

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2733

03/06/2014 Authored by Dill

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

03/17/2014 Adoption of Report: Amended and re-referred to the Committee on Environment, Natural Resources and Agriculture Finance

03/28/2014 Adoption of Report: Amended and Placed on the General Register

Read Second Time

## A bill for an act

1.1 relating to natural resources; modifying all-terrain vehicle and off-highway  
 1.2 motorcycle provisions; providing for certain regulatory efficiencies; modifying  
 1.3 invasive species provisions; modifying definition of snowmobile; prohibiting  
 1.4 tampering with off-road recreational vehicle odometers; modifying use of forest  
 1.5 trails; modifying outdoor recreation system provisions; modifying Water Law;  
 1.6 amending Minnesota Statutes 2012, sections 17.4982, subdivision 18a; 84.027,  
 1.7 subdivisions 13a, 14a; 84.0857; 84.791, subdivision 4; 84.81, subdivision  
 1.8 3; 84.92, subdivisions 8, 9, 10; 84.925, subdivision 3; 84.926, subdivision  
 1.9 4; 84D.01, subdivisions 8, 8b, 13, 15, 17, 18; 84D.03, as amended; 84D.06;  
 1.10 84D.10, subdivision 3; 84D.11, subdivision 2a; 84D.12; 84D.13, subdivision 5;  
 1.11 86A.09; 86A.11; 97C.821; 103E.065; 103F.121, subdivisions 2, 5; 103F.165,  
 1.12 subdivision 3; 103G.245, subdivision 2; 103G.287, subdivision 2; 103G.305,  
 1.13 subdivision 1; 103G.615, subdivision 3a; 325E.13, by adding a subdivision;  
 1.14 325E.14, subdivisions 1, 3, 4, 6; Minnesota Statutes 2013 Supplement, sections  
 1.15 84.027, subdivision 13; 84.9256, subdivision 1; 84D.10, subdivision 4; 84D.105,  
 1.16 subdivision 2; 103C.311, subdivision 2; repealing Minnesota Statutes 2012,  
 1.17 sections 84.521; 89.01, subdivision 7; 103F.121, subdivisions 3, 4; 103F.165,  
 1.18 subdivision 2.  
 1.19

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

1.21 Section 1. Minnesota Statutes 2012, section 17.4982, subdivision 18a, is amended to  
 1.22 read:

1.23 Subd. 18a. **Nonindigenous species.** "Nonindigenous species" means a species of  
 1.24 fish or other aquatic life that is:

1.25 (1) not known to have been historically present in the state;

1.26 (2) not known to be naturally occurring in a particular part of the state; or

1.27 (3) ~~designated~~ listed by rule as a prohibited or regulated invasive species.

1.28 Sec. 2. Minnesota Statutes 2013 Supplement, section 84.027, subdivision 13, is  
 1.29 amended to read:

2.1 Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may  
2.2 adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized  
2.3 under:

2.4 (1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and  
2.5 areas, to select hunters for areas, to provide for tagging and registration of game and fish, to  
2.6 prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife  
2.7 disease, to open or close bodies of water or portions of bodies of water for night bow  
2.8 fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

2.9 (2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng  
2.10 roots and wild rice and to restrict or prohibit harvesting in designated areas; and

2.11 (3) section 84D.12 to ~~designate~~ list prohibited invasive species, regulated invasive  
2.12 species, unregulated nonnative species, and infested waters.

2.13 (b) If conditions exist that do not allow the commissioner to comply with sections  
2.14 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis  
2.15 based upon current biological and harvest data, the commissioner may adopt a rule  
2.16 under this subdivision by submitting the rule to the attorney general for review under  
2.17 section 97A.0455, publishing a notice in the State Register and filing the rule with the  
2.18 secretary of state and the Legislative Coordinating Commission, and complying with  
2.19 section 97A.0459, and including a statement of the conditions and a copy of the rule in the  
2.20 notice. The conditions for opening a water body or portion of a water body for night bow  
2.21 fishing under this section may include the need to temporarily open the area to evaluate  
2.22 compatibility of the activity on that body of water prior to permanent rulemaking. The  
2.23 notice may be published after it is received from the attorney general or five business days  
2.24 after it is submitted to the attorney general, whichever is earlier.

2.25 (c) Rules adopted under paragraph (b) are effective upon publishing in the State  
2.26 Register and may be effective up to seven days before publishing and filing under  
2.27 paragraph (b), if:

2.28 (1) the commissioner of natural resources determines that an emergency exists;

2.29 (2) the attorney general approves the rule; and

2.30 (3) for a rule that affects more than three counties the commissioner publishes the  
2.31 rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a  
2.32 rule that affects three or fewer counties the commissioner publishes the rule once in a legal  
2.33 newspaper in each of the affected counties.

2.34 (d) Except as provided in paragraph (e), a rule published under paragraph (c), clause  
2.35 (3), may not be effective earlier than seven days after publication.

3.1 (e) A rule published under paragraph (c), clause (3), may be effective the day the  
3.2 rule is published if the commissioner gives notice and holds a public hearing on the rule  
3.3 within 15 days before publication.

3.4 (f) The commissioner shall attempt to notify persons or groups of persons affected  
3.5 by rules adopted under paragraphs (b) and (c) by public announcements, posting, and  
3.6 other appropriate means as determined by the commissioner.

3.7 (g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is  
3.8 effective for the period stated in the notice but not longer than 18 months after the rule is  
3.9 effective.

3.10 Sec. 3. Minnesota Statutes 2012, section 84.027, subdivision 13a, is amended to read:

3.11 Subd. 13a. **Game and fish expedited permanent rules.** In addition to the authority  
3.12 granted in subdivision 13, the commissioner of natural resources may adopt rules under  
3.13 section 14.389 that are authorized under:

3.14 (1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to  
3.15 designate fish spawning beds or fish preserves, to select hunters or anglers for areas,  
3.16 to provide for registration of game or fish, to prevent or control wildlife disease, or to  
3.17 correct errors or omissions in rules that do not have a substantive effect on the intent or  
3.18 application of the original rule; or

3.19 (2) section 84D.12 to ~~designate~~ list prohibited invasive species, regulated invasive  
3.20 species, and unregulated nonnative species.

3.21 Sec. 4. Minnesota Statutes 2012, section 84.027, subdivision 14a, is amended to read:

3.22 Subd. 14a. **Permitting efficiency.** (a) It is the goal of the state that environmental  
3.23 and resource management permits be issued or denied within 150 days of the submission  
3.24 of a permit application. The commissioner of natural resources shall establish management  
3.25 systems designed to achieve the goal.

3.26 (b) The commissioner shall prepare ~~semiannual~~ a permitting efficiency reports  
3.27 report that include includes statistics on meeting the goal in paragraph (a). The ~~reports~~  
3.28 ~~are~~ report is due February 1 and August 1 each year. For permit applications that have  
3.29 not met the goal, the report must state the reasons for not meeting the goal. In stating the  
3.30 reasons for not meeting the goal, the commissioner shall separately identify delays caused  
3.31 by the responsiveness of the proposer, lack of staff, scientific or technical disagreements,  
3.32 or the level of public engagement. The report must specify the number of days from  
3.33 initial submission of the application to the day of determination that the application is  
3.34 complete. The report for ~~August 1 each year~~ must aggregate the data for the year and

4.1 assess whether program or system changes are necessary to achieve the goal. The report  
4.2 must be posted on the department's Web site and submitted to the governor and the chairs  
4.3 and ranking minority members of the house of representatives and senate committees  
4.4 having jurisdiction over natural resources policy and finance.

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

4.7 (d) Beginning July 1, 2011, within 30 business days of application for a permit subject  
4.8 to paragraph (a), the commissioner of natural resources shall notify the project proposer,  
4.9 in writing, whether the application is complete or incomplete. If the commissioner  
4.10 determines that an application is incomplete, the notice to the applicant must enumerate  
4.11 all deficiencies, citing specific provisions of the applicable rules and statutes, and advise  
4.12 the applicant on how the deficiencies can be remedied. This paragraph does not apply to  
4.13 an application for a permit that is subject to a grant or loan agreement under chapter 446A.

4.14 Sec. 5. Minnesota Statutes 2012, section 84.0857, is amended to read:

4.15 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

4.16 (a) The commissioner of natural resources may bill organizational units within  
4.17 the Department of Natural Resources and other governmental units, including tribal  
4.18 governments, for the costs of providing them with building and infrastructure facilities.  
4.19 Costs billed may include modifications and adaptations to allow for appropriate building  
4.20 occupancy, building code compliance, insurance, utility services, maintenance, repair, and  
4.21 other direct costs as determined by the commissioner. Receipts shall be credited to a  
4.22 special account in the state treasury and are appropriated to the commissioner to pay the  
4.23 costs for which the billings were made.

4.24 (b) Money deposited in the special account from the proceeds of a sale under section  
4.25 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire  
4.26 facilities or renovate existing buildings for administrative use or to acquire land for,  
4.27 design, and construct administrative buildings for the Department of Natural Resources.

4.28 (c) The commissioner of natural resources may bill organizational units within  
4.29 the Department of Natural Resources and other governmental units, including tribal  
4.30 governments, for the costs of operating facilities. Receipts shall be credited to a special  
4.31 account in the state treasury and are appropriated to the commissioner to pay the costs  
4.32 for which the billings were made.

4.33 Sec. 6. Minnesota Statutes 2012, section 84.791, subdivision 4, is amended to read:

5.1 Subd. 4. **Off-highway motorcycle safety courses; reciprocity with other states;**  
 5.2 **accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements  
 5.3 or otherwise certify off-highway motorcycle environment and safety education and  
 5.4 training courses from other states that are substantially similar to in-state courses. Proof  
 5.5 of completion of a course subject to a reciprocity agreement or certified as substantially  
 5.6 similar is adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

5.7 (b) Proof of completion of the Motorcycle Safety Foundation Dirtbike School is  
 5.8 adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

5.9 Sec. 7. Minnesota Statutes 2012, section 84.81, subdivision 3, is amended to read:

5.10 Subd. 3. **Snowmobile.** "Snowmobile" means a self-propelled vehicle originally  
 5.11 manufactured and designed for travel on snow or ice steered by skis or runners.

5.12 Snowmobile does not include the following vehicles equipped with aftermarket ski and  
 5.13 track configurations:

- 5.14 (1) an all-terrain vehicle defined in section 84.92;  
 5.15 (2) an off-highway motorcycle defined in section 84.787;  
 5.16 (3) an off-road vehicle defined in section 84.797;  
 5.17 (4) a mini truck defined in section 169.011;  
 5.18 (5) a utility task vehicle described in section 169.045; or  
 5.19 (6) any other vehicle being operated off road.

5.20 Sec. 8. Minnesota Statutes 2012, section 84.92, subdivision 8, is amended to read:

5.21 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a  
 5.22 motorized ~~flotation-tired~~ vehicle of not less than three ~~low pressure~~ tires, but not more  
 5.23 than six low pressure or non-pneumatic tires, that is limited in engine displacement of  
 5.24 less than 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2  
 5.25 all-terrain vehicle.

5.26 Sec. 9. Minnesota Statutes 2012, section 84.92, subdivision 9, is amended to read:

5.27 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an  
 5.28 all-terrain vehicle that has a total dry weight of less than ~~1,000~~ 1,200 pounds.

5.29 Sec. 10. Minnesota Statutes 2012, section 84.92, subdivision 10, is amended to read:

5.30 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an  
 5.31 all-terrain vehicle that has a total dry weight of ~~1,000~~ 1,200 to 1,800 pounds.

6.1 Sec. 11. Minnesota Statutes 2012, section 84.925, subdivision 3, is amended to read:

6.2 Subd. 3. **All-terrain vehicle safety courses; reciprocity with other states;**  
6.3 **accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements  
6.4 or otherwise certify all-terrain vehicle environmental and safety education and training  
6.5 courses from other states that are substantially similar to in-state courses. Proof of  
6.6 completion of a course subject to a reciprocity agreement or certified as substantially  
6.7 similar is adequate to meet the safety certificate requirements of sections 84.92 to 84.928.

6.8 (b) Proof of completion of training, including the ATV RiderCourse, offered by the  
6.9 All-Terrain Vehicle Safety Institute is adequate to meet the safety certificate requirements  
6.10 of sections 84.92 to 84.928.

6.11 Sec. 12. Minnesota Statutes 2013 Supplement, section 84.9256, subdivision 1, is  
6.12 amended to read:

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

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

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

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

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

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

6.28 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years  
6.29 old, but less than ~~18~~ 16 years old, must:

6.30 (1) successfully complete the safety education and training program under section  
6.31 84.925, subdivision 1, including a riding component; and

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

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

7.4 (f) A person at least ten years of age but under 12 years of age may operate an  
7.5 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if  
7.6 accompanied by a parent or legal guardian.

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

7.8 (h) A person under the age of 16 may not operate an all-terrain vehicle on public  
7.9 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and  
7.10 control the handle bars and reach the foot pegs while sitting upright on the seat of the  
7.11 all-terrain vehicle.

7.12 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than  
7.13 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county  
7.14 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters  
7.15 or state or grant-in-aid trails if:

7.16 (1) the nonresident youth has in possession evidence of completing an all-terrain  
7.17 safety course offered by the ATV Safety Institute or another state as provided in section  
7.18 84.925, subdivision 3; and

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

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

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

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

7.27 Sec. 13. Minnesota Statutes 2012, section 84.926, subdivision 4, is amended to read:

7.28 Subd. 4. **Off-road and all-terrain vehicles; limited or managed forests; trails.**

7.29 Notwithstanding section 84.777, but subject to the commissioner's authority under  
7.30 subdivision 5, on state forest lands classified as limited or managed, other than the Richard  
7.31 J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter  
7.32 168 or section 84.798 or 84.922, including class 2 all-terrain vehicles, on forest trails  
7.33 designated for off-road vehicle use and on forest trails that are not designated for a  
7.34 specific use when:

8.1 (1) hunting big game or transporting or installing hunting stands during October,  
8.2 November, and December, when in possession of a valid big game hunting license;

8.3 (2) retrieving big game in September, when in possession of a valid big game  
8.4 hunting license;

8.5 (3) tending traps during an open trapping season for protected furbearers, when in  
8.6 possession of a valid trapping license; or

8.7 (4) trapping minnows, when in possession of a valid minnow dealer, private fish  
8.8 hatchery, or aquatic farm license.

8.9 Sec. 14. Minnesota Statutes 2012, section 84D.01, subdivision 8, is amended to read:

8.10 Subd. 8. **Infested waters.** "Infested waters" means waters of the state ~~designated~~  
8.11 listed by the commissioner under sections 84D.03, subdivision 1, and 84D.12.

8.12 Sec. 15. Minnesota Statutes 2012, section 84D.01, subdivision 8b, is amended to read:

8.13 Subd. 8b. **Inspect.** "Inspect" means to examine water-related equipment to determine  
8.14 whether aquatic invasive species, aquatic macrophytes, or water is present and includes  
8.15 removal, drainage, decontamination, collection and sampling, or treatment to prevent the  
8.16 transportation and spread of aquatic invasive species, aquatic macrophytes, and water.

8.17 Sec. 16. Minnesota Statutes 2012, section 84D.01, subdivision 13, is amended to read:

8.18 Subd. 13. **Prohibited invasive species.** "Prohibited invasive species" means a  
8.19 nonnative species that has been ~~designated~~ listed as a prohibited invasive species in a rule  
8.20 adopted by the commissioner under section 84D.12.

8.21 Sec. 17. Minnesota Statutes 2012, section 84D.01, subdivision 15, is amended to read:

8.22 Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a  
8.23 nonnative species that has been ~~designated~~ listed as a regulated invasive species in a rule  
8.24 adopted by the commissioner under section 84D.12.

8.25 Sec. 18. Minnesota Statutes 2012, section 84D.01, subdivision 17, is amended to read:

8.26 Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a  
8.27 nonnative species that has not been ~~designated~~ listed as a prohibited invasive species, a  
8.28 regulated invasive species, or an unregulated nonnative species in a rule adopted by the  
8.29 commissioner under section 84D.12.

8.30 Sec. 19. Minnesota Statutes 2012, section 84D.01, subdivision 18, is amended to read:

9.1 Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means  
 9.2 a nonnative species that has been ~~designated~~ listed as an unregulated nonnative species in  
 9.3 a rule adopted by the commissioner under section 84D.12.

9.4 Sec. 20. Minnesota Statutes 2012, section 84D.03, as amended by Laws 2013, chapter  
 9.5 121, section 10, is amended to read:

9.6 **84D.03 INFESTED WATERS; RESTRICTED ACTIVITIES.**

9.7 Subdivision 1. **Infested waters; restricted activities.** (a) The commissioner shall  
 9.8 ~~designate~~ list a water of the state as an infested water if the commissioner determines that:

9.9 (1) the water contains a population of an aquatic invasive species that could spread  
 9.10 to other waters if use of the water and related activities are not regulated to prevent this; or

9.11 (2) the water is highly likely to be infested by an aquatic invasive species because it  
 9.12 is connected to a water that contains a population of an aquatic invasive species.

9.13 (b) When determining which invasive species comprise infested waters, the  
 9.14 commissioner shall consider:

9.15 (1) the extent of a species distribution within the state;

9.16 (2) the likely means of spread for a species; and

9.17 (3) whether regulations specific to infested waters containing a specific species  
 9.18 will effectively reduce that species' spread.

9.19 (c) The presence of common carp and curly-leaf pondweed shall not be the basis  
 9.20 for ~~designating~~ listing a water as infested.

9.21 (d) ~~The designation of infested waters by the commissioner shall be by written~~  
 9.22 ~~order published in the State Register~~ maintain a list of infested waters and provide access  
 9.23 to a copy of the listed waters. ~~Designations~~ Listings are not subject to the rulemaking  
 9.24 provisions of chapter 14 and section 14.386 does not apply.

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

9.28 (b) In waters that are ~~designated~~ listed as infested waters, except those ~~designated~~  
 9.29 listed because they contain prohibited invasive species of fish or certifiable diseases of fish,  
 9.30 as defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

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

9.33 (2) bait purposes for noncommercial personal use in waters that contain Eurasian  
 9.34 water milfoil, when the infested waters are ~~designated~~ listed solely because they contain

10.1 Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow  
10.2 traps not exceeding 16 inches in diameter and 32 inches in length; and

10.3 (3) harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and  
10.4 suckers for bait from streams or rivers ~~designated~~ listed as infested waters, by hook and  
10.5 line for noncommercial personal use. Other provisions that apply to this clause are:

10.6 (i) fish taken under this clause must be used on the same body of water where caught  
10.7 and while still on that water body;

10.8 (ii) fish taken under this clause may not be transported live from or off the water body;

10.9 (iii) fish harvested under this clause may only be used in accordance with this section;

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

10.11 (v) fish taken under this clause must meet all other size restrictions and requirements  
10.12 as established in rules; and

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

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

10.18 **Subd. 4. Commercial fishing and turtle, frog, and crayfish harvesting**

10.19 **restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors,  
10.20 stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an  
10.21 infested water that is ~~designated~~ listed because it contains invasive fish, invertebrates, or  
10.22 certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If  
10.23 a commercial licensee operates in an infested water ~~designated~~ listed because it contains  
10.24 invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, all nets,  
10.25 traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or  
10.26 crayfish harvesting in waters ~~designated~~ listed as infested with invasive fish, invertebrates,  
10.27 or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by  
10.28 the commissioner, as specified in the commercial licensee's license or permit. This tagging  
10.29 requirement does not apply to commercial fishing equipment used in Lake Superior.

10.30 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or  
10.31 turtle, frog, or crayfish harvesting in an infested water that is ~~designated~~ listed solely  
10.32 because it contains Eurasian water milfoil must be dried for a minimum of ten days or  
10.33 frozen for a minimum of two days before they are used in any other waters, except as  
10.34 provided in this paragraph. Commercial licensees must notify the department's regional  
10.35 or area fisheries office or a conservation officer before removing nets or equipment from  
10.36 an infested water ~~designated~~ listed solely because it contains Eurasian water milfoil and

11.1 before resetting those nets or equipment in any other waters. Upon notification, the  
 11.2 commissioner may authorize a commercial licensee to move nets or equipment to another  
 11.3 water without freezing or drying, if that water is ~~designated~~ listed as infested solely  
 11.4 because it contains Eurasian water milfoil.

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

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

11.9 Sec. 21. Minnesota Statutes 2012, section 84D.06, is amended to read:

11.10 **84D.06 UNLISTED NONNATIVE SPECIES.**

11.11 Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic  
 11.12 plant or wild animal species unless:

11.13 (1) the person has notified the commissioner in a manner and form prescribed by  
 11.14 the commissioner;

11.15 (2) the commissioner has made the classification determination required in  
 11.16 subdivision 2 and ~~designated~~ listed the species as appropriate; and

11.17 (3) the introduction is allowed under the applicable provisions of this chapter.

11.18 Subd. 2. **Classification.** (a) If the commissioner determines that a species for which  
 11.19 a notification is received under subdivision 1 should be classified as a prohibited invasive  
 11.20 species, the commissioner shall:

11.21 (1) adopt a rule under section 84D.12, subdivision 3, ~~designating~~ listing the species  
 11.22 as a prohibited invasive species; and

11.23 (2) notify the person from which the notification was received that the species is  
 11.24 subject to section 84D.04.

11.25 (b) If the commissioner determines that a species for which a notification is  
 11.26 received under subdivision 1 should be classified as an unregulated nonnative species,  
 11.27 the commissioner shall:

11.28 (1) adopt a rule under section 84D.12, subdivision 3, ~~designating~~ listing the species  
 11.29 as an unregulated nonnative species; and

11.30 (2) notify the person from which the notification was received that the species is not  
 11.31 subject to regulation under this chapter.

11.32 (c) If the commissioner determines that a species for which a notification is received  
 11.33 under subdivision 1 should be classified as a regulated invasive species, the commissioner  
 11.34 shall notify the applicant that the species is subject to the requirements in section 84D.07.

12.1 Sec. 22. Minnesota Statutes 2012, section 84D.10, subdivision 3, is amended to read:

12.2 Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed  
12.3 peace officer may order:

12.4 (1) the removal of aquatic macrophytes or prohibited invasive species from  
12.5 water-related equipment before it is placed into waters of the state;

12.6 (2) confinement of the water-related equipment at a mooring, dock, or other location  
12.7 until the water-related equipment is removed from the water;

12.8 (3) removal of water-related equipment from waters of the state to remove prohibited  
12.9 invasive species if the water has not been ~~designated~~ listed by the commissioner as being  
12.10 infested with that species; and

12.11 (4) a prohibition on placing water-related equipment into waters of the state when  
12.12 the water-related equipment has aquatic macrophytes or prohibited invasive species  
12.13 attached in violation of subdivision 1 or when water has not been drained or the drain plug  
12.14 has not been removed in violation of subdivision 4.

12.15 (b) An inspector who is not a licensed peace officer may issue orders under  
12.16 paragraph (a), clauses (1), (3), and (4).

12.17 Sec. 23. Minnesota Statutes 2013 Supplement, section 84D.10, subdivision 4, is  
12.18 amended to read:

12.19 Subd. 4. **Persons transporting water-related equipment.** (a) When leaving waters  
12.20 of the state a person must drain water-related equipment holding water and live wells and  
12.21 bilges by removing the drain plug before transporting the water-related equipment off  
12.22 the water access site or riparian property.

12.23 (b) Drain plugs, bailers, valves, or other devices used to control the draining of water  
12.24 from ballast tanks, bilges, and live wells must be removed or opened while transporting  
12.25 water-related equipment.

12.26 (c) Emergency response vehicles and equipment may be transported on a public road  
12.27 with the drain plug or other similar device replaced only after all water has been drained  
12.28 from the equipment upon leaving the water body.

12.29 (d) Portable bait containers used by licensed aquatic farms, portable bait containers  
12.30 when fishing through the ice except on waters ~~designated~~ listed infested for viral  
12.31 hemorrhagic septicemia, and marine sanitary systems are exempt from this subdivision.

12.32 (e) A person must not dispose of bait in waters of the state.

12.33 (f) A boat lift, dock, swim raft, or associated equipment that has been removed  
12.34 from any water body may not be placed in another water body until a minimum of 21  
12.35 days have passed.

13.1 (g) A person who transports water that is appropriated from noninfested surface  
13.2 water bodies and that is transported by a commercial vehicle, excluding watercraft, or  
13.3 commercial trailer, which vehicle or trailer is specifically designed and used for water  
13.4 hauling, is exempt from paragraphs (a) and (b), provided that the person does not discharge  
13.5 the transported water to other surface waters or within 100 feet of a surface water body.

13.6 (h) A person transporting water from noninfested surface water bodies for  
13.7 firefighting or emergencies that threaten human safety or property is exempt from  
13.8 paragraphs (a) and (b).

13.9 Sec. 24. Minnesota Statutes 2013 Supplement, section 84D.105, subdivision 2, is  
13.10 amended to read:

13.11 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize  
13.12 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive  
13.13 species, and water. The commissioner may enter into a delegation agreement with a tribal  
13.14 or local government where inspection authority as provided under paragraphs (b), (g), and  
13.15 (h) is delegated to tribal and local governments ~~that assume all~~. The delegation agreements  
13.16 may provide for the assumption of legal, financial, and administrative responsibilities for  
13.17 inspection programs on some or all public waters within their jurisdiction.

13.18 (b) Inspectors may visually and tactilely inspect watercraft and water-related  
13.19 equipment to determine whether aquatic invasive species, aquatic macrophytes, or water  
13.20 is present. If a person transporting watercraft or water-related equipment refuses to  
13.21 take required corrective actions or fails to comply with an order under section 84D.10,  
13.22 subdivision 3, an inspector who is not a licensed peace officer shall refer the violation  
13.23 to a conservation officer or other licensed peace officer.

13.24 (c) In addition to paragraph (b), a conservation officer or other licensed peace officer  
13.25 may inspect any watercraft or water-related equipment that is stopped at a water access  
13.26 site, any other public location in the state, or a private location where the watercraft or  
13.27 water-related equipment is in plain view, if the officer determines there is reason to believe  
13.28 that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or  
13.29 water-related equipment.

13.30 (d) Conservation officers or other licensed peace officers may utilize check stations  
13.31 in locations, or in proximity to locations, where watercraft or other water-related  
13.32 equipment is placed into or removed from waters of the state. Any check stations shall be  
13.33 operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

14.1 (e) Conservation officers or other licensed peace officers may order water-related  
14.2 equipment to be removed from a water body if the commissioner determines such action is  
14.3 needed to implement aquatic invasive species control measures.

14.4 (f) The commissioner may require mandatory inspections of water-related equipment  
14.5 before a person places or removes water-related equipment into or out of a water body.  
14.6 Inspection stations may be located at or near public water accesses or in locations that  
14.7 allow for servicing individual or multiple water bodies. The commissioner shall ensure  
14.8 that inspection stations:

14.9 (1) have adequate staffing to minimize delays to vehicles and their occupants;

14.10 (2) allow for reasonable travel times between public accesses and inspection stations  
14.11 if inspection is required before placing water-related equipment into a water body;

14.12 (3) are located so as not to create traffic delays or public safety issues;

14.13 (4) have decontamination equipment available to bring water-related equipment  
14.14 into compliance; and

14.15 (5) do not reduce the capacity or hours of operation of public water accesses.

14.16 (g) The commissioner may authorize tribal and local governments that enter into  
14.17 a delegation agreement with the commissioner to conduct mandatory inspections of  
14.18 water-related equipment at specified locations within a defined area before a person  
14.19 places or removes water-related equipment into or out of a water body. Tribal and local  
14.20 governments that are authorized to conduct inspections under this paragraph must:

14.21 (1) to the extent called for in the delegation agreement, assume all legal, financial,  
14.22 and administrative responsibilities for implementing the mandatory inspections, alone or  
14.23 in agreement with other tribal or local governments;

14.24 (2) employ inspectors that have been trained and authorized by the commissioner;

14.25 (3) conduct inspections and decontamination measures in accordance with guidelines  
14.26 approved by the commissioner;

14.27 (4) have decontamination equipment available at inspection stations or identify  
14.28 alternative decontamination equipment locations within a reasonable distance of the  
14.29 inspection station that can bring water-related equipment into compliance;

14.30 (5) provide for inspection station locations that do not create traffic delays or public  
14.31 safety issues; and

14.32 (6) submit a plan approved by the commissioner according to paragraph (h).

14.33 (h) Plans required under paragraph (g) must address:

14.34 (1) no reduction in capacity or hours of operation of public accesses and fees that  
14.35 do not discourage or limit use;

14.36 (2) reasonable travel times between public accesses and inspection stations;

15.1 (3) adequate staffing to minimize wait times and provide adequate hours of operation  
15.2 at inspection stations and public accesses;

15.3 (4) adequate enforcement capacity;

15.4 (5) measures to address inspections of water-related equipment at public water  
15.5 accesses for commercial entities and private riparian land owners; and

15.6 (6) other elements as required by the commissioner to ensure statewide consistency,  
15.7 appropriate inspection and decontamination protocols, and protection of the state's  
15.8 resources, public safety, and access to public waters.

15.9 (i) A government unit authorized to conduct inspections under this subdivision must  
15.10 submit an annual report to the commissioner summarizing the results and issues related  
15.11 to implementing the inspection program.

15.12 (j) The commissioner may waive the plan requirement in paragraph (g) for inspection  
15.13 programs where authorized inspectors are placed directly at one or more water access  
15.14 sites, with no requirement for a person to travel from the water access for inspection  
15.15 or decontamination, and no local ordinance or other regulation requiring a mandatory  
15.16 inspection before placing watercraft or water-related equipment into a water body or after  
15.17 watercraft or water-related equipment are removed from a water body.

15.18 Sec. 25. Minnesota Statutes 2012, section 84D.11, subdivision 2a, is amended to read:

15.19 Subd. 2a. **Harvest of bait from infested waters.** (a) The commissioner may issue a  
15.20 permit to allow the harvest of bait:

15.21 (1) from waters that are ~~designated~~ listed as infested waters, except those ~~designated~~  
15.22 listed because they contain prohibited invasive species of fish or certifiable diseases of fish  
15.23 as defined in section 17.4982, subdivision 6; and

15.24 (2) from infested waters as allowed under section 97C.341, paragraph (c).

15.25 The permit shall include conditions necessary to avoid spreading aquatic invasive  
15.26 species.

15.27 (b) Before receiving a permit, or working for a permittee, a person annually  
15.28 must satisfactorily complete aquatic invasive species-related training provided by the  
15.29 commissioner.

15.30 Sec. 26. Minnesota Statutes 2012, section 84D.12, is amended to read:

15.31 **84D.12 RULES.**

15.32 Subdivision 1. **Required rules.** The commissioner shall adopt rules:

15.33 (1) ~~designating~~ listing prohibited invasive species, regulated invasive species, and  
15.34 unregulated nonnative species of aquatic plants and wild animals;

16.1 (2) governing the application for and issuance of permits under this chapter, which  
16.2 rules may include a fee schedule; and

16.3 (3) governing notification under section 84D.08.

16.4 Subd. 2. **Authorized rules.** The commissioner may adopt rules:

16.5 (1) regulating the possession, importation, purchase, sale, propagation, transport,  
16.6 and introduction of invasive species of aquatic plants and wild animals; and

16.7 (2) regulating the appropriation, use, and transportation of water from listed infested  
16.8 waters.

16.9 Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027,  
16.10 subdivision 13, that ~~designate~~ list:

16.11 (1) prohibited invasive species of aquatic plants and wild animals;

16.12 (2) regulated invasive species of aquatic plants and wild animals; and

16.13 (3) unregulated nonnative species of aquatic plants and wild animals.

16.14 Sec. 27. Minnesota Statutes 2012, section 84D.13, subdivision 5, is amended to read:

16.15 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose  
16.16 the following penalty amounts:

16.17 (1) for transporting aquatic macrophytes in violation of section 84D.09, \$100;

16.18 (2) for placing or attempting to place into waters of the state water-related equipment  
16.19 that has aquatic macrophytes attached, \$200;

16.20 (3) for unlawfully possessing or transporting a prohibited invasive species other  
16.21 than an aquatic macrophyte, \$500;

16.22 (4) for placing or attempting to place into waters of the state water-related equipment  
16.23 that has prohibited invasive species attached when the waters are not ~~designated~~ listed by  
16.24 the commissioner as being infested with that invasive species, \$500;

16.25 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as  
16.26 prescribed by rule, Eurasian water milfoil, \$100;

16.27 (6) for failing to have drain plugs or similar devices removed or opened while  
16.28 transporting water-related equipment or for failing to remove plugs, open valves, and  
16.29 drain water from water-related equipment, other than marine sanitary systems, before  
16.30 leaving waters of the state, \$100; and

16.31 (7) for transporting infested water off riparian property without a permit as required  
16.32 by rule, \$200.

16.33 (b) A civil citation that is issued to a person who has one or more prior convictions  
16.34 or final orders for violations of this chapter is subject to twice the penalty amounts listed  
16.35 in paragraph (a).

17.1 Sec. 28. Minnesota Statutes 2012, section 86A.09, is amended to read:

17.2 **86A.09 DEVELOPMENT AND ESTABLISHMENT OF UNITS.**

17.3 Subdivision 1. **Master plan required.** No construction of new facilities or other  
 17.4 development of an authorized unit, other than repairs and maintenance, shall commence  
 17.5 until the managing agency has prepared ~~and submitted to the commissioner of natural~~  
 17.6 ~~resources and the commissioner has reviewed, pursuant to this section,~~ a master plan for  
 17.7 administration of the unit in conformity with this section. No master plan is required for  
 17.8 wildlife management areas that do not have resident managers, for scientific and natural  
 17.9 areas, for water access sites, for aquatic management areas, for rest areas, or for boater  
 17.10 waysides.

17.11 Subd. 2. **Master plan; preparation and content public review.** The managing  
 17.12 agency shall supervise preparation of the master plan and shall utilize the professional  
 17.13 staffs of any agency of the state when the expertise of the staff of such agency is necessary  
 17.14 to adequately prepare the master plan; the master plan shall present the information in  
 17.15 a format and detail that is appropriate to the size and complexity of the authorized unit.  
 17.16 When the master plan has been completed the managing agency shall announce to the  
 17.17 public in a manner reasonably designed to inform interested persons that the master plan is  
 17.18 available for public review and in the case of any major unit shall hold at least one public  
 17.19 hearing meeting on the plan in the vicinity of the unit. The managing agency shall make  
 17.20 the master plan available for review and comment by the public and other state agencies  
 17.21 for at least 15 days prior to the public meeting and shall accept comments on the plan for  
 17.22 at least 30 days following the announcement and before submitting the master plan to the  
 17.23 commissioner of natural resources. Copies of the plan shall be provided to members of  
 17.24 the Outdoor Recreation Advisory Council and to any other person on request approval.  
 17.25 The managing agency shall prepare a record of the public meeting and any comments  
 17.26 received during the comment period.

17.27 Subd. 3. **Master plan; ~~review and approval content.~~** All master plans required  
 17.28 by this section shall ~~be submitted to the commissioner of natural resources for review~~  
 17.29 ~~pursuant to this subdivision. The commissioner of natural resources shall review the~~  
 17.30 ~~master plan to determine whether the plan:~~ (a) provides:

17.31 (1) provide for administration of the unit in a manner that is consistent with the  
 17.32 purposes for which the unit was authorized and with the principles governing the  
 17.33 administration of the unit, as specified in section 86A.05 and the statutes relating to each  
 17.34 type of unit; and

17.35 ~~(b) recognizes~~ (2) recognize values and resources within the unit that are primarily  
 17.36 the responsibility of another managing agency to protect or develop; ~~and provides~~ provide

18.1 for their protection or development either through a cooperative agreement with the other  
18.2 managing agency or through designation of the appropriate area as a secondary unit. ~~In~~  
18.3 ~~reviewing any master plan, the commissioner of natural resources shall consult with~~  
18.4 ~~other state agencies. Within 60 days after receiving the master plan, the commissioner of~~  
18.5 ~~natural resources shall notify the managing agency that the plan has been reviewed and~~  
18.6 ~~forward its recommendations for any changes it might suggest. The managing agency~~  
18.7 ~~shall review the recommendations and notify the commissioner of natural resources of the~~  
18.8 ~~disposition made of them. Failure to comment on a master plan within the time specified~~  
18.9 ~~shall be considered approval of the plan by the commissioner of natural resources. If the~~  
18.10 ~~commissioner of natural resources feels that the master plan still fails significantly to~~  
18.11 ~~comply with this subdivision, the commissioner may request review of the master plan by~~  
18.12 ~~the governor. In that event review shall not be deemed completed until after the master~~  
18.13 ~~plan has been approved by the governor or 60 days have elapsed without action by the~~  
18.14 ~~governor to approve or reject the plan, whichever occurs first.~~

18.15 Subd. 4. **Development.** Construction of necessary facilities and other development  
18.16 of the unit shall commence as soon as practicable ~~after review of the master plan by the~~  
18.17 ~~commissioner of natural resources, and the governor if requested, and shall be carried out~~  
18.18 in conformity with the master plan.

18.19 Subd. 5. **Establishment.** When, in the opinion of the managing agency,  
18.20 acquisition and development of the unit are sufficiently complete to permit operation and  
18.21 administration of the unit in substantial conformity with the master plan as approved, the  
18.22 managing agency shall declare the unit established and ready for use.

18.23 Subd. 6. **Master plan amendment.** The managing agency shall prepare an  
18.24 amendment to a master plan to address changes proposed for a unit that would vary  
18.25 from the approved master plan. The master plan amendment shall address the impacts  
18.26 of the proposed changes to the natural and cultural resources, interpretive services,  
18.27 recreational opportunities, and administrative activities at the unit. The master plan  
18.28 amendment supersedes the master plan for those areas addressed by the amendment. The  
18.29 managing agency shall hold a public meeting for master plan amendments that constitute a  
18.30 significant change in public use or access to the unit or that may be controversial. Public  
18.31 notice and approval of the master plan amendment shall follow the process described in  
18.32 subdivision 2. Construction of necessary facilities and other development of the unit shall  
18.33 commence as soon as practicable after the master plan amendment is adopted.

18.34 Sec. 29. Minnesota Statutes 2012, section 86A.11, is amended to read:

18.35 **86A.11 REGISTRY OF UNITS.**

19.1           The commissioner of natural resources and the director of the Minnesota Historical  
 19.2 Society shall each compile and maintain a current registry of the name, location, size,  
 19.3 and description of all units of the outdoor recreation system under ~~the commissioner's~~  
 19.4 ~~jurisdiction and under the jurisdiction of the Minnesota Historical Society and the~~  
 19.5 ~~commissioner of transportation. The commissioner of natural resources~~ their respective  
 19.6 jurisdictions, and shall publish and distribute the information contained in the registry in  
 19.7 a form and manner suitable to assist persons wishing to use these units. ~~The Minnesota~~  
 19.8 ~~Historical Society and the commissioner of transportation shall cooperate with and assist~~  
 19.9 ~~the commissioner of natural resources in preparing and distributing the registry.~~

19.10           Sec. 30. Minnesota Statutes 2012, section 97C.821, is amended to read:

19.11           **97C.821 POSSESSION, SALE, AND TRANSPORTATION OF**  
 19.12 **COMMERCIAL FISH.**

19.13           Subject to the applicable provisions of the game and fish laws, fish taken under  
 19.14 commercial fishing licenses may be possessed in any quantity, bought, sold, and  
 19.15 transported at any time. Commercial fishing licensees may transport their catch live to  
 19.16 holding facilities, if the licensee has exclusive control of the facilities. Commercial fishing  
 19.17 licensees may harvest fish from their holding facilities at any time with their licensed gear.  
 19.18 The commissioner may prohibit the transport of live fish taken under a commercial fishing  
 19.19 license from waters that contain nonnative species, are ~~designated~~ listed as infested waters,  
 19.20 or are infected with any certifiable disease.

19.21           Sec. 31. Minnesota Statutes 2013 Supplement, section 103C.311, subdivision 2,  
 19.22 is amended to read:

19.23           Subd. 2. **Supervisors elected by districts.** (a) The A district board in the  
 19.24 seven-county metropolitan area shall by resolution provide that supervisors will be elected  
 19.25 by supervisor districts as provided in this subdivision.

19.26           (b) A district board outside of the seven-county metropolitan area, with the approval  
 19.27 of the state board, may by resolution provide that supervisors will be elected by supervisor  
 19.28 districts as provided in this subdivision.

19.29           ~~(b)~~ (c) The supervisor districts must be composed of precincts established by  
 19.30 county and municipal governing bodies under section 204B.14. The districts must be  
 19.31 compact, include only contiguous territory, and be substantially equal in population.  
 19.32 The districts must be numbered in a regular series. The districts must be drawn by the  
 19.33 county board of the county containing the largest area of the soil and water conservation  
 19.34 district, in consultation with the district board and with the approval of the state board.

20.1 The boundaries of the districts must be redrawn after each decennial federal census as  
20.2 provided in section 204B.135. A certified copy of the resolution establishing supervisor  
20.3 districts must be filed by the chair of the district board with the county auditor of the  
20.4 counties where the soil and water conservation district is located, with the state board, and  
20.5 with the secretary of state, and the filings must occur within 80 days of the time when the  
20.6 legislature has been redistricted or at least 15 weeks before the state primary election in a  
20.7 year ending in two, whichever comes first.

20.8 (e) (d) Each supervisor district is entitled to elect one supervisor. A supervisor must  
20.9 be a resident of the district from which elected.

20.10 (d) (e) The district board shall provide staggered terms for supervisors elected by  
20.11 district. After each redistricting, there shall be a new election of supervisors in all the  
20.12 districts at the next general election, except that if the change made in the boundaries of a  
20.13 district is less than five percent of the average population of all the districts, the supervisor  
20.14 in office at the time of the redistricting shall serve for the full term for which elected. The  
20.15 district board shall determine by lot the seats to be filled for a two-year term, a four-year  
20.16 term, and a six-year term.

20.17 **EFFECTIVE DATE.** This section is effective January 1, 2015, and applies to  
20.18 elections conducted on or after that date.

20.19 Sec. 32. Minnesota Statutes 2012, section 103E.065, is amended to read:

20.20 **103E.065 DRAINAGE INSPECTORS.**

20.21 In counties or watershed districts having drainage systems constructed in accordance  
20.22 with this chapter, the drainage authority shall appoint a competent person as drainage  
20.23 inspector. The inspector must not be a county commissioner. The inspector may be the  
20.24 county highway engineer. The inspector shall examine the drainage systems designated  
20.25 by the drainage authority. The drainage authority shall specify the appointment period  
20.26 and compensation.

20.27 Sec. 33. Minnesota Statutes 2012, section 103F.121, subdivision 2, is amended to read:

20.28 Subd. 2. **Adoption procedure.** (a) The commissioner, upon determining that  
20.29 sufficient technical information is available for the delineation of floodplains and  
20.30 floodways on a watercourse, ~~shall~~ may notify affected local governmental units that  
20.31 technical information is available. ~~Within six months after receiving this notice,~~ The local  
20.32 governmental units shall prepare or amend their floodplain management ordinances in

21.1 conformance with the provisions of sections 103F.101 to 103F.155 and shall submit the  
21.2 ordinance to the commissioner for review and approval before adoption.

21.3 (b) The commissioner shall approve or disapprove the proposed ordinance within  
21.4 120 days after receiving it.

21.5 (c) If the proposed ordinance is disapproved, the commissioner shall return it to the  
21.6 local governmental unit with a written statement of reasons for disapproval. Within 90  
21.7 days after disapproval, the local governmental unit shall resubmit an amended proposed  
21.8 ordinance for further review and approval before adoption. The local governmental unit  
21.9 shall adopt a floodplain management ordinance within 90 days after approval by the  
21.10 commissioner.

21.11 (d) A floodplain management ordinance adopted by a local governmental unit is  
21.12 invalid unless it is approved by the commissioner.

21.13 (e) A local governmental unit may adopt a floodplain management ordinance in the  
21.14 absence of notification by the commissioner that the required technical data is available,  
21.15 provided that any such ordinance is submitted to the commissioner prior to its adoption  
21.16 for approval.

21.17 (f) A local governmental unit may adopt a floodplain management ordinance that is  
21.18 more restrictive than required under sections 103F.101 to 103F.155.

21.19 (g) Floodplain management ordinances may be amended by a local governmental  
21.20 unit upon the approval of the commissioner.

21.21 Sec. 34. Minnesota Statutes 2012, section 103F.121, subdivision 5, is amended to read:

21.22 Subd. 5. **Major Alterations and hazardous uses prohibited.** (a) If a floodplain  
21.23 has been delineated by a floodplain management ordinance under sections 103F.101  
21.24 to 103F.155, a major alteration to a structure in existence on the effective date of the  
21.25 ordinance or a new fill, structure, deposit, or other floodplain use that is ~~unreasonably~~  
21.26 ~~hazardous to the public or that unduly restricts the capacity of the floodplain to carry and~~  
21.27 ~~discharge a regional flood~~ not in accordance with the local governmental unit's adopted  
21.28 floodplain management ordinance may not be permitted after the effective date of the  
21.29 ordinance delineating the floodplain.

21.30 ~~(b) As used in this subdivision, major alterations of existing structures do not include~~  
21.31 ~~repair or maintenance and do not include repairs, maintenance, or alterations to structures~~  
21.32 ~~made under the authority of another authorized agency of the state or federal government.~~

21.33 ~~(e)~~ (b) This subdivision does not apply to alterations, repair, or maintenance  
21.34 reasonably done under emergency circumstances to preserve or protect life ~~or property.~~

22.1 ~~(d)~~ (c) This subdivision applies to alterations to existing structures and to new fill,  
22.2 structures, deposits, or other floodplain uses by the state and state agencies.

22.3 Sec. 35. Minnesota Statutes 2012, section 103F.165, subdivision 3, is amended to read:

22.4 Subd. 3. **Application for flood insurance.** ~~Within 120 days~~ After receiving notice  
22.5 ~~of inclusion on the amended list,~~ from the commissioner or the Federal Emergency  
22.6 Management Agency that flood hazard areas have been identified, each local governmental  
22.7 unit ~~shall~~ is encouraged to apply for participation in the national flood insurance program  
22.8 in the manner prescribed by federal laws and regulations.

22.9 Sec. 36. Minnesota Statutes 2012, section 103G.245, subdivision 2, is amended to read:

22.10 Subd. 2. **Exceptions.** A public waters work permit is not required for:

22.11 (1) work in altered natural watercourses that are part of drainage systems established  
22.12 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
22.13 103D or 103E; or

22.14 (2) a drainage project for a drainage system established under chapter 103E that does  
22.15 not substantially affect public waters; ~~or.~~

22.16 ~~(3) removal of debris, including logs that are at or near the water surface, dead~~  
22.17 ~~trees and branches, and trash, that does not alter the original alignment, slope, or cross~~  
22.18 ~~section of the waters.~~

22.19 Sec. 37. Minnesota Statutes 2012, section 103G.287, subdivision 2, is amended to read:

22.20 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations  
22.21 that will have ~~potential~~ negative impacts to surface waters are subject to applicable  
22.22 provisions in section 103G.285.

22.23 Sec. 38. Minnesota Statutes 2012, section 103G.305, subdivision 1, is amended to read:

22.24 Subdivision 1. **General ~~30-day~~ 150-day limit.** (a) Except as provided in subdivision  
22.25 2, the commissioner must act on a water use permit within ~~30~~ 150 days after the completed  
22.26 application for the permit and the required data are filed in the commissioner's office  
22.27 has been submitted. Within 30 business days of application for a water use permit, the  
22.28 commissioner shall notify the applicant, in writing, whether the application is complete  
22.29 or incomplete.

22.30 (b) The commissioner must direct a hearing to be held on a water use permit  
22.31 application or make an order issuing a permit or denying a permit.

23.1 Sec. 39. Minnesota Statutes 2012, section 103G.615, subdivision 3a, is amended to read:

23.2 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant  
23.3 management permit" means an aquatic plant management permit as defined in rules of the  
23.4 Department of Natural Resources that authorizes the selective control of invasive aquatic  
23.5 plants ~~at a scale~~ to cause a significant ~~lakewide or baywide~~ reduction in the abundance of  
23.6 the invasive aquatic plant.

23.7 (b) The commissioner may waive the dated signature of approval requirement in rules  
23.8 of the Department of Natural Resources for invasive aquatic plant management permits if  
23.9 obtaining signatures would create an undue burden on the permittee or if the commissioner  
23.10 determines that aquatic plant control is necessary to protect natural resources.

23.11 (c) If the signature requirement is waived under paragraph (b) because obtaining  
23.12 signatures would create an undue burden on the permittee, the commissioner shall require  
23.13 an alternate form of landowner notification, including news releases or public notices in  
23.14 a local newspaper, a public meeting, or a mailing to the most recent permanent address  
23.15 of affected landowners. The notification must be given annually and must include: the  
23.16 proposed date of treatment, the target species, the method of control or product being  
23.17 used, and instructions on how the landowner may request that control not occur adjacent  
23.18 to the landowner's property.

23.19 (d) The commissioner may allow dated signatures of approval obtained for an  
23.20 invasive aquatic plant management permit to satisfy rules of the Department of Natural  
23.21 Resources to remain valid for three years if property ownership remains unchanged.

23.22 Sec. 40. Minnesota Statutes 2012, section 325E.13, is amended by adding a subdivision  
23.23 to read:

23.24 Subd. 5. **Off-road recreational vehicle.** "Off-road recreational vehicle" means a  
23.25 snowmobile as defined in section 84.81, subdivision 3, and an off-highway vehicle, as  
23.26 defined in section 84.771.

23.27 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes  
23.28 committed on or after that date.

23.29 Sec. 41. Minnesota Statutes 2012, section 325E.14, subdivision 1, is amended to read:

23.30 Subdivision 1. **Tampering.** No person shall knowingly tamper with, adjust, alter,  
23.31 change, set back, disconnect or, with intent to defraud, fail to connect the odometer of any  
23.32 motor vehicle or off-road recreational vehicle, or cause any of the foregoing to occur to  
23.33 an odometer of a motor vehicle or off-road recreational vehicle, so as to reflect a lower  
23.34 mileage than has actually been driven by the motor vehicle or off-road recreational vehicle.

24.1 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes  
24.2 committed on or after that date.

24.3 Sec. 42. Minnesota Statutes 2012, section 325E.14, subdivision 3, is amended to read:

24.4 Subd. 3. **Sales and use restrictions.** No person shall advertise for sale, sell, use or  
24.5 install on any part of a motor vehicle or off-road recreational vehicle, or on any odometer  
24.6 in a motor vehicle or off-road recreational vehicle, any device ~~which~~ that causes the  
24.7 odometer to register any mileage other than the true mileage.

24.8 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes  
24.9 committed on or after that date.

24.10 Sec. 43. Minnesota Statutes 2012, section 325E.14, subdivision 4, is amended to read:

24.11 Subd. 4. **Sales restriction.** No person shall sell or offer for sale any motor vehicle  
24.12 or off-road recreational vehicle with knowledge that the mileage registered on the  
24.13 odometer has been altered so as to reflect a lower mileage than has actually been driven  
24.14 by the motor vehicle or off-road recreational vehicle without disclosing ~~such~~ the fact to  
24.15 prospective purchasers.

24.16 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes  
24.17 committed on or after that date.

24.18 Sec. 44. Minnesota Statutes 2012, section 325E.14, subdivision 6, is amended to read:

24.19 Subd. 6. **Repair or replacement restriction.** Nothing in this section shall prevent  
24.20 the service, repair, or replacement of an odometer, provided the mileage indicated  
24.21 thereon remains the same as before the service, repair, or replacement. Where the  
24.22 odometer is incapable of registering the same mileage as before ~~such~~ the service, repair,  
24.23 or replacement, the odometer shall be adjusted to read zero and a written notice shall be  
24.24 attached to the left door frame of the motor vehicle by the owner or an agent specifying  
24.25 the mileage prior to repair or replacement of the odometer and the date on which it was  
24.26 repaired or replaced. No person shall remove or alter ~~such~~ a notice so affixed.

24.27 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes  
24.28 committed on or after that date.

24.29 Sec. 45. **REVISOR'S INSTRUCTION.**

25.1 The revisor of statutes shall delete the term in column A and insert the term in  
 25.2 column B in Minnesota Rules, parts 6216.0100, 6216.0250, 6216.0260, 6216.0270,  
 25.3 6216.0290, 6216.0300, 6216.0400, 6216.0500, and 6260.0300.

25.4	<u>Column A</u>	<u>Column B</u>
25.5	<u>designate</u>	<u>list</u>
25.6	<u>designated</u>	<u>listed</u>
25.7	<u>designation</u>	<u>listing</u>
25.8	<u>designating</u>	<u>listing</u>

25.9 Sec. 46. **REPEALER.**

25.10 Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 103F.121,  
 25.11 subdivisions 3 and 4; and 103F.165, subdivision 2, are repealed.

**84.521 SUSPENSION OF SECTIONS 84.43 TO 84.52.**

The operation of Minnesota Statutes 1949, sections 84.43 to 84.52, is hereby temporarily suspended, which suspension shall be effective during such time as Executive Order 10092, issued December 20, 1949, by the President of the United States remains in effect.

**89.01 COMMISSIONER, POWERS AND DUTIES.**

Subd. 7. **Forest road coordination committees.** The commissioner shall establish a forest road coordination committee in each forestry administrative area in which a state or county forest road is located. The commissioner shall appoint as members representatives from among the following: road authorities, county land commissioners, local governments, the forest products industry, and forest recreation interests. Each committee must meet at least once annually. The committees shall assist in providing a transportation system to facilitate the protection, management, and use of this state's forest resources. The purpose of the committees includes coordination of the planning, construction, maintenance, and use of forest roads, and of restrictions on their use.

**103F.121 FLOODPLAIN MANAGEMENT ORDINANCES.**

Subd. 3. **Commissioner's adoption of ordinance.** (a) If a local governmental unit fails to adopt a floodplain management ordinance, the commissioner shall adopt an ordinance that meets the minimum standards established under section 103F.141 for the local governmental unit.

(b) The commissioner shall hold at least one public hearing on the proposed ordinance in the manner provided in section 394.26 or 462.357, as applicable, after giving notice as provided in section 394.26 or 462.357.

(c) The ordinance is effective for the local governmental unit on the date and in accordance with rules prescribed by the commissioner.

(d) The ordinance shall be enforced as provided in section 394.37 or 462.362, as applicable. The penalties provided in section 394.37 or 462.362 apply to violations of an ordinance adopted by the commissioner.

Subd. 4. **Cost of commissioner's ordinance.** (a) The cost incurred by the commissioner in adopting a floodplain management ordinance for the local governmental unit shall be paid by the local governmental unit upon submission to the local governmental unit of an itemized statement of these costs by the commissioner.

(b) If the local governmental unit fails to pay the costs within 90 days after the commissioner's statement is received, the commissioner shall file a copy of the statement of the costs for collection by special tax levy with the county auditor of the county where the local governmental unit is located. The county auditor, upon receiving a statement from the commissioner, shall include the amount of the state's claim in the tax levy for general revenue purposes of the local governmental unit. Upon completion of the tax settlement following this levy, the county treasurer shall remit the amount due to the state to the commissioner for deposit in the state treasury.

**103F.165 FLOOD INSURANCE.**

Subd. 2. **List of recurrent flooding areas.** The commissioner shall prepare a list of local governmental units having areas subject to recurrent flooding and shall notify each local governmental unit included on the list of the findings. If a local governmental unit objects to the commissioner's findings, it shall submit evidence supporting its objections within 45 days after receiving the commissioner's notification. The commissioner shall accept or reject the findings of each local governmental unit submitting evidence, shall prepare an amended list of local governmental units having areas subject to recurrent flooding, and shall notify each local governmental unit of its inclusion on the amended list.