

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1830

(SENATE AUTHORS: INGEBRIGTSEN)

DATE	D-PG	OFFICIAL STATUS
02/15/2012	3812	Introduction and first reading Referred to Environment and Natural Resources
03/08/2012	4133a	Comm report: To pass as amended and re-refer to Finance
03/23/2012		Comm report: To pass as amended Second reading

A bill for an act

relating to natural resources; authorizing certain agency prepayments; requiring certain continued operation in absence of biennial appropriations; providing for apprentice riders; modifying aquatic invasive species provisions; modifying local government trail authority; modifying enforcement provisions; modifying certain bait provisions; modifying prior appropriations; eliminating certain reporting, plan, and meeting requirements; eliminating loan program; modifying certain reporting and assessment requirements; modifying Board of Water and Soil Resources provisions; modifying water appropriation monitoring requirements; modifying subsurface sewage treatment systems ordinance delay; modifying local water management; modifying Wetland Conservation Act; modifying waste management provisions; clarifying certain environmental review; eliminating certain fees; modifying toxic pollution prevention requirements; modifying certain standards for stationary sources; extending prohibition on new open air swine basins; modifying acid deposition control requirements; modifying sewage sludge management; requiring reports; providing civil penalties; appropriating money; amending Minnesota Statutes 2010, sections 16A.065; 84.027, subdivision 15; 84.67; 84.91, subdivision 1; 84D.05, subdivision 1; 85.018, subdivision 2; 85.055, subdivision 2; 85.20, subdivision 1; 85.46, subdivision 1; 85A.04, subdivision 1; 86B.331, subdivision 1; 97A.421, subdivision 4a; 103A.43; 103B.101, subdivisions 2, 7, 10, by adding subdivisions; 103B.311, subdivision 4; 103B.3363, by adding a subdivision; 103B.3369; 103B.355; 103G.2241, subdivisions 1, 9, 11; 103G.2242, subdivision 3; 103G.282, subdivisions 1, 3; 103H.175, subdivision 3; 115.01, by adding a subdivision; 115.06, subdivision 4; 115.42; 115A.15, subdivision 5; 115A.411; 115A.551, subdivisions 2a, 4; 115A.557, subdivision 4; 115D.08; 116.011; 116.06, subdivision 22; 116.0714; 116.10; 116C.833, subdivision 2; 216C.055; 216H.07, subdivision 3; 473.149, subdivision 6; 473.846; Minnesota Statutes 2011 Supplement, sections 84D.01, subdivision 15a; 84D.09, subdivision 2; 84D.10, subdivisions 1, 4; 84D.105, subdivision 2; 84D.13, subdivision 5; 97C.341; 103G.222, subdivision 1; 115A.1320, subdivision 1; 116D.04, subdivision 2a; Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended; Laws 2010, chapter 361, article 4, section 73, as amended; Laws 2010, chapter 362, section 2, subdivision 7; Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 84; 86B; 103B; 103G; repealing Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705, subdivision 1; 115.447; 115A.07, subdivision 2; 115A.15, subdivision 5; 115A.965, subdivision 7; 216H.07, subdivision 4;

2.1 Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3;  
2.2 7021.0050, subparts 1, 2, 3; 7041.0500, subparts 5, 6, 7.

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

2.4 Section 1. Minnesota Statutes 2010, section 16A.065, is amended to read:

2.5 **16A.065 PREPAY SOFTWARE, SUBSCRIPTIONS, UNITED STATES**  
2.6 **DOCUMENTS.**

2.7 Notwithstanding section 16A.41, subdivision 1, the commissioner may allow an  
2.8 agency to make advance deposits or payments for software or software maintenance  
2.9 services for state-owned or leased electronic data processing equipment, for sole source  
2.10 maintenance agreements where it is not cost-effective to pay in arrears, for exhibit booth  
2.11 space or boat slip rental when required by the renter to guarantee the availability of space,  
2.12 for short-term cash flow advances under executed grants or contracts associated with  
2.13 land acquisitions, for registration fees where advance payment is required or advance  
2.14 payment discount is provided, and for newspaper, magazine, and other subscription fees  
2.15 customarily paid for in advance. The commissioner may also allow advance deposits by  
2.16 any department with the Library of Congress and federal Supervisor of Documents for  
2.17 items to be purchased from those federal agencies.

2.18 Sec. 2. Minnesota Statutes 2010, section 84.027, subdivision 15, is amended to read:

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

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

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

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

2.33 (4) charge and permit agents to charge a convenience fee not to exceed three percent  
2.34 of the cost of the license to individuals who use electronic bank cards for payment. An

electronic licensing system agent charging a fee of individuals making an electronic 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.

(d) Game and fish licenses under chapters 97A, 97B, and 97C shall be available by electronic transaction, regardless of whether all or any part of the biennial appropriation law for the department has been enacted. If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions for the purpose of this paragraph are appropriated from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this section is applicable supersedes and replaces the funding authorized in this paragraph. This paragraph may be cited as the "Freedom to Hunt and Fish Act of 2012."

Sec. 3. Minnesota Statutes 2010, section 84.67, is amended to read:

**84.67 FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

A forests for the future revolving account is created in the natural resources fund. Money in the account is appropriated to the commissioner of natural resources for the acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4.

The commissioner shall sell the lands acquired under this section, subject to an easement as provided in section 84.66. Money received from the sale of forest lands acquired under this section and interest earned on the account shall be deposited into the account. ~~The commissioner must file a report to the house of representatives Ways and Means and the senate Finance Committees and the environment and natural resources finance committees or divisions of the senate and house of representatives by October 1 of each year indicating all purchases of forest land using money from this account and sales of forest land for which revenue is deposited into this account.~~

Sec. 4. **[84.76] APPRENTICE RIDER VALIDATION.**

Subdivision 1. **Definition.** For the purpose of this section, "accompanied by" means within a distance of another person that permits uninterrupted visual contact and verbal communication.

Subd. 2. **Apprentice rider requirements.** Notwithstanding sections 84.793, 84.862, 84.925, and 84.9256, a person who is age 12 or over and who does not possess a required safety certificate may participate in up to two trail-riding events sponsored by the commissioner in state parks, state trails, state recreation areas, and state forests that are designed to involve apprentice riders. The person must be accompanied by an adult with a valid safety certificate. All vehicles must be properly registered for use in Minnesota.

Sec. 5. Minnesota Statutes 2010, section 84.91, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a

lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance in conformity with it, shall be prohibited from operating ~~the~~ a snowmobile or all-terrain vehicle for a period of one year. The commissioner shall notify the person of the time period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in section 169A.03. Otherwise, administrative and judicial review of the prohibition is governed by section 169A.53.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under this section and chapters 169 and 169A relating to snowmobiles and all-terrain vehicles.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

Sec. 6. Minnesota Statutes 2011 Supplement, section 84D.01, subdivision 15a, is amended to read:

Subd. 15a. **Service provider.** "Service provider" means an individual who or entity that installs or removes water-related equipment or structures from waters of the state for hire or as a service provided as a benefit of membership in a yacht club, boat club, marina, or similar organization. Service provider does not include a person working under the supervision of an individual with a valid service provider permit issued under section 84D.108.

Sec. 7. Minnesota Statutes 2010, section 84D.05, subdivision 1, is amended to read:

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

- (1) under a permit issued by the commissioner under section 84D.11;
- (2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;
- (3) under a restricted species permit issued under section 17.457;
- (4) when being transported to the department, or another destination as the commissioner may direct, in a sealed container for purposes of identifying the species or reporting the presence of the species;

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

(6) when the specimen has been lawfully acquired dead and, in the case of plant species, all seeds are removed or are otherwise secured in a sealed container;

(7) in the form of herbaria or other preserved specimens;

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

(9) as the commissioner may otherwise prescribe by rule.

Sec. 8. Minnesota Statutes 2011 Supplement, section 84D.09, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport aquatic macrophytes:

(1) that are duckweeds in the family Lemnaceae;

(2) for disposal as part of a harvest or control activity ~~conducted~~ when specifically authorized under an aquatic plant management permit pursuant to section 103G.615, under permit pursuant to section 84D.11, or as specified by the commissioner;

(3) for purposes of constructing shooting or observation blinds in amounts sufficient for that purpose, provided that the aquatic macrophytes are emergent and cut above the waterline;

(4) when legally purchased or traded by or from commercial or hobbyist sources for aquarium, wetland or lakeshore restoration, or ornamental purposes;

(5) when harvested for personal or commercial use if in a motor vehicle;

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

(7) when transporting commercial aquatic plant harvesting or control equipment to a suitable location for purposes of cleaning any remaining aquatic macrophytes;

(8) that are wild rice harvested under section 84.091;

(9) in the form of fragments of emergent aquatic macrophytes incidentally transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl season; or

(10) when removing water-related equipment from waters of the state for purposes of cleaning off aquatic macrophytes before leaving a water access site.

Sec. 9. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 1, is amended to read:

Subdivision 1. **Launching prohibited.** A person may not place or attempt to place into waters of the state ~~a watercraft, a trailer, or~~ water-related equipment, including aquatic plant harvesting or control equipment that has aquatic macrophytes, zebra mussels, or prohibited invasive species attached except as provided in this section.

Sec. 10. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is amended to read:

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

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

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

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

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

(f) A boat lift, dock, swim raft, or associated equipment that has been removed from waters of the state infested with zebra mussels may not be placed in another water body until a minimum of 21 days have passed.

Sec. 11. Minnesota Statutes 2011 Supplement, section 84D.105, subdivision 2, is amended to read:

Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive species, and water. The commissioner may enter into a delegation agreement with a tribal or local government where inspection authority as provided under paragraphs (b),

(g), and (h) is delegated to tribal and local governments that assume all legal, financial, and administrative responsibilities for inspection programs on some or all public waters within their jurisdiction.

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

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

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

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

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

- (1) have adequate staffing to minimize delays to vehicles and their occupants;
- (2) allow for reasonable travel times between public accesses and inspection stations if inspection is required before placing water-related equipment into a water body;
- (3) are located so as not to create traffic delays or public safety issues;
- (4) have decontamination equipment available to bring water-related equipment into compliance; and
- (5) do not reduce the capacity or hours of operation of public water accesses.

(g) The commissioner may authorize tribal and local governments that enter into a delegation agreement with the commissioner to conduct mandatory inspections of

9.1 water-related equipment at specified locations within a defined area before a person  
9.2 places or removes water-related equipment into or out of a water body. Tribal and local  
9.3 governments that are authorized to conduct inspections under this paragraph must:  
9.4 (1) assume all legal, financial, and administrative responsibilities for implementing  
9.5 the mandatory inspections, alone or in agreement with other tribal or local governments;  
9.6 (2) employ inspectors that have been trained and authorized by the commissioner;  
9.7 (3) conduct inspections and decontamination measures in accordance with guidelines  
9.8 approved by the commissioner;  
9.9 (4) have decontamination equipment available at inspection stations or identify  
9.10 alternative decontamination equipment locations within a reasonable distance of the  
9.11 inspection station that can bring water-related equipment into compliance;  
9.12 (5) provide for inspection station locations that do not create traffic delays or public  
9.13 safety issues; and  
9.14 (6) submit a plan approved by the commissioner according to paragraph (h).  
9.15 (h) Plans required under paragraph (g) must address:  
9.16 (1) no reduction in capacity or hours of operation of public accesses and fees that  
9.17 do not discourage or limit use;  
9.18 (2) reasonable travel times between public accesses and inspection stations;  
9.19 (3) adequate staffing to minimize wait times and provide adequate hours of operation  
9.20 at inspection stations and public accesses;  
9.21 (4) adequate enforcement capacity;  
9.22 (5) measures to address inspections of water-related equipment at public water  
9.23 accesses for commercial entities and private riparian land owners; and  
9.24 (6) other elements as required by the commissioner to ensure statewide consistency,  
9.25 appropriate inspection and decontamination protocols, and protection of the state's  
9.26 resources, public safety, and access to public waters.  
9.27 (i) A government unit authorized to conduct inspections under this subdivision must  
9.28 submit an annual report to the commissioner summarizing the results and issues related  
9.29 to implementing the inspection program.  
9.30 (j) The commissioner may waive the plan requirement in paragraph (g) for inspection  
9.31 programs where authorized inspectors are placed directly at one or more water access  
9.32 sites, with no requirement for a person to travel from the water access for inspection  
9.33 or decontamination, and no local ordinance or other regulation requiring a mandatory  
9.34 inspection before placing watercraft or water-related equipment into a water body or after  
9.35 watercraft or water-related equipment are removed from a water body.

Sec. 12. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 5, is amended to read:

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

(1) for transporting aquatic macrophytes in violation of section 84D.09, ~~\$50~~ \$100;

(2) for placing or attempting to place into waters of the state water-related equipment that has aquatic macrophytes attached, ~~\$100~~ \$200;

(3) for unlawfully possessing or transporting a prohibited invasive species other than an aquatic macrophyte, ~~\$250~~ \$500;

(4) for placing or attempting to place into waters of the state water-related equipment that has prohibited invasive species attached when the waters are not designated by the commissioner as being infested with that invasive species, \$500 ~~for the first offense and \$1,000 for each subsequent offense~~;

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

(6) for failing to have drain plugs or similar devices removed or opened while transporting water-related equipment or for failing to remove plugs, open valves, and drain water from water-related equipment, other than marine sanitary systems, before leaving waters of the state, ~~\$50~~ \$100; and

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

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

Sec. 13. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

Subd. 2. **Authority of local government.** (a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:

(1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1 of any year; and

(2) issue any permit required under subdivisions 3 to 5.

(b) A local government unit that receives state grants-in-aid under section 84.794, subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:

(1) designate the trail specifically for use at various times of the year by all-terrain or off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, ~~but not for motorized and nonmotorized use at the same time~~; and

(2) issue any permit required under subdivisions 3 to 5.

(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles, off-highway motorcycles, all-terrain and off-road vehicles.

Sec. 14. Minnesota Statutes 2010, section 85.055, subdivision 2, is amended to read:

Subd. 2. **Fee deposit and appropriation; continued operation.** (a) The fees collected under this section shall be deposited in the natural resources fund and credited to the state parks account. Money in the account, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, is available for appropriation to the commissioner to operate and maintain the state park system.

(b) State parks and recreation areas shall remain open for camping and other recreational activities, regardless of whether all or any part of the biennial appropriation law for the state parks and recreation areas has been enacted. The amount necessary for operations of state parks and recreation areas when the biennial appropriation law has not been enacted is appropriated from the state parks account in the natural resources fund. If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions for the purpose of this paragraph are appropriated from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this paragraph has been applied supersedes and replaces the funding authorized in this paragraph.

Sec. 15. Minnesota Statutes 2010, section 85.20, subdivision 1, is amended to read:

Subdivision 1. **Violation of rules.** (a) Any person who, within the limits of any ~~state park, state monument, state recreation area, state wayside, or area of state land reserved from sale, as provided by Laws 1923, chapter 430~~ outdoor recreation unit established in chapter 86A, shall willfully cut, injure, or destroy any live tree, shrub, timber, evergreen,

12.1 or ornamental plant of any kind, or who shall willfully injure, remove, destroy, deface,  
12.2 or mutilate any guideboard, guidepost, furniture, fixture, improvement, monument,  
12.3 tablet, or other property of the state of any kind, or who shall willfully violate, or fail  
12.4 to comply with, any rule of the commissioner adopted ~~and promulgated in accordance~~  
12.5 ~~with the provisions of Laws 1923, chapter 430, shall be~~ according to section 86A.06, is  
12.6 guilty of a petty misdemeanor.

12.7 (b) Violations under paragraph (a) adopted for wildlife management areas described  
12.8 in section 86A.05, subdivision 8, are misdemeanors, consistent with game and fish law  
12.9 penalties defined in section 97A.301, subdivision 1, clause (6).

12.10 (c) If a different penalty is provided in another section of law for the violation and  
12.11 the person is charged under that section of law, the penalty specified for the violation  
12.12 will control over the penalty specified in paragraphs (a) and (b). Violations relating to  
12.13 the taking of wild animals are subject to the penalties as specified in the game and fish  
12.14 laws described in section 97A.011.

12.15 Sec. 16. Minnesota Statutes 2010, section 85.46, subdivision 1, is amended to read:

12.16 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while  
12.17 riding, leading, or driving a horse on lands administered by the commissioner, except  
12.18 forest roads and forest roads rights-of-way, a person 16 years of age or over shall carry in  
12.19 immediate possession a valid horse pass. The pass must be available for inspection by a  
12.20 peace officer, a conservation officer, or an employee designated under section 84.0835. A  
12.21 person who violates any provision of this subdivision is guilty of a petty misdemeanor.

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

12.25 Sec. 17. Minnesota Statutes 2010, section 85A.04, subdivision 1, is amended to read:

12.26 Subdivision 1. **Deposit; continued operation.** (a) All receipts from parking and  
12.27 admission to the Minnesota Zoological Garden shall be deposited in the state treasury  
12.28 and credited to an account in the special revenue fund, and are annually appropriated to  
12.29 the board for operations and maintenance.

12.30 (b) The Minnesota Zoological Garden shall remain open, regardless of whether all  
12.31 or any part of the biennial appropriation law for the zoo has been enacted. Appropriations  
12.32 under this section shall be used for operations of the zoo when the biennial appropriation  
12.33 law has not been enacted. If, by July 1 of an odd-numbered year, legislation has not been  
12.34 enacted to appropriate money to the commissioner of management and budget for central

accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions for the purpose of this paragraph are appropriated from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this paragraph has been applied supersedes and replaces the funding authorized in this paragraph.

Sec. 18. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

Subdivision 1. **Establishment.** The commissioner shall establish a statewide course in preventing the spread of aquatic invasive species. The commissioner must develop an educational course and testing program that address identification of aquatic invasive species and best practices to prevent the spread of aquatic invasive species when moving water-related equipment, as defined under section 84D.01, subdivision 18a.

Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an aquatic invasive species trailer decal for each trailer owned by a person that satisfactorily completes the required course of instruction.

Subd. 3. **Contracting for services.** The commissioner may contract for services to provide training and testing services under this section.

Subd. 4. **Aquatic invasive species trailer decal display required.** (a) A person may not transport watercraft or water-related equipment, as defined under section 84D.01, subdivision 18a, with a trailer unless the person has an aquatic invasive species trailer decal issued under this section. Temporary authorizations valid for seven days can be requested by persons that have not completed the required course of instruction.

(b) Aquatic invasive species trailer decals are valid for three years.

(c) The aquatic invasive species trailer decal must be adhered to the side of the trailer frame tongue near the hitch in a manner that it is readily visible and does not interfere with the display of any registration requirements under section 169.79.

(d) Aquatic invasive species trailer decals are not transferable.

**EFFECTIVE DATE.** This section is effective July 1, 2015.

Sec. 19. Minnesota Statutes 2010, section 86B.331, subdivision 1, is amended to read:

**Subdivision 1. Acts prohibited.** (a) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance to operate the motorboat in operation on the waters of this state.

14.1 (b) An owner or other person having charge or control of a motorboat may not  
14.2 knowingly authorize or allow a person, who by reason of a physical or mental disability  
14.3 is incapable of operating the motorboat, to operate the motorboat in operation on the  
14.4 waters of this state.

14.5 (c) A person who operates or is in physical control of a motorboat on the waters  
14.6 of this state is subject to chapter 169A. In addition to the applicable sanctions under  
14.7 chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance  
14.8 in conformity with it while operating a motorboat, shall be prohibited from operating  
14.9 ~~the~~ a motorboat on the waters of this state for a period of 90 days between May 1 and  
14.10 October 31, extending over two consecutive years if necessary. If the person operating the  
14.11 motorboat refuses to comply with a lawful demand to submit to testing under sections  
14.12 169A.50 to 169A.53 or an ordinance in conformity with it, the person shall be prohibited  
14.13 from operating ~~the~~ a motorboat for a period of one year. The commissioner shall notify  
14.14 the person of the period during which the person is prohibited from operating a motorboat.

14.15 (d) Administrative and judicial review of the operating privileges prohibition is  
14.16 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior  
14.17 impaired driving conviction or prior license revocation, as defined in section 169A.03.  
14.18 Otherwise, administrative and judicial review of the prohibition is governed by section  
14.19 169A.53.

14.20 (e) The court shall promptly forward to the commissioner and the Department of  
14.21 Public Safety copies of all convictions and criminal and civil sanctions imposed under this  
14.22 section and chapters 169 and 169A relating to motorboats.

14.23 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with  
14.24 either of them, is guilty of a misdemeanor.

14.25 (g) For purposes of this subdivision, a motorboat "in operation" does not include a  
14.26 motorboat that is anchored, beached, or securely fastened to a dock or other permanent  
14.27 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

14.28 Sec. 20. Minnesota Statutes 2010, section 97A.421, subdivision 4a, is amended to read:

14.29 Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**

14.30 When a court reports to the commissioner that a person: (1) has failed to appear in court  
14.31 ~~under the summons issued in response to a notice to appear or fails to comply with other~~  
14.32 orders of the court regarding the appearance or proceedings for a violation of the game  
14.33 and fish laws; or (2) has been convicted of violating a provision of the game and fish  
14.34 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,  
14.35 and refused or failed to comply with that sentence or to pay the fine or surcharge, the

15.1 commissioner shall suspend the game and fish license and permit privileges of the person  
15.2 until notified by the court that the person has appeared in court under clause (1) or that any  
15.3 fine or surcharge due the court has been paid under clause (2).

15.4 Sec. 21. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

15.5 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

15.6 (a) A person may not use live minnows imported from outside of the state, game  
15.7 fish, goldfish, or carp for bait. The commissioner may, by written order published in  
15.8 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on  
15.9 their use. The order is exempt from the rulemaking provisions of chapter 14 and section  
15.10 14.386 does not apply.

15.11 (b) A person may not import or possess live, frozen, or processed bait from known  
15.12 waters where viral hemorrhagic septicemia has been identified as being present; (1)  
15.13 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner  
15.14 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph

15.15 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,  
15.16 invertebrates, and insects used for taking wild animals in waters of the state.

15.17 (c) Cisco and rainbow smelt taken under rules adopted by the commissioner may  
15.18 be used as:

15.19 (1) fresh or frozen bait only on Lake Superior; or

15.20 (2) bait that has been processed to inactivate viral hemorrhagic septicemia in a  
15.21 manner prescribed by rules adopted by the commissioner.

15.22 (d) To ensure that frozen or dead fish being brought into the state are not in violation  
15.23 of paragraph (b), the following paperwork must accompany the shipment. Documents  
15.24 must be open for inspection by the commissioner at any reasonable time. All documents  
15.25 must be available to purchasers of these bait items. Each container or package of frozen or  
15.26 dead fish must have the following information:

15.27 (1) water body source;

15.28 (2) lot number;

15.29 (3) company contact including name, phone, and address;

15.30 (4) date of packaging and labeling; and

15.31 (5) valid negative fish health certification from the source water body.

15.32 Sec. 22. Minnesota Statutes 2010, section 103A.43, is amended to read:

15.33 **103A.43 WATER ASSESSMENTS AND REPORTS.**

(a) The Environmental Quality Board shall consolidate the assessments required in paragraphs (b) and (c) with the policy report in section 103A.204 and submit a single report to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture and the Legislative-Citizen Commission on Minnesota Resources by September 15, 2010, and every five years thereafter.

(b) The Pollution Control Agency and the Department of Agriculture shall provide a ~~biennial~~ an assessment and analysis of water quality, groundwater degradation trends, and efforts to reduce, prevent, minimize, and eliminate degradation of water. The assessment and analysis must include an analysis of relevant monitoring data.

(c) The Department of Natural Resources shall provide an assessment and analysis of the quantity of surface and ground water in the state and the availability of water to meet the state's needs.

Sec. 23. Minnesota Statutes 2010, section 103B.101, subdivision 2, is amended to read:

Subd. 2. **Voting members.** (a) The members are:

(1) three county commissioners;

(2) three soil and water conservation district supervisors;

(3) three watershed district or watershed management organization representatives;

(4) three citizens who are not employed by, or the appointed or elected officials of, a state governmental office, board, or agency;

(5) one township officer;

(6) two elected city officials, one of whom must be from a city located in the metropolitan area, as defined under section 473.121, subdivision 2;

(7) the commissioner of agriculture;

(8) the commissioner of health;

(9) the commissioner of natural resources;

(10) the commissioner of the Pollution Control Agency; and

(11) the director of the University of Minnesota Extension Service.

(b) Members in paragraph (a), clauses (1) to (6), must be distributed across the state with at least four members but not more than six members from the metropolitan area, as defined by section 473.121, subdivision 2; ~~and one from each of the current soil and water conservation administrative regions.~~

(c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the Association of Minnesota Counties, the Minnesota Association of Townships, the League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation

17.1 Districts, and the Minnesota Association of Watershed Districts. The list submitted by an  
17.2 association must contain at least three nominees for each position to be filled.

17.3 (d) The membership terms, compensation, removal of members and filling of  
17.4 vacancies on the board for members in paragraph (a), clauses (1) to (6), are as provided  
17.5 in section 15.0575.

17.6 Sec. 24. Minnesota Statutes 2010, section 103B.101, subdivision 7, is amended to read:

17.7 Subd. 7. **Hearings, orders, and rulemaking.** The board may hold public hearings  
17.8 and adopt rules and orders necessary to execute its duties.

17.9 Sec. 25. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
17.10 subdivision to read:

17.11 Subd. 8a. **Bylaws and conflict of interest.** The board shall adopt bylaws that  
17.12 include provisions to prevent or address conflict of interest.

17.13 Sec. 26. Minnesota Statutes 2010, section 103B.101, subdivision 10, is amended to  
17.14 read:

17.15 Subd. 10. **Committee for dispute resolution.** A committee of the board is  
17.16 established to hear and resolve disputes, appeals, and interventions under sections  
17.17 103A.301 to 103A.341; 103B.101; 103B.231; 103B.345; 103D.535; 103D.537; and  
17.18 103G.2242, subdivision 9. ~~The committee consists of two of the three citizen members;~~  
17.19 ~~one county commissioner member; one soil and water conservation district supervisor~~  
17.20 ~~member; and one watershed district or watershed management organization representative~~  
17.21 ~~member.~~ The committee is appointed by the board chair. The board shall adopt bylaws  
17.22 governing committee membership and duties.

17.23 Sec. 27. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
17.24 subdivision to read:

17.25 Subd. 14. **Local water management coordination.** (a) The board may adopt  
17.26 resolutions, policies, or orders that allow a comprehensive plan, local water management  
17.27 plan, or watershed management plan, developed or amended, approved and adopted,  
17.28 according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be  
17.29 replaced with a comprehensive watershed management plan. The board may also develop  
17.30 criteria for incorporating or coordinating the elements of metropolitan county groundwater  
17.31 plans in accordance with section 103B.255. The board shall, to the extent practicable,  
17.32 incorporate a watershed approach when adopting the resolutions, policies, or orders, and

18.1 shall establish a suggested watershed boundary framework for development, approval,  
18.2 adoption, and coordination of plans.

18.3 (b) The board shall work with local government stakeholders and others to foster  
18.4 mutual understanding and develop recommendations for local water management and  
18.5 related state water management policy and programs. The board may convene informal  
18.6 working groups or work teams to develop information, education, and recommendations.  
18.7 Local government units may develop and carry out TMDL implementation plans, or their  
18.8 equivalent, as provided in chapter 114D, as part of the local water management plans and  
18.9 responsibilities under chapters 103B, 103C, and 103D.

18.10 Sec. 28. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
18.11 subdivision to read:

18.12 Subd. 15. **Local water management boundary and plan determinations and**  
18.13 **appeals.** (a) Local government units may either submit a request for a plan boundary  
18.14 determination as part of a plan approval request or apply separately for a plan boundary  
18.15 determination from the board before requesting plan approval. Local government units  
18.16 must provide written documentation of the rationale and justification for the proposed  
18.17 boundary. The board may request additional information needed to make a plan boundary  
18.18 determination.

18.19 (b) Local government units may appeal a board decision to deny approval of a plan  
18.20 or the establishment of a plan boundary. An appeal of a board decision may be taken to the  
18.21 state Court of Appeals and must be considered an appeal from a contested case decision  
18.22 for purposes of judicial review under sections 14.63 to 14.69. Local government units  
18.23 may request the board's dispute resolution committee or executive director to hear and  
18.24 make recommendations to resolve boundary and plan implementation disputes.

18.25 Sec. 29. Minnesota Statutes 2010, section 103B.311, subdivision 4, is amended to read:

18.26 Subd. 4. **Water plan requirements.** (a) A local water management plan must:

18.27 (1) cover the entire area within a county;

18.28 (2) address water problems in the context of watershed units and groundwater  
18.29 systems;

18.30 (3) be based upon principles of sound hydrologic management of water, effective  
18.31 environmental protection, and efficient management;

18.32 (4) be consistent with local water management plans prepared by counties and  
18.33 watershed management organizations wholly or partially within a single watershed unit or  
18.34 groundwater system; and

(5) the local water management plan must specify the period covered by the local water management plan and must extend at least five years but no more than ten years from the date the board approves the local water management plan. Local water management plans that contain revision dates inconsistent with this section must comply with that date, provided it is not more than ten years beyond the date of board approval. ~~A two-year extension of the revision date of a local water management plan may be granted by the board, provided no projects are ordered or commenced during the period of the extension.~~

(b) Existing water and related land resources plans, including plans related to agricultural land preservation programs developed pursuant to chapter 40A, must be fully utilized in preparing the local water management plan. Duplication of the existing plans is not required.

Sec. 30. Minnesota Statutes 2010, section 103B.3363, is amended by adding a subdivision to read:

Subd. 6. **Comprehensive watershed management plan.** "Comprehensive watershed management plan" means a plan to manage the water and related natural resources of a watershed that consists of the plans listed in subdivision 3 or a separate plan that has been approved as a substitute by the board and adopted by local units of government for the same or additional purposes. The comprehensive watershed management plan shall be consistent with the goals of section 103A.212 and may address the goals in sections 103A.201 to 103A.211, and chapter 114D.

Sec. 31. **[103B.3367] WATER PLAN EXTENSIONS.**

The board may grant extensions with or without conditions of the revision date of a comprehensive local water management plan or a comprehensive watershed management plan.

Sec. 32. Minnesota Statutes 2010, section 103B.3369, is amended to read:

**103B.3369 LOCAL WATER RESOURCES RESTORATION, PROTECTION, AND MANAGEMENT PROGRAM.**

Subdivision 1. **Assistance priorities.** State agencies may give priority to local government unit requests that are part of or responsive to a comprehensive plan, local water management plan, watershed management plan, or comprehensive watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, 103D, or 114D, when administering programs for water-related financial and technical assistance.

Subd. 2. **Establishment.** A local water resources restoration, protection, and  
management program is established. The board may provide financial assistance to local  
units of government for activities that restore, protect, or manage water and related land  
quality. The activities include planning, zoning, official controls, best management  
practices, capital projects, and other activities to implement a comprehensive plan, local  
water management ~~plans~~ plan, or watershed management plan, developed or amended,  
adopted and approved, according to chapter 103B, 103C, or 103D.

Subd. 4. **Contracts.** A local unit of government may contract to implement  
programs. An explanation of the program responsibilities proposed to be contracted must  
accompany grant requests. A local unit of government that contracts is responsible for  
ensuring that state funds are properly expended and for providing an annual report to the  
board describing expenditures of funds and program accomplishments.

Subd. 5. **Financial assistance.** A base grant may be awarded to a county that  
provides a match utilizing a water implementation tax or other local source. A water  
implementation tax that a county intends to use as a match to the base grant must be levied  
at a rate determined by the board. ~~The minimum amount of the water implementation tax~~  
~~shall be a tax rate times the adjusted net tax capacity of the county for the preceding year.~~  
~~The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied~~  
~~to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The~~  
~~base grant will be in an amount equal to \$37,500 less the amount raised by the local~~  
~~match. If the amount necessary to implement the local water plan for the county is less~~  
~~than \$37,500, the amount of the base grant shall be the amount that, when added to the~~  
~~match amount, equals the amount required to implement the plan. For counties where~~  
~~the tax rate generates an amount equal to or greater than \$18,750, the base grant shall~~  
~~be in an amount equal to \$18,750.~~ The board may award performance-based grants to  
local units of government that are responsible for implementing elements of applicable  
portions of watershed management plans, comprehensive plans, local water management  
plans, or comprehensive watershed management plans, developed or amended, adopted  
and approved, according to chapter 103B, 103C, or 103D. Upon request by a local  
government unit, the board may also award performance-based grants to local units of  
government to carry out TMDL implementation plans as provided in chapter 114D, if the  
TMDL implementation plan has been incorporated into the local water management plan  
according to the procedures for approving comprehensive plans, watershed management  
plans, local water management plans, or comprehensive watershed management plans  
under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone

21.1 a public review process. Notwithstanding section 16A.41, the board may award  
21.2 performance-based grants on an advanced basis.

21.3 Subd. 6. ~~Limitations~~ Conditions. (a) Grants provided to implement programs  
21.4 under this section must be reviewed by the state agency having statutory program authority  
21.5 to assure compliance with minimum state standards. At the request of the state agency  
21.6 commissioner, the board shall revoke the portion of a grant used to support a program  
21.7 not in compliance.

21.8 (b) Grants may be provided to develop or revise, amend, or implement, local water  
21.9 management plans may not be awarded for a time longer than two years, comprehensive  
21.10 plans, watershed management plans, or comprehensive watershed management plans,  
21.11 approved and adopted, according to chapter 103B, 103C, 103D, or 114D.

21.12 (c) A local unit of government may not request or be awarded grants for project  
21.13 implementation unless a comprehensive plan, local water management water plan has  
21.14 been adopted, watershed management plan, or comprehensive watershed management  
21.15 plan has been developed or amended, adopted and approved, according to chapter 103B,  
21.16 103C, or 103D.

21.17 Subd. 7. Performance criteria. The board shall develop and utilize  
21.18 performance-based criteria for local water resources restoration, protection, and  
21.19 management programs and projects. The criteria may include, but are not limited to,  
21.20 science-based assessments, organizational capacity, priority resource issues, community  
21.21 outreach and support, partnership potential, potential for multiple benefits, and program  
21.22 and project delivery efficiency and effectiveness.

21.23 Sec. 33. Minnesota Statutes 2010, section 103B.355, is amended to read:

21.24 **103B.355 APPLICATION.**

21.25 Sections 103B.301 to 103B.335 and 103B.341 to 103B.355 do not apply in areas  
21.26 subject to the requirements of sections 103B.201 to 103B.255 under section 103B.231,  
21.27 subdivision 1, and in areas covered by an agreement under section 103B.231, subdivision  
21.28 2, except as otherwise provided in section 103B.311, subdivision 4, clause (4).

21.29 Sec. 34. Minnesota Statutes 2011 Supplement, section 103G.222, subdivision 1,  
21.30 is amended to read:

21.31 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
21.32 partially, unless replaced by restoring or creating wetland areas of at least equal public  
21.33 value under a replacement plan approved as provided in section 103G.2242, a replacement  
21.34 plan under a local governmental unit's comprehensive wetland protection and management

plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. For project-specific wetland replacement completed prior to wetland impacts authorized or conducted under a permit to mine within the Great Lakes and Rainy River watershed basins, those basins shall be considered a single watershed for purposes of determining wetland replacement ratios. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

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

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

(d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241, subdivision 2, ~~paragraphs paragraph (b) and or (e),~~ the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years ~~unless the drained~~

23.1 ~~wetland is replaced as provided under this section.~~ The local government unit may require  
23.2 the deed restriction if it determines the wetland area drained is at risk of conversion to  
23.3 a nonagricultural use within ten years based on the zoning classification, proximity to a  
23.4 municipality or full service road, or other criteria as determined by the local government  
23.5 unit.

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

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

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

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

23.19 (i) Except in a greater than 80 percent area, only wetlands that have been restored  
23.20 from previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
23.21 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
23.22 created by dikes or dams associated with the restoration of previously drained or filled  
23.23 wetlands may be used in a statewide banking program established in rules adopted under  
23.24 section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally  
23.25 occurring wetlands from one type to another are not eligible for enrollment in a statewide  
23.26 wetlands bank.

23.27 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
23.28 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
23.29 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
23.30 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
23.31 to believe that the wetland characteristics may change substantially, the panel shall  
23.32 postpone its recommendation until the wetland has stabilized.

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

23.35 (l) For projects involving draining or filling of wetlands associated with a new public  
23.36 transportation project, and for projects expanded solely for additional traffic capacity,

public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph. For the purposes of this paragraph, "transportation project" does not include an airport project.

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

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

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

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

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

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

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid

25.1 wetland filling or draining, provided that public safety is not unreasonably compromised.  
25.2 The local road authority and its officers and employees are exempt from liability for  
25.3 any tort claim for injury to persons or property arising from travel on the highway and  
25.4 related to the deviation from the design standards for construction or reconstruction under  
25.5 this paragraph. This paragraph does not preclude an action for damages arising from  
25.6 negligence in construction or maintenance on a highway.

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

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

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

25.24 Sec. 35. Minnesota Statutes 2010, section 103G.2241, subdivision 1, is amended to  
25.25 read:

25.26 Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not  
25.27 required for:

25.28 (1) activities in a wetland that was planted with annually seeded crops, was in a crop  
25.29 rotation seeding of pasture grass or legumes, or was required to be set aside to receive  
25.30 price support or other payments under United States Code, title 7, sections 1421 to 1469,  
25.31 in six of the last ten years prior to January 1, 1991;

25.32 (2) activities in a type 1 wetland on agricultural pasture land that remains in the  
25.33 same use, except for bottomland hardwood type 1 wetlands, and activities in a type 2  
25.34 or type 6 wetland that is less than two acres in size and located on agricultural pasture  
25.35 land that remains in the same use;

(3) activities in a wetland conducted as part of normal farming practices. For purposes of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, and fiber products, but does not include activities that result in the draining of wetlands;

(4) soil and water conservation practices approved by the soil and water conservation district, after review by the Technical Evaluation Panel;

(5) aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

(6) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344; or

(7) agricultural activities on agricultural land that is subject to federal farm program restrictions ~~that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency~~ under United States Code, title 16, section 3821.

Sec. 36. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to read:

Subd. 9. **De minimis.** (a) Except as provided in paragraphs ~~(b)~~ (d), (e), (f), (g), and (h), a replacement plan for wetlands is not required for draining or filling the following amounts of wetlands as part of a project outside of the shoreland wetland protection zone:

(1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a greater than 80 percent area;

(2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a 50 to 80 percent area, ~~except within the 11-county metropolitan area;~~

(3) 2,000 square feet of type 1, 2, ~~or 6, or 7~~ wetland, ~~outside of the shoreland wetland protection zone~~ excluding white cedar and tamarack wetlands, in a less than 50 percent area, ~~except within the 11-county metropolitan area; or~~

~~(4) 100 200 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland types not listed in clauses (1) to (3) outside of the building setback zone of the shoreland wetland protection zones in all counties;~~

(b) Except as provided in paragraphs (d), (e), (f), (g), and (h), a replacement plan for wetlands is not required for draining or filling the following amounts of wetlands as part of a project within the shoreland wetland protection zone beyond the shoreland building setback zone:

~~(5) (1) 400 square feet of type 1, 2, 6, or 7 wetland types listed in clauses (1) to (3), beyond the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone; or~~

(2) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.

In a greater than 80 percent area, the local government unit may increase the de minimis amount allowed under this paragraph up to 1,000 square feet if the wetland is isolated and is determined to have no direct surficial connection to the public water.

(c) Except as provided in paragraphs (d), (e), (f), (g), and (h), a replacement plan for wetlands is not required for draining or filling up to 100 square feet of wetland as part of a project within the shoreland building setback zone, as defined in the local shoreland management ordinance.

~~To the extent that a local shoreland management ordinance is more restrictive than this provision, the local shoreland ordinance applies;~~

~~(6) up to 20 square feet of wetland, regardless of type or location;~~

~~(7) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent area within the 11-county metropolitan area; or~~

~~(8) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone in a less than 50 percent area within the 11-county metropolitan area.~~

~~For purposes of this paragraph, the 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.~~

~~(b) (d)~~ The amounts listed in paragraph paragraphs (a), clauses (1) to (8), (b), and (c) may not be combined on a project.

~~(e) (e)~~ This exemption no longer applies to a landowner's portion of a wetland when the cumulative area drained or filled of the landowner's portion since January 1, 1992, is the greatest of:

(1) the applicable area listed in paragraph (a), (b), or (c), if the landowner owns the entire wetland;

- 28.1 (2) five percent of the landowner's portion of the wetland; or  
28.2 (3) 400 square feet.  
28.3 ~~(d)~~ (f) This exemption may not be combined with another exemption in this section  
28.4 on a project.  
28.5 ~~(e)~~ (g) Property may not be divided to increase the amounts listed in paragraph (a).  
28.6 (h) If a local ordinance or similar local control is more restrictive than this  
28.7 subdivision, the local standard applies.

28.8 Sec. 37. Minnesota Statutes 2010, section 103G.2241, subdivision 11, is amended to  
28.9 read:

28.10 Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland  
28.11 under an exemption in subdivisions 1 to 10 shall ensure that:

28.12 (1) appropriate erosion control measures are taken to prevent sedimentation of  
28.13 the water;

28.14 (2) the activity does not block fish passage in a watercourse; and

28.15 (3) the activity is conducted in compliance with all other applicable federal,  
28.16 state, and local requirements, including best management practices and water resource  
28.17 protection requirements established under chapter 103H. Evidence documenting  
28.18 compliance shall be provided when requested by the local government unit, technical  
28.19 evaluation panel, or enforcement authority.

28.20 (b) An activity is exempt if it qualifies for any one of the exemptions, even though it  
28.21 may be indicated as not exempt under another exemption.

28.22 (c) Persons proposing to conduct an exempt activity are encouraged to contact the  
28.23 local government unit or the local government unit's designee for advice on minimizing  
28.24 wetland impacts.

28.25 (d) The board shall develop rules that address the application and implementation  
28.26 of exemptions and that provide for estimates and reporting of exempt wetland impacts,  
28.27 including those in section 103G.2241, subdivisions 2, 6, and 9.

28.28 Sec. 38. Minnesota Statutes 2010, section 103G.2242, subdivision 3, is amended to  
28.29 read:

28.30 Subd. 3. **Replacement completion.** Replacement of wetland values must be  
28.31 completed prior to or concurrent with the actual draining or filling of a wetland, ~~or unless~~  
28.32 an irrevocable bank letter of credit or other security acceptable to the local government  
28.33 unit ~~must be~~ or the board is given to the local government unit or the board to guarantee  
28.34 the successful completion of the replacement. The board may establish, sponsor, or

29.1 administer a wetland banking program, which may include provisions allowing monetary  
29.2 payment to the wetland bank for impacts to wetlands on agricultural land, for impacts  
29.3 that occur in greater than 80 percent areas, and for public road projects. The board shall  
29.4 coordinate the establishment and operation of a wetland bank with the United States  
29.5 Army Corps of Engineers, the Natural Resources Conservation Service of the United  
29.6 States Department of Agriculture, and the commissioners of natural resources, agriculture,  
29.7 and the Pollution Control Agency.

29.8       Sec. 39. **[103G.2375] ASSUMPTION OF SECTION 404 OF FEDERAL CLEAN**  
29.9 **WATER ACT.**

29.10       Notwithstanding any other law to the contrary, the Board of Water and Soil  
29.11 Resources, in consultation with the commissioners of natural resources, agriculture,  
29.12 and the Pollution Control Agency, may adopt or amend rules establishing a program  
29.13 for regulating the discharge of dredged and fill material into the waters of the state as  
29.14 necessary to obtain approval from the United States Environmental Protection Agency to  
29.15 administer, in whole or part, the permitting and wetland banking programs under section  
29.16 404 of the federal Clean Water Act, United States Code, title 33, section 1344. The rules  
29.17 may not be more restrictive than the program under section 404 or state law.

29.18       Sec. 40. Minnesota Statutes 2010, section 103G.282, subdivision 1, is amended to read:

29.19       Subdivision 1. **Monitoring equipment.** The commissioner may require the  
29.20 installation and maintenance of monitoring equipment to evaluate water resource impacts  
29.21 from permitted appropriations and proposed projects that require a permit. Monitoring for  
29.22 water resources that supply more than one appropriator must be designed to minimize  
29.23 costs to individual appropriators. The commissioner shall not require an individual  
29.24 appropriator to drill additional wells for the purpose of monitoring and evaluating the  
29.25 water resource impacts as a condition of receiving the permit.

29.26       Sec. 41. Minnesota Statutes 2010, section 103G.282, subdivision 3, is amended to read:

29.27       Subd. 3. **Reports and costs.** (a) Records of water measurements under subdivision  
29.28 2 must be kept for each installation. The measurements must be reported annually to the  
29.29 commissioner on or before February 15 of the following year in a format or on forms  
29.30 prescribed by the commissioner.

29.31       (b) The owner or person in charge of an installation for appropriating or using  
29.32 waters of the state or a proposal that requires a permit is responsible for all costs related  
29.33 to establishing and maintaining monitoring equipment installations and to measuring

30.1 and reporting data. Monitoring costs for water resources that supply more than one  
30.2 appropriator may be distributed among all users within a monitoring area determined by  
30.3 the commissioner and assessed based on volumes of water appropriated and proximity  
30.4 to resources of concern.

30.5 Sec. 42. Minnesota Statutes 2010, section 103H.175, subdivision 3, is amended to read:

30.6 Subd. 3. **Report.** ~~In each even-numbered year~~ Every five years, the Pollution  
30.7 Control Agency, in cooperation with other agencies participating in the monitoring of  
30.8 water resources, shall provide a draft report on the status of groundwater monitoring to  
30.9 the Environmental Quality Board for review and then to the house of representatives  
30.10 and senate committees with jurisdiction over the environment, natural resources, and  
30.11 agriculture as part of the report in section 103A.204.

30.12 Sec. 43. Minnesota Statutes 2010, section 115.01, is amended by adding a subdivision  
30.13 to read:

30.14 Subd. 2a. **Concrete washout.** "Concrete washout" means untreated wash water  
30.15 used in concrete mixer and concrete pump rinse-out operations.

30.16 Sec. 44. Minnesota Statutes 2010, section 115.06, subdivision 4, is amended to read:

30.17 Subd. 4. **Citizen monitoring of water quality.** (a) The agency may encourage  
30.18 citizen monitoring of ambient water quality for public waters by:

30.19 (1) providing technical assistance to citizen and local group water quality monitoring  
30.20 efforts;

30.21 (2) integrating citizen monitoring data into water quality assessments and agency  
30.22 programs, provided that the data adheres to agency quality assurance and quality control  
30.23 protocols; and

30.24 (3) seeking public and private funds to:

30.25 (i) collaboratively develop clear guidelines for water quality monitoring procedures  
30.26 and data management practices for specific data and information uses;

30.27 (ii) distribute the guidelines to citizens, local governments, and other interested  
30.28 parties;

30.29 (iii) improve and expand water quality monitoring activities carried out by the  
30.30 agency; and

30.31 (iv) continue to improve electronic and Web access to water quality data and  
30.32 information about public waters that have been either fully or partially assessed.

31.1 (b) This subdivision does not authorize a citizen to enter onto private property  
31.2 for any purpose.

31.3 (c) By January 15 ~~of each odd-numbered year, 2017, and every fourth year thereafter,~~  
31.4 the commissioner shall report to the senate and house of representatives committees with  
31.5 jurisdiction over environmental policy and finance on activities under this section.

31.6 Sec. 45. Minnesota Statutes 2010, section 115.42, is amended to read:

31.7 **115.42 POLICY; LONG-RANGE PLAN; PURPOSE.**

31.8 It is the policy of the state to provide for the prevention, control, and abatement  
31.9 of pollution of all waters of the state, so far as feasible and practical, in furtherance  
31.10 of conservation of such waters and protection of the public health and in furtherance  
31.11 of the development of the economic welfare of the state. The agency shall prepare a  
31.12 long-range plan and program for the effectuation of said policy, ~~and shall make a report of~~  
31.13 ~~progress thereon to the legislature by November 15 of each even-numbered year, with~~  
31.14 ~~recommendations for action in furtherance of such program during the ensuing biennium.~~

31.15 It is the purpose of sections 115.41 to 115.53 to safeguard the waters of the state from  
31.16 pollution by: (a) preventing any new pollution; and (b) abating pollution existing  
31.17 when sections 115.41 to 115.53 become effective, under a program consistent with the  
31.18 declaration of policy above stated.

31.19 Sec. 46. Minnesota Statutes 2011 Supplement, section 115A.1320, subdivision 1,  
31.20 is amended to read:

31.21 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections  
31.22 115A.1310 to 115A.1330.

31.23 (b) The agency shall establish procedures for:

31.24 (1) receipt and maintenance of the registration statements and certifications filed  
31.25 with the agency under section 115A.1312; and

31.26 (2) making the statements and certifications easily available to manufacturers,  
31.27 retailers, and members of the public.

31.28 (c) The agency shall annually review the value of the following variables that are  
31.29 part of the formula used to calculate a manufacturer's annual registration fee under section  
31.30 115A.1314, subdivision 1:

31.31 (1) the proportion of sales of video display devices sold to households that  
31.32 manufacturers are required to recycle;

31.33 (2) the estimated per-pound price of recycling covered electronic devices sold to  
31.34 households;

32.1 (3) the base registration fee; and

32.2 (4) the multiplier established for the weight of covered electronic devices collected  
32.3 in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of  
32.4 these values must be changed in order to improve the efficiency or effectiveness of the  
32.5 activities regulated under sections 115A.1312 to 115A.1330, the agency shall submit  
32.6 recommended changes and the reasons for them to the chairs of the senate and house of  
32.7 representatives committees with jurisdiction over solid waste policy.

32.8 (d) By January 15 each year, beginning in 2008, the agency shall calculate estimated  
32.9 sales of video display devices sold to households by each manufacturer during the  
32.10 preceding program year, based on national sales data, and forward the estimates to the  
32.11 department.

32.12 (e) ~~On or before December 1, 2010, and each year thereafter,~~ The agency shall  
32.13 provide a report to the governor and the legislature on the implementation of sections  
32.14 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight  
32.15 of covered electronic devices recycled and a summary of information in the reports  
32.16 submitted by manufacturers and recyclers under section 115A.1316. The report must  
32.17 also discuss the various collection programs used by manufacturers to collect covered  
32.18 electronic devices; information regarding covered electronic devices that are being  
32.19 collected by persons other than registered manufacturers, collectors, and recyclers; and  
32.20 information about covered electronic devices, if any, being disposed of in landfills in  
32.21 this state. The report must include a description of enforcement actions under sections  
32.22 115A.1310 to 115A.1330. The agency may include in its report other information received  
32.23 by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The  
32.24 report must be done in conjunction with the report required under section 115D.10.

32.25 (f) The agency shall promote public participation in the activities regulated under  
32.26 sections 115A.1312 to 115A.1330 through public education and outreach efforts.

32.27 (g) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner  
32.28 provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those  
32.29 provisions enforced by the department, as provided in subdivision 2. The agency may  
32.30 revoke a registration of a collector or recycler found to have violated sections 115A.1310  
32.31 to 115A.1330.

32.32 (h) The agency shall facilitate communication between counties, collection and  
32.33 recycling centers, and manufacturers to ensure that manufacturers are aware of video  
32.34 display devices available for recycling.

32.35 (i) The agency shall develop a form retailers must use to report information to  
32.36 manufacturers under section 115A.1318 and post it on the agency's Web site.

33.1 (j) The agency shall post on its Web site the contact information provided by each  
33.2 manufacturer under section 115A.1318, paragraph (e).

33.3 Sec. 47. Minnesota Statutes 2010, section 115A.15, subdivision 5, is amended to read:

33.4 Subd. 5. **Reports.** ~~(a)~~ By January 1 of each odd-numbered year, the commissioner  
33.5 of administration shall submit a report to the governor and to the senate and house of  
33.6 representatives committees having jurisdiction over environment and natural resources  
33.7 and environment and natural resources finance summarizing past activities and proposed  
33.8 goals of the program for the following biennium. The report shall include at least:

33.9 (1) a summary list of product and commodity purchases that contain recycled  
33.10 materials;

33.11 (2) the results of any performance tests conducted on recycled products and agencies'  
33.12 experience with recycled products used;

33.13 (3) a list of all organizations participating in and using the cooperative purchasing  
33.14 program; and

33.15 (4) a list of products and commodities purchased for their recyclability and of  
33.16 recycled products reviewed for purchase.

33.17 ~~(b) By July 1 of each even-numbered year, the commissioner of the Pollution~~  
33.18 ~~Control Agency and the commissioner of commerce through the State Energy Office shall~~  
33.19 ~~submit recommendations to the commissioner regarding the operation of the program.~~

33.20 Sec. 48. Minnesota Statutes 2010, section 115A.411, is amended to read:

33.21 **115A.411 SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED**  
33.22 **REPORT.**

33.23 Subdivision 1. **Authority; purpose.** The commissioner shall prepare and adopt a  
33.24 report on solid waste management policy and activities under this chapter. The report must  
33.25 be submitted by the commissioner to the senate and house of representatives committees  
33.26 having jurisdiction over environment and natural resources ~~and environment and natural~~  
33.27 ~~resources finance~~ by December 1 ~~of each odd-numbered year~~ 31, 2015, and every four  
33.28 years thereafter and shall include reports required under sections ~~115A.55, subdivision 4,~~  
33.29 ~~paragraph (b); 115A.551, subdivision 4; 115A.557, subdivision 4; 473.149, subdivision~~  
33.30 ~~6; 473.846; and 473.848, subdivision 4.~~

33.31 Subd. 2. **Contents.** (a) The report ~~must~~ may also include:

33.32 (1) a summary of the current status of solid waste management, including the amount  
33.33 of solid waste generated and reduced, the manner in which it is collected, processed, and

disposed, the extent of separation, recycling, reuse, and recovery of solid waste, and the facilities available or under development to manage the waste;

(2) an evaluation of the extent and effectiveness of implementation ~~and~~ of section 115A.02, including an assessment of progress in accomplishing state policies, goals, and objectives, including those listed in paragraph (b);

(3) identification of issues requiring further research, study, and action, the appropriate scope of the research, study, or action, the state agency or political subdivision that should implement the research, study, or action, and a schedule for completion of the activity; and

(4) recommendations for establishing or modifying state solid waste management policies, authorities, responsibilities, and programs.

(b) Beginning in 1997, and every sixth year thereafter, the report shall be expanded to include the metropolitan area solid waste policy plan required in section 473.149, subdivision 1, and strategies for the agency to advance the goals of this chapter, to manage waste as a resource, to further reduce the need for expenditures on resource recovery and disposal facilities, and to further reduce long-term environmental and financial liabilities. The expanded report must include strategies for:

(1) achieving the maximum feasible reduction in waste generation;

(2) encouraging manufacturers to design products that eliminate or reduce the adverse environmental impacts of resource extraction, manufacturing, use, and waste processing and disposal;

(3) educating businesses, public entities, and other consumers about the need to consider the potential environmental and financial impacts of purchasing products that may create a liability or that may be expensive to recycle or manage as waste, due to the presence of toxic or hazardous components;

(4) eliminating or reducing toxic or hazardous components in compost from municipal solid waste composting facilities, in ash from municipal solid waste incinerators, and in leachate and air emissions from municipal solid waste landfills, in order to reduce the potential liability of waste generators, facility owners and operators, and taxpayers;

(5) encouraging the source separation of materials to the extent practicable, so that the materials are most appropriately managed and to ensure that resources that can be reused or recycled are not disposed of or destroyed; and

(6) maximizing the efficiency of the waste management system by managing waste and recyclables close to the point of generation, taking into account the characteristics of the resources to be recovered from the waste and the type and capacity of local facilities.

35.1 Sec. 49. Minnesota Statutes 2010, section 115A.551, subdivision 2a, is amended to  
35.2 read:

35.3 Subd. 2a. **Supplementary recycling goals.** (a) By December 31, 1996, each county  
35.4 will have as a goal to recycle the following amounts:

35.5 (1) for a county outside of the metropolitan area, 35 percent by weight of total  
35.6 solid waste generation;

35.7 (2) for a metropolitan county, 50 percent by weight of total solid waste generation.

35.8 Each county will develop and implement or require political subdivisions within the  
35.9 county to develop and implement programs, practices, or methods designed to meet its  
35.10 recycling goal. Nothing in this section or in any other law may be construed to prohibit a  
35.11 county from establishing a higher recycling goal.

35.12 ~~(b) For a county that, by January 1, 1995, is implementing a solid waste reduction~~  
35.13 ~~program that is approved by the commissioner, the commissioner shall apply up to three~~  
35.14 ~~percentage points toward achievement of the recycling goals in this subdivision. In~~  
35.15 ~~addition, the commissioner shall apply demonstrated waste reduction that exceeds three~~  
35.16 ~~percent reduction toward achievement of the goals in this subdivision.~~

35.17 ~~(c) No more than five percentage points may be applied toward achievement of the~~  
35.18 ~~recycling goals in this subdivision for management of yard waste. The five percentage~~  
35.19 ~~points must be applied as provided in this paragraph. The commissioner shall apply three~~  
35.20 ~~percentage points for a county in which residents, by January 1, 1996, are provided with:~~

35.21 ~~(1) an ongoing comprehensive education program under which they are informed~~  
35.22 ~~about how to manage yard waste and are notified of the prohibition in section 115A.931;~~  
35.23 ~~and~~

35.24 ~~(2) the opportunity to drop off yard waste at specified sites or participate in curbside~~  
35.25 ~~yard waste collection.~~

35.26 ~~The commissioner shall apply up to an additional two percentage points toward~~  
35.27 ~~achievement of the recycling goals in this subdivision for additional activities approved~~  
35.28 ~~by the commissioner that are likely to reduce the amount of yard waste generated and to~~  
35.29 ~~increase the on-site composting of yard waste.~~

35.30 Sec. 50. Minnesota Statutes 2010, section 115A.551, subdivision 4, is amended to read:

35.31 Subd. 4. **Interim monitoring.** The commissioner shall monitor the progress of each  
35.32 county toward meeting the recycling goals in subdivisions 2 and 2a. The commissioner  
35.33 shall report to the senate and house of representatives committees having jurisdiction over  
35.34 environment and natural resources ~~and environment and natural resources finance on the~~  
35.35 ~~progress of the counties by July 1 of each odd-numbered year as part of the report required~~

under section 115A.411. If the commissioner finds that a county is not progressing toward the goals in subdivisions 2 and 2a, the commissioner shall negotiate with the county to develop and implement solid waste management techniques designed to assist the county in meeting the goals, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.

~~The progress report shall be included in the report required under section 115A.411.~~

Sec. 51. Minnesota Statutes 2010, section 115A.557, subdivision 4, is amended to read:

Subd. 4. **Report.** ~~By July 1 of each odd-numbered year,~~ The commissioner shall report on how the money was spent and the resulting statewide improvements in solid waste management to the senate and house of representatives committees having jurisdiction over ways and means, finance, environment and natural resources, and environment and natural resources finance. The report shall be included in the report required under section 115A.411.

Sec. 52. Minnesota Statutes 2010, section 115D.08, is amended to read:

**115D.08 PROGRESS REPORTS.**

Subdivision 1. **Requirement to submit progress report.** (a) All persons required to prepare a toxic pollution prevention plan under section 115D.07 shall submit an annual progress report to the commissioner of public safety that may be drafted in a manner that does not disclose proprietary information. Progress reports are due on ~~October~~ July 1 of each year. The first progress reports are due in 1992.

(b) At a minimum, each progress report must include:

(1) a summary of each objective established in the plan, including the base year for any objective stated in numeric terms, and the schedule for meeting each objective;

(2) a summary of progress made during the past year, if any, toward meeting each objective established in the plan including the quantity of each toxic pollutant eliminated or reduced;

(3) a statement of the methods through which elimination or reduction has been achieved;

(4) if necessary, an explanation of the reasons objectives were not achieved during the previous year, including identification of any technological, economic, or other impediments the facility faced in its efforts to achieve its objectives; and

(5) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting that a plan meeting the requirements

of section 115D.07 has been prepared and also attesting to the accuracy of the information in the progress report.

Subd. 2. **Review of progress reports.** (a) The commissioner of public safety shall review all progress reports to determine if they meet the requirements of subdivision 1. If the commissioner of public safety determines that a progress report does not meet the requirements, the commissioner of public safety shall notify the facility in writing and shall identify specific deficiencies and specify a reasonable time period of not less than 90 days for the facility to modify the progress report.

(b) The commissioner of public safety shall be given access to a facility plan required under section 115D.07 if the commissioner of public safety determines that the progress report for that facility does not meet the requirements of subdivision 1. Twenty-five or more persons living within ten miles of the facility may submit a petition to the commissioner of public safety that identifies specific deficiencies in the progress report and requests the commissioner of public safety to review the facility plan. Within 30 days after receipt of the petition, the commissioner of public safety shall respond in writing. If the commissioner of public safety agrees that the progress report does not meet requirements of subdivision 1, the commissioner of public safety shall be given access to the facility plan.

(c) After reviewing the plan and the progress report with any modifications submitted, the commissioner of public safety shall state in writing whether the progress report meets the requirements of subdivision 1. If the commissioner of public safety determines that a modified progress report still does not meet the requirements of subdivision 1, the commissioner of public safety shall schedule a public meeting. The meeting shall be held in the county where the facility is located. The meeting is not subject to the requirements of chapter 14.

(d) The facility shall be given the opportunity to amend the progress report within a period of not less than 30 days after the public meeting.

(e) If the commissioner of public safety determines that a modified progress report still does not meet the requirements of subdivision 1, action may be taken under section 115.071 to obtain compliance with sections 115D.01 to 115D.12.

Sec. 53. Minnesota Statutes 2010, section 116.011, is amended to read:

**116.011 ~~ANNUAL~~ POLLUTION REPORT.**

A goal of the Pollution Control Agency is to reduce the amount of pollution that is emitted in the state. By April 1 of each even-numbered year, the Pollution Control Agency shall report the best estimate of the agency of the total volume of water and air pollution

that was emitted in the state in the previous two calendar ~~year~~ years for which data are available. The agency shall report its findings for both water and air pollution:

(1) in gross amounts, including the percentage increase or decrease over the ~~previous~~ previously reported two calendar ~~year~~ years; and

(2) in a manner which will demonstrate the magnitude of the various sources of water and air pollution.

Sec. 54. Minnesota Statutes 2010, section 116.06, subdivision 22, is amended to read:

Subd. 22. **Solid waste.** "Solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; concrete diamond grinding and saw slurry associated with the construction, improvement, or repair of a road; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Sec. 55. Minnesota Statutes 2010, section 116.0714, is amended to read:

**116.0714 NEW OPEN AIR SWINE BASINS.**

The commissioner of the Pollution Control Agency or a county board shall not approve any permits for the construction of new open air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems or to allow conversion of an existing basin of less than 1,000,000 gallons to a different animal type, provided all standards are met. This section expires June 30, ~~2012~~ 2017.

Sec. 56. Minnesota Statutes 2010, section 116.10, is amended to read:

**116.10 POLICY; LONG-RANGE PLAN; PURPOSE.**

Consistent with the policy announced herein and the purposes of Laws 1963, chapter 874, the Pollution Control Agency shall, ~~before November 15 of each even-numbered year,~~ prepare a long-range plan and program for the effectuation of said policy, ~~and shall make a report also of progress on abatement and control of air and land pollution during~~

39.1 ~~each biennium to the legislature with recommendations for action in furtherance of the air~~  
39.2 ~~and land pollution and waste programs.~~

39.3 Sec. 57. Minnesota Statutes 2010, section 116C.833, subdivision 2, is amended to read:

39.4 Subd. 2. **Biennial Quadrennial report.** In addition to other duties specified in  
39.5 sections 116C.833 to 116C.843, the commissioner shall report by January 31, ~~1997~~ 2013,  
39.6 and ~~biennially~~ every four years thereafter, to the governor and the legislature concerning  
39.7 the activities of the Interstate Commission. The report shall include any recommendations  
39.8 the commissioner deems necessary to assure the protection of the interest of the state in  
39.9 the proper functioning of the compact. The commissioner also shall report to the governor  
39.10 and the legislature any time there is a change in the status of a host state or other party  
39.11 states in the compact.

39.12 Sec. 58. Minnesota Statutes 2011 Supplement, section 116D.04, subdivision 2a,  
39.13 is amended to read:

39.14 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
39.15 effects resulting from any major governmental action, the action shall be preceded by a  
39.16 detailed environmental impact statement prepared by the responsible governmental unit.  
39.17 The environmental impact statement shall be an analytical rather than an encyclopedic  
39.18 document which describes the proposed action in detail, analyzes its significant  
39.19 environmental impacts, discusses appropriate alternatives to the proposed action and  
39.20 their impacts, and explores methods by which adverse environmental impacts of an  
39.21 action could be mitigated. The environmental impact statement shall also analyze those  
39.22 economic, employment and sociological effects that cannot be avoided should the action  
39.23 be implemented. To ensure its use in the decision-making process, the environmental  
39.24 impact statement shall be prepared as early as practical in the formulation of an action.  
39.25 No mandatory environmental impact statement may be required for an ethanol plant,  
39.26 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than  
39.27 125,000,000 gallons of ethanol annually and is located outside of the seven-county  
39.28 metropolitan area.

39.29 (a) The board shall by rule establish categories of actions for which environmental  
39.30 impact statements and for which environmental assessment worksheets shall be prepared  
39.31 as well as categories of actions for which no environmental review is required under this  
39.32 section. A mandatory environmental assessment worksheet shall not be required for the  
39.33 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
39.34 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a

biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity of the expanded or converted facility to produce alcohol fuel, but must be required if the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories of actions for which environmental assessment worksheets must be prepared. The responsible governmental unit for an ethanol plant or biobutanol facility project for which an environmental assessment worksheet is prepared shall be the state agency with the greatest responsibility for supervising or approving the project as a whole.

(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 100 individuals who reside or own property in the state, 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.

(i) The proposer of a specific action may include in the information submitted to the responsible governmental unit a preliminary draft environmental impact statement under this section on that action for review, modification, and determination of completeness and adequacy by the responsible governmental unit. A preliminary draft environmental impact statement prepared by the project proposer and submitted to the responsible governmental unit shall identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the preliminary draft environmental impact statement. The responsible governmental unit shall require additional studies, if needed, and obtain from the project proposer all additional studies and information necessary for the responsible governmental unit to perform its responsibility to review, modify, and determine the completeness and adequacy of the environmental impact statement.

Sec. 59. Minnesota Statutes 2010, section 216C.055, is amended to read:

**216C.055 KEY ROLE OF SOLAR AND BIOMASS RESOURCES IN PRODUCING THERMAL ENERGY.**

The ~~annual~~ biennial legislative proposals required to be submitted by the commissioners of commerce and the Pollution Control Agency under section 216H.07, subdivision ~~4~~ 3, must include proposals regarding the use of solar energy and the combustion of grasses, agricultural wastes, trees, and other vegetation to produce thermal energy for heating commercial, industrial, and residential buildings and for industrial processes if the commissioners determine that such policies are appropriate to achieve the state's greenhouse gas emissions-reduction goals. No legal claim against any person is allowed under this section. This section does not apply to the combustion of municipal solid waste or refuse-derived fuel to produce thermal energy. For purposes of this section, removal of woody biomass from publicly owned forests must be consistent with the principles of sustainable forest management.

Sec. 60. Minnesota Statutes 2010, section 216H.07, subdivision 3, is amended to read:

Subd. 3. **Biennial ~~reduction progress~~ report.** (a) By January 15 of each odd-numbered year, the commissioners of commerce and the Pollution Control Agency shall jointly report to the chairs and ranking minority members of the legislative committees with primary policy jurisdiction over energy and environmental issues to provide:

(1) the most recent and best available evidence identifying the level of reductions already achieved and the level necessary to achieve the reductions timetable in section 216H.02; and

(2) proposed legislation the commissioners determine appropriate to achieve the reductions in section 216H.02. The proposed legislation must be based on the principles in subdivision 5. If the commissioners determine no legislation is appropriate, they shall report that determination to the chairs along with an explanation of the determination.

(b) The report must be in easily understood nontechnical terms.

Sec. 61. Minnesota Statutes 2010, section 473.149, subdivision 6, is amended to read:

Subd. 6. **Report to legislature.** The commissioner shall report on abatement to the senate and house of representatives committees having jurisdiction over ways and means, finance, environment and natural resources ~~committees of the senate and house of representatives, the Finance Division of the senate Committee on Environment and Natural Resources, and the house of representatives Committee on Environment and Natural Resources Finance by July 1 of each odd-numbered year policy, and environment and natural resources finance.~~ The report must include an assessment of whether the objectives of the metropolitan abatement plan have been met and whether each county and each class of city within each county have achieved the objectives set for it in the plan. The report must recommend any legislation that may be required to implement the plan. The report shall be included in the report required by section 115A.411. If in any year the commissioner reports that the objectives of the abatement plan have not been met, the commissioner shall evaluate and report on the need to reassign governmental responsibilities among cities, counties, and metropolitan agencies to assure implementation and achievement of the metropolitan and local abatement plans and objectives.

The report must include a report on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The facility costs report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 62. Minnesota Statutes 2010, section 473.846, is amended to read:

**473.846 REPORT REPORTS TO LEGISLATURE.**

The agency shall submit to the senate ~~Finance Committee, the~~ and house of representatives ~~Ways and Means Committee, and the Environment and Natural Resources Committees of the senate and house of representatives, the Finance Division of the senate~~

~~Committee on Environment and Natural Resources, and the house of representatives~~  
~~Committee on~~ committees having jurisdiction over environment and natural resources  
~~finance~~ separate reports describing the activities for which money for landfill abatement  
has been spent under sections 473.844 and 473.845. ~~The agency shall report by November~~  
~~1 of each year on expenditures during its previous fiscal year. The commissioner shall~~  
~~report on expenditures during the previous calendar year and must incorporate its report~~  
The report for section 473.844 expenditures shall be included in the report required by  
section 115A.411, ~~due July 1 of each odd-numbered year.~~ By December 31 each year,  
the commissioner shall submit the report for section 473.845 on contingency action  
trust fund activities. In both reports, the commissioner shall make recommendations  
~~to the Environment and Natural Resources Committees of the senate and house of~~  
~~representatives, the Finance Division of the senate Committee on Environment and~~  
~~Natural Resources, and the house of representatives Committee on Environment and~~  
~~Natural Resources Finance~~ on the future management and use of the metropolitan landfill  
abatement account.

Sec. 63. Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by  
Laws 2009, chapter 37, article 1, section 60, is amended to read:

<b>Subd. 2. Land and Mineral Resources</b>		
<b>Management</b>	11,747,000	11,272,000

Appropriations by Fund			
General	6,633,000	6,230,000	
Natural Resources	3,551,000	3,447,000	
Game and Fish	1,363,000	1,395,000	
Permanent School	200,000	200,000	

\$475,000 the first year and \$475,000 the  
second year are for iron ore cooperative  
research. Of this amount, \$200,000 each year  
is from the minerals management account in  
the natural resources fund and \$275,000 each  
year is from the general fund. \$237,500 the  
first year and \$237,500 the second year are  
available only as matched by \$1 of nonstate  
money for each \$1 of state money. The  
match may be cash or in-kind.

45.1 \$86,000 the first year and \$86,000 the  
45.2 second year are for minerals cooperative  
45.3 environmental research, of which \$43,000  
45.4 the first year and \$43,000 the second year are  
45.5 available only as matched by \$1 of nonstate  
45.6 money for each \$1 of state money. The  
45.7 match may be cash or in-kind.

45.8 \$2,800,000 the first year and \$2,696,000  
45.9 the second year are from the minerals  
45.10 management account in the natural resources  
45.11 fund for use as provided in Minnesota  
45.12 Statutes, section 93.2236, paragraph (c).

45.13 \$200,000 the first year and \$200,000 the  
45.14 second year are from the state forest suspense  
45.15 account in the permanent school fund to  
45.16 accelerate land exchanges, land sales, and  
45.17 commercial leasing of school trust lands and  
45.18 to identify, evaluate, and lease construction  
45.19 aggregate located on school trust lands. This  
45.20 appropriation is to be used for securing  
45.21 maximum long-term economic return  
45.22 from the school trust lands consistent with  
45.23 fiduciary responsibilities and sound natural  
45.24 resources conservation and management  
45.25 principles.

45.26 \$15,000 the first year is for a report  
45.27 by February 1, 2008, to the house and  
45.28 senate committees with jurisdiction over  
45.29 environment and natural resources on  
45.30 proposed minimum legal and conservation  
45.31 standards that could be applied to  
45.32 conservation easements acquired with public  
45.33 money.

45.34 \$1,201,000 the first year and \$701,000 the  
45.35 second year are to support the land records

46.1 management system. Of this amount,  
46.2 \$326,000 the first year and \$326,000 the  
46.3 second year are from the game and fish fund  
46.4 and \$375,000 the first year and \$375,000 the  
46.5 second year are from the natural resources  
46.6 fund. The unexpended balances are available  
46.7 until June 30, 2011. ~~The commissioner~~  
46.8 ~~must report to the legislative chairs on~~  
46.9 ~~environmental finance on the outcomes of~~  
46.10 ~~the land records management support.~~  
46.11 \$500,000 the first year and \$500,000 the  
46.12 second year are for land asset management.  
46.13 This is a onetime appropriation.

46.14 Sec. 64. Laws 2010, chapter 361, article 4, section 73, as amended by Laws 2011,  
46.15 chapter 107, section 98, is amended to read:

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

46.18 (a) Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county may  
46.19 adopt an ordinance by February 4, 2014, to comply with the February 4, 2008, revisions to  
46.20 subsurface sewage treatment system rules. Until a county adopts the February 4, 2008,  
46.21 revisions to the subsurface sewage treatment rules, including final rule amendments, no  
46.22 provision of the February 4, 2008, revisions to the subsurface sewage treatment rules,  
46.23 including final amendments, shall be effective within the county. Prior to county adoption,  
46.24 a city or town may begin exercising its authority to adopt and enforce its subsurface  
46.25 sewage treatment system ordinances. By April 4, 2011, the Pollution Control Agency shall  
46.26 adopt the final rule amendments to the February 4, 2008, subsurface sewage treatment  
46.27 system rules. A county must continue to enforce its current ordinance until a new one  
46.28 has been adopted.

46.29 (b) By January 15, 2011, the agency, after consultation with the Board of Water and  
46.30 Soil Resources and the Association of Minnesota Counties, shall report to the chairs and  
46.31 ranking minority members of the senate and house of representatives environment and  
46.32 natural resources policy and finance committees and divisions on:

46.33 (1) the technical changes in the rules for subsurface sewage treatment systems  
46.34 that were adopted on February 4, 2008;

46.35 (2) the progress in local adoption of ordinances to comply with the rules; and

47.1 (3) the progress in protecting the state's water resources from pollution due to  
47.2 subsurface sewage treatment systems.

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

47.4 Sec. 65. Laws 2010, chapter 362, section 2, subdivision 7, is amended to read:

47.5 Subd. 7. **Renewable Energy** -0- 3,364,000

47.6 (a) **Algae for Fuels Pilot Project**

47.7 \$900,000 is from the trust fund to the Board  
47.8 of Regents of the University of Minnesota  
47.9 to demonstrate an innovative microalgae  
47.10 production system utilizing and treating  
47.11 sanitary wastewater to produce biofuels  
47.12 from algae. This appropriation is available  
47.13 until June 30, 2013, by which time the  
47.14 project must be completed and final products  
47.15 delivered.

47.16 (b) **Sustainable Biofuels**

47.17 \$221,000 is from the trust fund to the Board  
47.18 of Regents of the University of Minnesota  
47.19 to determine how fertilization and irrigation  
47.20 impact yields of grass monoculture and high  
47.21 diversity prairie biofuel crops, their storage  
47.22 of soil carbon, and susceptibility to invasion  
47.23 by exotic species. This appropriation is  
47.24 available until June 30, 2013, by which time  
47.25 the project must be completed and final  
47.26 products delivered.

47.27 (c) **Linking Habitat Restoration to Bioenergy**  
47.28 **and Local Economies**

47.29 \$600,000 is from the trust fund to the  
47.30 commissioner of natural resources to restore  
47.31 high quality native habitats and expand  
47.32 market opportunities for ~~utilizing postharvest~~  
47.33 ~~restoration as a~~ using the woody by-product

48.1 material for bioenergy ~~source~~ or other  
48.2 products. The commissioner may provide  
48.3 grants or otherwise transfer some or all  
48.4 of this money to other public or private  
48.5 entities to accomplish these purposes. The  
48.6 commissioner may sell the material from  
48.7 public or private property to any viable  
48.8 market, provided that all of the proceeds  
48.9 are spent to further the purposes of this  
48.10 appropriation. This appropriation is available  
48.11 until June 30, 2013, by which time the  
48.12 project must be completed and final products  
48.13 delivered.

48.14 **(d) Demonstrating Sustainable Energy**  
48.15 **Practices at Residential Environmental**  
48.16 **Learning Centers (RELCs)**

48.17 \$1,500,000 is from the trust fund to  
48.18 the commissioner of natural resources  
48.19 for agreements as follows: \$206,000  
48.20 with Audubon Center of the North  
48.21 Woods; \$212,000 with Deep Portage  
48.22 Learning Center; \$350,000 with Eagle  
48.23 Bluff Environmental Learning Center;  
48.24 \$258,000 with Laurentian Environmental  
48.25 Learning Center; \$240,000 with Long  
48.26 Lake Conservation Center; and \$234,000  
48.27 with Wolf Ridge Environmental Learning  
48.28 Center to implement renewable energy,  
48.29 energy efficiency, and energy conservation  
48.30 practices at the facilities. Efforts will include  
48.31 dissemination of related energy education.

48.32 Sec. 66. Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3,  
48.33 is amended to read:

48.34 Subd. 3. **Administration.** The commissioner of natural resources shall administer  
48.35 the area according to Minnesota Statutes, section 86A.05, subdivision 3, subject to

existing rules and regulations for state recreation areas, except the following is permitted:  
hunting, fishing, and trapping of protected species during designated seasons and dogs  
under control for hunting purposes during regular hunting seasons. La Salle Lake State  
Recreation Area shall be administered as a satellite unit of Itasca State Park.

Sec. 67. **ENVIRONMENT AND NATURAL RESOURCES TRUST FUND;**  
**APPROPRIATION EXTENSION.**

(a) The availability of the appropriation is extended to June 30, 2013, for:

(1) Laws 2009, chapter 143, section 2, subdivision 5, paragraph (c), cooperative  
habitat research in deep lakes; and

(2) Laws 2009, chapter 143, section 2, subdivision 6, paragraph (d), controlling the  
movement of invasive fish species.

(b) The availability of the appropriation is extended to June 30, 2014, for Laws  
2009, chapter 143, section 2, subdivision 4, paragraph (c), metropolitan regional park  
system acquisition.

(c) The availability of the appropriation is extended to June 30, 2015, for Laws  
2011, First Special Session chapter 2, article 3, section 2, subdivision 9, paragraph (a),  
Minnesota Conservation Apprenticeship Academy.

Sec. 68. **FOREST RESOURCES COUNCIL STUDY.**

By January 15, 2013, the Forest Resources Council shall submit a report to the  
environment and natural resources policy and finance committees and the tax committees  
of the house of representatives and senate on the status of private forest land management  
and the policy of the state to promote healthy and robust forests. The study shall evaluate  
existing and potential financial incentives for private forest land management and include  
recommendations for state policies that will ensure that private forest lands are sustainable  
and continue to contribute to Minnesota's economic vitality as well as provide access to  
the public to hunting and fishing resources.

Sec. 69. **METROPOLITAN WASTE DISPOSAL RESTRICTIONS REPORT.**

By January 15, 2013, the commissioner of the Pollution Control Agency shall report  
to the chairs and ranking minority members of the environmental policy and finance  
committees on:

(1) an enforcement plan that describes details of how the agency will implement  
enforcement of Minnesota Statutes, section 473.848;

(2) the increased Pollution Control Agency staffing and resources required to carry out an enforcement plan;

(3) the disruption to existing county solid waste programs, including lost revenue, reduced staffing and resources available for recycling, waste reduction, and other solid waste programs;

(4) the effect on third parties, including utilities and renewable energy generation facilities;

(5) an estimate of the overall increase in solid waste system costs, including rate increases for waste collection services for residents and commercial-industrial businesses;

(6) the economic impact on the waste industry, both from a hauling and disposal perspective;

(7) an estimate of the landfill capacity preserved;

(8) an estimate of the pollution reduction from decreased landfiling;

(9) the effect on the solid waste management hierarchy and energy policy;

(10) the effect on wastesheds and hauling routes; and

(11) any comments from interested and affected parties included in the body of the report.

Sec. 70. **REPEALER.**

(a) Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705, subdivision 1; 115.447; 115A.07, subdivision 2; 115A.15, subdivision 5; 115A.965, subdivision 7; and 216H.07, subdivision 4, are repealed.

(b) Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts 1, 2, and 3; and 7041.0500, subparts 5, 6, and 7, are repealed.