

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2191

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DATE	D-PG	OFFICIAL STATUS
03/03/2014	5925	Introduction and first reading Referred to Environment and Energy
03/13/2014	6180a	Comm report: To pass as amended
	6211	Second reading
04/10/2014	8054	HF substituted on General Orders HF2733

A bill for an act

1.1 relating to natural resources; modifying all-terrain vehicle operating restrictions;
 1.2 providing for certain regulatory efficiencies; modifying use and designation
 1.3 of forest trails; modifying invasive species provisions; modifying Water
 1.4 Law; modifying outdoor recreation system provisions; appropriating money;
 1.5 amending Minnesota Statutes 2012, sections 17.4982, subdivision 18a; 84.027,
 1.6 subdivisions 12, 13a, 14a; 84.0857; 84.925, subdivision 5; 84.926, subdivision
 1.7 4; 84D.01, subdivisions 8, 13, 15, 17, 18; 84D.03, as amended; 84D.06;
 1.8 84D.10, subdivision 3; 84D.11, subdivision 2a; 84D.12; 84D.13, subdivision 5;
 1.9 86A.09; 86A.11; 97C.821; 103F.121, subdivisions 2, 5; 103F.165, subdivision 3;
 1.10 103G.245, subdivision 2; 103G.615, subdivision 3a; Minnesota Statutes 2013
 1.11 Supplement, sections 84.027, subdivision 13; 84D.10, subdivision 4; repealing
 1.12 Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 103F.121,
 1.13 subdivisions 3, 4; 103F.165, subdivision 2.
 1.14

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

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

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

- 1.20 (1) not known to have been historically present in the state;
 1.21 (2) not known to be naturally occurring in a particular part of the state; or
 1.22 (3) ~~designated~~ listed by rule as a prohibited or regulated invasive species.

1.23 Sec. 2. Minnesota Statutes 2012, section 84.027, subdivision 12, is amended to read:

1.24 Subd. 12. **Property disposal; gift acknowledgment; advertising sales.** (a) The
 1.25 ~~commissioner may give away to members of the public items with a value of less than \$50~~
 1.26 ~~that are intended to promote conservation of natural resources or create awareness of the~~

2.1 ~~state and its resources or natural resource management programs. The total value of items~~
2.2 ~~given to the public under this paragraph may not exceed \$25,000 per year.~~

2.3 (b) (a) The commissioner may recognize the contribution of money or in-kind
2.4 services on plaques, signs, publications, audio-visual materials, and media advertisements
2.5 by allowing the organization's contribution to be acknowledged in print of readable size.

2.6 (e) (b) The commissioner may accept paid advertising for departmental publications.
2.7 Advertising revenues received are appropriated to the commissioner to be used to
2.8 defray costs of publications, media productions, or other informational materials. The
2.9 commissioner may not accept paid advertising from any elected official or candidate
2.10 for elective office.

2.11 Sec. 3. Minnesota Statutes 2013 Supplement, section 84.027, subdivision 13, is
2.12 amended to read:

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

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

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

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

2.25 (b) If conditions exist that do not allow the commissioner to comply with sections
2.26 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis
2.27 based upon current biological and harvest data, the commissioner may adopt a rule
2.28 under this subdivision by submitting the rule to the attorney general for review under
2.29 section 97A.0455, publishing a notice in the State Register and filing the rule with the
2.30 secretary of state and the Legislative Coordinating Commission, and complying with
2.31 section 97A.0459, and including a statement of the conditions and a copy of the rule in the
2.32 notice. The conditions for opening a water body or portion of a water body for night bow
2.33 fishing under this section may include the need to temporarily open the area to evaluate
2.34 compatibility of the activity on that body of water prior to permanent rulemaking. The

3.1 notice may be published after it is received from the attorney general or five business days
3.2 after it is submitted to the attorney general, whichever is earlier.

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

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

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

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

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

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

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

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

3.23 Sec. 4. Minnesota Statutes 2012, section 84.027, subdivision 13a, is amended to read:

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

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

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

3.34 Sec. 5. Minnesota Statutes 2012, section 84.027, subdivision 14a, is amended to read:

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

4.5 (b) The commissioner shall prepare ~~semiannual~~ a permitting efficiency reports
4.6 report that include includes statistics on meeting the goal in paragraph (a). The ~~reports~~
4.7 ~~are report is due February 1 and August 1~~ each year. For permit applications that have
4.8 not met the goal, the report must state the reasons for not meeting the goal. In stating the
4.9 reasons for not meeting the goal, the commissioner shall separately identify delays caused
4.10 by the responsiveness of the proposer, lack of staff, scientific or technical disagreements,
4.11 or the level of public engagement. The report must specify the number of days from
4.12 initial submission of the application to the day of determination that the application is
4.13 complete. The report ~~for August 1 each year~~ must aggregate the data for the year and
4.14 assess whether program or system changes are necessary to achieve the goal. The report
4.15 must be posted on the department's Web site and submitted to the governor and the chairs
4.16 and ranking minority members of the house of representatives and senate committees
4.17 having jurisdiction over natural resources policy and finance.

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

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

4.27 Sec. 6. Minnesota Statutes 2012, section 84.0857, is amended to read:

4.28 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

4.29 (a) The commissioner of natural resources may bill organizational units within
4.30 the Department of Natural Resources and other governmental units, including tribal
4.31 governments, for the costs of providing them with building and infrastructure facilities.
4.32 Costs billed may include modifications and adaptations to allow for appropriate building
4.33 occupancy, building code compliance, insurance, utility services, maintenance, repair, and
4.34 other direct costs as determined by the commissioner. Receipts shall be credited to a

5.1 special account in the state treasury and are appropriated to the commissioner to pay the
5.2 costs for which the billings were made.

5.3 (b) Money deposited in the special account from the proceeds of a sale under section
5.4 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire
5.5 facilities or renovate existing buildings for administrative use or to acquire land for,
5.6 design, and construct administrative buildings for the Department of Natural Resources.

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

5.12 Sec. 7. Minnesota Statutes 2012, section 84.925, subdivision 5, is amended to read:

5.13 Subd. 5. **Training requirements.** (a) An individual who was born after July 1,
5.14 1987, and who is ~~16~~ 18 years of age or older, must successfully complete the independent
5.15 study course component of all-terrain vehicle safety training before operating an all-terrain
5.16 vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

5.17 (b) An individual who is convicted of violating a law related to the operation of an
5.18 all-terrain vehicle must successfully complete the independent study course component of
5.19 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

5.20 (c) An individual who is convicted for a second or subsequent excess speed, trespass,
5.21 or wetland violation in an all-terrain vehicle season, or any conviction for careless or
5.22 reckless operation of an all-terrain vehicle, must successfully complete the independent
5.23 study and the testing and operating course components of all-terrain vehicle safety training
5.24 before continuing operation of an all-terrain vehicle.

5.25 (d) An individual who receives three or more citations and convictions for violating a
5.26 law related to the operation of an all-terrain vehicle in a two-year period must successfully
5.27 complete the independent study and the testing and operating course components of
5.28 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

5.29 (e) An individual must present evidence of compliance with this subdivision before
5.30 an all-terrain vehicle registration is issued or renewed.

5.31 Sec. 8. Minnesota Statutes 2012, section 84.926, subdivision 4, is amended to read:

5.32 Subd. 4. **Off-road and all-terrain vehicles; limited or managed forests; trails.**
5.33 Notwithstanding section 84.777, but subject to the commissioner's authority under
5.34 subdivision 5, on state forest lands classified as limited or managed, other than the Richard

6.1 J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter
6.2 168 or section 84.798 or 84.922, including class 2 all-terrain vehicles, on forest trails
6.3 designated for off-road vehicle use and on forest trails that are not designated for a
6.4 specific use when:

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

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

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

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

6.13 Sec. 9. Minnesota Statutes 2012, section 84D.01, subdivision 8, is amended to read:

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

6.16 Sec. 10. Minnesota Statutes 2012, section 84D.01, subdivision 13, is amended to read:

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

6.20 Sec. 11. Minnesota Statutes 2012, section 84D.01, subdivision 15, is amended to read:

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

6.24 Sec. 12. Minnesota Statutes 2012, section 84D.01, subdivision 17, is amended to read:

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

6.29 Sec. 13. Minnesota Statutes 2012, section 84D.01, subdivision 18, is amended to read:

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

7.4 Sec. 14. Minnesota Statutes 2012, section 84D.03, as amended by Laws 2013, chapter
 7.5 121, section 10, is amended to read:

7.6 **84D.03 INFESTED WATERS; RESTRICTED ACTIVITIES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.19 **restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors,
8.20 stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an
8.21 infested water that is ~~designated~~ listed because it contains invasive fish, invertebrates, or
8.22 certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If
8.23 a commercial licensee operates in an infested water ~~designated~~ listed because it contains
8.24 invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, all nets,
8.25 traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or
8.26 crayfish harvesting in waters ~~designated~~ listed as infested with invasive fish, invertebrates,
8.27 or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by
8.28 the commissioner, as specified in the commercial licensee's license or permit. This tagging
8.29 requirement does not apply to commercial fishing equipment used in Lake Superior.

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

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

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

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

9.9 Sec. 15. Minnesota Statutes 2012, section 84D.06, is amended to read:

9.10 **84D.06 UNLISTED NONNATIVE SPECIES.**

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

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

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

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

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

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

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

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

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

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

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

10.1 Sec. 16. Minnesota Statutes 2012, section 84D.10, subdivision 3, is amended to read:

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

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

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

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

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

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

10.17 Sec. 17. Minnesota Statutes 2013 Supplement, section 84D.10, subdivision 4, is
10.18 amended to read:

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

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

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

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

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

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

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

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

11.9 Sec. 18. Minnesota Statutes 2012, section 84D.11, subdivision 2a, is amended to read:

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

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

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

11.16 The permit shall include conditions necessary to avoid spreading aquatic invasive
 11.17 species.

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

11.21 Sec. 19. Minnesota Statutes 2012, section 84D.12, is amended to read:

11.22 **84D.12 RULES.**

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

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

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

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

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

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

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

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

- 12.3 (1) prohibited invasive species of aquatic plants and wild animals;
 12.4 (2) regulated invasive species of aquatic plants and wild animals; and
 12.5 (3) unregulated nonnative species of aquatic plants and wild animals.

12.6 Sec. 20. Minnesota Statutes 2012, section 84D.13, subdivision 5, is amended to read:

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

- 12.9 (1) for transporting aquatic macrophytes in violation of section 84D.09, \$100;
 12.10 (2) for placing or attempting to place into waters of the state water-related equipment
 12.11 that has aquatic macrophytes attached, \$200;
 12.12 (3) for unlawfully possessing or transporting a prohibited invasive species other
 12.13 than an aquatic macrophyte, \$500;
 12.14 (4) for placing or attempting to place into waters of the state water-related equipment
 12.15 that has prohibited invasive species attached when the waters are not ~~designated~~ listed by
 12.16 the commissioner as being infested with that invasive species, \$500;
 12.17 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as
 12.18 prescribed by rule, Eurasian water milfoil, \$100;
 12.19 (6) for failing to have drain plugs or similar devices removed or opened while
 12.20 transporting water-related equipment or for failing to remove plugs, open valves, and
 12.21 drain water from water-related equipment, other than marine sanitary systems, before
 12.22 leaving waters of the state, \$100; and
 12.23 (7) for transporting infested water off riparian property without a permit as required
 12.24 by rule, \$200.

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

12.28 Sec. 21. Minnesota Statutes 2012, section 86A.09, is amended to read:

12.29 **86A.09 DEVELOPMENT AND ESTABLISHMENT OF UNITS.**

12.30 Subdivision 1. **Master plan required.** No construction of new facilities or other
 12.31 development of an authorized unit, other than repairs and maintenance, shall commence
 12.32 until the managing agency has prepared ~~and submitted to the commissioner of natural~~
 12.33 ~~resources and the commissioner has reviewed, pursuant to this section,~~ a master plan for
 12.34 administration of the unit in conformity with this section. No master plan is required for

13.1 wildlife management areas that do not have resident managers, for scientific and natural
 13.2 areas, for water access sites, for aquatic management areas, for rest areas, or for boater
 13.3 waysides.

13.4 Subd. 2. **Master plan; preparation and ~~content~~ public review.** The managing
 13.5 agency shall supervise preparation of the master plan and shall utilize the professional
 13.6 staffs of any agency of the state when the expertise of the staff of such agency is necessary
 13.7 to adequately prepare the master plan; the master plan shall present the information in
 13.8 a format and detail that is appropriate to the size and complexity of the authorized unit.
 13.9 When the master plan has been completed the managing agency shall announce to the
 13.10 public in a manner reasonably designed to inform interested persons that the master plan is
 13.11 available for public review and in the case of any major unit shall hold at least one public
 13.12 ~~hearing meeting~~ on the plan in the vicinity of the unit. The managing agency shall make
 13.13 the master plan available for review and comment by the public and other state agencies
 13.14 for at least 30 days ~~following the announcement and before submitting the master plan to~~
 13.15 ~~the commissioner of natural resources. Copies of the plan shall be provided to members of~~
 13.16 ~~the Outdoor Recreation Advisory Council and to any other person on request~~ approval.

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

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

13.25 ~~(b) recognizes~~ (2) recognize values and resources within the unit that are primarily
 13.26 the responsibility of another managing agency to protect or develop; and ~~provides~~ provide
 13.27 for their protection or development either through a cooperative agreement with the other
 13.28 managing agency or through designation of the appropriate area as a secondary unit. ~~In~~
 13.29 ~~reviewing any master plan, the commissioner of natural resources shall consult with~~
 13.30 ~~other state agencies. Within 60 days after receiving the master plan, the commissioner of~~
 13.31 ~~natural resources shall notify the managing agency that the plan has been reviewed and~~
 13.32 ~~forward its recommendations for any changes it might suggest. The managing agency~~
 13.33 ~~shall review the recommendations and notify the commissioner of natural resources of the~~
 13.34 ~~disposition made of them. Failure to comment on a master plan within the time specified~~
 13.35 ~~shall be considered approval of the plan by the commissioner of natural resources. If the~~
 13.36 ~~commissioner of natural resources feels that the master plan still fails significantly to~~

14.1 ~~comply with this subdivision, the commissioner may request review of the master plan by~~
 14.2 ~~the governor. In that event review shall not be deemed completed until after the master~~
 14.3 ~~plan has been approved by the governor or 60 days have elapsed without action by the~~
 14.4 ~~governor to approve or reject the plan, whichever occurs first.~~

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

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

14.13 Subd. 6. **Master plan amendment.** The managing agency shall prepare an
 14.14 amendment to a master plan to address changes proposed for a unit that would vary
 14.15 from the approved master plan. The master plan amendment shall address the impacts
 14.16 of the proposed changes to the natural and cultural resources, interpretive services,
 14.17 recreational opportunities, and administrative activities at the unit. The master plan
 14.18 amendment supersedes the master plan for those areas addressed by the amendment. The
 14.19 managing agency shall hold a public meeting for master plan amendments that constitute a
 14.20 significant change in public use or access to the unit or that may be controversial. Public
 14.21 notice and approval of the master plan amendment shall follow the process described in
 14.22 subdivision 2. Construction of necessary facilities and other development of the unit shall
 14.23 commence as soon as practicable after the master plan amendment is adopted.

14.24 Sec. 22. Minnesota Statutes 2012, section 86A.11, is amended to read:

14.25 **86A.11 REGISTRY OF UNITS.**

14.26 The commissioner of natural resources and the director of the Minnesota Historical
 14.27 Society shall each compile and maintain a current registry of the name, location, size,
 14.28 and description of all units of the outdoor recreation system under the commissioner's
 14.29 jurisdiction and under the jurisdiction of the Minnesota Historical Society and the
 14.30 commissioner of transportation. The commissioner of natural resources their respective
 14.31 jurisdictions, and shall publish and distribute the information contained in the registry in
 14.32 a form and manner suitable to assist persons wishing to use these units. The Minnesota
 14.33 Historical Society and the commissioner of transportation shall cooperate with and assist
 14.34 the commissioner of natural resources in preparing and distributing the registry.

15.1 Sec. 23. Minnesota Statutes 2012, section 97C.821, is amended to read:

15.2 **97C.821 POSSESSION, SALE, AND TRANSPORTATION OF**
15.3 **COMMERCIAL FISH.**

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

15.12 Sec. 24. Minnesota Statutes 2012, section 103F.121, subdivision 2, is amended to read:

15.13 Subd. 2. **Adoption procedure.** (a) The commissioner, upon determining that
15.14 sufficient technical information is available for the delineation of floodplains and
15.15 floodways on a watercourse, ~~shall~~ may notify affected local governmental units that
15.16 technical information is available. ~~Within six months after receiving this notice,~~ The local
15.17 governmental units shall prepare or amend their floodplain management ordinances in
15.18 conformance with the provisions of sections 103F.101 to 103F.155 and shall submit the
15.19 ordinance to the commissioner for review and approval before adoption.

15.20 (b) The commissioner shall approve or disapprove the proposed ordinance within
15.21 120 days after receiving it.

15.22 (c) If the proposed ordinance is disapproved, the commissioner shall return it to the
15.23 local governmental unit with a written statement of reasons for disapproval. Within 90
15.24 days after disapproval, the local governmental unit shall resubmit an amended proposed
15.25 ordinance for further review and approval before adoption. The local governmental unit
15.26 shall adopt a floodplain management ordinance within 90 days after approval by the
15.27 commissioner.

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

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

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

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

16.3 Sec. 25. Minnesota Statutes 2012, section 103F.121, subdivision 5, is amended to read:

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

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

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

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

16.19 Sec. 26. Minnesota Statutes 2012, section 103F.165, subdivision 3, is amended to read:

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

16.25 Sec. 27. Minnesota Statutes 2012, section 103G.245, subdivision 2, is amended to read:

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

16.27 (1) work in altered natural watercourses that are part of drainage systems established
16.28 under chapter 103D or 103E if the work in the waters is undertaken according to chapter
16.29 103D or 103E; or

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

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

17.4 Sec. 28. Minnesota Statutes 2012, section 103G.615, subdivision 3a, is amended to read:

17.5 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant
17.6 management permit" means an aquatic plant management permit as defined in rules of the
17.7 Department of Natural Resources that authorizes the selective control of invasive aquatic
17.8 plants at a scale to cause a significant lakewide or baywide reduction in the abundance of
17.9 the invasive aquatic plant.

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

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

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

17.25 Sec. 29. **MINNESOTA RIVER VALLEY; MASTER PLAN.**

17.26 The commissioner of natural resources shall develop a master plan in accordance
17.27 with Minnesota Statutes, section 86A.09, to conserve the natural and cultural resources of
17.28 the Minnesota River Valley area in Redwood and Renville Counties and to provide for the
17.29 shared use, enjoyment, and understanding of these resources through a broad selection
17.30 of outdoor recreational opportunities and recreational travel routes that connect units of
17.31 the outdoor recreation system in the river valley. The plan shall address the impacts
17.32 to the natural and cultural resources, interpretive services, recreational opportunities,
17.33 and administrative activities in the area and also provide recommendations on the unit
17.34 designation of the area under the Outdoor Recreation Act.

18.1 Sec. 30. **REVISOR'S INSTRUCTION.**

18.2 The revisor of statutes shall delete the term in column A and insert the term in
 18.3 column B in Minnesota Rules, parts 6216.0100, 6216.0250, 6216.0260, 6216.0270,
 18.4 6216.0290, 6216.0300, 6216.0400, 6216.0500, and 6260.0300.

18.5	<u>Column A</u>	<u>Column B</u>
18.6	<u>designate</u>	<u>list</u>
18.7	<u>designated</u>	<u>listed</u>
18.8	<u>designation</u>	<u>listing</u>
18.9	<u>designating</u>	<u>listing</u>

18.10 Sec. 31. **REPEALER.**

18.11 Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 103F.121,
 18.12 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.