on or after that date.

72.26 Sec. 80. Minnesota Statutes 2016, section 97B.071, is amended to read:

72.27 **97B.071 BLAZE ORANGE CLOTHING REQUIREMENTS; BLAZE ORANGE**
72.28 **OR BLAZE PINK.**

72.29 (a) Except as provided in rules adopted under paragraph (c), a person may not hunt or
72.30 trap during the open season where deer may be taken by firearms under applicable laws and

ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze pink includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within each foot square. This section does not apply to migratory-waterfowl hunters on waters of this state or in a stationary shooting location or to trappers on waters of this state.

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

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

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

Sec. 81. Minnesota Statutes 2016, section 97B.405, is amended to read:

97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

(b) If the commissioner limits the number of persons that may hunt bear in an area under paragraph (a), the commissioner must reserve one permit and give first preference for that permit to a resident of a Minnesota veterans home.

~~(b)~~ (c) A person selected through a drawing must purchase a license by August 1. Any remaining available licenses not purchased shall be issued to any eligible person as prescribed by the commissioner on a first-come, first-served basis beginning three business days after August 1.

Sec. 82. Minnesota Statutes 2016, section 97B.431, is amended to read:

97B.431 BEAR-HUNTING OUTFITTERS.

(a) A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear-hunting-outfitter license. A bear-hunting outfitter is not required to have a license to take bear unless the outfitter is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

(b) The commissioner shall establish a resident master bear-hunting-outfitter license under which one person serves as the bear-hunting outfitter and one other person is eligible to guide and bait bear. Additional persons may be added to the license and are eligible to guide and bait bear under the license, provided the additional fee under section 97A.475, subdivision 16, is paid for each person added. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses. The commissioner must not require a person to have certification or training in first aid or CPR to be eligible for a license under this section.

Sec. 83. Minnesota Statutes 2016, section 97B.516, is amended to read:

97B.516 ELK MANAGEMENT PLAN.

(a) The commissioner of natural resources must adopt an elk management plan that:

(1) recognizes the value and uniqueness of elk;

(2) provides for integrated management of an elk population in harmony with the environment; and

(3) affords optimum recreational opportunities.

(b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size of the herd, including adoption or implementation of an elk management plan designed to increase an elk herd, unless the commissioner of agriculture verifies that crop and fence damages paid under section 3.7371 and attributed to the herd have not increased for at least two years.

(c) At least 60 days prior to implementing a plan to increase an elk herd, the commissioners of natural resources and agriculture must hold a joint public meeting in the county where the elk herd to be increased is located. At the meeting, the commissioners must present evidence that crop and fence damages have not increased in the prior two years and must detail the practices that will be used to reduce elk conflicts with area landowners.

75.1 Sec. 84. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

75.2 Subdivision 1. **Owners and occupants may take certain animals.** A person or the
75.3 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,
75.4 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the
75.5 person where the animal is causing damage. The person or the person's agent may take the
75.6 animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed
75.7 season or by poison. Raccoons may be taken under this subdivision with artificial lights
75.8 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,
75.9 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer
75.10 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

75.11 Sec. 85. Minnesota Statutes 2016, section 97C.315, subdivision 1, is amended to read:

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

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

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

75.16 (3) two lines may be used to take fish during the open-water season, except on waters
75.17 during a catch and release season for any species, by a resident or nonresident angler who
75.18 purchases a second-line endorsement for \$5. Of the amount collected from purchases of
75.19 second-line endorsements, 50 percent must be spent on walleye stocking.

75.20 **EFFECTIVE DATE.** This section is effective March 1, 2018.

75.21 Sec. 86. Minnesota Statutes 2016, section 97C.355, subdivision 2a, is amended to read:

75.22 Subd. 2a. **Portable shelters.** (a) A person using a portable shelter that is not identified
75.23 under subdivision 1 may not leave the portable shelter unattended between midnight and
75.24 sunrise and must remain within 200 feet of the shelter while the shelter is on the ice of state
75.25 waters.

75.26 (b) If a person leaves the portable shelter unattended any time between midnight and
75.27 one hour before sunrise or is not within 200 feet of the portable shelter, the portable shelter
75.28 must be licensed as provided under subdivision 2.

76.1 Sec. 87. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

76.2 Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person
76.3 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~
76.4 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

76.5 ~~(b) The restrictions in paragraph (a) do not apply to boundary waters.~~

76.6 Sec. 88. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

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

76.11 (b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor
76.12 vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow
76.13 retailer's place of business, ~~except as provided in subdivision 3.~~ A minnow retailer is not
76.14 required to obtain a minnow retailer's vehicle license:

76.15 (1) as provided in subdivision 3;

76.16 (2) if the minnow retailer is licensed as a resort under section 157.16, is transporting
76.17 minnows purchased from a minnow dealer's place of business directly to the resort, possesses
76.18 a detailed receipt, including the date and time of purchase, and presents the receipt and
76.19 minnows for inspection upon request; or

76.20 (3) if minnows are being transported by common carrier and information is provided
76.21 that allows the commissioner to find out the location of the shipment in the state.

76.22 Sec. 89. Minnesota Statutes 2016, section 97C.515, subdivision 2, is amended to read:

76.23 Subd. 2. **Permit for transportation; importation.** (a) A person may transport live
76.24 minnows through the state with a permit from the commissioner. The permit must state the
76.25 name and address of the person, the number and species of minnows, the point of entry into
76.26 the state, the destination, and the route through the state. The permit is not valid for more
76.27 than 12 hours after it is issued. A person must not import minnows into the state except as
76.28 provided in this section.

76.29 (b) Minnows transported under this subdivision must be in a tagged container. The tag
76.30 number must correspond with tag numbers listed on the minnow transportation permit.

(c) The commissioner may require the person transporting minnow species found on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, to provide health certification for viral hemorrhagic septicemia. The certification must disclose any incidentally isolated replicating viruses, and must be dated within the 12 months preceding transport.

(d) Golden shiner minnows may be imported as provided in this subdivision. Golden shiner minnows that are imported must be certified as healthy according to Arkansas standards in accordance with the Arkansas baitfish certification program.

(e) Golden shiner minnows must be certified free of viral hemorrhagic septicemia, infectious hematopoietic necrosis, infectious pancreatic necrosis, spring viremia of carp virus, fathead minnow nidovirus, heterosporis, aeromonas salmonicida, and yersinia ruckeri.

(f) Golden shiner minnows must originate from a biosecure facility that has tested negative for invasive species.

(g) Only a person that holds a Minnesota wholesale minnow dealer's license issued under section 97C.501, subdivision 2, may obtain a permit to import golden shiner minnows.

Sec. 90. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision to read:

Subd. 7. **Harvesting mussel shells.** Live mussels may not be harvested. A person possessing a valid resident or nonresident angling license or a person not required to have an angling license to take fish may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand-picking only and may not be purchased or sold.

Sec. 91. Minnesota Statutes 2016, section 103B.101, subdivision 12a, is amended to read:

~~Subd. 12a. **Authority to issue penalty orders.** (a) A county or watershed district with jurisdiction or~~ The Board of Water and Soil Resources may issue an order requiring violations of the water resources riparian protection requirements under sections 103F.415, 103F.421, and 103F.48 to be corrected and administratively assessing monetary penalties up to \$500 for noncompliance commencing on day one of the 11th month after the noncompliance notice was issued. The proceeds collected from an administrative penalty order issued under

78.1 this section must be remitted to ~~the county or watershed district with jurisdiction over the~~
78.2 ~~noncompliant site, or otherwise remitted to the Board of Water and Soil Resources.~~

78.3 (b) Before exercising this authority, the Board of Water and Soil Resources must adopt
78.4 a plan containing procedures for the issuance of administrative penalty orders ~~by local~~
78.5 ~~governments and the board as authorized in this subdivision.~~ This plan, and any subsequent
78.6 amendments, will become effective 30 days after being published in the State Register. The
78.7 initial plan must be published in the State Register no later than July 1, 2017.

78.8 (c) Administrative penalties may be reissued and appealed under paragraph (a) according
78.9 to section 103F.48, subdivision 9.

78.10 Sec. 92. Minnesota Statutes 2016, section 103F.411, subdivision 1, is amended to read:

78.11 Subdivision 1. **Authority.** The Board of Water and Soil Resources, in consultation with
78.12 counties, soil and water conservation districts, and other appropriate agencies, shall adopt
78.13 a model ordinance and rules that serve as a guide for local governments that have adopted
78.14 a soil loss ordinance to implement sections 103F.401 to 103F.455 and provide administrative
78.15 procedures for the board for sections 103F.401 to 103F.455.

78.16 Sec. 93. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

78.17 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
78.18 the meanings given them.

78.19 (b) "Board" means the Board of Water and Soil Resources.

78.20 (c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants
78.21 and noxious weeds, adjacent to all bodies of water within the state and that protects the
78.22 water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and
78.23 protects or provides riparian corridors.

78.24 (d) "Buffer protection map" means buffer maps established and maintained by the
78.25 commissioner of natural resources.

78.26 (e) "Commissioner" means the commissioner of natural resources.

78.27 (f) "Executive director" means the executive director of the Board of Water and Soil
78.28 Resources.

78.29 (g) "Local water management authority" means a watershed district, metropolitan water
78.30 management organization, or county operating separately or jointly in its role as local water
78.31 management authority under chapter 103B or 103D.

(h) "Normal water level" means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

(i) "Public waters" ~~has the meaning given in section 103G.005, subdivision 15. The term means public waters as used in this section applies to waters that are on the public waters inventory as provided in section 103G.201.~~

(j) "With jurisdiction" means a ~~board determination that the county or watershed district that has adopted a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101, subdivision 12a~~ that has notified the board.

Sec. 94. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

Subd. 3. **Water resources riparian protection requirements on public waters and public drainage systems.** (a) Except as provided in paragraph (b), landowners owning property adjacent to a water body identified and mapped on a buffer protection map must maintain a buffer to protect the state's water resources as follows:

(1) for all public waters that have a shoreland classification, the more restrictive of:

(i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially rooted vegetation; or

(ii) the state shoreland standards and criteria adopted by the commissioner under section 103F.211; and

(2) for public drainage systems established under chapter 103E and public waters that do not have a shoreland classification, a 16.5-foot minimum width continuous buffer as provided in section 103E.021, subdivision 1. The buffer vegetation shall not impede future maintenance of the ditch.

(b) A landowner owning property adjacent to a water body identified in a buffer protection map and whose property is used for cultivation farming may meet the requirements under paragraph (a) by adopting an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide or other practices approved by the local soil and water conservation district board, that provide water quality protection comparable to the buffer protection for the water body that the property abuts. Included in these practices are retention ponds and alternative measures that prevent overland flow to the water resource. A landowner, authorized agent, or operator may request the soil and water conservation

80.1 district to make a determination whether a specific alternative water quality practice would
80.2 meet the applicable requirements under this section. If a landowner, authorized agent, or
80.3 operator has requested, at least 90 days before the applicable effective date under paragraph
80.4 (e), that the soil and water conservation district make a determination, then the landowner
80.5 must not be found noncompliant until the soil and water conservation district has notified
80.6 the landowner, agent, or operator in writing whether the practice would meet the applicable
80.7 requirements.

80.8 (c) The width of a buffer on public waters must be measured from the top or crown of
80.9 the bank. Where there is no defined bank, measurement must be from the edge of the normal
80.10 water level. The width of the buffer on public drainage systems must be measured as provided
80.11 in section 103E.021, subdivision 1.

80.12 (d) Upon request by a landowner or authorized agent or operator of a landowner, a
80.13 technical professional employee or contractor of the soil and water conservation district or
80.14 its delegate may issue a validation of compliance with the requirements of this subdivision.
80.15 The soil and water conservation district validation may be appealed to the board as described
80.16 in subdivision 9.

80.17 (e) Buffers or alternative water quality practices required under paragraph (a) or (b)
80.18 must be in place on or before:

80.19 (1) November 1, ~~2017~~ 2019, for public waters; and

80.20 (2) November 1, ~~2018~~ 2020, for public drainage systems.

80.21 (f) Nothing in this section limits the eligibility of a landowner or authorized agent or
80.22 operator of a landowner to participate in federal or state conservation programs, including
80.23 enrolling or reenrolling in federal conservation programs.

80.24 (g) After the effective date of this section, a person planting buffers or water quality
80.25 protection practices to meet the requirements in paragraph (a) must use only seed mixes
80.26 that are certified to be free of Palmer amaranth or other noxious weed seeds. The board, a
80.27 county, or a watershed district must not take corrective action under subdivision 7 against
80.28 a landowner who does not have seed available to comply with this paragraph.

80.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

80.30 Sec. 95. Minnesota Statutes 2016, section 103F.48, subdivision 7, is amended to read:

80.31 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines
80.32 a landowner is not in compliance with this section, and the landowner has declined state or

81.1 federal assistance to pay 100 percent of the cost to establish buffers or other water resource
81.2 protection measures approved by the board and annual payments or an easement for the
81.3 land, the district must notify the county or watershed district with jurisdiction over the
81.4 noncompliant site and the board. The county or watershed district with jurisdiction or the
81.5 board must provide the landowner with a list of corrective actions needed to come into
81.6 compliance and a practical timeline to meet the requirements in this section. The county or
81.7 watershed district with jurisdiction must provide a copy of the corrective action notice to
81.8 the board.

81.9 (b) A county or watershed district exercising jurisdiction under this subdivision ~~and the~~
81.10 ~~enforcement authority granted in section 103B.101, subdivision 12a,~~ shall affirm their
81.11 jurisdiction and identify the ordinance, rule, or other official controls to carry out the
81.12 compliance provisions of this section ~~and section 103B.101, subdivision 12a,~~ by notice to
81.13 the board ~~prior to March 31, 2017.~~ A county or watershed district must provide notice to
81.14 the board at least 60 days prior to the effective date of a subsequent decision on their
81.15 jurisdiction.

81.16 (c) If the landowner does not comply with the list of actions and timeline provided, the
81.17 county or watershed district may enforce this section ~~under the authority granted in section~~
81.18 ~~103B.101, subdivision 12a, or by rule of the watershed district or ordinance or other official~~
81.19 ~~control of the county. Before exercising administrative penalty authority, a county or~~
81.20 ~~watershed district must adopt a plan consistent with the plan adopted by the board containing~~
81.21 ~~procedures for the issuance of administrative penalty orders and may issue orders beginning~~
81.22 ~~November 1, 2017.~~ If a county or watershed district with jurisdiction over the noncompliant
81.23 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the
81.24 board must enforce this section under the authority granted in section 103B.101, subdivision
81.25 12a.

81.26 (d) If the county, watershed district, or board determines that sufficient steps have been
81.27 taken to fully resolve noncompliance, all or part of the penalty may be forgiven.

81.28 (e) An order issued under paragraph (c) may be appealed to the board as provided under
81.29 subdivision 9.

81.30 (f) A corrective action is not required for conditions resulting from a flood or other act
81.31 of nature.

81.32 (g) A landowner agent or operator of a landowner may not remove or willfully degrade
81.33 a riparian buffer or water quality practice, wholly or partially, unless the agent or operator
81.34 has obtained a signed statement from the property owner stating that the permission for the

work has been granted by the unit of government authorized to approve the work in this section or that a buffer or water quality practice is not required as validated by the soil and water conservation district. Removal or willful degradation of a riparian buffer or water quality practice, wholly or partially, by an agent or operator is a separate and independent offense and may be subject to the corrective actions and penalties in this subdivision.

(h) A county or watershed district or the board shall not enforce this section unless federal or state assistance is available to the landowner to pay 100 percent of the cost to establish buffers or other water resource protection measures approved by the board and annual payments or an easement for the land.

Sec. 96. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision to read:

Subd. 8a. **Constructed management facilities for storm water.** "Constructed management facilities for storm water" means ponds, basins, holding tanks, cisterns, infiltration trenches and swales, or other best management practices that have been designed, constructed, and operated to store or treat storm water in accordance with local, state, or federal requirements.

Sec. 97. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to read:

Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a county ~~or~~, watershed, or, for purposes of wetland replacement, bank service area where 80 percent or more of the presettlement wetland acreage is intact and:

(1) ten percent or more of the current total land area is wetland; or

(2) 50 percent or more of the current total land area is state or federal land.

Sec. 98. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

Subd. 10h. **Less than 50 percent area.** "Less than 50 percent area" means a county ~~or~~, watershed, or, for purposes of wetland replacement, bank service area with less than 50 percent of the presettlement wetland acreage intact or any county ~~or~~, watershed, or bank service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

Sec. 99. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by actions that provide at least equal public value under a

83.1 replacement plan approved as provided in section 103G.2242, a replacement plan under a
83.2 local governmental unit's comprehensive wetland protection and management plan approved
83.3 by the board under section 103G.2243, or, if a permit to mine is required under section
83.4 93.481, under a mining reclamation plan approved by the commissioner under the permit
83.5 to mine. Project-specific wetland replacement plans submitted as part of a project for which
83.6 a permit to mine is required and approved by the commissioner on or after July 1, 1991,
83.7 may include surplus wetland credits to be allocated by the commissioner to offset future
83.8 mining-related wetland impacts under any permits to mine held by the permittee, the operator,
83.9 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an
83.10 assignment under section 93.481, subdivision 5. For project-specific wetland replacement
83.11 completed prior to wetland impacts authorized or conducted under a permit to mine within
83.12 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single
83.13 watershed for purposes of determining wetland replacement ratios. Mining reclamation
83.14 plans shall apply the same principles and standards for replacing wetlands that are applicable
83.15 to mitigation plans approved as provided in section 103G.2242. The commissioner must
83.16 provide notice of an application for wetland replacement under a permit to mine to the
83.17 county in which the impact is proposed and the county in which a mitigation site is proposed.
83.18 Public value must be determined in accordance with section 103B.3355 or a comprehensive
83.19 wetland protection and management plan established under section 103G.2243. Sections
83.20 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently
83.21 flooded areas of types 3, 4, and 5 wetlands.

83.22 (b) Replacement must be guided by the following principles in descending order of
83.23 priority:

83.24 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish
83.25 the wetland;

83.26 (2) minimizing the impact by limiting the degree or magnitude of the wetland activity
83.27 and its implementation;

83.28 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland
83.29 environment;

83.30 (4) reducing or eliminating the impact over time by preservation and maintenance
83.31 operations during the life of the activity;

83.32 (5) compensating for the impact by restoring a wetland; and

83.33 (6) compensating for the impact by replacing or providing substitute wetland resources
83.34 or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that the altered wetland is not converted to a nonagricultural use for at least ten years.

(d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241, subdivision 2, paragraph (b) or (e), the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years. The local government unit may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit.

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected and ponds that are created primarily to fulfill storm water management, and water quality treatment requirements may not be used to satisfy replacement requirements under this chapter unless the design includes pretreatment of runoff and the pond is functioning as a wetland.

(f) Except as provided in paragraph (g), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(g) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

(h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

(i) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used for wetland replacement according to rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for wetland replacement.

(j) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

(k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

(l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph. For the purposes of this paragraph, "transportation project" does not include an airport project.

(m) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation

authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

(n) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

(o) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

(p) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph (o) or provide a reason why the petition is denied.

EFFECTIVE DATE. This section is effective retroactively from July 1, 1991.

87.1 Sec. 100. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

87.2 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Impacted
87.3 wetlands outside of a greater than 80 percent area must not be replaced in a 50 to greater
87.4 than 80 percent area or in a less than 50 percent area. Impacted wetlands in a less than 50
87.5 percent area must be replaced in a less than 50 percent area. All wetland replacement must
87.6 follow this priority order:

87.7 (1) ~~on-site or~~ in the same minor watershed as the impacted wetland;

87.8 (2) in the same watershed as the impacted wetland;

87.9 (3) in the same ~~county or~~ wetland bank service area as the impacted wetland; and

87.10 (4) in another wetland bank service area.

87.11 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a
87.12 complete wetland banking application submitted to a local government unit by April 1,
87.13 1996, may be used to replace wetland impacts resulting from public transportation projects
87.14 statewide.

87.15 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement
87.16 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under
87.17 section 103G.2242, subdivision 1.

87.18 (d) When reasonable, practicable, and environmentally beneficial replacement
87.19 opportunities are not available in siting priorities listed in paragraph (a), the applicant may
87.20 seek opportunities at the next level.

87.21 (e) For the purposes of this section, "reasonable, practicable, and environmentally
87.22 beneficial replacement opportunities" are defined as opportunities that:

87.23 (1) take advantage of naturally occurring hydrogeomorphological conditions and require
87.24 minimal landscape alteration;

87.25 (2) have a high likelihood of becoming a functional wetland that will continue in
87.26 perpetuity;

87.27 (3) do not adversely affect other habitat types or ecological communities that are
87.28 important in maintaining the overall biological diversity of the area; and

87.29 (4) are available and capable of being done after taking into consideration cost, existing
87.30 technology, and logistics consistent with overall project purposes.

88.1 (f) Regulatory agencies, local government units, and other entities involved in wetland
88.2 restoration shall collaborate to identify potential replacement opportunities within their
88.3 jurisdictional areas.

88.4 (g) The board must establish wetland replacement ratios and wetland bank service area
88.5 priorities to implement the siting and targeting of wetland replacement and encourage the
88.6 use of high priority areas for wetland replacement.

88.7 (h) Wetland replacement sites identified in accordance with the priority order for
88.8 replacement siting in paragraph (a) as part of the completion of an adequate environmental
88.9 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,
88.10 or 103G.2243 without further modification related to the priority order, notwithstanding
88.11 availability of new mitigation sites or availability of credits after completion of an adequate
88.12 environmental impact statement. Wetland replacement plan applications must be submitted
88.13 within one year of the adequacy determination of the environmental impact statement to be
88.14 eligible for approval under this paragraph.

88.15 Sec. 101. Minnesota Statutes 2016, section 103G.223, is amended to read:

88.16 **103G.223 CALCAREOUS FENS.**

88.17 (a) Calcareous fens, as identified by the commissioner by written order published in the
88.18 State Register, may not be filled, drained, or otherwise degraded, wholly or partially, by
88.19 any activity, unless the commissioner, under an approved management plan, decides some
88.20 alteration is necessary. Identifications made by the commissioner are not subject to the
88.21 rulemaking provisions of chapter 14 and section 14.386 does not apply.

88.22 (b) Notwithstanding paragraph (a), the commissioner must allow temporary reductions
88.23 in groundwater resources on a seasonal basis under an approved management plan for
88.24 appropriating water.

88.25 Sec. 102. Minnesota Statutes 2016, section 103G.2242, subdivision 1, is amended to read:

88.26 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt
88.27 rules governing the approval of wetland value replacement plans under this section and
88.28 public-waters-work permits affecting public waters wetlands under section 103G.245. These
88.29 rules must address the criteria, procedure, timing, and location of acceptable replacement
88.30 of wetland values and may address the state establishment and administration of a wetland
88.31 banking program for public and private projects, including provisions for an in-lieu fee
88.32 program; the administrative, monitoring, and enforcement procedures to be used; and a

89.1 procedure for the review and appeal of decisions under this section. In the case of peatlands,
89.2 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program
89.3 established by the board must conform with Code of Federal Regulations, title 33, section
89.4 332.8, as amended.

89.5 (b) After the adoption of the rules, a replacement plan must be approved by a resolution
89.6 of the governing body of the local government unit, consistent with the provisions of the
89.7 rules or a comprehensive wetland protection and management plan approved under section
89.8 103G.2243.

89.9 (c) If the local government unit fails to apply the rules, or fails to implement a local
89.10 comprehensive wetland protection and management plan established under section
89.11 103G.2243, the government unit is subject to penalty as determined by the board.

89.12 (d) When making a determination under rules adopted pursuant to this subdivision on
89.13 whether a rare natural community will be permanently adversely affected, consideration of
89.14 measures to mitigate any adverse effect on the community must be considered.

89.15 Sec. 103. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

89.16 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type
89.17 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an
89.18 on-site inspection. The Technical Evaluation Panel shall be composed of a technical
89.19 professional employee of the board, a technical professional employee of the local soil and
89.20 water conservation district or districts, a technical professional with expertise in water
89.21 resources management appointed by the local government unit, and a technical professional
89.22 employee of the Department of Natural Resources for projects affecting public waters or
89.23 wetlands adjacent to public waters. The panel shall use the "United States Army Corps of
89.24 Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary
89.25 guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and
89.26 Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater
89.27 Habitats of the United States" (1979 edition). The panel shall provide the wetland
89.28 determination and recommendations on other technical matters to the local government unit
89.29 that must approve a replacement plan, sequencing, exemption determination, no-loss
89.30 determination, or wetland boundary or type determination and may recommend approval
89.31 or denial of the plan. The authority must consider and include the decision of the Technical
89.32 Evaluation Panel in their approval or denial of a plan or determination.

89.33 (b) A member of the Technical Evaluation Panel that has a financial interest in a wetland
89.34 bank or management responsibility to sell or make recommendations in their official capacity

90.1 to sell credits from a publicly owned wetland bank must disclose that interest, in writing,
90.2 to the Technical Evaluation Panel and the local government unit.

90.3 ~~(b)~~ (c) Persons conducting wetland or public waters boundary delineations or type
90.4 determinations are exempt from the requirements of chapter 326. The board may develop
90.5 a professional wetland delineator certification program.

90.6 ~~(e)~~ (d) The board must establish an interagency team to assist in identifying and evaluating
90.7 potential wetland replacement sites. The team must consist of members of the Technical
90.8 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution
90.9 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other
90.10 organizations as determined by the board.

90.11 Sec. 104. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to read:

90.12 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,
90.13 conservation officers, and peace officers shall enforce laws preserving and protecting
90.14 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,
90.15 a conservation officer, or a peace officer may issue a cease and desist order to stop any
90.16 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

90.17 (b) In the order, or by separate order, the commissioner, conservation officer, or peace
90.18 officer may require restoration or replacement of the wetland or public waters, as determined
90.19 by the local soil and water conservation district for wetlands and the commissioner of natural
90.20 resources for public waters. Restoration or replacement orders may be recorded or filed in
90.21 the office of the county recorder or registrar of titles, as appropriate, in the county where
90.22 the real property is located by the commissioner of natural resources, conservation officers,
90.23 or peace officers as a deed restriction on the property that runs with the land and is binding
90.24 on the owners, successors, and assigns until the conditions of the order are met or the order
90.25 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee
90.26 for any document filed under this section.

90.27 (c) If a court has ruled that there has not been a violation of the restoration or replacement
90.28 order, an order may not be recorded or filed under this section.

90.29 (d) If an order was recorded before a court finding that there has not been a violation or
90.30 an order was filed before the effective date of this section and the deed restriction would
90.31 have been in violation of paragraph (c), the commissioner must remove the deed restriction
90.32 if the owner of the property requests the commissioner to remove it. Within 30 days of
90.33 receiving the request for removal from the owner, the commissioner must contact, in writing,

91.1 the office of the county recorder or registrar of titles where the order is recorded or filed,
91.2 along with all applicable fees, and have the order removed. Within 30 days of receiving
91.3 notification from the office of the county recorder or registrar of titles that the order has
91.4 been removed, the commissioner must inform the owner that the order has been removed
91.5 and provide the owner with a copy of any documentation provided by the office of the
91.6 county recorder or registrar of titles.

91.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

91.8 Sec. 105. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

91.9 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state, a
91.10 person, partnership, or association, private or public corporation, county, municipality, or
91.11 other political subdivision of the state may not appropriate or use waters of the state without
91.12 a water-use permit from the commissioner.

91.13 (b) This section does not apply to the following water uses:

91.14 (1) use for a water supply by less than 25 persons for domestic purposes, except as
91.15 required by the commissioner under section 103G.287, subdivision 4, paragraph (b);

91.16 (2) nonconsumptive diversion of a surface water of the state from its natural channel for
91.17 the production of hydroelectric or hydromechanical power at structures that were in existence
91.18 on and before July 1, 1937, including repowering, upgrades, or additions to those facilities;
91.19 or

91.20 (3) appropriation or use of storm water collected and used to reduce storm-water runoff
91.21 volume, treat storm water, or sustain groundwater supplies when water is extracted from
91.22 constructed management facilities for storm water.

91.23 (c) The commissioner may issue a state general permit for appropriation of water to a
91.24 governmental subdivision or to the general public. The general permit may authorize more
91.25 than one project and the appropriation or use of more than one source of water. Water-use
91.26 permit processing fees and reports required under subdivision 6 and section 103G.281,
91.27 subdivision 3, are required for each project or water source that is included under a general
91.28 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

91.29 Sec. 106. Minnesota Statutes 2016, section 103G.271, subdivision 6, is amended to read:

91.30 Subd. 6. **Water-use permit processing fee.** (a) Except as described in paragraphs (b)
91.31 to (g), a water-use permit processing fee must be prescribed by the commissioner in
91.32 accordance with the schedule of fees in this subdivision for each water-use permit in force

92.1 at any time during the year. Fees collected under this paragraph are credited to the water
92.2 management account in the natural resources fund. The schedule is as follows, with the
92.3 stated fee in each clause applied to the total amount appropriated:

92.4 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

92.5 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less
92.6 than 100,000,000 gallons per year;

92.7 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than
92.8 150,000,000 gallons per year;

92.9 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less
92.10 than 200,000,000 gallons per year;

92.11 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than
92.12 250,000,000 gallons per year;

92.13 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less
92.14 than 300,000,000 gallons per year;

92.15 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than
92.16 350,000,000 gallons per year;

92.17 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less
92.18 than 400,000,000 gallons per year;

92.19 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than
92.20 450,000,000 gallons per year;

92.21 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less
92.22 than 500,000,000 gallons per year; and

92.23 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

92.24 (b) For once-through cooling systems, a water-use processing fee must be prescribed
92.25 by the commissioner in accordance with the following schedule of fees for each water-use
92.26 permit in force at any time during the year:

92.27 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

92.28 (2) for all other users, \$420 per 1,000,000 gallons.

92.29 (c) The fee is payable based on the amount of water appropriated during the year and,
92.30 except as provided in paragraph (f), the minimum fee is \$100.

92.31 (d) For water-use processing fees other than once-through cooling systems:

- 93.1 (1) the fee for a city of the first class may not exceed \$250,000 per year;
- 93.2 (2) the fee for other entities for any permitted use may not exceed:
- 93.3 (i) \$60,000 per year for an entity holding three or fewer permits;
- 93.4 (ii) \$90,000 per year for an entity holding four or five permits; or
- 93.5 (iii) \$300,000 per year for an entity holding more than five permits;
- 93.6 (3) the fee for agricultural irrigation may not exceed \$750 per year;
- 93.7 (4) the fee for a municipality that furnishes electric service and cogenerates steam for
- 93.8 home heating may not exceed \$10,000 for its permit for water use related to the cogeneration
- 93.9 of electricity and steam; ~~and~~
- 93.10 (5) the fee for a facility that temporarily diverts a water of the state from its natural
- 93.11 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per
- 93.12 year. A permit for such a facility does not count toward the number of permits held by an
- 93.13 entity as described in paragraph (d); and
- 93.14 ~~(5)~~ (6) no fee is required for a project involving the appropriation of surface water to
- 93.15 prevent flood damage or to remove flood waters during a period of flooding, as determined
- 93.16 by the commissioner.
- 93.17 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ten
- 93.18 percent per month calculated from the original due date must be imposed on the unpaid
- 93.19 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee
- 93.20 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal
- 93.21 governmental agency holding a water appropriation permit.
- 93.22 (f) The minimum water-use processing fee for a permit issued for irrigation of agricultural
- 93.23 land is \$20 for years in which:
- 93.24 (1) there is no appropriation of water under the permit; or
- 93.25 (2) the permit is suspended for more than seven consecutive days between May 1 and
- 93.26 October 1.
- 93.27 (g) The commissioner shall waive the water-use permit fee for installations and projects
- 93.28 that use storm water runoff or where public entities are diverting water to treat a water
- 93.29 quality issue and returning the water to its source without using the water for any other
- 93.30 purpose, unless the commissioner determines that the proposed use adversely affects surface
- 93.31 water or groundwater.

(h) A surcharge of \$30 per million gallons in addition to the fee prescribed in paragraph (a) shall be applied to the volume of water used in each of the months of June, July, and August that exceeds the volume of water used in January for municipal water use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities with more than one permit shall be determined based on the total appropriations from all permits that supply a common distribution system.

Sec. 107. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water without a required permit under subdivision 1 must pay the applicable water-use permit processing fee specified in subdivision 6 for the period during which the unpermitted appropriation occurred. The fees for unpermitted appropriations are required for the previous seven calendar years after being notified of the need for a permit. This fee is in addition to any other fee or penalty assessed. The commissioner may waive payment of fees for past unpermitted appropriations for a residential system permitted under subdivision 5, paragraph (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of the state from its natural channel.

Sec. 108. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive owner of real property if the permittee conveys the real property where the source of water is located. The new owner must notify the commissioner immediately after the conveyance and request transfer of the permit. If notified, the commissioner must transfer the permit to the successive owner.

Sec. 109. Minnesota Statutes 2016, section 103G.271, is amended by adding a subdivision to read:

Subd. 8. **Management plans; economic impacts.** Before requiring a change to a management plan for appropriating water, the commissioner must provide estimates of the economic impact of any new restriction or policy on existing and future groundwater users in the affected area.

95.1 Sec. 110. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

95.2 Subdivision 1. **Applications for groundwater appropriations; preliminary well**

95.3 **construction approval.** (a) Groundwater use permit applications are not complete until the
95.4 applicant has supplied:

95.5 (1) a water well record as required by section 103I.205, subdivision 9, information on
95.6 the subsurface geologic formations penetrated by the well and the formation or aquifer that
95.7 will serve as the water source, and geologic information from test holes drilled to locate the
95.8 site of the production well;

95.9 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being requested;

95.10 (3) information on groundwater quality in terms of the measures of quality commonly
95.11 specified for the proposed water use and details on water treatment necessary for the proposed
95.12 use;

95.13 (4) the results of an aquifer test completed according to specifications approved by the
95.14 commissioner. The test must be conducted at the maximum pumping rate requested in the
95.15 application and for a length of time adequate to assess or predict impacts to other wells and
95.16 surface water and groundwater resources. The permit applicant is responsible for all costs
95.17 related to the aquifer test, including the construction of groundwater and surface water
95.18 monitoring installations, and water level readings before, during, and after the aquifer test;
95.19 and

95.20 (5) the results of any assessments conducted by the commissioner under paragraph (c).

95.21 (b) The commissioner may waive an application requirement in this subdivision if the
95.22 information provided with the application is adequate to determine whether the proposed
95.23 appropriation and use of water is sustainable and will protect ecosystems, water quality,
95.24 and the ability of future generations to meet their own needs.

95.25 (c) The commissioner shall provide an assessment of a proposed well needing a
95.26 groundwater appropriation permit. The commissioner shall evaluate the information submitted
95.27 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the
95.28 anticipated appropriation request is likely to meet the applicable requirements of this chapter.
95.29 If the appropriation request is likely to meet applicable requirements, the commissioner
95.30 shall provide the person submitting the information with a letter providing preliminary
95.31 approval to construct the well and the requirements, including test-well information, that
95.32 will be needed to obtain the permit.

(d) The commissioner must provide an applicant denied a groundwater use permit or issued a groundwater use permit that is reduced or restricted from the original request with all information the commissioner used in making the determination, including hydrographs, flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment calibration.

Sec. 111. Minnesota Statutes 2016, section 103G.287, subdivision 4, is amended to read:

Subd. 4. **Groundwater management areas.** (a) The commissioner may designate groundwater management areas and limit total annual water appropriations and uses within a designated area to ensure sustainable use of groundwater that protects ecosystems, water quality, and the ability of future generations to meet their own needs. Water appropriations and uses within a designated management area must be consistent with a groundwater management area plan approved by the commissioner that addresses water conservation requirements and water allocation priorities established in section 103G.261. At least 30 days prior to implementing or modifying a groundwater management area plan under this subdivision, the commissioner shall consult with the advisory team established in paragraph (c).

(b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota Rules, within designated groundwater management areas, the commissioner may require general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water users using less than 10,000 gallons per day or 1,000,000 gallons per year and water suppliers serving less than 25 persons for domestic purposes. The commissioner may waive the requirements under section 103G.281 for general permits issued under this paragraph, and the fee specified in section 103G.301, subdivision 2, paragraph (c), does not apply to general permits issued under this paragraph.

(c) When designating a groundwater management area, the commissioner shall assemble an advisory team to assist in developing a groundwater management area plan for the area. The advisory team members shall be selected from public and private entities that have an interest in the water resources affected by the groundwater management area. A majority of the advisory team members shall be public and private entities that currently hold water-use permits for water appropriations from the affected water resources. The commissioner shall consult with the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Association of Watershed Districts, and the Minnesota Association of Townships in appointing the local government representatives to the advisory team. The advisory team may also include representatives from the University of Minnesota, the Minnesota State

97.1 Colleges and Universities, other institutions of higher learning in Minnesota, political
97.2 subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and
97.3 federal agencies.

97.4 (d) Before making a change under a groundwater management area plan, the
97.5 commissioner must provide estimates of the economic effect of any new restriction or policy
97.6 on existing and future groundwater users in the affected area.

97.7 Sec. 112. Minnesota Statutes 2016, section 103G.411, is amended to read:

97.8 **103G.411 STIPULATION OF LOW-WATER MARK.**

97.9 If the state is a party in a civil action relating to the navigability or ownership of the bed
97.10 of a body of water, river, or stream, the commissioner, in behalf of the state, ~~with the approval~~
97.11 ~~of the attorney general~~, may agree by written stipulation with a riparian owner who is a
97.12 party to the action on the location of the ordinary low-water mark on the riparian land of
97.13 the party. After the stipulation is executed by all parties, it must be presented to the judge
97.14 of the district court where the action is pending for approval. If the stipulation is approved,
97.15 the judge shall make and enter an order providing that the final judgment when entered shall
97.16 conform to the location of the ordinary, low-water mark as provided for in the stipulation
97.17 as it relates to the parties to the stipulation.

97.18 Sec. 113. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision
97.19 to read:

97.20 Subd. 6. **Impaired waters list; public notice and process.** The commissioner of the
97.21 Pollution Control Agency must allow at least 60 days for public comment after publishing
97.22 the draft impaired waters list required under the federal Clean Water Act. A person may
97.23 petition the agency to hold a contested case hearing on the draft impaired waters list. A
97.24 valid basis for challenging an impairment determination includes, but is not limited to,
97.25 agency reliance on data that do not reflect recent significant infrastructure investments and
97.26 documented pollutant reductions.

97.27 Sec. 114. **[115.051] REVIEW OF PROPOSED ACTIONS OF THE POLLUTION**
97.28 **CONTROL AGENCY.**

97.29 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

97.30 (b) "Local government unit" means a statutory or home rule charter city, county, local
97.31 public utilities commission, sanitary district, or an organization formed for the joint exercise
97.32 of powers under section 471.59.

98.1 (c) "Proposed action" means an action that is all of the following:

98.2 (1) being considered by the commissioner of the Pollution Control Agency or has been
98.3 undertaken by the commissioner but is not yet final;

98.4 (2) would, once final, constitute one of the following:

98.5 (i) the issuance, amendment, modification, or denial of a water quality standard under
98.6 section 115.44, a water-related permit, a total maximum daily load (TMDL) study, or a
98.7 watershed restoration and protection strategy (WRAPS); or

98.8 (ii) another action or decision undertaken pursuant to the commissioner's authority under
98.9 this chapter or chapter 114D that is or would be eligible for a contested case hearing under
98.10 chapter 14 or that would constitute rulemaking under that chapter.

98.11 (d) "Requisite number" means five or more if the proposed action is rulemaking under
98.12 chapter 14. The term means one or more if the proposed action is one that is or would be
98.13 eligible for a contested case hearing under chapter 14.

98.14 (e) "Review petition" means a written petition of a local government unit adopted by
98.15 resolution of the applicable governing body that describes the need for review by an expert
98.16 review panel of the scientific basis of a proposed action that potentially affects the petitioner.

98.17 (f) "Review proceeding" means a proceeding under chapter 14 of the Office of
98.18 Administrative Hearings to review a proposed action.

98.19 Subd. 2. **Office of Administrative Hearings review of scientific basis for proposed**
98.20 **action.** In any review proceeding, the administrative law judge must examine the
98.21 administrative record and, without deference to the commissioner, independently determine
98.22 from the record whether:

98.23 (1) the proposed action is based on reliable scientific data and analyses, as confirmed
98.24 by publicly available peer-reviewed literature;

98.25 (2) every test, measurement, or model the commissioner relied on in support of the
98.26 proposed action was used by the commissioner for the purpose for which the test,
98.27 measurement, or model was designed, consistent with generally accepted and peer-reviewed
98.28 scientific practice;

98.29 (3) the proposed action is consistent with the findings of any applicable external peer
98.30 review panel the commissioner convened under section 115.035; and

98.31 (4) the proposed action is based on a demonstrated, significant causal relationship between
98.32 the parameters of concern and the water-quality objective at issue, not the correlation alone.

99.1 When a causal relationship may be confounded by other factors, the reviewing authority
99.2 must determine whether the relevance and effect of those factors were assessed to ensure
99.3 the predicted causal relationship is valid.

99.4 Subd. 3. **Effect of Office of Administrative Hearings finding of inadequate basis for**
99.5 **proposed action.** If an administrative law judge determines that any of the conditions set
99.6 forth in subdivision 2, clauses (1) to (4), are not satisfied, then:

99.7 (1) if the proposed action was a proposed rule, the administrative law judge must find
99.8 that the need for or reasonableness of the rule has not been established pursuant to section
99.9 14.14, subdivision 2; and

99.10 (2) if the proposed action was before the Office of Administrative Hearings as part of a
99.11 contested case hearing, the administrative law judge must include this finding in the report
99.12 required by sections 14.48 to 14.56, which shall constitute the final decision in the case.

99.13 Subd. 4. **When independent expert review panel required; composition.** The Office
99.14 of Administrative Hearings must convene an expert review panel to review the scientific
99.15 basis of a proposed action when it receives the requisite number of review petitions and
99.16 finds, based on its independent review of the petitions, that the petitions demonstrate the
99.17 existence of a material scientific dispute regarding the scientific validity of the commissioner's
99.18 proposed action. The Office of Administrative Hearings shall issue an order granting or
99.19 denying a petition within 30 days of its receipt of the petition. A review panel must consist
99.20 of three independent experts with qualifications in the subject matter of the scientific dispute
99.21 who are employed neither by the Pollution Control Agency nor by a petitioner to the
99.22 proceeding and who are not directly or indirectly involved with the work conducted or
99.23 contracted by the agency. The composition of the panel must be determined as follows:

99.24 (1) the commissioner of the Pollution Control Agency must select one expert satisfying
99.25 the requirements of this subdivision;

99.26 (2) the petitioners must jointly select one expert satisfying the requirements of this
99.27 subdivision; and

99.28 (3) the two experts selected under clauses (1) and (2) must mutually agree to a third
99.29 expert satisfying the requirements of this subdivision. If the two experts are unable to agree
99.30 on a third expert, the Office of Administrative Hearings must make the appointment.

99.31 Subd. 5. **Conduct of independent expert review panel.** Upon granting a petition for
99.32 independent expert review, the Office of Administrative Hearings must, as soon as practicable
99.33 thereafter, issue an order establishing the independent expert review panel, identifying the

independent experts selected pursuant to subdivision 4. This order must include a statement of the specific scientific issues or questions in dispute to be submitted for review by the panel. The commissioner and all petitioners must agree on the issues or questions in dispute to be submitted for review. If they cannot agree on one or more issues or questions, the Office of Administrative Hearings must determine the issue or questions to be submitted giving substantial consideration to the questions raised in any petitions it has received. The panel must review the scientific evidence relevant to those issues or questions as found in the petitions, the administrative record for the proposed action, and the results of any external peer review conducted according to section 115.035, in accordance with the guidance in the United States Environmental Protection Agency's Peer Review Handbook. The panel must submit a written opinion on the scientific validity of the commissioner's approach that is in controversy. If the panel finds deficiencies, the panel must recommend how the deficiencies can be corrected. The written opinion shall become part of the administrative record and must be submitted to the Office of Administrative Hearings, which shall send a written copy of the opinion to the commissioner of the Pollution Control Agency, all petitioners, and the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over environment and natural resources policy and finance.

Subd. 6. **Status of action pending independent expert panel review.** Once the Office of Administrative Hearings has received the requisite number of review petitions, it must notify the Pollution Control Agency of this fact and:

(1) the Pollution Control Agency shall not grant or deny a contested case petition filed by the local government unit on the proposed action that is the subject of a petition or otherwise proceed towards finalizing the proposed action until the Office of Administrative Hearings denies the petition for independent expert review, or if the petition is granted, it has received and considered the written opinion required by subdivision 5; and

(2) the Office of Administrative Hearings shall not conduct the review required by subdivision 2 until it has received the written opinion required by subdivision 5.

Subd. 7. **Chapter 14 requirements must be followed.** Nothing in this section shall be construed to abrogate or otherwise repeal any of the procedural requirements of chapter 14. Upon receipt of a written opinion pursuant to subdivision 5, the Pollution Control Agency and the Office of Administrative Hearings shall make the opinion available to the public for review and continue to follow all applicable provisions of chapter 14, including public comment and hearing requirements.

101.1 Subd. 8. **Timing of review petition submission.** A review petition submitted to the
101.2 Office of Administrative Hearings must be submitted within the time period for filing a
101.3 contested case petition or prior to the expiration of the public comment period as noticed
101.4 in the statement of intent to adopt the rule, as applicable.

101.5 Subd. 9. **This section is supplementary.** The duties and procedures set forth in this
101.6 section are supplementary and applicable to those set forth in section 14.091.

101.7 Sec. 115. **[115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED**
101.8 **WASTEWATER TREATMENT FACILITIES.**

101.9 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have
101.10 the meanings given:

101.11 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit
101.12 or state disposal system (SDS) permit; and

101.13 (2) "permit applicant" means a person or entity submitting an application for a new
101.14 permit or renewal, modification, or revocation of an existing permit for a publicly owned
101.15 wastewater treatment facility.

101.16 Subd. 2. **Applicability.** This section applies to all draft permits and permits for publicly
101.17 owned wastewater treatment facilities for which the commissioner of the Pollution Control
101.18 Agency makes a preliminary determination whether to issue or deny.

101.19 Subd. 3. **Notice requirements.** The commissioner of the Pollution Control Agency must
101.20 provide a permit applicant with a copy of the draft permit and any fact sheets required by
101.21 agency rules at least 30 days before the distribution and public notice of the permit application
101.22 and preliminary determination.

101.23 Subd. 4. **Public comment period.** The commissioner must prepare and issue a public
101.24 notice of a completed application and the commissioner's preliminary determination as to
101.25 whether the permit should be issued or denied. The public comment period must be at least
101.26 60 days for permit applications under this section.

101.27 Sec. 116. Minnesota Statutes 2016, section 115B.39, subdivision 2, is amended to read:

101.28 Subd. 2. **Definitions.** (a) In addition to the definitions in this subdivision, the definitions
101.29 in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445, except as
101.30 specifically modified in this subdivision.

102.1 (b) "Cleanup order" means a consent order between responsible persons and the agency
102.2 or an order issued by the United States Environmental Protection Agency under section 106
102.3 of the federal Superfund Act.

102.4 (c) "Closure" means actions to prevent or minimize the threat to public health and the
102.5 environment posed by a mixed municipal solid waste disposal facility that has stopped
102.6 accepting waste by controlling the sources of releases or threatened releases at the facility.
102.7 "Closure" includes removing contaminated equipment and liners; applying final cover;
102.8 grading and seeding final cover; installing wells, borings, and other monitoring devices;
102.9 constructing groundwater and surface water diversion structures; and installing gas control
102.10 systems and site security systems, as necessary. The commissioner may authorize use of
102.11 final cover that includes processed materials that meet the requirements in Code of Federal
102.12 Regulations, title 40, section 503.32, paragraph (a).

102.13 (d) "Closure upgrade" means construction activity that will, at a minimum, modify an
102.14 existing cover so that it satisfies current rule requirements for mixed municipal solid waste
102.15 land disposal facilities.

102.16 (e) "Contingency action" means organized, planned, or coordinated courses of action to
102.17 be followed in case of fire, explosion, or release of solid waste, waste by-products, or
102.18 leachate that could threaten human health or the environment.

102.19 (f) "Corrective action" means steps taken to repair facility structures including liners,
102.20 monitoring wells, separation equipment, covers, and aeration devices and to bring the facility
102.21 into compliance with design, construction, groundwater, surface water, and air emission
102.22 standards.

102.23 (g) "Custodial" or "custodial care" means actions taken for the care, maintenance, and
102.24 monitoring of closure actions at a mixed municipal solid waste disposal facility after
102.25 completion of the postclosure period.

102.26 (h) "Decomposition gases" means gases produced by chemical or microbial activity
102.27 during the decomposition of solid waste.

102.28 ~~(h)~~ (i) "Dump materials" means nonhazardous mixed municipal solid wastes disposed
102.29 at a Minnesota waste disposal site other than a qualified facility prior to 1973.

102.30 ~~(i)~~ (j) "Environmental response action" means response action at a qualified facility,
102.31 including corrective action, closure, postclosure care; contingency action; environmental
102.32 studies, including remedial investigations and feasibility studies; engineering, including

103.1 remedial design; removal; remedial action; site construction; and other similar cleanup-related
103.2 activities.

103.3 ~~(j)~~ (k) "Environmental response costs" means:

103.4 (1) costs of environmental response action, not including legal or administrative expenses;
103.5 and

103.6 (2) costs required to be paid to the federal government under section 107(a) of the federal
103.7 Superfund Act, as amended.

103.8 (l) "Priority qualified facility" means a qualified facility that is on the list of priorities
103.9 for the federal Comprehensive Environmental Response, Compensation, and Liability Act
103.10 and the Minnesota Environmental Response and Liability Act; has received notice under
103.11 section 115B.40, subdivision 3; has failed to comply with section 115B.40, subdivision 4;
103.12 and has not entered into a binding agreement with the commissioner.

103.13 ~~(k)~~ (m) "Postclosure" or "postclosure care" means actions taken for the care, maintenance,
103.14 and monitoring of closure actions at a mixed municipal solid waste disposal facility.

103.15 ~~(l)~~ (n) "Qualified facility" means a mixed municipal solid waste disposal facility as
103.16 described in the most recent agency permit, including adjacent property used for solid waste
103.17 disposal that did not occur under a permit from the agency, that:

103.18 (1)(i) is or was permitted by the agency;

103.19 (ii) stopped accepting solid waste, except demolition debris, for disposal by April 9,
103.20 1994; and

103.21 (iii) stopped accepting demolition debris for disposal by June 1, 1994, except that
103.22 demolition debris may be accepted until May 1, 1995, at a permitted area where disposal
103.23 of demolition debris is allowed, if the area where the demolition debris is deposited is at
103.24 least 50 feet from the fill boundary of the area where mixed municipal solid waste was
103.25 deposited; ~~or~~

103.26 (2) is or was permitted by the agency; and

103.27 (i) stopped accepting waste by January 1, 2000, except that demolition debris, industrial
103.28 waste, and municipal solid waste combustor ash may be accepted until January 1, 2001, at
103.29 a permitted area where disposal of such waste is allowed, if the area where the waste is
103.30 deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid
103.31 waste was deposited; or

104.1 (ii) stopped accepting waste by January 1, 2019, and is located in a county that meets
104.2 all applicable recycling goals in section 115A.551 and that has arranged for all mixed
104.3 municipal solid waste generated in the county to be delivered to and processed by a resource
104.4 recovery facility located in the county for at least 20 years; or

104.5 (3) is or was permitted by the agency and stopped accepting mixed municipal solid waste
104.6 and industrial waste for disposal by January 1, 2009, and for which the postclosure care
104.7 period ended on July 26, 2013.

104.8 Sec. 117. Minnesota Statutes 2016, section 115B.40, subdivision 4, is amended to read:

104.9 Subd. 4. **Qualified facility not under cleanup order; duties.** (a) The owner or operator
104.10 of a qualified facility that is not subject to a cleanup order shall:

104.11 (1) complete closure activities at the facility, or enter into a binding agreement with the
104.12 commissioner to do so, as provided in paragraph (e), within one year from the date the
104.13 owner or operator is notified by the commissioner under subdivision 3 of the closure activities
104.14 that are necessary to properly close the facility in compliance with facility's permit, closure
104.15 orders, or enforcement agreement with the agency, and with the solid waste rules in effect
104.16 at the time the facility stopped accepting waste;

104.17 (2) undertake or continue postclosure or custodial care at the facility until the date of
104.18 notice of compliance under subdivision 7;

104.19 (3) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
104.20 ~~(h)~~ (n), clause (1), transfer to the commissioner of revenue for deposit in the remediation
104.21 fund established in section 116.155 any funds required for proof of financial responsibility
104.22 under section 116.07, subdivision 4h, that remain after facility closure and any postclosure
104.23 care and response action undertaken by the owner or operator at the facility including, if
104.24 proof of financial responsibility is provided through a letter of credit or other financial
104.25 instrument or mechanism that does not accumulate money in an account, the amount that
104.26 would have accumulated had the owner or operator utilized a trust fund, less any amount
104.27 used for closure, postclosure care, and response action at the facility; ~~and~~

104.28 (4) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
104.29 ~~(h)~~ (n), clause (2), transfer to the commissioner of revenue for deposit in the remediation
104.30 fund established in section 116.155 an amount of cash that is equal to the sum of their
104.31 approved current contingency action cost estimate and the present value of their approved
104.32 estimated remaining postclosure care costs required for proof of financial responsibility
104.33 under section 116.07, subdivision 4h; and

(5) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph (n), clause (3), transfer to the commissioner of revenue for deposit in the remediation fund established in section 116.155 an amount of cash that is equal to any funds required for proof of financial responsibility under section 116.07, subdivision 4h, that remain after facility closure and any postclosure and custodial care and response action undertaken by the owner or operator at the facility have been reimbursed.

(b) The owner or operator of a qualified facility that is not subject to a cleanup order shall:

(1) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph ~~(n)~~ (n), clause (1), provide the commissioner with a copy of all applicable comprehensive general liability insurance policies and other liability policies relating to property damage, certificates, or other evidence of insurance coverage held during the life of the facility; and

(2) enter into a binding agreement with the commissioner to:

(i) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph ~~(n)~~ (n), clause (1), take any actions necessary to preserve the owner or operator's rights to payment or defense under insurance policies included in clause (1); cooperate with the commissioner in asserting claims under the policies; and, within 60 days of a request by the commissioner, but no earlier than July 1, 1996, assign only those rights under the policies related to environmental response costs;

(ii) cooperate with the commissioner or other persons acting at the direction of the commissioner in taking additional environmental response actions necessary to address releases or threatened releases and to avoid any action that interferes with environmental response actions, including allowing entry to the property and to the facility's records and allowing entry and installation of equipment; and

(iii) refrain from developing or altering the use of property described in any permit for the facility except after consultation with the commissioner and in conformance with any conditions established by the commissioner for that property, including use restrictions, to protect public health and welfare and the environment.

(c) The owner or operator of a qualified facility defined in section 115B.39, subdivision 2, paragraph ~~(n)~~ (n), clause (1), that is a political subdivision may use a portion of any funds established for response at the facility, which are available directly or through a financial instrument or other financial arrangement, for closure or postclosure care at the facility if funds available for closure or postclosure care are inadequate and shall assign the rights to any remainder to the commissioner.

(d) The agreement required in paragraph (b), clause (2), must be in writing and must apply to and be binding upon the successors and assigns of the owner. The owner shall record the agreement, or a memorandum approved by the commissioner that summarizes the agreement, with the county recorder or registrar of titles of the county where the property is located.

(e) A binding agreement entered into under paragraph (a), clause (1), may include a provision that the owner or operator will reimburse the commissioner for the costs of closing the facility to the standard required in that clause.

Sec. 118. **[115B.406] STATE RESPONSE AT PRIORITY QUALIFIED FACILITIES.**

Subdivision 1. Environmental response action. The agency may take any environmental response action at a priority qualified facility that the agency deems necessary to protect the public health or welfare or the environment. Before taking any action, the agency shall take actions as provided in this section.

Subd. 2. Request for action to owner or operator of priority qualified facility. The agency shall request the owner or operator of a priority qualified facility to take actions that the agency deems reasonable and necessary to protect the public health or welfare or the environment, stating the reasons for the actions; a reasonable time for beginning and completing the actions, taking into account the urgency of the actions for protecting the public health or welfare or the environment; and the intention of the agency to take action if the requested actions are not taken as requested.

Subd. 3. Action to compel performance. When the owner or operator of the priority qualified facility fails to take response actions or make reasonable progress in completing response actions requested as provided in subdivision 2, the attorney general may bring an action in the name of the state to compel performance of the requested response actions. If a person having any right, title, or interest in and to the real property where the facility is located or where response actions are proposed to be taken is not a person responsible for the environment, the person may be joined as an indispensable party in an action to compel performance to ensure that the requested response actions can be taken on that property by the owner or operator.

Subd. 4. Determination of failure to act. If the agency determines that the actions requested under this section will not be taken by the owner or operator of the priority qualified facility in the manner and within the time requested, the agency may undertake any environmental response action it deems necessary for the protection of the public health or welfare or the environment under this section.

107.1 Subd. 5. **Civil penalties.** Any owner or operator of a priority qualified facility that fails
107.2 to take the actions under this section shall forfeit and pay to the state a civil penalty in an
107.3 amount to be determined by the court of not more than \$20,000 per day for each day that
107.4 the owner or operator fails to take reasonable and necessary response actions or to make
107.5 reasonable progress in completing response actions requested by the agency. The penalty
107.6 provided under this subdivision may be recovered by an action brought by the attorney
107.7 general in the name of the state in a separate action in the District Court of Ramsey County.
107.8 All penalties recovered under this subdivision must be deposited in the remediation fund.

107.9 Subd. 6. **Investigation and testing.** The agency may undertake investigations, monitoring,
107.10 surveys, testing, and other similar activities necessary or appropriate to identify the existence
107.11 and extent of the contamination at the priority qualified facility and the extent of danger.
107.12 In addition, the agency may undertake planning, legal, fiscal, economic, engineering,
107.13 architectural, and other studies or investigations necessary or appropriate to plan and direct
107.14 a response action, to recover the costs of the response action, and to enforce this section.

107.15 Subd. 7. **Duty to compel information.** Any person who the agency has determined to
107.16 have information regarding the priority qualified facility or the owner or operator of the
107.17 priority qualified facility must furnish to the agency any information that person may have
107.18 or may reasonably obtain that is relevant to the priority qualified facility or the owner or
107.19 operator. The agency upon presentation of credentials may examine and copy any books,
107.20 papers, records, memoranda, or data of any person who has a duty to provide information
107.21 to the agency and may enter upon any property, public or private, to take any action
107.22 authorized by this section, including obtaining information from any person who has a duty
107.23 to provide the information.

107.24 Subd. 8. **Program operations.** Upon the owner or operator's failure to act, the agency
107.25 shall conduct the program operations under section 115B.412, subdivisions 1 and 2, and
107.26 any other environmental response action the agency deems necessary to protect public
107.27 health, welfare, and the environment.

107.28 Subd. 9. **Recovering expenses.** Any reasonable and necessary expenses incurred by the
107.29 agency or commissioner under this section, including all response costs and administrative
107.30 and legal expenses, may be recovered in a civil action brought by the attorney general against
107.31 the owner or operator of the priority qualified facility. The agency's certification of expenses
107.32 is prima facie evidence that the expenses are reasonable and necessary. Any expenses
107.33 incurred under this section that are recovered by the attorney general under sections 115.071
107.34 and 116.072 or any other law, including any award of attorney's fees, must be deposited in
107.35 the remediation fund.

Subd. 10. **Environmental response costs; liens.** All environmental response costs, including administrative and legal expenses, incurred by the commissioner at a priority qualified facility before the date of notice of compliance under section 115B.40, subdivision 7, constitute a lien in favor of the state upon any real property located in the state, other than homestead property, owned by the owner or operator who is subject to the requirements of section 115B.40, subdivision 4 or 5. A lien under this subdivision attaches when the environmental response costs are first incurred and continues until the lien is satisfied or becomes unenforceable as for an environmental lien under section 514.672. Notice, filing, and release of the lien are governed by sections 514.671 to 514.676, except where those requirements specifically are related to only cleanup action expenses as defined in section 514.671. Relative priority of a lien under this subdivision is governed by section 514.672, except that a lien attached to property that was included in any permit for the solid waste disposal facility takes precedence over all other liens regardless of when the other liens were or are perfected. Amounts received to satisfy all or a part of a lien must be deposited in the remediation fund.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 119. **[115B.407] SETTLEMENT AT PRIORITY QUALIFIED FACILITY.**

Subdivision 1. **Settlements; general authority.** In addition to the general authority vested in the agency to settle any claims under sections 115B.01 to 115B.18, and 115B.40 to 115B.445, the agency may exercise the settlement authorities provided in subdivisions 2 to 5.

Subd. 2. **Settlement agreement.** The commissioner must enter into a settlement agreement with an eligible person under subdivision 3 who requests a settlement, under which the commissioner settles with the eligible person and indemnifies and holds the eligible person harmless for:

(1) all legal responsibility, liability, or potential liability for environmental response costs and natural resources damages related to the qualified facility, including any and all liability and potential liability for legal and administrative costs and expenses incurred or to be incurred by the state or federal government or reimbursed by the state or federal government;

(2) all legal liability or potential liability under the federal Comprehensive Environmental Response, Compensation, and Liability Act related to the priority qualified facility, including any and all liability and potential liability for costs incurred by the federal government in

109.1 cleaning up the site and legal and administrative costs and expenses incurred or to be incurred
109.2 by the state or federal government or reimbursed by the state or federal government; and

109.3 (3) all legal liability or potential liability that has been asserted, could have been asserted,
109.4 or may be asserted in the future against the eligible person under state or federal law, common
109.5 law, or other legal theory related to the qualified facility, including any claim by any person
109.6 or entity for contribution regarding any matters to which the indemnity applies.

109.7 Subd. 3. **Eligible persons.** (a) A person who is not an owner or operator of a priority
109.8 qualified facility is eligible to enter into a settlement agreement with the commissioner
109.9 provided the person agrees to:

109.10 (1) waive all claims for environmental response costs related to the facility against all
109.11 persons other than the owner or operator;

109.12 (2) provide the commissioner with a copy of all applicable comprehensive general
109.13 liability insurance policies and other liability insurance policies relating to property damage,
109.14 certificates, or other evidence of insurance coverage held during the life of the facility; and

109.15 (3) enter into a binding agreement with the commissioner to take any actions necessary
109.16 to preserve the person's rights to payment or defense under insurance policies, cooperate
109.17 with the commissioner in asserting the claims under the policies, and assign those rights
109.18 under the policies related to environmental response costs.

109.19 (b) For purposes of this subdivision, "insurance" has the meaning given in section 60A.02,
109.20 subdivision 3.

109.21 Subd. 4. **Recovery for illegal actions.** The settlement of eligible persons under this
109.22 section does not prevent the commissioner from recovering costs for illegal actions at priority
109.23 qualified facilities as provided in section 115B.402.

109.24 Subd. 5. **Commissioner's duties.** (a) In consideration of the settlor's agreement to enter
109.25 into an agreement under this section, the commissioner must not sue or take administrative
109.26 action against the settlor, must agree to release the settlor from the liabilities under
109.27 subdivision 1, and must indemnify and hold the settlor harmless and defend against all
109.28 claims or liability for state or federal environmental response actions at the priority qualified
109.29 facility that is the subject of the agreement and claims made by the owner or operator of
109.30 the priority qualified facility under state or federal law for payment of response costs and
109.31 related costs at the priority qualified facility.

109.32 (b) To the extent allowed under applicable law, a person who enters into a settlement
109.33 agreement under this section is not liable for claims for contribution regarding matters

addressed in the agreement. As a condition of the agreement, the person must waive the person's rights to seek contribution for any amounts paid on the person's behalf under the agreement. This section does not limit the state's ability to seek contribution on the person's behalf.

(c) The commissioner, on behalf of the state, shall enter into an agreement with the United States Environmental Protection Agency to settle all federal claims at a priority qualified facility to release all nonowner potentially responsible parties, including to not seek recovery from nonowner potentially responsible parties for costs incurred related to the priority qualified facility.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 120. [115B.408] ACQUISITION OF PRIORITY QUALIFIED FACILITY.

Subdivision 1. **Legislative findings.** The legislature recognizes the need to protect the public health and welfare and the environment at priority qualified facilities and that are not being managed to protect the public health or welfare or the environment. It is in the public interest to direct the commissioner of the Pollution Control Agency to acquire the necessary interests in land at the priority qualified facility and to conduct environmental response action.

Subd. 2. **Acquisition.** The agency may acquire interests in land by donation or eminent domain without undue delay, under section 115B.17, subdivision 15, at the priority qualified facility. Acquisition by condemnation under this section may include fee title acquisition. After acquiring interests in land, the commissioner must begin the process of protecting the public health and welfare and the environment through environmental response action according to sections 115B.39 to 115B.414.

Subd. 3. **Disposition of property acquired for response action.** (a) If the commissioner determines that real or personal property acquired by the agency for response action is no longer needed for response action purposes, the commissioner may:

(1) transfer the property to the commissioner of administration to be disposed of in the manner required for other surplus property subject to conditions the commissioner determines necessary to protect the public health and welfare or the environment or to comply with federal law;

(2) transfer the property to another state agency, a political subdivision, or special purpose district; or

(3) if required by federal law, take actions and dispose of the property as required by federal law.

(b) If the commissioner determines that real or personal property acquired by the agency for response action must be operated, maintained, or monitored after completion of other phases of the response action, the commissioner may transfer ownership of the property to another state agency, a political subdivision, or special purpose district that agrees to accept the property. A state agency, political subdivision, or special purpose district is authorized to accept and implement the terms and conditions of a transfer under this paragraph. The commissioner may set terms and conditions for the transfer that the commissioner considers reasonable and necessary to ensure proper operation, maintenance, and monitoring of response actions, protect the public health and welfare and the environment, and comply with applicable federal and state laws and regulations. The state agency, political subdivision, or special purpose district to which the property is transferred is not liable under this chapter solely as a result of acquiring the property or acting in accordance with the terms and conditions of the transfer.

(c) If the agency acquires property under this section, the commissioner may lease or grant an easement in the property to a person during the implementation of response actions if the lease or easement is compatible with or necessary for response action implementation.

(d) The proceeds of a sale, lease, or other transfer of property under this subdivision by the commissioner or by the commissioner of administration must be deposited in the remediation fund. Any share of the proceeds that the agency is required by federal law or regulation to reimburse to the federal government is appropriated from the account to the agency for that purpose. Except for section 94.16, subdivision 2, section 94.16 does not apply to real property sold by the commissioner of administration that was acquired under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 121. [115B.409] OTHER REMEDIES PRESERVED.

The owner of real property is barred from bringing legal action or using any remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss, or response costs arising out of a release of any hazardous substance or for removal or the costs of removal of that hazardous substance. Sections 115B.40 to 115B.408 shall not be considered, interpreted, or construed in any way as reflecting a determination, in whole or in part, of policy regarding the inapplicability of strict liability or strict liability doctrines under any other state or federal law, including

112.1 common law, to activities past, present, or future, by the owner of real property relating to
112.2 hazardous substances or pollutants or contaminants, or other similar activities.

112.3 Sec. 122. **[115B.4091] DEPOSIT OF PROCEEDS.**

112.4 All amounts paid to the state under sections 115B.406 to 115B.409 must be deposited
112.5 in the state treasury and credited equally to the remediation fund and the closed landfill
112.6 investment fund.

112.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

112.8 Sec. 123. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

112.9 Subdivision 1. **General rule.** Except as provided in subdivisions 2 to ~~4~~ 5, a person is
112.10 responsible for a release from a tank if the person is an owner or operator of the tank at any
112.11 time during or after the release.

112.12 Sec. 124. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision
112.13 to read:

112.14 Subd. 5. **Heating fuel oil vendor.** A heating fuel oil vendor is not a responsible person
112.15 for a heating fuel oil release at a residential location if the release was caused solely by the
112.16 failure of a tank owned by the homeowner.

112.17 Sec. 125. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

112.18 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and
112.19 resource management permits be issued or denied within 90 days for Tier 1 permits or 150
112.20 days for Tier 2 permits following submission of a permit application. The commissioner of
112.21 the Pollution Control Agency shall establish management systems designed to achieve the
112.22 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require
112.23 individualized actions or public comment periods, and "Tier 2 permits" are permits that
112.24 require individualized actions or public comment periods.

112.25 (b) The commissioner shall prepare an annual permitting efficiency report that includes
112.26 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit
112.27 categories. The report is due August 1 each year. For permit applications that have not met
112.28 the goal, the report must state the reasons for not meeting the goal. In stating the reasons
112.29 for not meeting the goal, the commissioner shall separately identify delays caused by the
112.30 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the
112.31 level of public engagement. The report must specify the number of days from initial

113.1 submission of the application to the day of determination that the application is complete.
113.2 The report must aggregate the data for the year and assess whether program or system
113.3 changes are necessary to achieve the goal. The report must be posted on the agency's Web
113.4 site and submitted to the governor and the chairs and ranking minority members of the house
113.5 of representatives and senate committees having jurisdiction over environment policy and
113.6 finance.

113.7 (c) The commissioner shall allow electronic submission of environmental review and
113.8 permit documents to the agency.

113.9 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject
113.10 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~
113.11 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If
113.12 the commissioner determines that an application is incomplete, the notice to the applicant
113.13 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,
113.14 and advise the applicant on how the deficiencies can be remedied. If the commissioner
113.15 determines that the application is complete, the notice must confirm the application's Tier
113.16 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2
113.17 permit, provide the permit applicant with a schedule for reviewing the permit application.
113.18 This paragraph does not apply to an application for a permit that is subject to a grant or loan
113.19 agreement under chapter 446A.

113.20 (e) For purposes of this subdivision, "permit professional" means an individual not
113.21 employed by the Pollution Control Agency who:

113.22 (1) has a professional license issued by the state of Minnesota in the subject area of the
113.23 permit;

113.24 (2) has at least ten years of experience in the subject area of the permit; and

113.25 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency
113.26 under agency rules and complies with all applicable requirements under chapter 326.

113.27 (f) Upon the agency's request, an applicant relying on a permit professional must
113.28 participate in a meeting with the agency before submitting an application:

113.29 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at
113.30 least the following:

113.31 (i) project description, including, but not limited to, scope of work, primary emissions
113.32 points, discharge outfalls, and water intake points;

113.33 (ii) location of the project, including county, municipality, and location on the site;

- 114.1 (iii) business schedule for project completion; and
- 114.2 (iv) other information requested by the agency at least four weeks prior to the scheduled
- 114.3 meeting; and
- 114.4 (2) during the preapplication meeting, the agency shall provide for the applicant at least
- 114.5 the following:
- 114.6 (i) an overview of the permit review program;
- 114.7 (ii) a determination of which specific application or applications will be necessary to
- 114.8 complete the project;
- 114.9 (iii) a statement notifying the applicant if the specific permit being sought requires a
- 114.10 mandatory public hearing or comment period;
- 114.11 (iv) a review of the timetable established in the permit review program for the specific
- 114.12 permit being sought; and
- 114.13 (v) a determination of what information must be included in the application, including
- 114.14 a description of any required modeling or testing.
- 114.15 (g) The applicant may select a permit professional to undertake the preparation of the
- 114.16 permit application and draft permit.
- 114.17 (h) If a preapplication meeting was held, the agency shall, within seven business days
- 114.18 of receipt of an application, notify the applicant and submitting permit professional that the
- 114.19 application is complete or is denied, specifying the deficiencies of the application.
- 114.20 (i) Upon receipt of notice that the application is complete, the permit professional shall
- 114.21 submit to the agency a timetable for submitting a draft permit. The permit professional shall
- 114.22 submit a draft permit on or before the date provided in the timetable. Within 60 days after
- 114.23 the close of the public comment period, the commissioner shall notify the applicant whether
- 114.24 the permit can be issued.
- 114.25 (j) Nothing in this section shall be construed to modify:
- 114.26 (1) any requirement of law that is necessary to retain federal delegation to or assumption
- 114.27 by the state; or
- 114.28 (2) the authority to implement a federal law or program.
- 114.29 (k) The permit application and draft permit shall identify or include as an appendix all
- 114.30 studies and other sources of information used to substantiate the analysis contained in the
- 114.31 permit application and draft permit. The commissioner shall request additional studies, if

115.1 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and
115.2 information necessary for the commissioner to perform the commissioner's responsibility
115.3 to review, modify, and determine the completeness of the application and approve the draft
115.4 permit.

115.5 Sec. 126. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision
115.6 to read:

115.7 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2
115.8 permit is required, the commissioner must issue the notice with the draft permit within 150
115.9 days of receiving a completed permit application unless the permit applicant and the
115.10 commissioner mutually agree to a different date. Upon request of the permit applicant, the
115.11 commissioner must provide a copy of the draft permit to the permit applicant and consider
115.12 comments on the draft permit from the permit applicant before issuing the public notice.

115.13 Sec. 127. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision
115.14 to read:

115.15 Subd. 8. **Clean Air Act settlement money.** "Clean Air Act settlement money" means
115.16 money required to be paid to the state as a result of litigation or settlements of alleged
115.17 violations of the federal Clean Air Act, United States Code, title 42, section 7401 et seq.,
115.18 or rules adopted thereunder, by an automobile manufacturer. The commissioner of
115.19 management and budget must establish the Clean Air Act settlement account in the
115.20 environmental fund. Notwithstanding sections 16A.013 to 16A.016, the commissioner of
115.21 management and budget must deposit Clean Air Act settlement money into the Clean Air
115.22 Act settlement account. Clean Air Act settlement money must not be spent until it is
115.23 specifically appropriated by law. The commissioner of management and budget must
115.24 eliminate the Clean Air Act settlement account in the environmental fund after all Clean
115.25 Air Act settlement money has been expended.

115.26 Sec. 128. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

115.27 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater
115.28 than those necessary to cover the reasonable costs of developing, reviewing, and acting
115.29 upon applications for agency permits and implementing and enforcing the conditions of the
115.30 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The
115.31 fee schedule must reflect reasonable and routine direct and indirect costs associated with
115.32 permitting, implementation, and enforcement. The agency may impose an additional
115.33 enforcement fee to be collected for a period of up to two years to cover the reasonable costs

of implementing and enforcing the conditions of a permit under the rules of the agency.

Any money collected under this paragraph shall be deposited in the environmental fund.

(b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner or operator of all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities subject to a notification, permit, or license requirement under this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and indirect reasonable costs, including legal costs, required to develop and administer the notification, permit, or license program requirements of this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon an application for a permit; implementing and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally applicable regulations; responding to federal guidance; modeling, analyses, and demonstrations; preparing inventories and tracking emissions; and providing information to the public about these activities.

(c) The agency shall set fees that:

(1) will result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national primary ambient air quality standard has been promulgated;

(2) may result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is regulated under this chapter or air quality rules adopted under this chapter; and

(3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount needed to match grant funds received by the state under United States Code, title 42, section 7405 (section 105 of the federal Clean Air Act).

The agency must not include in the calculation of the aggregate amount to be collected under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant from a source. The increase in air permit fees to match federal grant funds shall be a surcharge on existing fees. The commissioner may not collect the surcharge after the grant funds

117.1 become unavailable. In addition, the commissioner shall use nonfee funds to the extent
117.2 practical to match the grant funds so that the fee surcharge is minimized.

117.3 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide
117.4 in the rules promulgated under paragraph (c) for an increase in the fee collected in each
117.5 year by the percentage, if any, by which the Consumer Price Index for the most recent
117.6 calendar year ending before the beginning of the year the fee is collected exceeds the
117.7 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the
117.8 Consumer Price Index for any calendar year is the average of the Consumer Price Index for
117.9 all-urban consumers published by the United States Department of Labor, as of the close
117.10 of the 12-month period ending on August 31 of each calendar year. The revision of the
117.11 Consumer Price Index that is most consistent with the Consumer Price Index for calendar
117.12 year 1989 shall be used.

117.13 (e) Any money collected under paragraphs (b) to (d) must be deposited in the
117.14 environmental fund and must be used solely for the activities listed in paragraph (b).

117.15 (f) Permit applicants who wish to construct, reconstruct, or modify a ~~facility~~ project may
117.16 offer to reimburse the agency for the reasonable costs of staff time or consultant services
117.17 needed to expedite the preapplication process and permit development process through the
117.18 final decision on the permit, including the analysis of environmental review documents.
117.19 The reimbursement shall be in addition to permit application fees imposed by law. When
117.20 the agency determines that it needs additional resources to develop the permit application
117.21 in an expedited manner, and that expediting the development is consistent with permitting
117.22 program priorities, the agency may accept the reimbursement. The commissioner must give
117.23 the applicant an estimate of costs to be incurred by the commissioner. The estimate must
117.24 include a brief description of the tasks to be performed, a schedule for completing the tasks,
117.25 and the estimated cost for each task. The applicant and the commissioner must enter into a
117.26 written agreement detailing the estimated costs for the expedited permit decision-making
117.27 process to be incurred by the agency and any recourse available to the applicant if the agency
117.28 fails to meet the schedule. The agreement must also identify staff anticipated to be assigned
117.29 to the project and describe the commissioner's commitment to make assigned staff available
117.30 for the project until the permit decision is made. The commissioner must not issue a permit
117.31 until the applicant has paid all fees in full. The commissioner must refund any unobligated
117.32 balance of fees paid. Reimbursements accepted by the agency are appropriated to the agency
117.33 for the purpose of developing the permit or analyzing environmental review documents.
117.34 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of
117.35 a permit; shall not affect the agency's decision on whether to issue or deny a permit, what

118.1 conditions are included in a permit, or the application of state and federal statutes and rules
118.2 governing permit determinations; and shall not affect final decisions regarding environmental
118.3 review.

118.4 (g) The fees under this subdivision are exempt from section 16A.1285.

118.5 Sec. 129. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision
118.6 to read:

118.7 Subd. 13. **Irrevocability, suspensions, or expiration of permits; environmental**
118.8 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to
118.9 appropriate money to the commissioner of the Pollution Control Agency for environmental
118.10 review and permitting activities of the agency:

118.11 (1) a permit granted by the commissioner may not be terminated or suspended for the
118.12 term of the permit nor shall it expire without the consent of the permittee, except for breach
118.13 or nonperformance of any condition of the permit by the permittee that is an imminent threat
118.14 to impair or destroy the environment or injure the health, safety, or welfare of the citizens
118.15 of the state; and

118.16 (2) environmental review and permit application work on environmental review and
118.17 permits filed before July 1 of that year must not be suspended or terminated.

118.18 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the
118.19 commissioner for the environmental review and permitting activities is enacted.

118.20 Sec. 130. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision
118.21 to read:

118.22 Subd. 14. **Unadopted rules.** The commissioner of the Pollution Control Agency must
118.23 not seek to implement in a permit or enforce a penalty based upon an agency policy,
118.24 guideline, bulletin, criterion, manual standard, interpretive statement, or similar
118.25 pronouncement if the policy, guideline, bulletin, criterion, manual standard, interpretive
118.26 standard, or pronouncement has not been adopted under the rulemaking process under
118.27 chapter 14. In any proceeding under section 14.381, the commissioner has the burden of
118.28 proving the action is not prohibited.

Sec. 131. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to read:

Subd. 15. Limitation regarding certain policies, guidelines, and other interpretive statements. (a) The commissioner of the Pollution Control Agency must not seek to implement or enforce against any person a policy, guideline, or other interpretive statement that meets the definition of a rule under section 14.02, subdivision 4, if the policy, guideline, or other interpretive statement has not been adopted as a rule according to chapter 14. In any proceeding under chapter 14 challenging agency action prohibited by this subdivision, the reviewing authority must independently and without deference to the agency determine whether the agency violated this subdivision. The agency must overcome the presumption that the agency action may not be enforced as a rule.

(b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement into a statute, rule, or standard, the commissioner must follow the rulemaking process provided under chapter 14 to amend or revise the guideline, bulletin, criterion, manual standard, interpretive statement, or similar pronouncement.

Sec. 132. Minnesota Statutes 2016, section 116.0714, is amended to read:

116.0714 NEW OPEN AIR SWINE BASINS.

The commissioner of the Pollution Control Agency or a county board shall not approve any permits for the construction of new open air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems or to allow conversion of an existing basin of less than 1,000,000 gallons to a different animal type, provided all standards are met. This section expires June 30, ~~2017~~ 2022.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 133. **[116.083] PROPANE SCHOOL BUS REBATE PROGRAM.**

Subdivision 1. Definitions. For the purposes of this section, the following terms have the meanings given:

(1) "propane school bus" means a school bus fueled by propane and used by a school or under contract with the school to transport pupils to or from a school or to or from school-related activities;

(2) "school" means a Minnesota school district or Minnesota charter school; and

120.1 (3) "school bus" means a type A, B, C, or D school bus under section 169.011, subdivision
120.2 71.

120.3 Subd. 2. **Rebate eligibility.** (a) Schools that purchase a propane school bus are eligible
120.4 for a rebate under this section. A school that contracts for pupil transportation may apply
120.5 for a rebate on behalf of the school bus contractor.

120.6 (b) Propane school buses must be registered and licensed in Minnesota.

120.7 (c) The cost of an original equipment manufacturer propane school bus purchased is
120.8 eligible for a rebate under this section.

120.9 Subd. 3. **Rebate amounts.** Rebates under this section may be issued for no more than
120.10 25 percent of the cost of a propane school bus, not to exceed \$25,000.

120.11 Subd. 4. **Maximum rebate allowed.** A school may receive no more than five propane
120.12 school bus rebates per year.

120.13 Subd. 5. **Funding.** \$1,500,000 is annually appropriated from the Clean Air Act settlement
120.14 account in the environmental fund to the agency for grants under this section. The grants
120.15 must be awarded through a request for proposal process established by the commissioner
120.16 and must comply with the litigation or settlement order providing receipts to the account.

120.17 Sec. 134. Minnesota Statutes 2016, section 116C.03, subdivision 2, is amended to read:

120.18 Subd. 2. **Membership.** The members of the board are the commissioner of administration,
120.19 the commissioner of commerce, the commissioner of the Pollution Control Agency, the
120.20 commissioner of natural resources, the commissioner of agriculture, the commissioner of
120.21 health, the commissioner of employment and economic development, the commissioner of
120.22 transportation, and the chair of the Board of Water and Soil Resources,~~and a representative~~
120.23 ~~of the governor's office designated by the governor.~~ The governor shall appoint ~~five~~ eight
120.24 members from the general public to the board, one from each congressional district, subject
120.25 to the advice and consent of the senate. ~~At least two of The five public members must have~~
120.26 knowledge of and be conversant in water management issues in the state ~~environmental~~
120.27 review or permitting. Notwithstanding the provisions of section 15.06, subdivision 6,
120.28 members of the board may not delegate their powers and responsibilities as board members
120.29 to any other person.

120.30 Sec. 135. Minnesota Statutes 2016, section 116C.04, subdivision 2, is amended to read:

120.31 Subd. 2. **Jurisdiction.** ~~(a) The board shall determine which environmental problems of~~
120.32 ~~interdepartmental concern to state government shall be considered by the board. The board~~

121.1 ~~shall initiate interdepartmental investigations into those matters that it determines are in~~
121.2 ~~need of study. Topics for investigation may include but need not be limited to future~~
121.3 ~~population and settlement patterns, air and water resources and quality, solid waste~~
121.4 ~~management, transportation and utility corridors, economically productive open space,~~
121.5 ~~energy policy and need, growth and development, and land use planning.~~

121.6 (b) ~~The board shall review programs of state agencies that significantly affect the~~
121.7 ~~environment and coordinate those it determines are interdepartmental in nature, and insure~~
121.8 ~~agency compliance with state environmental policy.~~

121.9 (e) ~~The board may review environmental rules and criteria for granting and denying~~
121.10 ~~permits by state agencies and may resolve conflicts involving state agencies with regard to~~
121.11 ~~programs, rules, permits and procedures significantly affecting the environment, provided~~
121.12 ~~that such resolution of conflicts is consistent with state environmental policy.~~

121.13 (d) ~~State agencies shall submit to the board all proposed legislation of major significance~~
121.14 ~~relating to the environment and the board shall submit a report to the governor and the~~
121.15 ~~legislature with comments on such major environmental proposals of state agencies.~~

121.16 Sec. 136. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

121.17 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental
121.18 effects resulting from any major governmental action, the action shall be preceded by a
121.19 detailed environmental impact statement prepared by the responsible governmental unit.
121.20 The environmental impact statement shall be an analytical rather than an encyclopedic
121.21 document which describes the proposed action in detail, analyzes its significant environmental
121.22 impacts, discusses appropriate alternatives to the proposed action and their impacts, and
121.23 explores methods by which adverse environmental impacts of an action could be mitigated.
121.24 The environmental impact statement shall also analyze those economic, employment, and
121.25 sociological effects that cannot be avoided should the action be implemented. To ensure its
121.26 use in the decision-making process, the environmental impact statement shall be prepared
121.27 as early as practical in the formulation of an action.

121.28 (a) (b) The board shall by rule establish categories of actions for which environmental
121.29 impact statements and for which environmental assessment worksheets shall be prepared
121.30 as well as categories of actions for which no environmental review is required under this
121.31 section. A mandatory environmental assessment worksheet ~~shall~~ is not be required for the
121.32 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),
121.33 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol
121.34 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded

122.1 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or
122.2 biobutanol facility meets or exceeds thresholds of other categories of actions for which
122.3 environmental assessment worksheets must be prepared. The responsible governmental unit
122.4 for an ethanol plant or biobutanol facility project for which an environmental assessment
122.5 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for
122.6 supervising or approving the project as a whole.

122.7 (c) A mandatory environmental impact statement ~~shall~~ is not be required for a facility
122.8 or plant located outside the seven-county metropolitan area that produces less than
122.9 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less
122.10 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as
122.11 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined
122.12 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that
122.13 only uses a cellulosic feedstock to produce chemical products for use by another facility as
122.14 a feedstock ~~shall~~ is not be considered a fuel conversion facility as used in rules adopted
122.15 under this chapter.

122.16 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion
122.17 of an environmental assessment worksheet by publishing the notice in at least one newspaper
122.18 of general circulation in the geographic area where the project is proposed, by posting the
122.19 notice on a Web site that has been designated as the official publication site for publication
122.20 of proceedings, public notices, and summaries of a political subdivision in which the project
122.21 is proposed, or in any other manner determined by the board and shall provide copies of
122.22 the environmental assessment worksheet to the board and its member agencies. Comments
122.23 on the need for an environmental impact statement may be submitted to the responsible
122.24 governmental unit during a 30-day period following publication of the notice that an
122.25 environmental assessment worksheet has been completed. The responsible governmental
122.26 unit's decision on the need for an environmental impact statement shall be based on the
122.27 environmental assessment worksheet and the comments received during the comment period,
122.28 and shall be made within 15 days after the close of the comment period. The board's chair
122.29 may extend the 15-day period by not more than 15 additional days upon the request of the
122.30 responsible governmental unit.

122.31 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed
122.32 action whenever material evidence accompanying a petition by not less than 100 individuals
122.33 who reside or own property in the state, submitted before the proposed project has received
122.34 final approval by the appropriate governmental units, demonstrates that, because of the
122.35 nature or location of a proposed action, there may be potential for significant environmental

123.1 effects. Petitions requesting the preparation of an environmental assessment worksheet shall
123.2 be submitted to the board. The chair of the board shall determine the appropriate responsible
123.3 governmental unit and forward the petition to it. A decision on the need for an environmental
123.4 assessment worksheet shall be made by the responsible governmental unit within 15 days
123.5 after the petition is received by the responsible governmental unit. The board's chair may
123.6 extend the 15-day period by not more than 15 additional days upon request of the responsible
123.7 governmental unit.

123.8 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part
123.9 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
123.10 review under this chapter and rules of the board, if:

123.11 (1) the proposed action is:

123.12 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

123.13 (ii) an expansion of an existing animal feedlot facility with a total cumulative capacity
123.14 of less than 1,000 animal units;

123.15 (2) the application for the animal feedlot facility includes a written commitment by the
123.16 proposer to design, construct, and operate the facility in full compliance with Pollution
123.17 Control Agency feedlot rules; and

123.18 (3) the county board holds a public meeting for citizen input at least ten business days
123.19 ~~prior to~~ before the Pollution Control Agency or county issuing a feedlot permit for the
123.20 animal feedlot facility unless another public meeting for citizen input has been held with
123.21 regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition
123.22 to other exemptions provided under other law and rules of the board.

123.23 ~~(e)~~ (g) The board may, ~~prior to~~ before final approval of a proposed project, require
123.24 preparation of an environmental assessment worksheet by a responsible governmental unit
123.25 selected by the board for any action where environmental review under this section has not
123.26 been specifically provided for by rule or otherwise initiated.

123.27 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental
123.28 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or
123.29 location of the project, have the potential for significant environmental effects. The same
123.30 process shall be utilized to determine the form, content, and level of detail of the statement
123.31 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In
123.32 addition, the permits ~~which~~ that will be required for the proposed action shall be identified
123.33 during the scoping process. Further, the process shall identify those permits for which

124.1 information will be developed concurrently with the environmental impact statement. The
124.2 board shall provide in its rules for the expeditious completion of the scoping process. The
124.3 determinations reached in the process shall be incorporated into the order requiring the
124.4 preparation of an environmental impact statement.

124.5 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication
124.6 and ensure coordination between state and federal environmental review and between
124.7 environmental review and environmental permitting. Whenever practical, information
124.8 needed by a governmental unit for making final decisions on permits or other actions required
124.9 for a proposed project shall be developed in conjunction with the preparation of an
124.10 environmental impact statement. When an environmental impact statement is prepared for
124.11 a project requiring multiple permits for which two or more agencies' decision processes
124.12 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before
124.13 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to
124.14 the contrary, conduct the hearings in a single consolidated hearing process if requested by
124.15 the proposer. All agencies having jurisdiction over a permit that is included in the
124.16 consolidated hearing shall participate. The responsible governmental unit shall establish
124.17 appropriate procedures for the consolidated hearing process, including procedures to ensure
124.18 that the consolidated hearing process is consistent with the applicable requirements for each
124.19 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest
124.20 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over
124.21 a permit identified in the draft environmental impact statement must accept and begin
124.22 reviewing any permit application upon publication of the notice of preparation of the
124.23 environmental impact statement.

124.24 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined
124.25 within 280 days after notice of its preparation unless the time is extended by consent of the
124.26 parties or by the governor for good cause. The responsible governmental unit shall determine
124.27 the adequacy of an environmental impact statement, unless within 60 days after notice is
124.28 published that an environmental impact statement will be prepared, the board chooses to
124.29 determine the adequacy of an environmental impact statement. If an environmental impact
124.30 statement is found to be inadequate, the responsible governmental unit shall have 60 days
124.31 to prepare an adequate environmental impact statement.

124.32 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the
124.33 responsible governmental unit a preliminary draft environmental impact statement under
124.34 this section on that action for review, modification, and determination of completeness and
124.35 adequacy by the responsible governmental unit. A preliminary draft environmental impact

125.1 statement prepared by the project proposer and submitted to the responsible governmental
125.2 unit shall identify or include as an appendix all studies and other sources of information
125.3 used to substantiate the analysis contained in the preliminary draft environmental impact
125.4 statement. The responsible governmental unit shall require additional studies, if needed,
125.5 and obtain from the project proposer all additional studies and information necessary for
125.6 the responsible governmental unit to perform its responsibility to review, modify, and
125.7 determine the completeness and adequacy of the environmental impact statement.

125.8 Sec. 137. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

125.9 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an
125.10 environmental assessment worksheet, the need for an environmental impact statement, or
125.11 the adequacy of an environmental impact statement is entitled to judicial review of the
125.12 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved
125.13 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of
125.14 Appeals and served on the responsible governmental unit not more than ~~30~~ 45 days after
125.15 ~~the party receives the final decision and order of the responsible governmental unit provides~~
125.16 notice of the decision as required by law. Proceedings for review under this section must
125.17 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon
125.18 the responsible governmental unit and by promptly filing the proof of service in the Office
125.19 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by
125.20 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the
125.21 attorney general at the time of service. Copies of the writ must be served, personally or by
125.22 certified mail, upon the responsible governmental unit and the project proposer. The filing
125.23 of the writ of certiorari does not stay the enforcement of any other governmental action,
125.24 provided that the responsible governmental unit may stay enforcement or the Court of
125.25 Appeals may order a stay upon terms it deems proper. A bond may be required under section
125.26 562.02 unless at the time of hearing on the application for the bond the petitioner-relator
125.27 has shown that the claim is likely to succeed on the merits. The board may initiate judicial
125.28 review of decisions referred to herein and the board or a project proposer may intervene as
125.29 of right in any proceeding brought under this subdivision.

125.30 Sec. 138. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

125.31 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

125.32 (1) assess the proposer of a specific action for the responsible governmental unit's
125.33 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.

126.1 The costs ~~shall~~ must be determined by the responsible governmental unit ~~pursuant~~ according
126.2 to the rules ~~promulgated~~ adopted by the board; and

126.3 (2) authorize a proposer of a specific action to prepare a draft environmental impact
126.4 statement for that action for submission to and review, modification, and determination of
126.5 completeness and adequacy by the responsible governmental unit.

126.6 Sec. 139. Minnesota Statutes 2016, section 160.06, is amended to read:

126.7 **160.06 TRAIL OR PORTAGE DEDICATION.**

126.8 Any trail or portage between public or navigable bodies of water or from public or
126.9 navigable water to a public highway in this state ~~which~~ that has been in continued and
126.10 uninterrupted use by the general public for 15 years or more as a trail or portage for the
126.11 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or
126.12 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~
126.13 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of travel~~
126.14 to the same extent as public highways. The width of all trails and portages dedicated by
126.15 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.

126.16 Sec. 140. Minnesota Statutes 2016, section 168.1295, subdivision 1, is amended to read:

126.17 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall
126.18 issue state parks and trails plates to an applicant who:

126.19 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton pickup
126.20 truck, or motorcycle;

126.21 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

126.22 (3) pays the registration tax required under section 168.013;

126.23 (4) pays the fees required under this chapter;

126.24 (5) contributes a minimum of ~~\$50~~ \$60 annually to the state parks and trails donation
126.25 account established in section 85.056; and

126.26 (6) complies with this chapter and rules governing registration of motor vehicles and
126.27 licensing of drivers.

126.28 (b) The state parks and trails plate application must indicate that the contribution specified
126.29 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the
126.30 applicant may make an additional contribution to the account.

127.1 (c) State parks and trails plates may be personalized according to section 168.12,
127.2 subdivision 2a.

127.3 Sec. 141. Minnesota Statutes 2016, section 282.018, subdivision 1, is amended to read:

127.4 Subdivision 1. **Land on or adjacent to public waters.** (a) All land which is the property
127.5 of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether
127.6 the land is held in trust for taxing districts, and which borders on or is adjacent to meandered
127.7 lakes and other public waters and watercourses, and the live timber growing or being thereon,
127.8 is hereby withdrawn from sale except as hereinafter provided. The authority having
127.9 jurisdiction over the timber on any ~~such~~ of these lands may sell the timber as otherwise
127.10 provided by law for cutting and removal under ~~such~~ the conditions as the authority may
127.11 prescribe in accordance with approved, sustained yield forestry practices. The authority
127.12 having jurisdiction over the timber shall reserve ~~such~~ the timber and impose ~~such~~ the
127.13 conditions as the authority deems necessary for the protection of watersheds, wildlife habitat,
127.14 shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties
127.15 described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on
127.16 tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on
127.17 federal lands.

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

127.25 (c) Any tract or parcel of land which has 150 feet or less of waterfront may be sold by
127.26 the authority having jurisdiction over the land, in the manner otherwise provided by law
127.27 for the sale of ~~such~~ the lands, if the authority determines that it is in the public interest to
127.28 do so. Any tract or parcel of land within a plat of record bordering on or adjacent to
127.29 meandered lakes and other public waters and watercourses may be sold by the authority
127.30 having jurisdiction over the land, in the manner otherwise provided by law for the sale of
127.31 the lands, if the authority determines that it is in the public interest to do so. If the authority
127.32 having jurisdiction over the land is not the commissioner of natural resources, the land may
127.33 not be offered for sale without the prior approval of the commissioner of natural resources.

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

128.11 Sec. 142. Minnesota Statutes 2016, section 282.04, subdivision 1, is amended to read:

128.12 Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor, with terms
128.13 and conditions set by the county board, may sell timber upon any tract that may be approved
128.14 by the natural resources commissioner. The sale of timber shall be made for cash at not less
128.15 than the appraised value determined by the county board to the highest bidder after not less
128.16 than one week's published notice in an official paper within the county. Any timber offered
128.17 at the public sale and not sold may thereafter be sold at private sale by the county auditor
128.18 at not less than the appraised value thereof, until the time as the county board may withdraw
128.19 the timber from sale. The appraised value of the timber and the forestry practices to be
128.20 followed in the cutting of said timber shall be approved by the commissioner of natural
128.21 resources.

128.22 (b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made
128.23 in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales,
128.24 the down payment shall be no less than 15 percent of the appraised value, and the balance
128.25 shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a
128.26 single sale with predetermined cutting blocks, the down payment shall be no less than 15
128.27 percent of the appraised price of the entire timber sale which may be held until the satisfactory
128.28 completion of the sale or applied in whole or in part to the final cutting block. The value of
128.29 each separate block must be paid in full before any cutting may begin in that block. With
128.30 the permission of the county contract administrator the purchaser may enter unpaid blocks
128.31 and cut necessary timber incidental to developing logging roads as may be needed to log
128.32 other blocks provided that no timber may be removed from an unpaid block until separately
128.33 scaled and paid for. If payment is provided as specified in this paragraph as security under
128.34 paragraph (a) and no cutting has taken place on the contract, the county auditor may credit
128.35 the security provided, less any down payment required for an auction sale under this

129.1 paragraph, to any other contract issued to the contract holder by the county under this chapter
129.2 to which the contract holder requests in writing that it be credited, provided the request and
129.3 transfer is made within the same calendar year as the security was received.

129.4 (c) The county board may sell any timber, including biomass, as appraised or scaled.
129.5 Any parcels of land from which timber is to be sold by scale of cut products shall be so
129.6 designated in the published notice of sale under paragraph (a), in which case the notice shall
129.7 contain a description of the parcels, a statement of the estimated quantity of each species
129.8 of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per
129.9 piece, as the case may be. In those cases any bids offered over and above the appraised
129.10 prices shall be by percentage, the percent bid to be added to the appraised price of each of
129.11 the different species of timber advertised on the land. The purchaser of timber from the
129.12 parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the
129.13 notice of sale as estimated to be standing on the land, and in addition shall pay at the same
129.14 rate for any additional amounts which the final scale shows to have been cut or was available
129.15 for cutting on the land at the time of sale under the terms of the sale. Where the final scale
129.16 of cut products shows that less timber was cut or was available for cutting under terms of
129.17 the sale than was originally paid for, the excess payment shall be refunded from the forfeited
129.18 tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board
129.19 as in case of other claims against the county. No timber, except hardwood pulpwood, may
129.20 be removed from the parcels of land or other designated landings until scaled by a person
129.21 or persons designated by the county board and approved by the commissioner of natural
129.22 resources. Landings other than the parcel of land from which timber is cut may be designated
129.23 for scaling by the county board by written agreement with the purchaser of the timber. The
129.24 county board may, by written agreement with the purchaser and with a consumer designated
129.25 by the purchaser when the timber is sold by the county auditor, and with the approval of
129.26 the commissioner of natural resources, accept the consumer's scale of cut products delivered
129.27 at the consumer's landing. No timber shall be removed until fully paid for in cash. Small
129.28 amounts of timber not exceeding ~~\$3,000~~ 500 cords in appraised ~~valuation~~ volume may be
129.29 sold for not less than the full appraised value at private sale to individual persons without
129.30 first publishing notice of sale or calling for bids, provided that in case of a sale involving a
129.31 total appraised value of more than \$200 the sale shall be made subject to final settlement
129.32 on the basis of a scale of cut products in the manner above provided and not more than two
129.33 of the sales, directly or indirectly to any individual shall be in effect at one time.

129.34 (d) As directed by the county board, the county auditor may lease tax-forfeited land to
129.35 individuals, corporations or organized subdivisions of the state at public or private sale, and

130.1 at the prices and under the terms as the county board may prescribe, for use as cottage and
130.2 camp sites and for agricultural purposes and for the purpose of taking and removing of hay,
130.3 stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites
130.4 and other temporary uses provided that no leases shall be for a period to exceed ten years;
130.5 provided, further that any leases involving a consideration of more than \$12,000 per year,
130.6 except to an organized subdivision of the state shall first be offered at public sale in the
130.7 manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain
130.8 subject to the lease for not to exceed one year from the beginning of the term of the lease.
130.9 Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be
130.10 refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and
130.11 allowed by the county board as in case of other claims against the county.

130.12 (e) As directed by the county board, the county auditor may lease tax-forfeited land to
130.13 individuals, corporations, or organized subdivisions of the state at public or private sale, at
130.14 the prices and under the terms as the county board may prescribe, for the purpose of taking
130.15 and removing for use for road construction and other purposes tax-forfeited stockpiled
130.16 iron-bearing material. The county auditor must determine that the material is needed and
130.17 suitable for use in the construction or maintenance of a road, tailings basin, settling basin,
130.18 dike, dam, bank fill, or other works on public or private property, and that the use would
130.19 be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile
130.20 for these purposes must first be approved by the commissioner of natural resources. The
130.21 request shall be deemed approved unless the requesting county is notified to the contrary
130.22 by the commissioner of natural resources within six months after receipt of a request for
130.23 approval for use of a stockpile. Once use of a stockpile has been approved, the county may
130.24 continue to lease it for these purposes until approval is withdrawn by the commissioner of
130.25 natural resources.

130.26 (f) The county auditor, with the approval of the county board is authorized to grant
130.27 permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores,
130.28 tailings, or waste products from mines or ore milling plants, or to use for facilities needed
130.29 to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed
130.30 for a mining operation, upon the conditions and for the consideration and for the period of
130.31 time, not exceeding 25 years, as the county board may determine. The permits, licenses, or
130.32 leases are subject to approval by the commissioner of natural resources.

130.33 (g) Any person who removes any timber from tax-forfeited land before said timber has
130.34 been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

131.1 (h) The county auditor may, with the approval of the county board, and without first
131.2 offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of
131.3 peat and for the production or removal of farm-grown closed-loop biomass as defined in
131.4 section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands
131.5 upon the terms and conditions as the county board may prescribe. Any lease for the removal
131.6 of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited
131.7 lands must first be reviewed and approved by the commissioner of natural resources if the
131.8 lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop
131.9 biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this
131.10 section without first holding a public hearing on the auditor's intention to lease. One printed
131.11 notice in a legal newspaper in the county at least ten days before the hearing, and posted
131.12 notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

131.13 (i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County
131.14 auditor may, at the discretion of the county board, sell timber to the party who bids the
131.15 highest price for all the several kinds of timber, as provided for sales by the commissioner
131.16 of natural resources under section 90.14. Bids offered over and above the appraised price
131.17 need not be applied proportionately to the appraised price of each of the different species
131.18 of timber.

131.19 (j) In lieu of any payment or deposit required in paragraph (b), as directed by the county
131.20 board and under terms set by the county board, the county auditor may accept an irrevocable
131.21 bank letter of credit in the amount equal to the amount otherwise determined in paragraph
131.22 (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written
131.23 request of the purchaser, the county may periodically allow the bank letter of credit to be
131.24 reduced by an amount proportionate to the value of timber that has been harvested and for
131.25 which the county has received payment. The remaining amount of the bank letter of credit
131.26 after a reduction under this paragraph must not be less than 20 percent of the value of the
131.27 timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the
131.28 down payment required in paragraph (b), and no cutting of timber has taken place on the
131.29 contract for which a letter of credit has been provided, the county may allow the transfer
131.30 of the letter of credit to any other contract issued to the contract holder by the county under
131.31 this chapter to which the contract holder requests in writing that it be credited.

131.32 Sec. 143. Minnesota Statutes 2016, section 296A.18, subdivision 6a, is amended to read:

131.33 Subd. 6a. **Computation of nonhighway use amounts.** The nonhighway use amounts
131.34 determined in subdivisions 2 to 6 must be transferred from the highway user tax distribution

132.1 fund to the accounts as provided for in sections 84.794, 84.803, 84.83, 84.927, and 86B.706.
132.2 These amounts, together with interest and penalties for delinquency in payment, paid or
132.3 collected pursuant to the provisions of this chapter, must be computed for each six-month
132.4 period ending June 30 and December 31 and must be transferred on November 1 and ~~June~~
132.5 April 1 following each six-month period.

132.6 Sec. 144. **[471.9998] MERCHANT BAGS.**

132.7 Subdivision 1. **Citation.** This section may be cited as the Consumer Choice Act.

132.8 Subd. 2. **Merchant option.** All merchants, itinerant vendors, and peddlers doing business
132.9 in this state shall have the option to provide customers a paper, plastic, or reusable bag for
132.10 the packaging of any item or good purchased, provided the purchase is of a size and manner
132.11 commensurate with the use of paper, plastic, or reusable bags.

132.12 Subd. 3. **Prohibition; bag ban or tax.** Notwithstanding any other provision of law, no
132.13 political subdivision shall impose any ban, fee, or tax upon the use of paper, plastic, or
132.14 reusable bags for packaging of any item or good purchased from a merchant, itinerant
132.15 vendor, or peddler.

132.16 **EFFECTIVE DATE.** This section is effective May 31, 2017. Ordinances existing on
132.17 the effective date of this section that would be prohibited under this section are invalid as
132.18 of the effective date of this section.

132.19 Sec. 145. **[477A.21] RIPARIAN PROTECTION AID.**

132.20 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
132.21 meanings given:

132.22 (1) "buffer protection map" has the meaning given under section 103F.48, subdivision
132.23 1; and

132.24 (2) "public watercourses" means public waters and public drainage systems subject to
132.25 riparian protection requirements under section 103F.48.

132.26 Subd. 2. **Certifications to commissioner.** (a) The Board of Water and Soil Resources
132.27 must certify to the commissioner of revenue, on or before July 1 each year, which counties
132.28 and watershed districts have affirmed their jurisdiction under section 103F.48 and the
132.29 proportion of centerline miles of public watercourses, and miles of public drainage system
132.30 ditches on the buffer protection map, within each county and each watershed district within
132.31 the county with affirmed jurisdiction.

133.1 (b) On or before July 1 each year, the commissioner of natural resources shall certify to
133.2 the commissioner of revenue the statewide and countywide number of centerline miles of
133.3 public watercourses and miles of public drainage system ditches on the buffer protection
133.4 map.

133.5 Subd. 3. **Distribution.** (a) A county that is certified under subdivision 2, or that portion
133.6 of a county containing a watershed district certified under subdivision 2, is eligible to receive
133.7 aid under this section to enforce and implement the riparian protection and water quality
133.8 practices under section 103F.48. Each county's preliminary aid amount is equal to the
133.9 proportion calculated under paragraph (b) multiplied by the appropriation received each
133.10 year by the commissioner for purposes of payments under this section.

133.11 (b) The commissioner must compute each county's proportion. A county's proportion is
133.12 equal to the ratio of the sum in clause (1) to the sum in clause (2):

133.13 (1) the sum of the total number of acres in the county classified as class 2a under section
133.14 273.13, subdivision 23, the countywide number of centerline miles of public watercourses
133.15 on the buffer protection map, and the countywide number of miles of public drainage system
133.16 ditches on the buffer protection map; and

133.17 (2) the sum of the statewide total number of acres classified as class 2a under section
133.18 273.13, subdivision 23, the statewide total number of centerline miles of public watercourses
133.19 on the buffer protection map, and the statewide total number of public drainage system
133.20 miles on the buffer protection map.

133.21 (c) Aid to a county must not be greater than \$200,000 or less than \$50,000. If the sum
133.22 of the preliminary aids payable to counties under paragraph (a) is greater or less than the
133.23 appropriation received by the commissioner, the commissioner of revenue must calculate
133.24 the percentage of adjustment necessary so that the total of the aid under paragraph (a) equals
133.25 the total amount received by the commissioner, subject to the minimum and maximum
133.26 amounts specified in this paragraph. The minimum and maximum amounts under this
133.27 paragraph must be adjusted by the ratio of the actual amount appropriated to \$10,000,000.

133.28 (d) If only a portion of a county is certified as eligible to receive aid under subdivision
133.29 2, the aid otherwise payable to that county under this section must be multiplied by a fraction,
133.30 the numerator of which is the buffer protection map miles of the certified watershed districts
133.31 contained within the county and the denominator of which is the total buffer protection map
133.32 miles of the county.

133.33 (e) Any aid that would otherwise be paid to a county or portion of a county that is not
133.34 certified under subdivision 2 shall be paid to the Board of Water and Soil Resources for

134.1 enforcing and implementing the riparian protection and water quality practices under section
134.2 103F.48.

134.3 Subd. 4. **Payments.** The commissioner of revenue must compute the amount of riparian
134.4 protection aid payable to each eligible county and to the Board of Water and Soil Resources
134.5 under this section. On or before August 1 each year, the commissioner must certify the
134.6 amount to be paid to each county and the Board of Water and Soil Resources in the following
134.7 year, except that the payments for 2017 must be certified by July 15, 2017. The commissioner
134.8 must pay riparian protection aid to counties and to the Board of Water and Soil Resources
134.9 in the same manner and at the same time as aid payments under section 477A.015.

134.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and
134.11 applies to aids payable in 2017 and thereafter.

134.12 Sec. 146. Laws 2000, chapter 486, section 4, as amended by Laws 2001, chapter 182,
134.13 section 2, is amended to read:

134.14 Sec. 4. **[BOATHOUSE LEASES; SOUDAN UNDERGROUND MINE STATE**
134.15 **PARK.]**

134.16 (a) In 1965, United States Steel Corporation conveyed land to the state of Minnesota
134.17 that was included in the Soudan underground mine state park, with certain lands at Stuntz
134.18 Bay subject to leases outstanding for employee boathouse sites.

134.19 (b) Notwithstanding Minnesota Statutes, sections 85.011, 85.012, subdivision 1, and
134.20 86A.05, subdivision 2, upon the expiration of a boathouse lease described under paragraph
134.21 (a), the commissioner of natural resources shall offer a new lease to the party in possession
134.22 at the time of lease expiration, or, if there has been a miscellaneous lease issued by the
134.23 Department of Natural Resources due to expiration of a lease described under paragraph
134.24 (a), upon its expiration to the lessee. The new lease shall be issued under the terms and
134.25 conditions of Minnesota Statutes, section 92.50, ~~with the following limitations~~ except as
134.26 follows:

134.27 (1) the term of the lease shall be for the lifetime of the party being issued a renewed
134.28 lease and, if transferred, for the lifetime of the party to whom the lease is transferred;

134.29 (2) the new lease shall provide that the lease may be transferred only once and the transfer
134.30 must be to a person within the third degree of kindred or first cousin according to civil law;
134.31 ~~and~~

134.32 (3) the commissioner shall limit the number of lessees per lease to no more than two
134.33 persons who have attained legal age; and

135.1 (4) the lease amount must not exceed 50 percent of the average market rate, based on
135.2 comparable private lease rates, as determined once every five years per lease.

135.3 At the time of the new lease, the commissioner may offer, and after agreement with the
135.4 leaseholder, lease equivalent alternative sites to the leaseholder.

135.5 (c) The commissioner shall not cancel a boathouse lease described under paragraphs (a)
135.6 and (b) except for noncompliance with the lease agreement.

135.7 (d) The commissioner must issue a written receipt to the lessee for each lease payment.

135.8 ~~(d) By January 15, 2001, the commissioner of natural resources shall report to the senate~~
135.9 ~~and house environment and natural resources policy and finance committees on boathouse~~
135.10 ~~leases in state parks. The report shall include information on:~~

135.11 ~~(1) the number of boathouse leases;~~

135.12 ~~(2) the number of leases that have forfeited;~~

135.13 ~~(3) the expiration dates of the leases;~~

135.14 ~~(4) the historical significance of the boathouses;~~

135.15 ~~(5) recommendations on the inclusion of the land described in paragraph (d) within the~~
135.16 ~~park boundary; and~~

135.17 ~~(6) any other relevant information on the leases.~~

135.18 (e) The commissioner of natural resources shall contact U.S.X. Corporation and local
135.19 units of government regarding the inclusion of the following lands within Soudan
135.20 underground mine state park:

135.21 (1) all lands located South of Vermillion Lake shoreline in Section 13, Township 62
135.22 North, Range 15 West;

135.23 (2) all lands located South of Vermillion Lake shoreline in the S1/2-SE1/4 of Section
135.24 14, Township 62 North, Range 15 West;

135.25 (3) NE1/4-SE1/4 and E1/2-NE1/4 of Section 22, Township 62 North, Range 15 West;

135.26 (4) all lands located South of Vermillion Lake shoreline in Section 23, Township 62
135.27 North, Range 15 West;

135.28 (5) all of Section 24, Township 62 North, Range 15 West;

135.29 (6) all lands North of trunk highway No. 169 located in Section 25, Township 62 North,
135.30 Range 15 West;

136.1 (7) all lands North of trunk highway No. 169 located in Section 26, Township 62 North,
136.2 Range 15 West;

136.3 (8) NE1/4-SE1/4 and SE1/4-NE1/4 of Section 27, Township 62 North, Range 15 West;
136.4 and

136.5 (9) NW1/4 of Section 19, Township 62 North, Range 14 West.

136.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and
136.7 applies to monthly lease payments made on or after that date.

136.8 Sec. 147. Laws 2013, chapter 114, article 4, section 105, is amended to read:

136.9 Sec. 105. **RULES; SILICA SAND.**

136.10 (a) The commissioner of the Pollution Control Agency ~~shall~~ may adopt rules pertaining
136.11 to the control of particulate emissions from silica sand projects. The rulemaking is exempt
136.12 from Minnesota Statutes, section 14.125.

136.13 (b) The commissioner of natural resources shall adopt rules pertaining to the reclamation
136.14 of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section 14.125.

136.15 (c) By January 1, 2014, the Department of Health shall adopt an air quality health-based
136.16 value for silica sand.

136.17 (d) The Environmental Quality Board ~~shall~~ may amend its rules for environmental
136.18 review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and
136.19 processing to take into account the increased activity in the state and concerns over the size
136.20 of specific operations. The Environmental Quality Board shall consider whether the
136.21 requirements of Minnesota Statutes, section 116C.991, should remain part of the
136.22 environmental review requirements for silica sand and whether the requirements should be
136.23 different for different geographic areas of the state. The rulemaking is exempt from Minnesota
136.24 Statutes, section 14.125.

136.25 Sec. 148. Laws 2015, First Special Session chapter 4, article 4, section 136, is amended
136.26 to read:

136.27 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

136.28 (a) Until the commissioner of the Pollution Control Agency amends rules refining the
136.29 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider
136.30 all independent research and publicly funded research and to include criteria for identifying
136.31 waters and a list of waters subject to the standard, implementation of the wild rice water

137.1 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the
137.2 following, unless the permittee requests additional conditions:

137.3 (1) when issuing, modifying, or renewing national pollutant discharge elimination system
137.4 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild
137.5 rice, and in doing so shall be limited by the following conditions:

137.6 (i) the agency shall not require permittees to expend money for design or implementation
137.7 of sulfate treatment technologies or other forms of sulfate mitigation; and

137.8 (ii) the agency may require sulfate minimization plans in permits; and

137.9 (2) the agency shall not list waters containing natural beds of wild rice as impaired for
137.10 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,
137.11 section 1313, until the rulemaking described in this paragraph takes effect.

137.12 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits
137.13 issued or reissued after the effective date of this section as needed to include numeric permit
137.14 limits based on the wild rice water quality standard.

137.15 (c) The commissioner shall complete the rulemaking described in paragraph (a) by
137.16 January 15, ~~2018~~ 2019.

137.17 Sec. 149. Laws 2016, chapter 189, article 3, section 26, the effective date, is amended to
137.18 read:

137.19 **EFFECTIVE DATE.** This section is effective May 1, ~~2017~~ 2018.

137.20 **EFFECTIVE DATE.** This section is effective retroactively from April 30, 2017.

137.21 Sec. 150. Laws 2016, chapter 189, article 3, section 46, is amended to read:

137.22 Sec. 46. **PRESCRIBED BURN REQUIREMENTS; REPORT.**

137.23 The commissioner of natural resources, in cooperation with prescribed burning
137.24 professionals, nongovernmental organizations, and local and federal governments, must
137.25 develop criteria for certifying an entity to conduct a prescribed burn under ~~a general~~ an open
137.26 burning permit. The certification requirements must include training, equipment, and
137.27 experience requirements and include an apprentice program to allow entities without
137.28 experience to become certified. The commissioner must establish provisions for decertifying
137.29 entities. The commissioner must not require additional certification or requirements for
137.30 burns conducted as part of normal agricultural practices not currently subject to prescribed
137.31 burn specifications. The commissioner must submit a report with recommendations and

138.1 any legislative changes needed to the chairs and ranking minority members of the house of
138.2 representatives and senate committees and divisions with jurisdiction over environment and
138.3 natural resources by January 15, 2017.

138.4 Sec. 151. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

138.5 A solid waste permit issued by the Pollution Control Agency to an existing class I
138.6 demolition debris landfill facility that is operating under the Pollution Control Agency
138.7 Demolition Landfill Guidance, issued August 2005, is extended pursuant to Minnesota
138.8 Rules, part 7001.0160, for a period of five years, unless a new permit is issued for the facility
138.9 by the Pollution Control Agency after the effective date of this section.

138.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

138.11 Sec. 152. **ENVIRONMENTAL QUALITY BOARD MEMBERSHIP TRANSITION.**

138.12 (a) Until the governor has appointed members of the Environmental Quality Board from
138.13 each congressional district as required under this act, this section governs membership of
138.14 the board.

138.15 (b) The citizen members of the board as of July 1, 2017, shall continue to serve until the
138.16 expiration of their terms.

138.17 (c) No later than October 1, 2017, the governor shall appoint board members from the
138.18 first, second, seventh, and eighth congressional districts for terms to begin January 2, 2018.

138.19 (d) No later than October 1, 2018, the governor shall appoint a board member from the
138.20 third congressional district for a term to begin January 8, 2019.

138.21 (e) No later than October 1, 2019, the governor shall appoint a board member from the
138.22 fourth congressional district for a term to begin January 7, 2020.

138.23 (f) No later than October 1, 2020, the governor shall appoint a board member from the
138.24 fifth congressional district for a term to begin January 5, 2021.

138.25 (g) No later than October 1, 2021, the governor shall appoint a commissioner from the
138.26 sixth congressional district for a term to begin January 4, 2022.

138.27 Sec. 153. **SAND DUNES STATE FOREST MANAGEMENT; PLAN REQUIRED.**

138.28 Subdivision 1. **Forest management.** When managing the Sand Dunes State Forest, the
138.29 commissioner of natural resources must:

(1) not convert additional land to oak savanna or convert oak savanna to nonforest land unless it is done as a result of a contract entered into before the effective date of this section;

(2) require all prairie seeds planted to be from native species of a local ecotype to Sherburne or Benton County; and

(3) comply with the Minnesota Forest Resources Council's guidelines for aesthetics in residential areas.

Subd. 2. **Prescribed burns; notification.** At least 40 days before conducting a prescribed burn, the commissioner must:

(1) publish a notice in a newspaper of general circulation in the area;

(2) notify the county and township in writing; and

(3) notify residents within a quarter mile of the prescribed burn in writing.

Subd. 3. **School trust lands.** Nothing in this section restricts the ability of the commissioner or the school trust lands director from managing school trust lands within the Sand Dunes State Forest for long-term economic return.

Subd. 4. **Township road.** If the commissioner of natural resources finds that any portion of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the commissioner must convey an easement over and across state-owned lands administered by the commissioner to the township under Minnesota Statutes, section 84.63, for the width of 233rd Avenue.

Subd. 5. **Sunset.** This section expires two years from the day following final enactment.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 154. WATER USE PERMIT AND DATA COLLECTION; APPROPRIATION.

(a) Notwithstanding Minnesota Statutes, sections 84.0895 and 103G.223, or other law to the contrary, the commissioner of natural resources must issue, upon application, a water use permit for calcareous fens located in Pipestone County. The permittee must agree to the following permit conditions:

(1) the permit is for a term of 15 years, but may be revoked after five years if paragraph

(b) applies;

(2) water use under the permit is limited to irrigation of agricultural crops at a rate of no more than 800 gallons per minute in accordance with an irrigation plan submitted with the water use permit application;

(3) the permittee must pay for the irrigation system installed during the term of the permit; and

(4) installation of the irrigation system must minimize disturbance to the existing plant community in the calcareous fens. The commissioner must provide technical advice for installation of the irrigation system.

(b) If, at any time after five years of water use, the commissioner determines the drawdown of water from the fens endangers the continued sustainability of the calcareous fens, the commissioner may revoke the permit. If the commissioner revokes the permit before the permit's expiration date, the permittee must be reimbursed for the cost of the irrigation system, prorated over the full 15-year term of the original permit.

(c) The commissioner must monitor the calcareous fens to collect data on the effects of water use from the fens for the duration of the permit. If the commissioner concludes that, based on collected data, the calcareous fens remain viable after 15 years of water use, the commissioner must renew the water use permit for an additional 15 years, free of the condition imposed under paragraph (a), clause (1).

Sec. 155. **HILL-ANNEX MINE STATE PARK MANAGEMENT AND OPERATION PLAN.**

(a) The commissioner of natural resources must work with the commissioner of the Iron Range Resources and Rehabilitation Board and representatives from the city of Calumet, Itasca County, and the Western Mesabi Mine Planning Board to create an alternate operating model for local management and operation of Hill-Annex Mine State Park until mining resumes on the property. The commissioner of natural resources must submit a management and operation plan to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources by January 15, 2018.

(b) In fiscal year 2018 and fiscal year 2019, the level of service and hours of operation at Hill-Annex Mine State Park must be maintained at fiscal year 2016 levels.

Sec. 156. **BASE BUDGET REPORT.**

(a) The commissioners of natural resources and the Pollution Control Agency must each submit a report that contains the details of their base budgets, by fiscal year, including:

(1) appropriation riders for the previous biennium and the year the rider was first used;

(2) anticipated appropriation riders for the fiscal years 2020-2021 biennium;

141.1 (3) statutory appropriations; and

141.2 (4) an explanation on the use of funds for each appropriation not covered by a rider.

141.3 (b) The reports must be submitted to the chairs and ranking minority members of the
141.4 house of representatives and senate committees and divisions with jurisdiction over
141.5 environment and natural resources by October 15, 2018.

141.6 Sec. 157. **RULEMAKING; MINNOW LICENSES.**

141.7 The commissioner of natural resources shall amend Minnesota Rules, part 6254.0100,
141.8 subpart 2, to conform with Minnesota Statutes, section 97C.501, subdivision 1. The
141.9 commissioner may use the good cause exemption under Minnesota Statutes, section 14.388,
141.10 subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section
141.11 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

141.12 Sec. 158. **CANCELLATION OF PERMITS.**

141.13 Water-use permits issued before July 1, 2017, for water use exempted under Minnesota
141.14 Statutes, section 103G.271, subdivision 1, paragraph (b), clause (3), are canceled effective
141.15 July 1, 2017.

141.16 Sec. 159. **RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

141.17 (a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,
141.18 part 7001.0150, subpart 2, item A, by inserting the following:

141.19 "For a municipality that constructs a publicly owned treatment works facility to comply
141.20 with a new or modified effluent limitation, compliance with any new or modified effluent
141.21 limitation adopted after construction begins that would require additional capital investment
141.22 is required no sooner than 16 years after the date of initiation of operation of the facility."

141.23 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
141.24 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
141.25 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,
141.26 section 14.388.

141.27 Sec. 160. **DISPOSITION OF PROCEEDS; ST. LOUIS COUNTY**
141.28 **ENVIRONMENTAL TRUST FUND.**

141.29 Notwithstanding Minnesota Statutes, chapter 282, and any other law relating to the
141.30 disposition of proceeds from the sale of tax-forfeited land, the St. Louis County Board must

142.1 deposit any money received from the sale of tax-forfeited land purchased by the Fond du
142.2 Lac Band of Lake Superior Chippewa with money appropriated under Laws 2014, chapter
142.3 256, article 1, section 2, subdivision 3, paragraph (a), into an environmental trust fund
142.4 established by the county. The principal from the sale of the land may not be expended.
142.5 The county may spend interest earned on the principal only for purposes related to improving
142.6 natural resources.

142.7 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after
142.8 the St. Louis County Board and its chief clerical officer timely complete their compliance
142.9 with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

142.10 Sec. 161. **ACTION TO OBTAIN ACCESS PROHIBITED; CLEARWATER**
142.11 **COUNTY.**

142.12 Before July 1, 2018, the commissioner of natural resources must not initiate a civil action
142.13 or otherwise seek to obtain access to land administered by the commissioner via a private
142.14 road connected to County Road 27, located in Clearwater County, Township 147, Range
142.15 32 or Range 33.

142.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

142.17 Sec. 162. **REVISOR'S INSTRUCTION.**

142.18 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall replace all
142.19 references to Minnesota Statutes, section 115B.39, subdivision 2, paragraph (l), with
142.20 Minnesota Statutes, section 115B.39, subdivision 2, paragraph (n), and shall make all other
142.21 necessary changes to preserve the meaning of the text and to conform with the paragraph
142.22 relettering in this act.

142.23 Sec. 163. **REPEALER.**

142.24 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;
142.25 97C.701, subdivisions 1a and 6; 97C.705; 97C.711; and 116C.04, subdivisions 3 and 4, are
142.26 repealed.

142.27 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;
142.28 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed.

APPENDIX
Article locations in H0888-4

	ENVIRONMENT AND NATURAL RESOURCES	
ARTICLE 1	APPROPRIATIONS	Page.Ln 2.17
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84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.

Subd. 3. **Procurement law.** All contractual and grant agreements under this section shall be processed according to section 16C.05.

97B.031 USE AND POSSESSION OF FIREARMS.

Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who is under age 60, who obtains the required licenses, and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by (1) a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

(g) A permit is not required under this subdivision to use an electronic range finder according to section 97B.081, subdivision 3, paragraph (c).

97C.701 TAKING MUSSELS.

Subd. 1a. **Handpicking required.** A person may only harvest mussels by handpicking.

Subd. 6. **Possession, sale, and transportation.** Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes.

97C.705 MUSSEL SEASONS.

Subdivision 1. **Open seasons.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Subd. 2. **Closed areas.** The commissioner may close up to 50 percent of the mussel-producing waters of the state to the taking of mussels.

97C.711 UNDERSIZED MUSSELS.

A person must return undersized mussels to the water without injury.

116C.04 POWERS AND DUTIES.

Subd. 3. **Cooperation.** The board shall cooperate with regional development commissions in appropriate matters of environmental concern.

Subd. 4. **Task forces.** The board may establish interdepartmental or citizen task forces or subcommittees to study particular problems.

6258.0100 SEASON FOR HARVESTING MUSSEL SHELLS FOR PERSONAL USE.

Live mussels may not be harvested for personal use. During the open season, a person possessing a valid resident or nonresident angling license or a person exempt from licensing may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand picking only and may not be purchased or sold.

6258.0200 SEASON TO COMMERCIALY HARVEST MUSSELS BY PERMIT.

Subpart 1. **Open season for commercially harvesting mussels.** The open season for taking mussels is May 16 through August 31.

Subp. 2. **Allowed times for harvesting.** Mussels may be harvested from sunrise to sunset only.

6258.0300 COMMERCIAL PERMITS FOR MUSSELS.

Subpart 1. **Commercial permit required.** A person may not take, possess, buy, sell, or transport live freshwater mussels or more than 24 whole shells or 48 shell halves of dead freshwater mussels, or assist another person in such taking, without first obtaining a commercial mussel permit from the commissioner.

Subp. 2. **Commercial permit issuance.** Commercial mussel permits may be issued subject to the criteria in items A to C.

A. Applications must be submitted to the local area or regional fisheries office on forms provided by the commissioner.

B. Approved permits will be issued only to Minnesota residents who possess a valid Minnesota resident angling license or who are exempt from licensing.

C. Application forms must be signed by the applicant. All requested information must be provided. Failure to properly and fully complete an application form will result in its rejection.

Subp. 3. **Commercial permit duration.** A commercial mussel permit may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Commercial permit termination to protect resource.** The commissioner may terminate a commercial mussel permit upon 48 hours' written notice to protect aquatic resources.

6258.0400 SPECIES FOR COMMERCIAL HARVEST.

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial mussel permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a three-inch diameter hole.

6258.0500 HARVEST SITES FOR PERMITTEES.

Subpart 1. **Identification of mussel harvest sites.** Mussel harvest sites must be identified in the application and permit by legal description or in other defining terms as needed to accurately locate the area.

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee from a place outside the permitted harvest site is prohibited.

Subp. 3. **Harvesting prohibited on certain border waters.** Mussel harvesting is not permitted on the Minnesota-Wisconsin border waters described in part 6266.0500, subpart 1.

6258.0600 HARVEST GEAR FOR PERMITTEES.

Mussels may be taken only by hand picking with or without aid of breathing apparatus.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subpart 1. **Notice of harvest operations.** To ensure compliance with permit conditions, the commissioner may require the permittee to inform the local area fisheries office and conservation officer 24 hours in advance of any intended mussel harvest operations. Changes in location or dates may require an additional notification.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subp. 4. **Return of undersized mussels or shells.** Undersized three ridge mussels or unlawful mussel shells, live or dead, must be returned immediately to the water at the site where taken.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subp. 5. **Restriction on harvesting mussels near dams.** Harvesting of mussels may not occur within 1,000 feet downstream of a dam.

6258.0800 PERMITTEE REPORTS, RECORDS, AND INSPECTIONS.

Subpart 1. **Required records.** A permittee must keep records of each mussel sales transaction. The records must be verifiable with supporting sales slips and include:

- A. pounds of mussels sold;
- B. name and address of the buyer; and
- C. date of transaction.

Records must be kept current within 48 hours of each transaction. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permittee ineligible for permits for one year. All records must be maintained and available for inspection, at the permittee's address, for three years.

Subp. 2. **Required reports.** A permittee must submit reports monthly while the permit is valid on forms provided by the commissioner. Reports for the previous month must be submitted by the permittee to the address identified on the form so that they are received by the department by the 15th of each month even if no harvest activity took place. All information requested on the report must be provided. Failure to submit required reports may result in revocation of the existing permit and may render the permittee ineligible for permits for one year.

Subp. 3. **Inspections.** Records required in this part, business and operation premises, and boats, vehicles, and gear used in the mussel harvesting operations may be inspected at all reasonable times by the commissioner.

6258.0900 SPECIAL RESTRICTIONS ON TAKING MUSSELS.

Subpart 1. **Restriction on returning processed mussels to the water.** Meats resulting from the processing of live whole mussels may not be returned to the water or deposited on a shoreline or adjacent land. The meat of mussels lawfully obtained may be used as bait for angling purposes.

Subp. 2. **Restriction on harvest of certain species of mussels.** The Higgins' eye (*Lampsilis higginsii*), elephant ear (*Elliptio crassidens*), ebony shell (*Fusconaia ebena*), winged mapleleaf (*Quadrula fragosa*), fat pocketbook (*Proptera capax*) mussels, or any mussel listed as endangered or threatened in this state may not be harvested or intentionally disturbed. If these species are located within the harvest site, all harvest operations must immediately stop and the permittee or personal use harvester must notify the area fisheries office within 24 hours.

Subp. 3. **Transfer of mussels prohibited.** Live mussels may not be transferred within or between bodies of water, except under permit issued by the commissioner.