

A bill for an act

relating to environment and natural resources; modifying certain administrative accounts; modifying electronic transaction provisions; providing for certain registration and licensing exemptions; requiring drainage of watercraft equipment when leaving public waters; creating peace officer training account; modifying off-highway vehicle and snowmobile provisions; modifying state trails and canoe and boating routes; modifying fees and disposition of certain receipts; delaying local ordinance adoption requirements and establishing a task force; modifying certain competitive bidding exemptions; modifying horse trail pass provisions; modifying master plan requirements; expanding eligibility for free state park permit; modifying cross-country ski trail provisions; providing for general burning permits; modifying authority to establish forestry services fees; modifying authority to issue leases and permits; modifying timber sales provisions; eliminating certain pilot projects and reports; modifying the Water Law; modifying utility license provisions; modifying rulemaking authority; providing for certain permitting and review efficiencies; modifying nongame wildlife checkoffs; requiring long-range land management budgeting; requiring studies and reports; creating Coon Rapids Dam Commission; imposing incineration facility moratorium; appropriating money; amending Minnesota Statutes 2008, sections 84.025, subdivision 9; 84.027, subdivision 15; 84.0856; 84.0857; 84.415, by adding a subdivision; 84.777, subdivision 2; 84.788, subdivision 2; 84.798, subdivision 2; 84.82, subdivisions 3, 6, by adding a subdivision; 84.8205, subdivision 1; 84.92, subdivisions 9, 10; 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 84.9256, subdivision 1; 84.928, subdivision 5; 84D.10, by adding a subdivision; 84D.13, subdivision 5; 85.015, subdivision 14; 85.052, subdivision 4; 85.22, subdivision 5; 85.32, subdivision 1; 85.41, subdivision 3; 85.42; 85.43; 85.46, as amended; 86B.301, subdivision 2; 88.17, subdivisions 1, 3; 88.79, subdivision 2; 89.17; 90.041, by adding a subdivision; 90.121; 90.14; 103A.305; 103F.325, by adding a subdivision; 103F.335, subdivision 1; 103G.271, subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305, subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 115.55, by adding a subdivision; 116.07, subdivisions 4, 4h; 116D.04, subdivision 2a, by adding a subdivision; 290.431; 290.432; Minnesota Statutes 2009 Supplement, sections 84.415, subdivision 6; 84.793, subdivision 1; 84.922, subdivision 1a; 84.9275, subdivision 1; 84.928, subdivision 1; 85.015, subdivision 13; 85.053, subdivision 10; 86A.09, subdivision 1; 103G.201; 357.021, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 97A; 103G; repealing Minnesota

2.1 Statutes 2008, sections 90.172; 103G.295; 103G.650; Minnesota Statutes 2009
2.2 Supplement, section 88.795.

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

2.4 Section 1. Minnesota Statutes 2008, section 84.025, subdivision 9, is amended to read:

2.5 Subd. 9. **Professional services support account.** The commissioner of natural
2.6 resources may bill other governmental units, including tribal governments, and the
2.7 various programs carried out by the commissioner for the costs of providing them with
2.8 professional support services. Except as provided under section 89.421, receipts must be
2.9 credited to a special account in the state treasury and are appropriated to the commissioner
2.10 to pay the costs for which the billings were made.

2.11 The commissioner of natural resources shall submit to the commissioner of
2.12 management and budget before the start of each fiscal year a work plan showing the
2.13 estimated work to be done during the coming year, the estimated cost of doing the work,
2.14 and the positions and fees that will be necessary. This account is exempted from statewide
2.15 and agency indirect cost payments.

2.16 Sec. 2. Minnesota Statutes 2008, section 84.027, subdivision 15, is amended to read:

2.17 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an
2.18 application for, sell, and issue any license, stamp, permit, pass, sticker, ~~duplicate gift~~
2.19 card, safety training certification, registration, or transfer under the jurisdiction of the
2.20 commissioner by electronic means, including by telephone. Notwithstanding section
2.21 97A.472, electronic and telephone transactions may be made outside of the state. The
2.22 commissioner may:

2.23 (1) provide for the electronic transfer of funds generated by electronic transactions,
2.24 including by telephone;

2.25 (2) assign an identification number to an applicant who purchases a hunting or
2.26 fishing license or recreational vehicle registration by electronic means, to serve as
2.27 temporary authorization to engage in the activity requiring a license or registration until
2.28 the license or registration is received or expires;

2.29 (3) charge and permit agents to charge a fee of individuals who make electronic
2.30 transactions and transactions by telephone or Internet, including issuing fees and an
2.31 additional transaction fee not to exceed \$3.50;

2.32 (4) charge and permit agents to charge a convenience fee not to exceed three percent
2.33 of the cost of the license to individuals who use electronic bank cards for payment. An
2.34 electronic licensing system agent charging a fee of individuals making an electronic
2.35 bank card transaction in person must post a sign informing individuals of the fee. The

sign must be near the point of payment, clearly visible, include the amount of the fee, and state: "License agents are allowed by state law to charge a fee not to exceed three percent of the cost of state licenses to persons who use electronic bank cards for payment. The fee is not required by state law.";

(5) establish, by written order, an electronic licensing system commission to be paid by revenues generated from all sales made through the electronic licensing system. The commissioner shall establish the commission in a manner that neither significantly overrecovers nor underrecovers costs involved in providing the electronic licensing system; and

(6) adopt rules to administer the provisions of this subdivision.

(b) The fees established under paragraph (a), clauses (3) and (4), and the commission established under paragraph (a), clause (5), are not subject to the rulemaking procedures of chapter 14 and section 14.386 does not apply.

(c) Money received from fees and commissions collected under this subdivision, including interest earned, is annually appropriated from the game and fish fund and the natural resources fund to the commissioner for the cost of electronic licensing.

Sec. 3. Minnesota Statutes 2008, section 84.0856, is amended to read:

84.0856 FLEET MANAGEMENT ACCOUNT.

The commissioner of natural resources may bill organizational units within the Department of Natural Resources and other governmental units, including tribal governments, for the costs of providing them with equipment. Costs billed may include acquisition, licensing, insurance, maintenance, repair, and other direct costs as determined by the commissioner. Receipts and interest earned on the receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

Sec. 4. Minnesota Statutes 2008, section 84.0857, is amended to read:

84.0857 FACILITIES MANAGEMENT ACCOUNT.

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

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

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

Sec. 5. Minnesota Statutes 2008, section 84.415, is amended by adding a subdivision to read:

Subd. 3a. **Joint applications for residential use.** An application for a utility license may cover more than one type of utility if the utility lines are being installed for residential use only. Separate applications submitted by utilities for the same crossing shall be joined together and processed as one application, provided that the applications are submitted within one year of each other and the utility lines are for residential use only. The application fees for a joint application or separate applications subsequently joined together shall be as if only one application was submitted.

Sec. 6. Minnesota Statutes 2009 Supplement, section 84.415, subdivision 6, is amended to read:

Subd. 6. **Supplemental application fee and monitoring fee.** (a) In addition to the application fee and utility crossing fees specified in Minnesota Rules, the commissioner of natural resources shall assess the applicant for a utility license the following fees:

(1) a supplemental application fee of ~~\$1,500~~ \$2,000 for a public water crossing license and a supplemental application fee of ~~\$4,500~~ \$2,000 for a public lands crossing license, to cover reasonable costs for reviewing the application and preparing the license; and

(2) a monitoring fee to cover the projected reasonable costs for monitoring the construction of the utility line and preparing special terms and conditions of the license to ensure proper construction. The commissioner must give the applicant an estimate of the monitoring fee before the applicant submits the fee.

(b) The applicant shall pay fees under this subdivision to the commissioner of natural resources. The commissioner shall not issue the license until the applicant has paid all fees in full.

(c) Upon completion of construction of the improvement for which the license or permit was issued, the commissioner shall refund the unobligated balance from the

monitoring fee revenue. The commissioner shall not return the application fees, even if the application is withdrawn or denied.

(d) If the fees collected under paragraph (a), clause (1), are not sufficient to cover the costs of reviewing the applications and preparing the licenses, the commissioner shall improve efficiencies and otherwise reduce department costs and activities to ensure the revenues raised under paragraph (a), clause (1), are sufficient, and that no other funds are necessary to carry out the requirements.

Sec. 7. Minnesota Statutes 2008, section 84.777, subdivision 2, is amended to read:

Subd. 2. **Off-highway vehicle seasons seasonal restrictions.** ~~(a) The commissioner shall prescribe seasons for off-highway vehicle use on state forest lands.~~ Except for designated forest roads, a person must not operate an off-highway vehicle on state forest lands ~~outside of the seasons prescribed under this paragraph.~~ during the firearms deer hunting season in areas of the state where deer may be taken by rifle. This paragraph does not apply to a person in possession of a valid deer hunting license operating an off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

(b) The commissioner may designate and post winter trails on state forest lands for use by off-highway vehicles.

(c) For the purposes of this subdivision, "state forest lands" means forest lands under the authority of the commissioner as defined in section 89.001, subdivision 13, and lands managed by the commissioner under section 282.011.

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

Sec. 8. Minnesota Statutes 2008, section 84.788, subdivision 2, is amended to read:

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

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

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

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

Sec. 9. Minnesota Statutes 2009 Supplement, section 84.793, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** ~~(a) After January 1, 1995,~~ A person less than 16 years of age operating an off-highway motorcycle on public lands

or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

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

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

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

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

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

(d) Except for public road rights-of-way of interstate highways, a person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway only if that person is accompanied by a person 18 years of age or older who holds a valid driver's license.

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

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

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

Sec. 10. Minnesota Statutes 2008, section 84.798, subdivision 2, is amended to read:

Subd. 2. **Exemptions.** Registration is not required for an off-road vehicle that is:

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

(2) registered in another state or country and has not been in this state for more than 30 consecutive days.

Sec. 11. Minnesota Statutes 2008, section 84.82, subdivision 3, is amended to read:

Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile, other than those used for an agricultural purpose, as defined in section 84.92, subdivision

1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as follows: \$45 for three years and \$4 for a duplicate or transfer.

(b) The total registration fee for all snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be \$50 per year.

(c) The total registration fee for all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be \$150 per year. Dealer and manufacturer registrations are not transferable.

(d) The onetime fee for registration of an exempt snowmobile under subdivision 6a is \$6.

Sec. 12. Minnesota Statutes 2008, section 84.82, subdivision 6, is amended to read:

Subd. 6. **Exemptions.** Registration is not required under this section for:

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

(2) a snowmobile registered in a country other than the United States temporarily used within this state;

(3) a snowmobile that is covered by a valid license of another state and has not been within this state for more than 30 consecutive days;

(4) a snowmobile used exclusively in organized track racing events;

(5) a snowmobile in transit by a manufacturer, distributor, or dealer;

(6) a snowmobile at least 15 years old in transit by an individual for use only on land owned or leased by the individual; or

(7) a snowmobile while being used to groom a state or grant-in-aid trail.

Sec. 13. Minnesota Statutes 2008, section 84.82, is amended by adding a subdivision to read:

Subd. 6a. **Exemption; collector unlimited snowmobile use.** Snowmobiles may be issued an exempt registration if the machine is at least 25 years old. Exempt registration is valid from the date of issuance until ownership of the snowmobile is transferred. Exempt registrations are not transferable.

Sec. 14. Minnesota Statutes 2008, section 84.8205, subdivision 1, is amended to read:

Subdivision 1. **Sticker required; fee.** (a) Except as provided in paragraph (b), a person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a

three-year snowmobile state trail sticker that is purchased at the time of snowmobile registration is \$30. In addition to other penalties prescribed by law, a person in violation of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker is valid from November 1 through June 30. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement acquisition.

(b) A state trail sticker is not required under this section for:

(1) a snowmobile owned by the state or a political subdivision of the state that is registered under section 84.82, subdivision 5;

(2) a snowmobile that is owned and used by the United States, an Indian tribal government, another state, or a political subdivision thereof that is exempt from registration under section 84.82, subdivision 6;

(3) a collector snowmobile that is operated as provided in a special permit issued for the collector snowmobile under section 84.82, subdivision 7a;

(4) a person operating a snowmobile only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or

(5) a snowmobile while being used to groom a state or grant-in-aid trail.

(c) A temporary registration permit issued by a dealer under section 84.82, subdivision 2, may include a snowmobile state trail sticker if the trail sticker fee is included with the registration application fee.

Sec. 15. Minnesota Statutes 2008, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,000 pounds.

Sec. 16. Minnesota Statutes 2008, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of ~~900~~ 1,000 to ~~1,500~~ 1,800 pounds.

Sec. 17. Minnesota Statutes 2009 Supplement, section 84.922, subdivision 1a, is amended to read:

Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

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

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

(3) vehicles that:

(i) are owned by a resident of another state or country that does not require registration of all-terrain vehicles;

(ii) have not been in this state for more than 30 consecutive days; and

(iii) are operated on state and grant-in-aid trails by a nonresident possessing a nonresident all-terrain vehicle state trail pass;

(4) vehicles used exclusively in organized track racing events; and

(5) vehicles that are 25 years old or older and were originally produced as a separate identifiable make by a manufacturer.

Sec. 18. Minnesota Statutes 2008, section 84.922, is amended by adding a subdivision to read:

Subd. 2b. **Collector unlimited use; exempt registration.** All-terrain vehicles may be issued an exempt registration if requested and the machine is at least 25 years old. Exempt registration is valid from the date of issuance until ownership of the all-terrain vehicle is transferred. Exempt registrations are not transferable.

Sec. 19. Minnesota Statutes 2008, section 84.922, subdivision 5, is amended to read:

Subd. 5. **Fees for registration.** (a) The fee for a three-year registration of an all-terrain vehicle under this section, other than those registered by a dealer or manufacturer under paragraph (b) or (c), is:

(1) for public use, \$45;

(2) for private use, \$6; and

(3) for a duplicate or transfer, \$4.

(b) The total registration fee for all-terrain vehicles owned by a dealer and operated for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

(c) The total registration fee for all-terrain vehicles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.

(d) The onetime fee for registration of an all-terrain vehicle under subdivision 2b is \$6.

10.1 (e) The fees collected under this subdivision must be credited to the all-terrain
10.2 vehicle account.

10.3 Sec. 20. Minnesota Statutes 2008, section 84.925, subdivision 1, is amended to read:

10.4 Subdivision 1. **Program established.** (a) The commissioner shall establish a
10.5 comprehensive all-terrain vehicle environmental and safety education and training
10.6 program, including the preparation and dissemination of vehicle information and safety
10.7 advice to the public, the training of all-terrain vehicle operators, and the issuance of
10.8 all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
10.9 successfully complete the all-terrain vehicle environmental and safety education and
10.10 training course.

10.11 (b) For the purpose of administering the program and to defray a portion of the
10.12 expenses of training and certifying vehicle operators, the commissioner shall collect a fee
10.13 of \$15 from each person who receives the training. The commissioner shall collect a fee,
10.14 to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle
10.15 safety certificate. The commissioner shall establish the fee for a duplicate all-terrain
10.16 vehicle safety certificate that neither significantly overrecovers nor underrecovers costs,
10.17 including overhead costs, involved in providing the service. Fee proceeds, except for the
10.18 issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain
10.19 vehicle account in the natural resources fund. In addition to the fee established by the
10.20 commissioner, instructors may charge each person ~~the cost of~~ up to the established fee
10.21 amount for class material materials and expenses.

10.22 (c) The commissioner shall cooperate with private organizations and associations,
10.23 private and public corporations, and local governmental units in furtherance of the program
10.24 established under this section. School districts may cooperate with the commissioner
10.25 and volunteer instructors to provide space for the classroom portion of the training. The
10.26 commissioner shall consult with the commissioner of public safety in regard to training
10.27 program subject matter and performance testing that leads to the certification of vehicle
10.28 operators. By June 30, 2003, the commissioner shall incorporate a riding component in
10.29 the safety education and training program.

10.30 Sec. 21. Minnesota Statutes 2008, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

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

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

11.14 (1) successfully complete the safety education and training program under section
11.15 84.925, subdivision 1, including a riding component; and

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

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

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

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

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

11.29 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than
11.30 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county
11.31 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters
11.32 or state or grant-in-aid trails if:

11.33 (1) the nonresident youth has in possession evidence of completing an all-terrain
11.34 safety course offered by the ATV Safety Institute or another state as provided in section
11.35 84.925, subdivision 3; and

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

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

12.4 Sec. 22. Minnesota Statutes 2009 Supplement, section 84.9275, subdivision 1, is
12.5 amended to read:

12.6 Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an all-terrain
12.7 vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid
12.8 nonresident all-terrain vehicle state trail pass in immediate possession. The pass must
12.9 be available for inspection by a peace officer, a conservation officer, or an employee
12.10 designated under section 84.0835.

12.11 (b) The commissioner of natural resources shall issue a pass upon application and
12.12 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees
12.13 collected under this section, except for the issuing fee for licensing agents, shall be
12.14 deposited in the state treasury and credited to the all-terrain vehicle account in the natural
12.15 resources fund and, except for the electronic licensing system commission established by
12.16 the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to
12.17 counties and municipalities for all-terrain vehicle organizations to construct and maintain
12.18 all-terrain vehicle trails and use areas.

12.19 (c) A nonresident all-terrain vehicle state trail pass is not required for:

12.20 (1) an all-terrain vehicle that is owned and used by the United States, another state,
12.21 or a political subdivision thereof that is exempt from registration under section 84.922,
12.22 subdivision 1a; ~~or~~

12.23 (2) a person operating an all-terrain vehicle only on the portion of a trail that is
12.24 owned by the person or the person's spouse, child, or parent; or

12.25 (3) a nonresident operating an all-terrain vehicle that is registered according to
12.26 section 84.922.

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

12.28 Sec. 23. Minnesota Statutes 2009 Supplement, section 84.928, subdivision 1, is
12.29 amended to read:

12.30 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise
12.31 allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in
12.32 this state along or on the roadway, shoulder, or inside bank or slope of a public road
12.33 right-of-way of a trunk, county state-aid, or county highway.

13.1 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside
13.2 bank or slope of a trunk, county state-aid, or county highway unless prohibited under
13.3 paragraph (d) or (f).

13.4 (c) A person may operate a class 2 all-terrain vehicle within the public road
13.5 right-of-way of a county state-aid or county highway on the extreme right-hand side of
13.6 the road and left turns may be made from any part of the road if it is safe to do so under
13.7 the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may
13.8 operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a
13.9 designated class 2 all-terrain vehicle trail.

13.10 (d) A road authority as defined under section 160.02, subdivision 25, may after a
13.11 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under
13.12 its jurisdiction.

13.13 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the
13.14 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside
13.15 bank or slope of a trunk, interstate, county state-aid, or county highway;

13.16 (1) that is part of a funded grant-in-aid trail; or

13.17 (2) when the all-terrain vehicle is:

13.18 ~~(1)~~ owned by or operated under contract with a publicly or privately owned utility
13.19 or pipeline company; and

13.20 ~~(2)~~ used for work on utilities or pipelines.

13.21 (f) The commissioner may limit the use of a right-of-way for a period of time if the
13.22 commissioner determines that use of the right-of-way causes:

13.23 (1) degradation of vegetation on adjacent public property;

13.24 (2) siltation of waters of the state;

13.25 (3) impairment or enhancement to the act of taking game; or

13.26 (4) a threat to safety of the right-of-way users or to individuals on adjacent public
13.27 property.

13.28 The commissioner must notify the road authority as soon as it is known that a closure
13.29 will be ordered. The notice must state the reasons and duration of the closure.

13.30 (g) A person may operate an all-terrain vehicle registered for private use and used
13.31 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or
13.32 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand
13.33 side of the road, and left turns may be made from any part of the road if it is safe to do so
13.34 under the prevailing conditions.

13.35 (h) A person shall not operate an all-terrain vehicle within the public road
13.36 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in

14.1 the agricultural zone unless the vehicle is being used exclusively as transportation to and
14.2 from work on agricultural lands. This paragraph does not apply to an agent or employee
14.3 of a road authority, as defined in section 160.02, subdivision 25, or the Department of
14.4 Natural Resources when performing or exercising official duties or powers.

14.5 (i) A person shall not operate an all-terrain vehicle within the public road
14.6 right-of-way of a trunk, county state-aid, or county highway between the hours of one-half
14.7 hour after sunset to one-half hour before sunrise, except on the right-hand side of the
14.8 right-of-way and in the same direction as the highway traffic on the nearest lane of the
14.9 adjacent roadway.

14.10 (j) A person shall not operate an all-terrain vehicle at any time within the
14.11 right-of-way of an interstate highway or freeway within this state.

14.12 Sec. 24. Minnesota Statutes 2008, section 84.928, subdivision 5, is amended to read:

14.13 Subd. 5. **Organized contests, use of highways and public lands and waters.** (a)
14.14 Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the
14.15 right-of-way of a state trunk or county state-aid highway or upon public lands or waters
14.16 under the jurisdiction of the commissioner of natural resources, in an organized contest or
14.17 event, subject to the consent of the official or board having jurisdiction over the highway
14.18 or public lands or waters.

14.19 (b) In permitting the contest or event, the official or board having jurisdiction may
14.20 prescribe restrictions or conditions as they may deem advisable.

14.21 (c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under
14.22 12 years of age may operate an all-terrain vehicle in an organized contest on public lands
14.23 or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person
14.24 complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised
14.25 by a person 18 years of age or older.

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

14.27 Sec. 25. Minnesota Statutes 2008, section 84D.10, is amended by adding a subdivision
14.28 to read:

14.29 Subd. 4. **Persons leaving public waters.** A person leaving waters of the state must
14.30 drain bait containers, other boating-related equipment holding water excluding marine
14.31 sanitary systems, and live wells and bilges by removing the drain plug before transporting
14.32 the watercraft and associated equipment on public roads. Drain plugs, bailers, valves, or
14.33 other devices used to control the draining of water from ballast tanks, bilges, and live

15.1 wells must be removed or opened while transporting watercraft on a public road. Marine
15.2 sanitary systems are excluded from this requirement.

15.3 Sec. 26. Minnesota Statutes 2008, section 84D.13, subdivision 5, is amended to read:

15.4 Subd. 5. **Civil penalties.** A civil citation issued under this section must impose
15.5 the following penalty amounts:

15.6 (1) for transporting aquatic macrophytes on a forest road as defined by section
15.7 89.001, subdivision 14, road or highway as defined by section 160.02, subdivision 26, or
15.8 any other public road, \$50;

15.9 (2) for placing or attempting to place into waters of the state a watercraft, a trailer, or
15.10 aquatic plant harvesting equipment that has aquatic macrophytes attached, \$100;

15.11 (3) for unlawfully possessing or transporting a prohibited invasive species other
15.12 than an aquatic macrophyte, \$250;

15.13 (4) for placing or attempting to place into waters of the state a watercraft, a trailer, or
15.14 aquatic plant harvesting equipment that has prohibited invasive species attached when
15.15 the waters are not designated by the commissioner as being infested with that invasive
15.16 species, \$500 for the first offense and \$1,000 for each subsequent offense;

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

15.19 (6) for failing to drain water, ~~as required by rule,~~ from watercraft and equipment
15.20 before leaving ~~designated zebra mussel, spiny water flea, or other invasive plankton~~
15.21 ~~infested~~ waters of the state, \$50; and

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

15.24 Sec. 27. Minnesota Statutes 2009 Supplement, section 85.015, subdivision 13, is
15.25 amended to read:

15.26 Subd. 13. **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton,**
15.27 **Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St.
15.28 Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to
15.29 McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in
15.30 Itasca County and there terminate;

15.31 (2) The C. J. Ramstad/Northshore Trail shall originate in Duluth in St. Louis County
15.32 and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand
15.33 Marais in Cook County, thence northeasterly to the international boundary in the vicinity
15.34 of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St. Louis County to International Falls in Koochiching County, and there terminate;

(4) The Minnesota-Wisconsin Boundary Trail shall originate in Duluth in St. Louis County and extend southerly to St. Croix State Forest in Pine County.

(b) The trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the governor. The governor shall consult with the Legislative Advisory Commission before granting approval. Recommendations of the Legislative Advisory Commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 28. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis, Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One segment shall be known as the Gateway Trail and shall originate at the State Capitol and extend northerly and northeasterly to William O'Brien State Park, thence northerly to Taylors Falls in Chisago County. One segment shall ~~be known as the Boundary Trail and shall~~ originate in Chisago County and extend into ~~Duluth in St. Louis~~ Hinckley and Pine County. One segment shall be known as the Browns Creek Trail and shall originate at Duluth Junction and extend into Stillwater in Washington County. One segment shall be known as the Munger Trail and shall originate at Hinckley in Pine County and extend through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be established that extends the trail to include the cities of Proctor, Duluth, and Hermantown in St. Louis County.

(b) The Gateway and Browns Creek Trails shall be developed primarily for hiking and nonmotorized riding and the remaining trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Gateway and Browns Creek Trails may be acquired by eminent domain.

17.1 Sec. 29. Minnesota Statutes 2008, section 85.052, subdivision 4, is amended to read:

17.2 Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and
17.3 services within a state park, state recreation area, or wayside, and for special state park
17.4 uses under this section shall be deposited in the natural resources fund and credited to a
17.5 state parks account.

17.6 (b) Gross receipts derived from sales, rentals, or leases of natural resources within
17.7 state parks, recreation areas, and waysides, other than those on trust fund lands, must be
17.8 deposited in the state treasury and credited to the ~~general fund~~ state parks working capital
17.9 account.

17.10 (c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile
17.11 materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle
17.12 Recreation Area shall be deposited in the dedicated accounts in the natural resources fund
17.13 from which the purchase of the stockpile material was made.

17.14 Sec. 30. Minnesota Statutes 2009 Supplement, section 85.053, subdivision 10, is
17.15 amended to read:

17.16 Subd. 10. **Free entrance; ~~totally and permanently disabled veterans.~~** The
17.17 commissioner shall issue an annual park permit for no charge to any veteran with a total
17.18 and permanent service-connected disability, and a daily park permit to any resident
17.19 veteran with any level of service-connected disability, as determined by the United States
17.20 Department of Veterans Affairs, who presents each year a copy of ~~their~~ the veteran's
17.21 determination letter to a park attendant or commissioner's designee. For the purposes of
17.22 this section, "veteran" has the meaning given in section 197.447.

17.23 **EFFECTIVE DATE.** This section is effective July 1, 2010.

17.24 Sec. 31. Minnesota Statutes 2008, section 85.22, subdivision 5, is amended to read:

17.25 Subd. 5. **Exemption.** Purchases for resale or rental made from the state parks
17.26 working capital ~~fund~~ and account are exempt from competitive bidding, notwithstanding
17.27 chapter 16C.

17.28 Sec. 32. Minnesota Statutes 2008, section 85.32, subdivision 1, is amended to read:

17.29 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized
17.30 in cooperation with local units of government and private individuals and groups when
17.31 feasible to mark ~~canoe and boating routes~~ state water trails on the Little Fork, Big Fork,
17.32 Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines,
17.33 Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre

18.1 within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in
18.2 Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North,
18.3 Sauk, Otter Tail, Redwood, Blue Earth, and Crow Rivers which have historic and scenic
18.4 values and to mark appropriately points of interest, portages, camp sites, and all dams,
18.5 rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe,
18.6 kayak, and watercraft travelers.

18.7 Sec. 33. Minnesota Statutes 2008, section 85.41, subdivision 3, is amended to read:

18.8 Subd. 3. **Exemptions.** (a) Participants in cross-country ski races ~~and official school~~
18.9 ~~activities~~ and residents of a state or local government operated correctional facility are
18.10 exempt from the pass requirement in subdivision 1 if a special use permit has been
18.11 obtained by the organizers of the event or those in an official capacity in advance from the
18.12 agency with jurisdiction over the cross-country ski trail. Permits shall require that permit
18.13 holders return the trail and any associated facility to its original condition if any damage
18.14 is done by the permittee. Limited permits for special events may be issued and shall
18.15 require the removal of any trail markers, banners, and other material used in connection
18.16 with the special event.

18.17 (b) Unless otherwise exempted under paragraph (a), students, teachers, and
18.18 supervising adults engaged in school-sanctioned activities or other youth activities
18.19 sponsored by a nonprofit organization are exempt from the pass requirements in
18.20 subdivision 1.

18.21 Sec. 34. Minnesota Statutes 2008, section 85.42, is amended to read:

18.22 **85.42 USER FEE; VALIDITY.**

18.23 (a) The fee for an annual cross-country ski pass is ~~\$14~~ \$19 for an individual age 16
18.24 and over. The fee for a three-year pass is ~~\$39~~ \$54 for an individual age 16 and over. This
18.25 fee shall be collected at the time the pass is purchased. Three-year passes are valid for
18.26 three years beginning the previous July 1. Annual passes are valid for one year beginning
18.27 the previous July 1.

18.28 (b) The cost for a daily cross-country skier pass is ~~\$4~~ \$5 for an individual age 16 and
18.29 over. This fee shall be collected at the time the pass is purchased. The daily pass is valid
18.30 only for the date designated on the pass form.

18.31 (c) A pass must be signed by the skier across the front of the pass to be valid and
18.32 becomes nontransferable on signing.

Sec. 35. Minnesota Statutes 2008, section 85.43, is amended to read:

85.43 DISPOSITION OF RECEIPTS; PURPOSE.

(a) Fees from cross-country ski passes shall be deposited in the state treasury and credited to a cross-country ski account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, are appropriated to the commissioner of natural resources for the following purposes:

(1) grants-in-aid for cross-country ski trails ~~sponsored by local units of government~~ to:

(i) counties and municipalities for construction and maintenance of cross-country ski trails; and

(ii) special park districts as provided in section 85.44 for construction and maintenance of cross-country ski trails; and

(2) administration of the cross-country ski trail grant-in-aid program.

(b) Development and maintenance of state cross-country ski trails are eligible for funding from the cross-country ski account if the money is appropriated by law.

Sec. 36. Minnesota Statutes 2008, section 85.46, as amended by Laws 2009, chapter 37, article 1, sections 22 to 24, is amended to read:

85.46 HORSE ~~TRAIL~~ PASS.

Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while riding, leading, or driving a horse on horse trails and associated day use areas on state trails, in state parks, in state recreation areas, and in state forests, a person 16 years of age or over shall carry in immediate possession a valid horse ~~trail~~ pass. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) A valid horse ~~trail~~ pass is not required under this section for a person riding, leading, or driving a horse ~~only on the portion of a horse trail property~~ that is owned by the person or the person's spouse, child, parent, or guardian.

Subd. 2. **License agents.** (a) The commissioner of natural resources may appoint agents to issue and sell horse ~~trail~~ passes. The commissioner may revoke the appointment of an agent at any time.

(b) The commissioner may adopt additional rules as provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted by the commissioner for the accounting and handling of passes according to section 97A.485, subdivision 11.

(c) An agent must promptly deposit and remit all money received from the sale of passes, except issuing fees, to the commissioner.

Subd. 3. **Issuance.** The commissioner of natural resources and agents shall issue and sell horse ~~trail~~ passes. The pass shall include the applicant's signature and other information deemed necessary by the commissioner. To be valid, a daily or annual pass must be signed by the person riding, leading, or driving the horse, and a commercial annual pass must be signed by the owner of the commercial ~~trail~~ riding facility.

Subd. 4. **Pass fees.** (a) The fee for an annual horse ~~trail~~ pass is \$20 for an individual 16 years of age and over. The fee shall be collected at the time the pass is purchased. Annual passes are valid for one year beginning January 1 and ending December 31.

(b) The fee for a daily horse ~~trail~~ pass is \$4 for an individual 16 years of age and over. The fee shall be collected at the time the pass is purchased. The daily pass is valid only for the date designated on the pass form.

(c) The fee for a commercial annual horse ~~trail~~ pass is \$200 and includes issuance of 15 passes. Additional or individual commercial annual horse ~~trail~~ passes may be purchased by the commercial ~~trail~~ riding facility owner at a fee of \$20 each. Commercial annual horse ~~trail~~ passes are valid for one year beginning January 1 and ending December 31 and may be affixed to the horse tack, saddle, or person. Commercial annual horse ~~trail~~ passes are not transferable to another commercial ~~trail~~ riding facility. For the purposes of this section, a "commercial ~~trail~~ riding facility" is an operation where horses are used for riding instruction or other equestrian activities for hire or use by others.

Subd. 5. **Issuing fee.** In addition to the fee for a horse ~~trail~~ pass, an issuing fee of \$1 per pass shall be charged. The issuing fee shall be retained by the seller of the pass. Issuing fees for passes sold by the commissioner of natural resources shall be deposited in the state treasury and credited to the horse ~~trail~~ pass account in the natural resources fund and are appropriated to the commissioner for the operation of the electronic licensing system. A pass shall indicate the amount of the fee that is retained by the seller.

Subd. 6. **Disposition of receipts.** Fees collected under this section, except for the issuing fee, shall be deposited in the state treasury and credited to the horse ~~trail~~ pass account in the natural resources fund. Except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, the fees are appropriated to the commissioner of natural resources for trail acquisition, trail and facility development, and maintenance, enforcement, and rehabilitation of horse trails or trails authorized for horse use, whether for riding, leading, or driving, on ~~state trails and in state parks, state recreation areas, and state forests~~ land administered by the commissioner.

21.1 Subd. 7. **Duplicate horse ~~trail~~ passes.** The commissioner of natural resources and
21.2 agents shall issue a duplicate pass to a person or commercial ~~trail~~ riding facility owner
21.3 whose pass is lost or destroyed using the process established under section 97A.405,
21.4 subdivision 3, and rules adopted thereunder. The fee for a duplicate horse ~~trail~~ pass is \$2,
21.5 with an issuing fee of 50 cents.

21.6 Sec. 37. Minnesota Statutes 2009 Supplement, section 86A.09, subdivision 1, is
21.7 amended to read:

21.8 Subdivision 1. **Master plan required.** No construction of new facilities or other
21.9 development of an authorized unit, other than repairs and maintenance, shall commence
21.10 until the managing agency has prepared and submitted to the commissioner of natural
21.11 resources and the commissioner has reviewed, pursuant to this section, a master plan for
21.12 administration of the unit in conformity with this section. No master plan is required for
21.13 wildlife management areas that do not have resident managers, for scientific and natural
21.14 areas, for water access sites, for aquatic management areas, for rest areas, or for boater
21.15 waysides.

21.16 Sec. 38. Minnesota Statutes 2008, section 86B.301, subdivision 2, is amended to read:

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

21.18 (1) a watercraft that is covered by a license or number in full force and effect under
21.19 federal law or a federally approved licensing or numbering system of another state, and
21.20 has not been within this state for more than 90 consecutive days, which does not include
21.21 days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior
21.22 port or another port in the state;

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

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

21.29 (4) a ship's lifeboat;

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

21.32 (6) a duck boat during duck hunting season;

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

21.34 (8) a seaplane; and

22.1 (9) a nonmotorized watercraft nine feet in length or less.

22.2 **EFFECTIVE DATE.** This section is effective upon the state receiving written
22.3 approval from the United States Coast Guard, as provided in United States Code, title 46,
22.4 section 12303, and Code of Federal Regulations, title 33, section 174.7.

22.5 Sec. 39. Minnesota Statutes 2008, section 88.17, subdivision 1, is amended to read:

22.6 Subdivision 1. ~~Permit~~ Permission required. (a) ~~A permit~~ Permission to start a fire
22.7 to burn vegetative materials and other materials allowed by Minnesota Statutes or official
22.8 state rules and regulations may be given by the commissioner or the commissioner's agent.
22.9 This permission shall be in the form of:

22.10 (1) a written permit issued by a forest officer, fire warden, or other person authorized
22.11 by the commissioner; ~~or~~

22.12 (2) an electronic permit issued by the commissioner, an agent authorized by the
22.13 commissioner, or an Internet site authorized by the commissioner; or

22.14 (3) a general permit adopted by the county board of commissioners according to
22.15 paragraph (c).

22.16 (b) Written and electronic burning permits shall set the time and conditions by which
22.17 the fire may be started and burned. The permit shall also specifically list the materials that
22.18 may be burned. The permittee must have the permit on their person and shall produce
22.19 the permit for inspection when requested to do so by a forest officer, conservation officer,
22.20 or other peace officer. The permittee shall remain with the fire at all times and before
22.21 leaving the site shall completely extinguish the fire. A person shall not start or cause a
22.22 fire to be started on any land that is not owned or under their legal control without the
22.23 written permission of the owner, lessee, or an agent of the owner or lessee of the land.
22.24 Violating or exceeding the permit conditions shall constitute a misdemeanor and shall be
22.25 cause for the permit to be revoked.

22.26 (c) A general burning permit may be adopted by the county board of commissioners
22.27 in counties that are determined by the commissioner either to not be wildfire areas as
22.28 defined in section 88.01, subdivision 6, or to otherwise have low potential for damage
22.29 to life and property from wildfire. The commissioner shall consider the history of and
22.30 potential for wildfire; the distribution of trees, brush, grasslands, and other vegetative
22.31 material; and the distribution of property subject to damage from escaped fires. Upon a
22.32 determination by the commissioner and adoption by a vote of the county board, permission
22.33 for open burning is extended to all residents in the county without the need for individual
22.34 written or electronic permits, provided burning conforms to all other provisions of this

chapter, including those related to responsibility to control and extinguish fires, no burning of prohibited materials, and liability for damages caused by violations of this chapter.

(d) Upon adoption of a general burning permit, a county must establish specific regulations by ordinance, to include at a minimum the time when and conditions under which fires may be started and burned. No ordinance may be less restrictive than state law.

(e) At any time when the commissioner or the county board determines that a general burning permit is no longer in the public interest, the general permit may be canceled by mutual agreement of the commissioner and the county board.

Sec. 40. Minnesota Statutes 2008, section 88.17, subdivision 3, is amended to read:

Subd. 3. **Special permits.** The following special permits are required at all times, including when the ground is snow-covered:

(a) **Fire training.** A permit to start a fire for the instruction and training of firefighters, including liquid fuels training, may be given by the commissioner or agent of the commissioner. Except for owners or operators conducting fire training in specialized industrial settings pursuant to applicable federal, state, or local standards, owners or operators conducting open burning for the purpose of instruction and training of firefighters with regard to structures must follow the techniques described in a document entitled: Structural Burn Training Procedures for the Minnesota Technical College System.

(b) **Permanent tree and brush open burning sites.** A permit for the operation of a permanent tree and brush burning site may be given by the commissioner or agent of the commissioner. Applicants for a permanent open burning site permit shall submit a complete application on a form provided by the commissioner. Existing permanent tree and brush open burning sites must submit for a permit within 90 days of the passage of this statute for a burning permit. New site applications must be submitted at least 90 days before the date of the proposed operation of the permanent open burning site. The application must be submitted to the commissioner and must contain:

(1) the name, address, and telephone number of all owners of the site proposed for use as the permanent open burning site;

(2) if the operator for the proposed permanent open burning site is different from the owner, the name, address, and telephone number of the operator;

(3) a general description of the materials to be burned, including the source and estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation, and provisions for smoke management; and

(4) a topographic or similarly detailed map of the site and surrounding area within a one mile circumference showing all structures that might be affected by the operation of the site.

Only trees, tree trimmings, or brush that cannot be disposed of by an alternative method such as chipping, composting, or other method shall be permitted to be burned at a permanent open burning site. A permanent tree and brush open burning site must be located and operated so as not to create a nuisance or endanger water quality. The commissioner shall revoke the permit or order actions to mitigate threats to public health, safety, and the environment in the event that permit conditions are violated.

Sec. 41. Minnesota Statutes 2008, section 88.79, subdivision 2, is amended to read:

Subd. 2. **Charge for service; receipts to special revenue fund.** Notwithstanding section 16A.1283, the commissioner of natural resources may charge the owner, by written order published in the State Register, establish fees the commissioner determines to be fair and reasonable that are charged to owners receiving such services such sums as the commissioner shall determine to be fair and reasonable under subdivision 1. The charges must account for differences in the value of timber and other benefits. The receipts from such services shall be credited to the special revenue fund and are annually appropriated to the commissioner for the purposes specified in subdivision 1.

Sec. 42. Minnesota Statutes 2008, section 89.17, is amended to read:

89.17 LEASES AND PERMITS.

Notwithstanding the permit procedures of chapter 90, the commissioner shall have power to grant and execute, in the name of the state, leases and permits for the use of any forest lands under the authority of the commissioner for any purpose which in the commissioner's opinion is not inconsistent with the maintenance and management of the forest lands, on forestry principles for timber production. Every such lease or permit shall be revocable at the discretion of the commissioner at any time subject to such conditions as may be agreed on in the lease. The approval of the commissioner of administration shall not be required upon any such lease or permit. No such lease or permit for a period exceeding ten 50 years shall be granted except with the approval of the Executive Council.

~~Hunting of wild game is prohibited on any land which has been posted by the lessee to prohibit hunting. Such prohibition shall apply to all persons including the lessee~~ Public access to the leased land for outdoor recreation shall be the same as access would be under state management.

25.1 Sec. 43. Minnesota Statutes 2008, section 90.041, is amended by adding a subdivision
25.2 to read:

25.3 Subd. 9. **Reoffering unsold timber.** To maintain and enhance forest ecosystems on
25.4 state forest lands, the commissioner may reoffer timber tracts remaining unsold under the
25.5 provisions of section 90.101 below appraised value at public auction with the required
25.6 30-day notice under section 90.101, subdivision 2.

25.7 Sec. 44. Minnesota Statutes 2008, section 90.121, is amended to read:

25.8 **90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF 3,000**
25.9 **CORDS.**

25.10 (a) The commissioner may sell the timber on any tract of state land in lots not
25.11 exceeding 3,000 cords in volume, in the same manner as timber sold at public auction
25.12 under section 90.101, and related laws, subject to the following special exceptions and
25.13 limitations:

25.14 (1) the commissioner shall offer all tracts authorized for sale by this section
25.15 separately from the sale of tracts of state timber made pursuant to section 90.101;

25.16 (2) no bidder may be awarded more than 25 percent of the total tracts offered at the
25.17 first round of bidding unless fewer than four tracts are offered, in which case not more
25.18 than one tract shall be awarded to one bidder. Any tract not sold at public auction may be
25.19 offered for private sale as authorized by section 90.101, subdivision 1, to persons eligible
25.20 under this section at the appraised value; and

25.21 (3) no sale may be made to a person having more than ~~20~~ 30 employees. For the
25.22 purposes of this clause, "employee" means an individual working in the timber or wood
25.23 products industry for salary or wages on a full-time or part-time basis.

25.24 (b) The auction sale procedure set forth in this section constitutes an additional
25.25 alternative timber sale procedure available to the commissioner and is not intended to
25.26 replace other authority possessed by the commissioner to sell timber in lots of 3,000
25.27 cords or less.

25.28 (c) Another bidder or the commissioner may request that the number of employees a
25.29 bidder has pursuant to paragraph (a), clause (3), be confirmed if there is evidence that the
25.30 bidder may be ineligible due to exceeding the employee threshold. The commissioner
25.31 shall request information from the commissioners of labor and industry and employment
25.32 and economic development including the premiums paid by the bidder in question
25.33 for workers' compensation insurance coverage for all employees of the bidder. The
25.34 commissioner shall review the information submitted by the commissioners of labor and
25.35 industry and employment and economic development and make a determination based on

26.1 that information as to whether the bidder is eligible. A bidder is considered eligible and
26.2 may participate in intermediate auctions until determined ineligible under this paragraph.

26.3 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2006.

26.4 Sec. 45. Minnesota Statutes 2008, section 90.14, is amended to read:

26.5 **90.14 AUCTION SALE PROCEDURE.**

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

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

26.17 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of
26.18 state timber may, at the time of payment by the purchaser to the commissioner of 15
26.19 percent of the appraised value, elect in writing on a form prescribed by the attorney
26.20 general to purchase a permit based solely on the appraiser's estimate of the volume of
26.21 timber described in the permit, provided that the commissioner has expressly designated
26.22 the availability of such option for that tract on the list of tracts available for sale as
26.23 required under section 90.101. A purchaser who elects in writing on a form prescribed
26.24 by the attorney general to purchase a permit based solely on the appraiser's estimate of
26.25 the volume of timber described on the permit does not have recourse to the provisions
26.26 of section 90.281.

26.27 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall
26.28 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15
26.29 percent of the appraised value ~~within ten business days of receiving a written award~~
26.30 ~~notice~~ that must be received or postmarked within 14 days of the date of the sealed bid
26.31 opening. If a purchaser fails to make the down payment, the purchaser is liable for the
26.32 down payment to the state and the commissioner may offer the timber for sale to the next
26.33 highest bidder as though no higher bid had been made.

(e) Except as otherwise provided by law, at the time the purchaser signs a permit issued under section 90.151, the commissioner shall require the purchaser ~~shall~~ to make a bid guarantee payment to the commissioner in an amount equal to 15 percent of the total purchase price of the permit less the down payment amount required by paragraph (b) for any bid increase in excess of \$5,000 of the appraised value. If ~~the~~ a required bid guarantee payment is not submitted with the signed permit, no harvesting may occur, the permit cancels, and the down payment for timber forfeits to the state. The bid guarantee payment forfeits to the state if the purchaser and successors in interest fail to execute an effective permit.

Sec. 46. **[97A.072] PEACE OFFICER TRAINING ACCOUNT.**

Subdivision 1. Account established; sources. The peace officer training account is created in the game and fish fund in the state treasury. Revenue from the portion of the surcharges assessed to criminal and traffic offenders in section 357.021, subdivision 7, clause (1), shall be deposited in the account and is appropriated to the commissioner. Money in the account may be spent only for the purposes provided in subdivision 2.

Subd. 2. Purposes of account. Money in the peace officer training account may only be spent by the commissioner for peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863 to enforce game and fish laws.

Sec. 47. Minnesota Statutes 2008, section 103A.305, is amended to read:

103A.305 JURISDICTION.

Sections 103A.301 to 103A.341 apply if the decision of an agency in a proceeding involves a question of water policy in one or more of the areas of water conservation, water pollution, preservation and management of wildlife, drainage, soil conservation, public recreation, forest management, and municipal planning under section 97A.135; 103A.411; 103E.011; 103E.015; 103G.245; 103G.261; 103G.271; 103G.275; 103G.281; ~~103G.295;~~ ~~subdivisions 1 and 2;~~ 103G.287; 103G.297 to 103G.311; 103G.315, subdivisions 1, 10, 11, and 12; 103G.401; 103G.405; 103I.681, subdivision 1; 115.04; or 115.05.

Sec. 48. Minnesota Statutes 2008, section 103F.325, is amended by adding a subdivision to read:

Subd. 6. District boundary adjustments. (a) Notwithstanding subdivision 1, the commissioner may, by written order, amend the boundary of the designated area according to this subdivision. At least 30 days prior to issuing the order, the commissioner must

28.1 give notice of the proposed boundary amendment to the local governmental unit and
28.2 property owners in the designated area directly affected by the amendment and publish
28.3 notice in an official newspaper of general circulation in the county. The commissioner
28.4 must consider comments received on the proposed boundary amendment and must make
28.5 findings and issue a written order. The findings must address the consistency of the
28.6 proposed amendment with the values for which the river was included in the system, and
28.7 potential impacts to the scenic, recreational, natural, historical, and scientific values of the
28.8 land and water within the designated area.

28.9 (b) The commissioner's order is effective 30 days after issuing the order. Before
28.10 the effective date, a local unit of government with jurisdiction in the affected area may
28.11 contest the order under chapter 14.

28.12 (c) Boundary amendments under this subdivision remain subject to the acreage
28.13 limitations in this section.

28.14 Sec. 49. Minnesota Statutes 2008, section 103F.335, subdivision 1, is amended to read:

28.15 Subdivision 1. **Compliance of ordinances with system.** (a) Within six months after
28.16 establishment of a wild, scenic, or recreational river system, or within six months after
28.17 revision of the management plan, each local governmental unit with jurisdiction over a
28.18 portion of the system shall adopt or amend its ordinances and land use district maps
28.19 to the extent necessary to substantially comply with the standards and criteria of the
28.20 commissioner and the management plan.

28.21 (b) If a local government fails to adopt ~~adequate~~ substantially compliant ordinances,
28.22 maps, or amendments within six months, the commissioner shall adopt the ordinances,
28.23 maps, or amendments in the manner and with the effect specified in section 103F.215.

28.24 (c) The commissioner shall assist local governments in the preparation,
28.25 implementation, and enforcement of the ordinances.

28.26 Sec. 50. Minnesota Statutes 2009 Supplement, section 103G.201, is amended to read:

28.27 **103G.201 PUBLIC WATERS INVENTORY.**

28.28 (a) The commissioner shall maintain a public waters inventory map of each county
28.29 that shows the waters of this state that are designated as public waters under the public
28.30 waters inventory and classification procedures prescribed under Laws 1979, chapter
28.31 199, and shall provide access to a copy of the maps ~~and lists~~. As county public waters
28.32 inventory maps ~~and lists~~ are revised according to this section, the commissioner shall send
28.33 a notification or a copy of the maps ~~and lists~~ to the auditor of each affected county.

(b) The commissioner is authorized to revise the ~~list~~ map of public waters established under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify public waters wetlands as public waters if:

(1) they are assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221;

(2) they are classified as lacustrine wetlands or deepwater habitats according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition); or

(3) the state or federal government has become titleholder to any of the beds or shores of the public waters wetlands, subsequent to the preparation of the public waters inventory map filed with the auditor of the county, pursuant to paragraph (a), and the responsible state or federal agency declares that the water is necessary for the purposes of the public ownership.

(c) The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party required to receive the notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.

(d) The commissioner shall give priority to the reclassification of public waters wetlands that are or have the potential to be affected by public works projects.

(e) The commissioner may revise the public waters inventory map ~~and list~~ of each county:

(1) to reflect the changes authorized in paragraph (b); and

(2) as needed, to:

(i) correct errors in the original inventory;

(ii) add or subtract trout stream tributaries within sections that contain a designated trout stream following written notice to the landowner;

(iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50 acres and the shoreland has been zoned for residential development; and

(iv) add or subtract public waters that have been created or eliminated as a requirement of a permit authorized by the commissioner under section 103G.245.

Sec. 51. Minnesota Statutes 2008, section 103G.271, subdivision 3, is amended to read:

Subd. 3. **Permit restriction during summer months.** The commissioner must not modify or restrict the amount of appropriation from a groundwater source authorized in a water use permit issued to irrigate agricultural land ~~under section 103G.295, subdivision 2,~~ between May 1 and October 1, unless the commissioner determines the authorized amount of appropriation endangers a domestic water supply.

Sec. 52. **[103G.282] MONITORING TO EVALUATE IMPACTS FROM APPROPRIATIONS.**

Subdivision 1. **Monitoring equipment.** The commissioner may require the installation and maintenance of monitoring equipment to evaluate water resource impacts from permitted appropriations and proposed projects that require a permit. Monitoring for water resources that supply more than one appropriator must be designed to minimize costs to individual appropriators.

Subd. 2. **Measuring devices required.** Monitoring installations required under subdivision 1 must be equipped with automated measuring devices to measure water levels, flows, or conditions. The commissioner may determine the frequency of measurements and other measuring methods based on the quantity of water appropriated or used, the source of water, potential connections to other water resources, the method of appropriating or using water, seasonal and long-term changes in water levels, and any other facts supplied to the commissioner.

Subd. 3. **Reports and costs.** (a) Records of water measurements under subdivision 2 must be kept for each installation. The measurements must be reported annually to the commissioner on or before February 15 of the following year in a format or on forms prescribed by the commissioner.

(b) The owner or person in charge of an installation for appropriating or using waters of the state or a proposal that requires a permit is responsible for all costs related to establishing and maintaining monitoring installations and to measuring and reporting data. Monitoring costs for water resources that supply more than one appropriator may be distributed among all users within a monitoring area determined by the commissioner and assessed based on volumes of water appropriated and proximity to resources of concern.

Sec. 53. Minnesota Statutes 2008, section 103G.285, subdivision 5, is amended to read:

31.1 Subd. 5. **Trout streams.** Permits issued after June 3, 1977, to appropriate water
31.2 from streams designated trout streams by the commissioner's orders under section ~~97C.021~~
31.3 97C.005 must be limited to temporary appropriations.

31.4 Sec. 54. **[103G.287] GROUNDWATER APPROPRIATIONS.**

31.5 Subdivision 1. **Applications for groundwater appropriations.** (a) Groundwater
31.6 use permit applications are not complete until the applicant has supplied:

31.7 (1) a water well record as required by section 103I.205, subdivision 9, information
31.8 on the subsurface geologic formations penetrated by the well and the formation or aquifer
31.9 that will serve as the water source, and geologic information from test holes drilled to
31.10 locate the site of the production well;

31.11 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being
31.12 requested;

31.13 (3) information on groundwater quality in terms of the measures of quality
31.14 commonly specified for the proposed water use and details on water treatment necessary
31.15 for the proposed use;

31.16 (4) an inventory of existing wells within 1-1/2 miles of the proposed production well
31.17 or within the area of influence, as determined by the commissioner. The inventory must
31.18 include information on well locations, depths, geologic formations, depth of the pump or
31.19 intake, pumping and nonpumping water levels, and details of well construction; and

31.20 (5) the results of an aquifer test completed according to specifications approved by
31.21 the commissioner. The test must be conducted at the maximum pumping rate requested
31.22 in the application and for a length of time adequate to assess or predict impacts to other
31.23 wells and surface water and groundwater resources. The permit applicant is responsible
31.24 for all costs related to the aquifer test, including the construction of groundwater and
31.25 surface water monitoring installations, and water level readings before, during, and after
31.26 the aquifer test.

31.27 (b) The commissioner may waive an application requirement in this subdivision
31.28 if the information provided with the application is adequate to determine whether the
31.29 proposed appropriation and use of water is sustainable and will protect ecosystems, water
31.30 quality, and the ability of future generations to meet their own needs.

31.31 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations
31.32 that have potential impacts to surface waters are subject to applicable provisions in
31.33 section 103G.285.

31.34 Subd. 3. **Protection of groundwater supplies.** The commissioner may establish
31.35 water appropriation limits to protect groundwater resources. When establishing water

32.1 appropriation limits to protect groundwater resources, the commissioner must consider
32.2 the sustainability of the groundwater resource, including the current and projected water
32.3 levels, water quality, whether the use protects ecosystems, and the ability of future
32.4 generations to meet their own needs.

32.5 Subd. 4. **Groundwater management areas.** The commissioner may designate
32.6 groundwater management areas and limit total annual water appropriations and uses within
32.7 a designated area to ensure sustainable use of groundwater that protects ecosystems, water
32.8 quality, and the ability of future generations to meet their own needs. Water appropriations
32.9 and uses within a designated management area must be consistent with a plan approved by
32.10 the commissioner that addresses water conservation requirements and water allocation
32.11 priorities established in section 103G.261.

32.12 Subd. 5. **Interference with other wells.** The commissioner may issue water use
32.13 permits for appropriation from groundwater only if the commissioner determines that the
32.14 groundwater use is sustainable to supply the needs of future generations and the proposed
32.15 use will not harm ecosystems, degrade water, or reduce water levels beyond the reach
32.16 of public water supply and private domestic wells constructed according to Minnesota
32.17 Rules, chapter 4725.

32.18 Sec. 55. Minnesota Statutes 2008, section 103G.301, subdivision 6, is amended to read:

32.19 Subd. 6. **Filing application.** (a) An application for a permit must be filed with the
32.20 commissioner and if the proposed activity for which the permit is requested is within a
32.21 municipality, or is within or affects a watershed district or a soil and water conservation
32.22 district, a copy of the application with maps, plans, and specifications must be served on
32.23 the mayor of the municipality, the secretary of the board of managers of the watershed
32.24 district, and the secretary of the board of supervisors of the soil and water conservation
32.25 district.

32.26 ~~(b) If the application is required to be served on a local governmental unit under~~
32.27 ~~this subdivision, proof of service must be included with the application and filed with~~
32.28 ~~the commissioner.~~

32.29 Sec. 56. Minnesota Statutes 2008, section 103G.305, subdivision 2, is amended to read:

32.30 Subd. 2. **Exception.** The requirements of subdivision 1 do not apply to applications
32.31 for a water use permit for:

32.32 ~~(1) appropriations from waters of the state for irrigation, under section 103G.295;~~

32.33 ~~(2) appropriations for diversion from the basin of origin of more than 2,000,000~~
32.34 ~~gallons per day average in a 30-day period; or~~

33.1 ~~(3)~~ (2) appropriations with a consumptive use of more than 2,000,000 gallons per
33.2 day average for a 30-day period.

33.3 Sec. 57. Minnesota Statutes 2008, section 103G.315, subdivision 11, is amended to
33.4 read:

33.5 Subd. 11. **Limitations on permits.** (a) Except as otherwise expressly provided by
33.6 law, a permit issued by the commissioner under this chapter is subject to:

33.7 (1) cancellation by the commissioner at any time if necessary to protect the public
33.8 interests;

33.9 (2) further conditions on the term of the permit or its cancellation as the
33.10 commissioner may prescribe and amend and reissue the permit; and

33.11 (3) applicable law existing before or after the issuance of the permit.

33.12 (b) Permits issued to irrigate agricultural land ~~under section 103G.295, or considered~~
33.13 ~~issued~~, are subject to this subdivision and are subject to cancellation by the commissioner
33.14 upon the recommendation of the supervisors of the soil and water conservation district
33.15 where the land to be irrigated is located.

33.16 Sec. 58. Minnesota Statutes 2008, section 103G.515, subdivision 5, is amended to read:

33.17 Subd. 5. **Removal of hazardous dams.** Notwithstanding any provision of
33.18 this section or of section 103G.511 relating to cost sharing or apportionment, the
33.19 commissioner, within the limits of legislative appropriation, may assume or pay the entire
33.20 cost of removal of a privately or publicly owned dam upon determining removal provides
33.21 the lowest cost solution and:

33.22 (1) that continued existence of the structure presents a significant public safety
33.23 hazard, or prevents restoration of an important fisheries resource;₂ or

33.24 (2) that public or private property is being damaged due to partial failure of the
33.25 structure, and that an attempt to assess costs of removal against the private or public
33.26 owner would be of no avail.

33.27 Sec. 59. **[103G.651] REMOVING SUNKEN LOGS FROM PUBLIC WATERS.**

33.28 The commissioner of natural resources must not issue leases to remove sunken logs
33.29 or issue permits for the removal of sunken logs from public waters.

33.30 Sec. 60. Minnesota Statutes 2008, section 115.55, is amended by adding a subdivision
33.31 to read:

34.1 Subd. 13. Subsurface sewage treatment systems implementation and
34.2 enforcement task force. (a) By September 1, 2010, the agency shall appoint a subsurface
34.3 sewage treatment systems implementation and enforcement task force in collaboration
34.4 with the Association of Minnesota Counties, Minnesota Association of Realtors,
34.5 Minnesota Association of County Planning and Zoning Administrators, and the Minnesota
34.6 Onsite Wastewater Association. The agency shall work in collaboration with the task
34.7 force to develop effective and timely implementation and enforcement methods in order to
34.8 rapidly reduce the number of subsurface sewage treatment systems that are an imminent
34.9 threat to public health or safety and effectively enforce all violations of the subsurface
34.10 sewage treatment system rules. The agency shall meet at least three times per year with
34.11 the task force to address implementation and enforcement issues. The meetings shall be
34.12 scheduled so that they do not interfere with the construction season.

34.13 (b) The agency, in collaboration with the task force and in consultation with the
34.14 attorney general, county attorneys, and county planning and zoning staff, shall develop,
34.15 periodically update, and provide to counties enforcement protocols and a checklist that
34.16 county inspectors, field staff, and others may use when inspecting subsurface sewage
34.17 treatment systems and enforcing subsurface sewage treatment system rules.

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

34.19 Sec. 61. Minnesota Statutes 2008, section 116.07, subdivision 4, is amended to read:

34.20 Subd. 4. **Rules and standards.** Pursuant and subject to the provisions of chapter 14,
34.21 and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind
34.22 rules and standards having the force of law relating to any purpose within the provisions
34.23 of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution.
34.24 Any such rule or standard may be of general application throughout the state, or may be
34.25 limited as to times, places, circumstances, or conditions in order to make due allowance
34.26 for variations therein. Without limitation, rules or standards may relate to sources or
34.27 emissions of air contamination or air pollution, to the quality or composition of such
34.28 emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or
34.29 to any other matter relevant to the prevention, abatement, or control of air pollution.

34.30 Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the
34.31 Pollution Control Agency may adopt, amend, and rescind rules and standards having
34.32 the force of law relating to any purpose within the provisions of Laws 1969, chapter
34.33 1046, for the collection, transportation, storage, processing, and disposal of solid waste
34.34 and the prevention, abatement, or control of water, air, and land pollution which may be
34.35 related thereto, and the deposit in or on land of any other material that may tend to cause

35.1 pollution. The agency shall adopt such rules and standards for sewage sludge, addressing
35.2 the intrinsic suitability of land, the volume and rate of application of sewage sludge of
35.3 various degrees of intrinsic hazard, design of facilities, and operation of facilities and sites.
35.4 Any such rule or standard may be of general application throughout the state or may be
35.5 limited as to times, places, circumstances, or conditions in order to make due allowance
35.6 for variations therein. Without limitation, rules or standards may relate to collection,
35.7 transportation, processing, disposal, equipment, location, procedures, methods, systems
35.8 or techniques or to any other matter relevant to the prevention, abatement or control of
35.9 water, air, and land pollution which may be advised through the control of collection,
35.10 transportation, processing, and disposal of solid waste and sewage sludge, and the deposit
35.11 in or on land of any other material that may tend to cause pollution. By January 1, 1983,
35.12 the rules for the management of sewage sludge shall include an analysis of the sewage
35.13 sludge determined by the commissioner of agriculture to be necessary to meet the soil
35.14 amendment labeling requirements of section 18C.215. The rules for the disposal of
35.15 solid waste shall include site-specific criteria to prohibit solid waste disposal based on
35.16 the area's sensitivity to groundwater contamination, including site-specific testing. The
35.17 rules shall provide criteria to prohibit locating landfills based on a site's sensitivity to
35.18 groundwater contamination. Sensitivity to groundwater contamination is based on the
35.19 predicted minimum time of travel of groundwater contaminants from the solid waste to
35.20 the compliance boundary. The rules shall prohibit landfills in areas where karst is likely
35.21 to develop. The rules shall specify testable or otherwise objective thresholds for these
35.22 criteria. The rules shall also include modifications to financial assurance requirements
35.23 under subdivision 4h that ensure the state is protected from financial responsibility for
35.24 future groundwater contamination. The financial assurance and siting modifications to
35.25 the rules specified in this act do not apply to solid waste facilities initially permitted
35.26 before January 1, 2011, including future contiguous expansions and noncontiguous
35.27 expansions within 600 yards of a permitted boundary. The rule modification shall not
35.28 affect solid waste disposal facilities that accept only construction and demolition debris
35.29 and incidental nonrecyclable packaging, and facilities that accept only industrial waste
35.30 that is limited to wood, concrete, porcelain fixtures, shingles, or window glass resulting
35.31 from the manufacture of construction materials. The rule amendment shall not require
35.32 new siting or financial assurance requirements for permit by rule solid waste disposal
35.33 facilities. The modifications to the financial assurance rules specified in this act must
35.34 require that a solid waste disposal facility subject to them maintain financial assurance
35.35 so long as the facility poses a potential environmental risk to human health, wildlife, or
35.36 the environment, as determined by the agency following an empirical assessment. Until

the rules are modified to include site-specific criteria to prohibit areas from solid waste disposal due to groundwater contamination sensitivity, as required under this section, the agency shall not issue a permit for a new solid waste disposal facility, except for:

(1) the reissuance of a permit for a land disposal facility operating as of March 1, 2008;

(2) a permit to expand a land disposal facility operating as of March 1, 2008, beyond its permitted boundaries, including expansion on land that is not contiguous to, but is located within 600 yards of, the land disposal facility's permitted boundaries;

(3) a permit to modify the type of waste accepted at a land disposal facility operating as of March 1, 2008;

(4) a permit to locate a disposal facility that accepts only construction debris as defined in section 115A.03, subdivision 7;

(5) a permit to locate a disposal facility that:

(i) accepts boiler ash from an electric energy power plant that has wet scrubbed units or has units that have been converted from wet scrubbed units to dry scrubbed units as those terms are defined in section 216B.68;

(ii) is on land that was owned on May 1, 2008, by the utility operating the electric energy power plant; and

(iii) is located within three miles of the existing ash disposal facility for the power plant; or

(6) a permit to locate a new solid waste disposal facility for ferrous metallic minerals regulated under Minnesota Rules, chapter 6130, or for nonferrous metallic minerals regulated under Minnesota Rules, chapter 6132.

Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1971, chapter 727, for the prevention, abatement, or control of noise pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein.

Without limitation, rules or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the Pollution Control Agency.

Pursuant to chapter 14, the Pollution Control Agency may adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. In implementing its hazardous waste rules, the Pollution Control Agency shall give high priority to providing planning and technical assistance to hazardous waste generators. The agency shall assist generators in investigating the availability and feasibility of both interim and long-term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.

The Pollution Control Agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

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

Sec. 62. Minnesota Statutes 2008, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. **Financial responsibility rules.** (a) The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 30 years after closure for a mixed municipal solid waste disposal facility or for a minimum of 20 years after closure, as determined by agency rules, for any other solid waste disposal facility, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by July 1, 1987, whichever is later, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules and the requirements of paragraph (b) is a condition of obtaining or retaining a permit to operate the facility.

(b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary district, that owns or operates a solid waste disposal facility that was in operation on May 15, 1989, may meet its financial responsibility for all or a portion of the contingency

38.1 action portion of the reasonable and necessary response costs at the facility by pledging its
38.2 full faith and credit to meet its responsibility.

38.3 The pledge must be made in accordance with the requirements in chapter 475 for
38.4 issuing bonds of the municipality, and the following additional requirements:

38.5 (1) The governing body of the municipality shall enact an ordinance that clearly
38.6 accepts responsibility for the costs of contingency action at the facility and that reserves,
38.7 during the operating life of the facility and for the time period required in paragraph (a)
38.8 after closure, a portion of the debt limit of the municipality, as established under section
38.9 475.53 or other law, that is equal to the total contingency action costs.

38.10 (2) The municipality shall require that all collectors that haul to the facility
38.11 implement a plan for reducing solid waste by using volume-based pricing, recycling
38.12 incentives, or other means.

38.13 (3) When a municipality opts to meet a portion of its financial responsibility by
38.14 relying on its authority to issue bonds, it shall also begin setting aside in a dedicated
38.15 long-term care trust fund money that will cover a portion of the potential contingency
38.16 action costs at the facility, the amount to be determined by the agency for each facility
38.17 based on at least the amount of waste deposited in the disposal facility each year, and the
38.18 likelihood and potential timing of conditions arising at the facility that will necessitate
38.19 response action. The agency may not require a municipality to set aside more than five
38.20 percent of the total cost in a single year.

38.21 (4) A municipality shall have and consistently maintain an investment grade bond
38.22 rating as a condition of using bonding authority to meet financial responsibility under
38.23 this section.

38.24 (5) The municipality shall file with the commissioner of revenue its consent to have
38.25 the amount of its contingency action costs deducted from state aid payments otherwise
38.26 due the municipality and paid instead to the remediation fund created in section 116.155,
38.27 if the municipality fails to conduct the contingency action at the facility when ordered
38.28 by the agency. If the agency notifies the commissioner that the municipality has failed to
38.29 conduct contingency action when ordered by the agency, the commissioner shall deduct
38.30 the amounts indicated by the agency from the state aids in accordance with the consent
38.31 filed with the commissioner.

38.32 (6) The municipality shall file with the agency written proof that it has complied
38.33 with the requirements of paragraph (b).

38.34 (c) The method for proving financial responsibility under paragraph (b) may not be
38.35 applied to a new solid waste disposal facility or to expansion of an existing facility, unless

the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities cannot be permitted for a duration of longer than three years.

(d) The commissioner shall consult with the commissioner of management and budget for guidance on the forms of financial assurance that are acceptable for private owners and public owners, and in carrying out a periodic review of the adequacy of financial assurance for solid waste disposal facilities. Financial assurance rules shall allow financial mechanisms to public owners of solid waste disposal facilities that are appropriate to their status as subdivisions of the state.

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

Sec. 63. Minnesota Statutes 2008, section 116D.04, subdivision 2a, is amended to read:

Subd. 2a. **When prepared.** Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside of the seven-county metropolitan area.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30 day period following publication of the notice that an environmental assessment worksheet has been completed.

The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15 day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15 day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) The responsible governmental unit shall, to the extent practicable, avoid duplication and ensure coordination between state and federal environmental review and between environmental review and environmental permitting. Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

Sec. 64. Minnesota Statutes 2008, section 116D.04, is amended by adding a subdivision to read:

Subd. 14. Customized environmental assessment worksheet forms; electronic submission. (a) The commissioners of natural resources and the Pollution Control Agency and the board shall periodically review mandatory environmental assessment worksheet categories under rules adopted under this section, and other project types that are frequently subject to environmental review, and develop customized environmental assessment worksheet forms for the category or project type. The forms must include specific questions that focus on key environmental issues for the category or project type. In assessing categories and project types and developing forms, the board shall seek

42.1 the input of governmental units that are frequently responsible for the preparation of a
42.2 worksheet for the particular category or project type. The commissioners and the board
42.3 shall also seek input from the general public on the development of customized forms.
42.4 The commissioners and board shall make the customized forms available online.

42.5 (b) The commissioners of natural resources and the Pollution Control Agency shall
42.6 allow for the electronic submission of environmental assessment worksheets and permits.

42.7 Sec. 65. Minnesota Statutes 2008, section 290.431, is amended to read:

42.8 **290.431 NONGAME WILDLIFE CHECKOFF.**

42.9 Every individual who files an income tax return or property tax refund claim form
42.10 may designate on their original return that \$1 or more shall be added to the tax or deducted
42.11 from the refund that would otherwise be payable by or to that individual and paid into an
42.12 account to be established for the management of nongame wildlife. The commissioner
42.13 of revenue shall, on the income tax return and the property tax refund claim form, notify
42.14 filers of their right to designate that a portion of their tax or refund shall be paid into
42.15 the nongame wildlife management account. The sum of the amounts so designated to
42.16 be paid shall be credited to the nongame wildlife management account for use by the
42.17 nongame program ~~of the section of wildlife~~ in the Department of Natural Resources. All
42.18 interest earned on money accrued, gifts to the program, contributions to the program, and
42.19 reimbursements of expenditures in the nongame wildlife management account shall be
42.20 credited to the account by the commissioner of management and budget, except that
42.21 gifts or contributions received directly by the commissioner of natural resources and
42.22 directed by the contributor for use in specific nongame field projects or geographic
42.23 areas shall be handled according to section 84.085, subdivision 1. The commissioner
42.24 of natural resources shall submit a work program for each fiscal year and semiannual
42.25 progress reports to the Legislative-Citizen Commission on Minnesota Resources in the
42.26 form determined by the commission. ~~None of the money provided in this section may be~~
42.27 ~~expended unless the commission has approved the work program.~~

42.28 The state pledges and agrees with all contributors to the nongame wildlife
42.29 management account to use the funds contributed solely for the management of nongame
42.30 wildlife projects and further agrees that it will not impose additional conditions or
42.31 restrictions that will limit or otherwise restrict the ability of the commissioner of natural
42.32 resources to use the available funds for the most efficient and effective management of
42.33 nongame wildlife. The commissioner may use funds appropriated for nongame wildlife
42.34 programs for the purpose of developing, preserving, restoring, and maintaining wintering
42.35 habitat for neotropical migrant birds in Latin America and the Caribbean under agreement

or contract with any nonprofit organization dedicated to the construction, maintenance, and repair of such projects that are acceptable to the governmental agency having jurisdiction over the land and water affected by the projects. Under this authority, the commissioner may execute agreements and contracts if the commissioner determines that the use of the funds will benefit neotropical migrant birds that breed in or migrate through the state.

Sec. 66. Minnesota Statutes 2008, section 290.432, is amended to read:

290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.

A corporation that files an income tax return may designate on its original return that \$1 or more shall be added to the tax or deducted from the refund that would otherwise be payable by or to that corporation and paid into the nongame wildlife management account established by section 290.431 for use by ~~the section of wildlife in~~ the Department of Natural Resources for its nongame wildlife program. The commissioner of revenue shall, on the corporate tax return, notify filers of their right to designate that a portion of their tax return be paid into the nongame wildlife management account for the protection of endangered natural resources. All interest earned on money accrued, gifts to the program, contributions to the program, and reimbursements of expenditures in the nongame wildlife management account shall be credited to the account by the commissioner of management and budget, except that gifts or contributions received directly by the commissioner of natural resources and directed by the contributor for use in specific nongame field projects or geographic areas shall be handled according to section 84.085, subdivision 1. The commissioner of natural resources shall submit a work program for each fiscal year to the Legislative-Citizen Commission on Minnesota Resources in the form determined by the commission. ~~None of the money provided in this section may be spent unless the commission has approved the work program.~~

The state pledges and agrees with all corporate contributors to the nongame wildlife account to use the funds contributed solely for the nongame wildlife program and further agrees that it will not impose additional conditions or restrictions that will limit or otherwise restrict the ability of the commissioner of natural resources to use the available funds for the most efficient and effective management of those programs.

Sec. 67. Minnesota Statutes 2009 Supplement, section 357.021, subdivision 7, is amended to read:

Subd. 7. Disbursement of surcharges by commissioner of management and budget. (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of

management and budget shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) beginning July 1, 2010, one percent shall be credited to the peace officer training account in the game and fish fund and appropriated to the commissioner of natural resources to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit \$47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

Sec. 68. **DEPARTMENT OF NATURAL RESOURCES LONG-RANGE BUDGET ANALYSIS.**

(a) The commissioner of natural resources, in consultation with the commissioner of management and budget, shall estimate the total amount of funding available from all sources for each of the following land management categories: wildlife management areas; state forests; scientific and natural areas; aquatic management areas; public water access sites; and prairie bank easements. The commissioner of natural resources shall prepare a ten-year budget analysis of the department's ongoing land management needs, including restoration of each parcel needing restoration. The analysis shall include:

(1) an analysis of the needs of wildlife management areas, including identification of internal systemwide guidelines on the proper frequency for activities such as controlled burns, tree and woody biomass removal, and brushland management;

(2) an analysis of state forest needs, including identification of internal systemwide guidelines on the proper frequency for forest management activities;

(3) an analysis of scientific and natural area needs, including identification of internal systemwide guidelines on the proper frequency for management activities;

(4) an analysis of aquatic management area needs, including identification of internal systemwide guidelines on the proper frequency for management activities; and

(5) an analysis of the needs of the state's public water access sites, including identification of internal systemwide guidelines on the proper frequency for management activities.

(b) The commissioner shall compare the estimate of the total amount of funding available to the department's ongoing management needs to determine:

(1) the amount necessary to manage, restore, and maintain existing wildlife management areas, state forests, scientific and natural areas, aquatic management areas, public water access sites, and prairie bank easements; and

(2) the amount necessary to expand upon the existing wildlife management areas, state forests, scientific and natural areas, aquatic management areas, public water access sites, and prairie bank easement programs, including the feasibility of the department's existing long-range plans, if applicable, for each program.

(c) The commissioner of natural resources shall submit the analysis to the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources finance and cultural and outdoor resources finance by November 15, 2010.

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

Sec. 69. SCHOOL TRUST LANDS STUDY.

By July 15, 2010, the commissioner of natural resources shall provide to the chairs of the house of representatives and the senate committees and divisions with primary jurisdiction over natural resources finance and education finance information necessary to evaluate the effectiveness of the commissioner in managing school trust lands to successfully meet the goals contained in Minnesota Statutes, section 127A.31. The information to be provided shall include, but is not limited to:

(1) an accurate description of the school trust lands and their land classification;

(2) policies and procedures in place designed to meet the requirements of the fiduciary responsibility of the commissioner in management of the school trust lands; and

(3) financial information identifying the current revenues from the land classifications and the potential for future maximization of those revenues.

Sec. 70. **COMPENSATION FOR PUBLIC ACCESS TO SCHOOL TRUST LAND.**

By January 15, 2011, the commissioner of natural resources shall provide recommendations to the chairs of the house of representatives and the senate committees and divisions with primary jurisdiction over natural resources finance and education finance on a funding mechanism for compensating the permanent school trust fund for the public use of school trust lands for outdoor recreation.

Sec. 71. **COON RAPIDS DAM COMMISSION.**

Subdivision 1. **Establishment.** (a) The Coon Rapids Dam Commission is established to perform the duties specified in subdivision 2.

(b) The commission consists of 14 voting members and three nonvoting members as follows:

(1) two members of the house of representatives, appointed by the speaker of the house;

(2) one member of the senate appointed by the president of the senate;

(3) the commissioner of natural resources or the commissioner's designee;

(4) the commissioner of energy or the commissioner's designee;

(5) two representatives of Three Rivers Park District, appointed by the Three Rivers Park District Board of Commissioners;

(6) one representative each from the counties of Anoka and Hennepin, appointed by the respective county boards;

(7) one representative each from the cities of Anoka, Brooklyn Park, Champlin, and Coon Rapids, appointed by the respective mayors;

(8) one representative from the Metropolitan Council, appointed by the council chair;

(9) one representative of the Mississippi National River and Recreation Area, appointed by the superintendent of the Mississippi National River and Recreation Area, who shall serve as a nonvoting member;

(10) one representative of the United States Army Corps of Engineers, appointed by the commander of the St. Paul District, United States Army Corps of Engineers, who shall serve as a nonvoting member; and

(11) one representative from the United States Fish and Wildlife Service, appointed by the regional director of the United States Fish and Wildlife Service, who shall serve as a nonvoting member.

(c) The commission shall elect a chair from among its members.

(d) Members of the commission shall serve a term of one year and may be reappointed for any successive number of terms.

(e) The Three Rivers Park District shall provide the commission with office space and staff and administrative services.

(f) Commission members shall serve without compensation.

Subd. 2. **Duties.** The commission shall study options and make recommendations for the future of the Coon Rapids Dam, including its suitable public uses, governance, operation, and maintenance and financing of the dam and its operations. The commission shall consider economic, environmental, ecological, and other pertinent factors. The commission shall, by March 1, 2011, develop and present to the legislature and the governor an analysis and recommendations for the Coon Rapids Dam. The commission shall present its findings to the house of representatives and senate committees and divisions having jurisdiction over natural resources and energy policy.

Subd. 3. **Expiration.** This section expires upon presentation of the commission's analysis and recommendations according to subdivision 2.

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

Sec. 72. **SOLID WASTE FACILITY FINANCIAL ASSURANCE MECHANISMS; INPUT.**

Within six months after the effective date of this section, and before publishing the rules required for groundwater sensitivity and financial assurance in Minnesota Statutes, section 116.07, subdivision 4, the Pollution Control Agency shall consult with experts and interested persons on financial assurance adequacy for solid waste facilities, including, but not limited to, staff from the Department of Natural Resources, Minnesota Management and Budget, local governments, private and public landfill operators, and environmental groups. The commissioner shall seek the input to determine the adequacy of existing financial assurance rules to address environmental risks, the length of time financial assurance is needed based on the threat to human health and the environment, the reliability of financial assurance in covering risks from land disposal of waste in Minnesota and other states, and the role of private insurance.

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

Sec. 73. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE ADOPTION DELAY.**

Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county has ten months from the date final rule amendments to the February 4, 2008, subsurface sewage treatment system rules are adopted by the Pollution Control Agency to adopt an ordinance to comply with the rules. A county must continue to enforce its current ordinance until a new ordinance has been adopted.

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

Sec. 74. **HAZARDOUS WASTE INCINERATION FACILITY MORATORIUM.**

Until March 1, 2011, the commissioner of the Pollution Control Agency shall not issue a permit for a hazardous waste incineration facility that accepts hazardous waste for incineration within Minnesota from generators other than the owner and operator of the facility, unless the hazardous wastes accepted are small quantities of hazardous wastes from a public body on an emergency basis at no cost to the public body and if the commissioner approves the acceptance from the public body.

Sec. 75. **APPROPRIATIONS.**

(a) \$60,000 is appropriated in fiscal year 2011 from the water recreation account in the natural resources fund to the commissioner of natural resources to cooperate with local units of government in marking state water trails under Minnesota Statutes, section 85.32; acquiring and developing river accesses and campsites; and removing obstructions that may cause public safety hazards. This is a onetime appropriation and available until spent.

(b) \$250,000 in fiscal year 2011 is appropriated from the game and fish fund to the commissioner of natural resources to maintain and expand the ecological classification system program on state forest lands.

Sec. 76. **REVISOR'S INSTRUCTION.**

(a) The revisor of statutes shall change the term "horse trail pass" to "horse pass" wherever it appears in Minnesota Statutes and Minnesota Rules.

(b) The revisor of statutes shall change the term "canoe and boating routes" or similar term to "water trail routes" or similar term wherever it appears in Minnesota Statutes and Minnesota Rules.

(c) The revisor of statutes shall change the term "Minnesota Conservation Corps" to "Conservation Corps Minnesota" wherever it appears in Minnesota Statutes and Minnesota Rules.

Sec. 77. **REPEALER.**

H.F. No. 3702, 1st Engrossment - 86th Legislative Session (2009-2010) [H3702-1]

- 49.1 (a) Minnesota Statutes 2008, sections 90.172; 103G.295; and 103G.650, are repealed.
- 49.2 (b) Minnesota Statutes 2009 Supplement, section 88.795, is repealed.

88.795 FOREST MANAGEMENT LEASE PILOT PROJECT.

(a) Notwithstanding the permit procedures of chapter 90, the commissioner of natural resources may lease up to 10,000 acres of state-owned forest lands for forest management purposes for a term not to exceed 21 years. No person or entity may lease more than 3,000 acres. The lease shall provide:

(1) that the lessee must comply with timber harvesting and forest management guidelines developed under section 89A.05 and landscape-level plans under section 89A.06 that have been adopted by the Minnesota Forest Resources Council, and in effect at the time of any management activity; and

(2) for public access for hunting, fishing, and motorized and nonmotorized recreation to the leased land that is the same as would be available under state management.

(b) For the purposes of this section, the term "state-owned forest lands" may include school trust lands as defined in section 92.025 or university land granted to the state by Acts of Congress.

(c) By December 15, 2009, the commissioner of natural resources shall provide a report to the house of representatives and senate natural resources policy and finance committees and divisions on the pilot project. The report will detail a plan for the implementation of the pilot project with a starting date that is no later than July 1, 2010.

(d) Upon implementation of the pilot project, the commissioner shall provide an annual report to the house of representatives and senate natural resources policy and finance committees and divisions on the progress of the project, including the acres leased, a breakdown of the types of forest land, and amounts harvested by species. The report shall include a net revenue analysis comparing the lease revenue with the estimated net revenue that would be obtained through state management and silvicultural practices cost savings the state realizes through leasing.

(e) Nothing in this section supersedes the duties of the commissioner of natural resources to properly manage forest lands under the authority of the commissioner, as defined in section 89.001, subdivision 13.

90.172 ANNUAL REPORTS.

Subdivision 1. **Report to legislature.** The commissioner shall file an annual report on or before September 30 of each year with the Legislative Reference Library providing detailed information on all auctions and informal sales made in the previous fiscal year. The report shall include but not be limited to the names and addresses of all purchasers, volumes of timber purchased, species, appraised value and sale price. The commissioner shall make copies of the report available to the public upon request.

Subd. 2. **Report to Executive Council.** The commissioner shall report on or before September 30 of each year or more frequently, as required, to the state Executive Council concerning the status of the state timber sales and timber management program, including any special problems or changes occurring since the previous report.

103G.295 IRRIGATION OF AGRICULTURAL LAND.

Subdivision 1. **Recommendation and information for waters of the state appropriation.** (a) If an application is made for a permit to irrigate agricultural land from waters of the state, the soil and water conservation district may make recommendations to the commissioner regarding the disposition of the application and its compatibility to a comprehensive soil and water conservation plan approved under section 103C.331, subdivision 11. The recommendations must be made within 30 days of the receipt of the application.

(b) Within 30 days of receipt of the application, the commissioner may require additional specific information from the applicant.

Subd. 2. **Issuance or denial of permit for appropriation from waters of the state.** After receiving all requested information, the commissioner must review the application and information, consider the soil and water conservation district's recommendations, and issue or deny the permit within 60 days. If the commissioner orders a hearing, the permit must be issued or denied within ten days after receiving the report of the hearing officer. For an application for a permit to irrigate agricultural land, failure of the commissioner to issue or deny a permit within the time specified under this subdivision is considered an order issuing the permit as applied for. The order is effective ten days after the applicant has given written notice to the commissioner stating an intention to proceed with the appropriation of water to irrigate agricultural land.

Subd. 3. **Groundwater appropriation permit classification areas.** (a) Water use permit applications required for appropriation of groundwater for agricultural irrigation must be

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processed in the order received and designated as either class A or class B applications. Class A applications are for wells located in areas for which the commissioner has adequate groundwater availability data. Class B applications are for wells located in other areas.

(b) The commissioner must evaluate available groundwater data, determine its adequacy, and designate class A and B application areas for the entire state. The commissioner shall request, obtain, and evaluate groundwater data from soil and water conservation districts, and where appropriate revise the class A and B application area designations.

(c) The commissioner shall file a commissioner's order with the secretary of state defining class A and B application areas by county and township. Additional areas may be added by a later order of the commissioner.

Subd. 4. **Class B permit requirements.** (a) Class B groundwater use permit applications are not complete until the applicant has supplied:

(1) a summary of the anticipated well depth and subsurface geologic formation expected to be penetrated by the well, including for glacial drift aquifers, the logs of test holes drilled to locate the site of the proposed production well;

(2) the formation and aquifer expected to serve as the groundwater source;

(3) the maximum daily, seasonal, and annual pumpage expected;

(4) the anticipated groundwater quality in terms of the measures of quality commonly specified for the proposed water use;

(5) the results of a pumping test supervised by the commissioner or a designee of the commissioner, conducted at a rate not to exceed the proposed pumping rate for not more than 72 continuous hours for wells under water table conditions and not more than 24 continuous hours for wells under artesian conditions; and

(6) when the area of influence of the proposed well is determined, the location of existing wells within the area of influence that were reported according to section 103I.205, subdivision 9, together with readily available facts on depths, geologic formations, pumping and nonpumping water levels, and details of well construction as related to the water well construction code.

(b) The commissioner may in any specific application waive any requirements of paragraph (a), clauses (4) to (6), or (c) if the necessary data are already available.

(c) Before, during, and after the pumping test required in paragraph (a), clause (5), the commissioner shall require monitoring of water levels in one observation well located at a distance from the pumping well that the commissioner has reason to believe may be affected by the new appropriation. The permit applicant is responsible for costs of the pumping tests and monitoring in the observation well. The applicant is responsible for the construction of one observation well if suitable existing wells cannot be located for this purpose. If the commissioner determines that more than one observation well is needed, the commissioner shall instruct the applicant to install and monitor more observation wells. The commissioner shall reimburse the applicant for these added costs.

Subd. 5. **Issuance of permits for groundwater appropriation.** The commissioner may issue water use permits for irrigation appropriation from groundwater only if the commissioner determines that:

(1) proposed soil and water conservation measures are adequate based on recommendations of the soil and water conservation districts; and

(2) water supply is available for the proposed use without reducing water levels beyond the reach of vicinity wells constructed in accordance with the water well construction code in Minnesota Rules, parts 4725.1900 to 4725.6500.

103G.650 RECOVERING SUNKEN LOGS ON INLAND WATERS.

Subdivision 1. **Definitions.** (a) Unless the language or context clearly indicates that a different meaning is indicated, the following terms, for the purposes of this section, shall have the meanings given to them.

(b) "District office" means the office of the area forest supervisor, unless otherwise stipulated in a lease issued under this section.

(c) "Inland waters" means navigable bodies of water within the boundaries of this state, excluding boundary lakes and boundary rivers.

(d) "Log" means a portion of the trunk of a felled tree that has not been further processed for any end use.

(e) "Officer" means a forest officer, conservation officer, or other peace officer.

(f) "Person" means a natural person, including a person acting in a representative capacity, or a corporation, firm, or association of whatever nature or kind.

(g) "Submerged lands" means beds of navigable waters below the low-water mark.

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Subd. 2. **Title to sunken logs and historical artifacts.** Notwithstanding section 16B.25, title and ownership of a log or historical artifact that rests for more than one year on submerged land owned by the state in inland waters is considered abandoned property that has forfeited to the state.

Subd. 3. **Application to remove sunken logs.** A person who wishes to raise and remove logs that are resting on submerged lands owned by the state and that are located in inland waters shall make application to the commissioner for a lease. A person may not hold more than three leases at one time. Each lease must be for a specific lake or river. A resident applicant shall include with the application a fee of \$500. A nonresident applicant shall include a fee of \$2,500. The applicant shall:

- (1) identify the inland lake or river where the logs will be raised;
- (2) identify the submerged land area requested for the lease by providing the section, township, and range in which the inland water is located;
- (3) specify the methods to be used in raising the sunken logs, including any techniques with the potential to disturb lake bed material;
- (4) provide evidence of a general liability insurance policy that names the state as a coinsured party and that is in force for the lease with limits of at least \$300,000 per occurrence and \$1,000,000 in aggregate; and
- (5) include any additional information required by the commissioner.

Subd. 4. **Review of applications.** The commissioner shall review and approve applications in order by time and date received to prevent two or more applications being approved for the same lease. The commissioner shall immediately notify the Minnesota Historical Society of each application received. The commissioner shall publish notice of each application in the State Register and allow 30 days for public comment. Within 60 days after the time date stamp of receipt, the commissioner shall either approve, modify and approve, or deny an application. In determining whether to approve an application, the commissioner shall consider:

- (1) whether the project requires a permit under section 103G.245;
- (2) whether the proposed project may affect public rights in navigable waters;
- (3) whether the proposed project is subject to any requirements arising under federal law; and
- (4) whether the project meets ecological criteria for protection of fish, wildlife, and native plants and their habitats.

Subd. 5. **Lease terms.** (a) The terms and conditions in this subdivision must be specified in leases issued under this section.

(b) A lease is effective for three years and is not transferable. A lease may be renewed within 90 days of expiration for a fee of \$50.

(c) Within one year after the effective date of the lease, the lessee shall commence operations to recover the logs covered by the lease or the lease must be canceled.

(d) The lease must specify the lake or river where the sunken logs may be raised. No lake or river may be covered by more than one lease under this section unless the water body is located in more than one county, in which case one lease may be issued in each county.

(e) The lessee shall comply with all conditions attached to the lease by the commissioner to protect the public rights in navigable water, ensure compliance with federal requirements, and protect aquatic habitats.

(f) The lessee shall only recover logs that are submerged at a water depth of 20 feet or more. The lessee is entitled to ownership of only the sunken logs recovered during the time covered by the lease from submerged lands described in the lease.

(g) The location where the recovered logs are deposited on shore is subject to approval by the commissioner but in no case may the operations interfere with the public's use of public accesses.

(h) The lessee shall plainly place the number of the lease on all logs recovered to adequately identify the logs from the time they are hauled onto shore until they are delivered to the manufacturing facility where they will be processed.

(i) The commissioner reserves the right to revoke the lease for failure to follow the terms and conditions of the lease.

(j) The only acceptable method of recovery is by winching so as to minimize disturbance of lake or riverbed material.

(k) The commissioner shall bill the lessee for the value of the recovered logs based on a rate of 25 percent of the weighted average selling price for all logs sold from state lands for the preceding 12 months.

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Repealed Minnesota Statutes: H3702-1

(l) If the commissioner determines that use of the lease area will interfere with the present or future management objectives of the commissioner, a lease may be canceled upon 21 business days' written notice from the commissioner to the lessee.

(m) The lessee shall indemnify the commissioner against all claims, damages, costs, and expenses, including attorney fees, arising either from reclamation or from any negligence on the part of the lessee.

(n) All divers used in recovery must be certified by the National Association of Scuba Diving Schools or the Professional Association of Diving Instructors.

(o) A lessee must notify personnel at the appropriate department district office five working days before raising submerged logs.

(p) The commissioner and staff have access to leased premises, recovery vehicles, and land vehicles for inspection at any and all reasonable times. Failure to comply must result in immediate suspension of recovery and loss of the lease.

(q) It is the responsibility of the lessee to notify the Minnesota Historical Society before commencing log removal. Upon locating historic items, the lessee must notify the Minnesota Historical Society within one business day. The historical society shall then make a determination on the disposition of the items found. The staff of the historical society shall have access to leased premises, recovery vehicles, and land vehicles for inspection at any and all reasonable times. Failure to comply must result in immediate and permanent suspension of all leases held by the lessee.

(r) An officer shall enforce the terms and conditions of a lease issued under this section.

(s) If the lessee finds what the lessee reasonably believes to be a pollutant or contaminant, the lessee shall contact the Pollution Control Agency within 24 hours.

(t) If the lessee recovers a log with an American Indian tribal mark or brand, the lessee shall notify the nearest tribal government authority within five business days.

Subd. 6. Disposition of revenue. Money collected under this section must be deposited in the state treasury and credited as follows:

(1) application fees must be credited to the general fund;

(2) lease proceeds must be credited to the game and fish fund, unless the submerged lands are permanent school fund lands; and

(3) lease proceeds for leases of submerged lands that are permanent school fund lands must be credited to the permanent school fund.

Subd. 7. Penalties. (a) Recovery of sunken logs that are removed from submerged lands without a lease issued by the commissioner under this section is trespass as defined in section 90.301.

(b) After the first offense under this subdivision, a person may not apply for or work under a lease issued under this section to remove sunken logs for a period of one year.

(c) After the second offense under this subdivision, a person may not apply for or work under a lease issued under this section to remove sunken logs.