

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2164

02/09/2012 Authored by McNamara and Schomacker

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

03/12/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations and Elections

03/15/2012 Adoption of Report: Pass and re-referred to the Committee on Ways and Means

03/30/2012 Adoption of Report: Pass as Amended and Read Second Time

A bill for an act

1.1 relating to natural resources; providing for apprentice riders; modifying aquatic
 1.2 invasive species provisions; modifying local government trail authority;
 1.3 modifying enforcement provisions; modifying certain bait provisions; modifying
 1.4 prior appropriations; modifying and eliminating certain reporting, plan, and
 1.5 meeting requirements; eliminating loan program; modifying La Salle Lake State
 1.6 Recreation Area administration; prohibiting commissioner of natural resources
 1.7 from purchasing land at more than 20 percent above estimated market value;
 1.8 modifying waste management provisions; clarifying certain environmental
 1.9 review; eliminating certain fees; modifying toxic pollution prevention
 1.10 requirements; modifying certain standards for stationary sources; extending
 1.11 prohibition on new open air swine basins; modifying local water management;
 1.12 requiring water supply demand reduction measures; modifying acid deposition
 1.13 control requirements; modifying sewage sludge management; modifying Wetland
 1.14 Conservation Act; providing for continued operation of the Minnesota Zoological
 1.15 Garden, and state parks and recreation areas when biennial appropriations have
 1.16 not been enacted; requiring the availability of game and fish licenses by electronic
 1.17 transaction; creating citizen's board; authorizing and clarifying the use of general
 1.18 permits; modifying mineral lease provisions; modifying authority of Executive
 1.19 Council; authorizing rulemaking; appropriating money; amending Minnesota
 1.20 Statutes 2010, sections 9.071; 84.027, subdivision 15; 84.0272, subdivision
 1.21 1; 84.0895, subdivision 7; 84.631; 84.67; 84.91, subdivision 1; 84D.05,
 1.22 subdivision 1; 85.018, subdivision 2; 85.055, subdivision 2; 85.20, subdivision
 1.23 1; 85.46, subdivision 1; 85A.04, subdivision 1; 86B.331, subdivision 1; 90.031,
 1.24 subdivision 4; 92.45; 92.50, subdivision 1; 93.17, subdivision 3; 93.1925,
 1.25 subdivision 1; 93.20, subdivisions 2, 30, 38; 93.2236; 93.25, subdivision 2,
 1.26 by adding a subdivision; 97A.401, subdivision 1; 97A.421, subdivision 4a;
 1.27 103A.43; 103B.101, subdivisions 2, 7, 10, by adding subdivisions; 103B.311,
 1.28 subdivision 4; 103B.3363, by adding a subdivision; 103B.3369; 103B.355;
 1.29 103G.2241, subdivision 9; 103G.2242, subdivision 3; 103G.245, subdivision 3;
 1.30 103G.271, subdivision 1; 103G.291, subdivisions 3, 4; 103G.301, subdivisions
 1.31 2, 4, 5, 5a; 103G.611, by adding a subdivision; 103H.175, subdivision 3; 115.01,
 1.32 by adding a subdivision; 115.06, subdivision 4; 115.073; 115.42; 115A.15,
 1.33 subdivision 5; 115A.411; 115A.551, subdivisions 2a, 4; 115A.557, subdivision
 1.34 4; 115D.08; 116.011; 116.02, subdivisions 1, 2, 3, 4, 6; 116.03, subdivision 1;
 1.35 116.06, subdivision 22; 116.07, by adding a subdivision; 116.0714; 116.10;
 1.36 116C.833, subdivision 2; 116D.04, by adding a subdivision; 216C.055; 216H.07,
 1.37 subdivision 3; 473.149, subdivisions 1, 6; 473.846; Minnesota Statutes 2011
 1.38 Supplement, sections 84.027, subdivision 14a; 84D.01, subdivision 15a; 84D.03,
 1.39

2.1 subdivision 3; 84D.09, subdivision 2; 84D.10, subdivisions 1, 4; 84D.105,
 2.2 subdivision 2; 84D.13, subdivision 5; 97C.341; 103G.222, subdivision 1;
 2.3 103G.615, subdivisions 1, 2; 115A.1320, subdivision 1; 116.03, subdivision 2b;
 2.4 116D.04, subdivision 2a; Laws 2007, chapter 57, article 1, section 4, subdivision
 2.5 2, as amended; Laws 2010, chapter 362, section 2, subdivision 7; Laws 2011,
 2.6 First Special Session chapter 2, article 1, section 4, subdivision 7; Laws 2011,
 2.7 First Special Session chapter 6, article 3, section 8, subdivision 3; proposing
 2.8 coding for new law in Minnesota Statutes, chapters 84; 86B; 92; 103B; 103G;
 2.9 115; 115A; 161; 574; repealing Minnesota Statutes 2010, sections 84.946,
 2.10 subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4;
 2.11 103G.705; 115.447; 115A.07, subdivision 2; 115A.965, subdivision 7; 116.02,
 2.12 subdivisions 7, 8; 216H.07, subdivision 4; Minnesota Statutes 2011 Supplement,
 2.13 sections 86B.508; 86B.811, subdivision 1a; Laws 2011, chapter 107, section 105;
 2.14 Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3;
 2.15 7021.0050, subparts 1, 2, 3; 7041.0500, subparts 5, 6, 7.

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

2.17 Section 1. Minnesota Statutes 2010, section 9.071, is amended to read:

2.18 **9.071 SETTLEMENT OF CLAIMS; OTHER SPECIFIED POWERS.**

2.19 The council has the powers with respect to:

2.20 (1) timberlands provided in sections 90.031, 90.041, and 90.151;

2.21 (2) lands acquired from the United States provided in section 94.50;

2.22 (3) lands subject to delinquent drainage assessments provided in section 84A.20;

2.23 (4) transfer of lands between departments of state government provided in section
 2.24 15.16;

2.25 (5) sale or exchange of lands within national forests provided in sections 92.30
 2.26 and 92.31;

2.27 (6) approval of acquisition of land for camping or parking area provided in sections
 2.28 97A.135 and 97A.141; and

2.29 ~~(7) awarding leases to prospect for iron ore provided in section 93.17;~~

2.30 ~~(8) approval of rules for issuance of leases to prospect for minerals under state
 2.31 lands provided in section 93.25; and~~

2.32 ~~(9)~~ (7) construction of dams provided in section 103G.545.

2.33 Sec. 2. Minnesota Statutes 2011 Supplement, section 84.027, subdivision 14a, is
 2.34 amended to read:

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

3.1 (b) The commissioner shall prepare semiannual permitting efficiency reports that
3.2 include statistics on meeting the goal in paragraph (a). The reports are due February 1
3.3 and August 1 each year. For permit applications that have not met the goal, the report
3.4 must state the reasons for not meeting the goal, steps that will be taken to complete action
3.5 on the application, and the expected timeline. In stating the reasons for not meeting the
3.6 goal, the commissioner shall separately identify delays caused by the responsiveness of
3.7 the proposer, lack of staff, scientific or technical disagreements, or the level of public
3.8 engagement. The report must specify the number of days from initial submission of the
3.9 application to the day of determination that the application is complete. The report for
3.10 August 1 each year must aggregate the data for the year and assess whether program
3.11 or system changes are necessary to achieve the goal. The report must be posted on the
3.12 department's Web site and submitted to the governor and the chairs and ranking minority
3.13 members of the house of representatives and senate committees having jurisdiction over
3.14 natural resources policy and finance.

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

3.17 (d) Beginning July 1, 2011, within 30 business days of application for a permit
3.18 subject to paragraph (a), the commissioner of natural resources shall notify the project
3.19 proposer, in writing, of whether or not the permit application is complete enough for
3.20 processing. If the permit is incomplete, the commissioner must identify where deficiencies
3.21 exist and advise the applicant on how they can be remedied. A resubmittal of the
3.22 application begins a new 30-day review period. If the commissioner fails to notify the
3.23 project proposer of completeness within 30 business days, the application is deemed to be
3.24 substantially complete and subject to the 150-day permitting review period in paragraph
3.25 (a) from the date it was submitted. This paragraph does not apply to an application for a
3.26 permit that is subject to a grant or loan agreement under chapter 446A.

3.27 (e) The commissioner shall approve or deny within 60 days an application for a
3.28 minor permit or a minor permit amendment. Failure of the commissioner to deny an
3.29 application for a minor permit or minor permit amendment within 60 days is approval of
3.30 the permit. If the commissioner receives an application that does not contain all required
3.31 information, the 60-day limit starts over only if the commissioner notifies the applicant
3.32 as required under paragraph (d).

3.33 (f) By July 1, 2012, the commissioner shall review all types of permits issued by the
3.34 department, determine the permit and amendment types the commissioner deems minor
3.35 for purposes of paragraph (e), and post a list of the permit and amendment types on the
3.36 department's Web site. The commissioner shall periodically review, update, and post the

4.1 list of permits and permit amendment types subject to paragraph (e) at least every five
4.2 years. Permits and permit amendments may not be deemed minor under this paragraph
4.3 if approval of a permit or permit amendment according to paragraph (e) would be in
4.4 violation of federal law.

4.5 **EFFECTIVE DATE.** Paragraph (f) is effective the day following final enactment.

4.6 Sec. 3. Minnesota Statutes 2010, section 84.027, subdivision 15, is amended to read:

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

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

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

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

4.21 (4) charge and permit agents to charge a convenience fee not to exceed three percent
4.22 of the cost of the license to individuals who use electronic bank cards for payment. An
4.23 electronic licensing system agent charging a fee of individuals making an electronic
4.24 bank card transaction in person must post a sign informing individuals of the fee. The
4.25 sign must be near the point of payment, clearly visible, include the amount of the fee, and
4.26 state: "License agents are allowed by state law to charge a fee not to exceed three percent
4.27 of the cost of state licenses to persons who use electronic bank cards for payment. The
4.28 fee is not required by state law.";

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

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

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

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

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

5.18 Sec. 4. Minnesota Statutes 2010, section 84.0272, subdivision 1, is amended to read:

5.19 Subdivision 1. **Acquisition procedure.** (a) When the commissioner of natural
5.20 resources is authorized to acquire lands or interests in lands the procedure set forth in this
5.21 section shall apply. The commissioner of natural resources shall first prepare a fact sheet
5.22 showing the lands to be acquired, the legal authority for their acquisition, and the qualities
5.23 of the land that make it a desirable acquisition. The commissioner of natural resources
5.24 shall ~~cause~~ appraise the lands or contract to have the lands to be appraised. An appraiser
5.25 shall before entering upon the duties of office take and subscribe an oath to faithfully and
5.26 impartially discharge the duties as appraiser according to the best of the appraiser's ability
5.27 and that the appraiser is not interested directly or indirectly in any of the lands to be
5.28 appraised or the timber or improvements thereon or in the sale thereof and has entered into
5.29 no agreement or combination to purchase the same or any part thereof, which oath shall
5.30 be attached to the report of the appraisal. New appraisals may be made at the discretion
5.31 of the commissioner of natural resources.

5.32 (b) For fee title acquisitions, the commissioner of natural resources may pay less
5.33 than the appraised value, but shall not agree to pay more than ten 20 percent above the
5.34 appraised county assessor's estimated market value or ten percent above appraised value,
5.35 whichever is less, except that if the commissioner pays less than the appraised value for

6.1 ~~a parcel of land, the difference between the purchase price and the appraised value may~~
 6.2 ~~be used to apply to purchases at more than the appraised value. The sum of accumulated~~
 6.3 ~~differences between appraised amounts and purchases for more than the appraised~~
 6.4 ~~amount may not exceed the sum of accumulated differences between appraised amounts~~
 6.5 ~~and purchases for less than the appraised amount. New appraisals may be made at the~~
 6.6 ~~discretion of the commissioner of natural resources. unless the commissioner determines~~
 6.7 ~~that the acquisition is a high priority because the land is adjacent to other public land,~~
 6.8 ~~would conserve a high degree of biological diversity, or is otherwise a high priority for the~~
 6.9 ~~department. The commissioner shall document the reason for the determination in writing.~~

6.10 (c) For acquisitions that are for less than fee title, the commissioner shall not pay
 6.11 more than ten percent above appraised value when acquiring an easement or other interest
 6.12 in land that is less than fee title.

6.13 Sec. 5. Minnesota Statutes 2010, section 84.0895, subdivision 7, is amended to read:

6.14 Subd. 7. **General exceptions.** (a) The commissioner may issue permits and
 6.15 prescribe conditions for an act otherwise prohibited by subdivision 1 if:

- 6.16 (1) the act is for the purpose of zoological, educational, or scientific study;
 6.17 (2) the act enhances the propagation or survival of the affected species;
 6.18 (3) the act prevents injury to persons or property; or
 6.19 (4) the social and economic benefits of the act outweigh the harm caused by it.

6.20 (b) The commissioner may issue a general permit to a governmental subdivision or
 6.21 to the general public to conduct one or more acts described in paragraph (a).

6.22 (c) A member of an endangered species may not be destroyed under paragraph (a),
 6.23 clause (3) or (4), until all alternatives, including live trapping and transplantation, have
 6.24 been evaluated and rejected. The commissioner may prescribe conditions to propagate
 6.25 a species or subspecies.

6.26 ~~(e)~~ (d) A person may capture or destroy a member of an endangered species, without
 6.27 permit, to avoid an immediate and demonstrable threat to human life or property.

6.28 ~~(d)~~ (e) The commissioner must give approval under this subdivision for forest
 6.29 management, including permit, sale, or lease of land for timber harvesting.

6.30 Sec. 6. Minnesota Statutes 2010, section 84.631, is amended to read:

6.31 **84.631 ROAD EASEMENTS ACROSS STATE LANDS.**

6.32 (a) Except as provided in section 85.015, subdivision 1b, the commissioner of natural
 6.33 resources, on behalf of the state, may convey a road easement across state land under the
 6.34 commissioner's jurisdiction ~~other than school trust land~~, to a private person requesting an

7.1 easement for access to property owned by the person only if the following requirements
7.2 are met: (1) there are no reasonable alternatives to obtain access to the property; and (2)
7.3 the exercise of the easement will not cause significant adverse environmental or natural
7.4 resource management impacts.

7.5 (b) The commissioner shall:

7.6 (1) require the applicant to pay the market value of the easement;

7.7 (2) limit the easement term to 50 years if the road easement is across school trust
7.8 land;

7.9 ~~(2)~~(3) provide that the easement reverts to the state in the event of nonuse; and

7.10 ~~(3)~~(4) impose other terms and conditions of use as necessary and appropriate under
7.11 the circumstances.

7.12 (c) An applicant shall submit an application fee of \$2,000 with each application
7.13 for a road easement across state land. The application fee is nonrefundable, even if the
7.14 application is withdrawn or denied.

7.15 (d) In addition to the payment for the market value of the easement and the
7.16 application fee, the commissioner of natural resources shall assess the applicant a
7.17 monitoring fee to cover the projected reasonable costs for monitoring the construction of
7.18 the road and preparing special terms and conditions for the easement. The commissioner
7.19 must give the applicant an estimate of the monitoring fee before the applicant submits
7.20 the fee. The applicant shall pay the application and monitoring fees to the commissioner
7.21 of natural resources. The commissioner shall not issue the easement until the applicant
7.22 has paid in full the application fee, the monitoring fee, and the market value payment for
7.23 the easement.

7.24 (e) Upon completion of construction of the road, the commissioner shall refund the
7.25 unobligated balance from the monitoring fee revenue.

7.26 (f) Fees collected under paragraphs (c) and (d) must be credited to the land
7.27 management account in the natural resources fund and are appropriated to the
7.28 commissioner of natural resources to cover the reasonable costs incurred under this section.

7.29 Sec. 7. Minnesota Statutes 2010, section 84.67, is amended to read:

7.30 **84.67 FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

7.31 A forests for the future revolving account is created in the natural resources fund.
7.32 Money in the account is appropriated to the commissioner of natural resources for the
7.33 acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4.
7.34 The commissioner shall sell the lands acquired under this section, subject to an easement
7.35 as provided in section 84.66. Money received from the sale of forest lands acquired

8.1 under this section and interest earned on the account shall be deposited into the account.
8.2 ~~The commissioner must file a report to the house of representatives Ways and Means~~
8.3 ~~and the senate Finance Committees and the environment and natural resources finance~~
8.4 ~~committees or divisions of the senate and house of representatives by October 1 of each~~
8.5 ~~year indicating all purchases of forest land using money from this account and sales of~~
8.6 ~~forest land for which revenue is deposited into this account.~~

8.7 Sec. 8. **[84.76] APPRENTICE RIDER VALIDATION.**

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

8.11 Subd. 2. **Apprentice rider requirements.** Notwithstanding sections 84.793,
8.12 84.862, 84.925, and 84.9256, a person who is age 12 or over and who does not possess a
8.13 required safety certificate may participate in up to two trail-riding events sponsored by the
8.14 commissioner in state parks, state trails, state recreation areas, and state forests that are
8.15 designed to involve apprentice riders. The person must be accompanied by an adult with a
8.16 valid safety certificate. All vehicles must be properly registered for use in Minnesota.

8.17 Sec. 9. Minnesota Statutes 2010, section 84.91, subdivision 1, is amended to read:

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

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

8.28 (c) A person who operates or is in physical control of a snowmobile or all-terrain
8.29 vehicle anywhere in this state or on the ice of any boundary water of this state is subject
8.30 to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person
8.31 who is convicted of violating section 169A.20 or an ordinance in conformity with it
8.32 while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a
8.33 lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance
8.34 in conformity with it, shall be prohibited from operating ~~the~~ a snowmobile or all-terrain

9.1 vehicle for a period of one year. The commissioner shall notify the person of the time
9.2 period during which the person is prohibited from operating a snowmobile or all-terrain
9.3 vehicle.

9.4 (d) Administrative and judicial review of the operating privileges prohibition is
9.5 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior
9.6 impaired driving conviction or prior license revocation, as defined in section 169A.03.
9.7 Otherwise, administrative and judicial review of the prohibition is governed by section
9.8 169A.53.

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

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

9.16 Sec. 10. Minnesota Statutes 2011 Supplement, section 84D.01, subdivision 15a,
9.17 is amended to read:

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

9.24 Sec. 11. Minnesota Statutes 2011 Supplement, section 84D.03, subdivision 3, is
9.25 amended to read:

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

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

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

10.1 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
 10.2 water milfoil, when the infested waters are designated solely because they contain
 10.3 Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow
 10.4 traps not exceeding 16 inches in diameter and 32 inches in length; and

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

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

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

10.12 (iii) fish harvested under this clause may only be used in accordance with this
 10.13 section. Any other use of wild animals used for bait from infested waters is prohibited;

10.14 (iv) fish taken under this clause must meet all other size restrictions and requirements
 10.15 as established in rules; and

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

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

10.21 Sec. 12. Minnesota Statutes 2010, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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

10.30 (5) when being transported for disposal as part of a harvest or control activity
 10.31 when specifically authorized under a permit issued by the commissioner according to
 10.32 section 103G.615, when being transported for disposal as specified under a commercial
 10.33 fishing license issued by the commissioner according to section 97A.418, 97C.801,
 10.34 97C.811, 97C.825, 97C.831, or 97C.835, or when being transported as specified by the
 10.35 commissioner;

- 11.1 (6) when the specimen has been lawfully acquired dead and, in the case of plant
 11.2 species, all seeds are removed or are otherwise secured in a sealed container;
 11.3 (7) in the form of herbaria or other preserved specimens;
 11.4 (8) when being removed from watercraft and equipment, or caught while angling,
 11.5 and immediately returned to the water from which they came; or
 11.6 (9) as the commissioner may otherwise prescribe by rule.

11.7 Sec. 13. Minnesota Statutes 2011 Supplement, section 84D.09, subdivision 2, is
 11.8 amended to read:

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

- 11.11 (1) that are duckweeds in the family Lemnaceae;
 11.12 (2) for disposal as part of a harvest or control activity ~~conducted~~ when specifically
 11.13 authorized under an aquatic plant management permit pursuant to section 103G.615, under
 11.14 permit pursuant to section 84D.11, or as specified by the commissioner;
 11.15 (3) for purposes of constructing shooting or observation blinds in amounts sufficient
 11.16 for that purpose, provided that the aquatic macrophytes are emergent and cut above the
 11.17 waterline;
 11.18 (4) when legally purchased or traded by or from commercial or hobbyist sources for
 11.19 aquarium, wetland or lakeshore restoration, or ornamental purposes;
 11.20 (5) when harvested for personal or commercial use if in a motor vehicle;
 11.21 (6) to the department, or another destination as the commissioner may direct, in a
 11.22 sealed container for purposes of identifying a species or reporting the presence of a species;
 11.23 (7) when transporting commercial aquatic plant harvesting or control equipment to a
 11.24 suitable location for purposes of cleaning any remaining aquatic macrophytes;
 11.25 (8) that are wild rice harvested under section 84.091;
 11.26 (9) in the form of fragments of emergent aquatic macrophytes incidentally
 11.27 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl
 11.28 season; or
 11.29 (10) when removing water-related equipment from waters of the state for purposes
 11.30 of cleaning off aquatic macrophytes before leaving a water access site.

11.31 Sec. 14. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 1, is
 11.32 amended to read:

11.33 Subdivision 1. **Launching prohibited.** A person may not place or attempt to place
 11.34 into waters of the state ~~a watercraft, a trailer, or~~ water-related equipment, including aquatic

12.1 plant harvesting or control equipment that has aquatic macrophytes, zebra mussels, or
12.2 prohibited invasive species attached except as provided in this section.

12.3 Sec. 15. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is
12.4 amended to read:

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

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

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

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

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

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

12.22 Sec. 16. Minnesota Statutes 2011 Supplement, section 84D.105, subdivision 2, is
12.23 amended to read:

12.24 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize
12.25 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive
12.26 species, and water. The commissioner may delegate inspection authority as provided
12.27 under paragraph (b) or (g) to tribal and local governments that assume all legal, financial,
12.28 and administrative responsibilities for inspection programs on public waters within their
12.29 jurisdiction.

12.30 (b) Inspectors may visually and tactilely inspect watercraft and water-related
12.31 equipment to determine whether aquatic invasive species, aquatic macrophytes, or water
12.32 is present. If a person transporting watercraft or water-related equipment refuses to
12.33 take required corrective actions or fails to comply with an order under section 84D.10,

13.1 subdivision 3, an inspector who is not a licensed peace officer shall refer the violation
13.2 to a conservation officer or other licensed peace officer.

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

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

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

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

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

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

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

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

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

13.27 (g) The commissioner may authorize tribal and local governments to conduct
13.28 mandatory inspections of water-related equipment at specified locations within a defined
13.29 area before a person places the water-related equipment into a water body. Tribal and local
13.30 governments that are authorized to conduct inspections under this paragraph must:

13.31 (1) assume all legal, financial, and administrative responsibilities for implementing
13.32 the mandatory inspections, alone or in agreement with other tribal or local governments;

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

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

- 14.1 (4) have decontamination equipment available at inspection stations to bring
14.2 water-related equipment into compliance;
- 14.3 (5) provide for inspection station locations that do not create traffic delays or public
14.4 safety issues; and
- 14.5 (6) submit a plan approved by the commissioner according to paragraph (h).
- 14.6 (h) Plans required under paragraph (g) must address:
- 14.7 (1) no reduction in capacity or hours of operation of public accesses and fees that
14.8 do not discourage or limit use;
- 14.9 (2) reasonable travel times between public accesses and inspection stations;
- 14.10 (3) adequate staffing to minimize wait times and provide adequate hours of operation
14.11 at inspection stations and public accesses;
- 14.12 (4) adequate enforcement capacity;
- 14.13 (5) measures to address inspections of water-related equipment at public water
14.14 accesses for commercial entities and private riparian land owners; and
- 14.15 (6) other elements as required by the commissioner to ensure statewide consistency,
14.16 appropriate inspection and decontamination protocols, and protection of the state's
14.17 resources, public safety, and access to public waters.
- 14.18 (i) A government unit authorized to conduct inspections under this subdivision must
14.19 submit an annual report to the commissioner summarizing the results and issues related
14.20 to implementing the inspection program.

14.21 Sec. 17. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 5, is
14.22 amended to read:

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

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

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

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

14.30 (4) for placing or attempting to place into waters of the state water-related equipment
14.31 that has prohibited invasive species attached when the waters are not designated by the
14.32 commissioner as being infested with that invasive species, \$500 ~~for the first offense and~~
14.33 ~~\$1,000 for each subsequent offense;~~

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

15.1 (6) for failing to remove plugs, open valves, and drain water from water-related
 15.2 equipment, other than marine sanitary systems, before leaving waters of the state, \$50; and

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

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

15.8 Sec. 18. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

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

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

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

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

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

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

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

15.26 Sec. 19. Minnesota Statutes 2010, section 85.055, subdivision 2, is amended to read:

15.27 Subd. 2. **Fee deposit and appropriation; continued operation.** (a) The fees
 15.28 collected under this section shall be deposited in the natural resources fund and credited
 15.29 to the state parks account. Money in the account, except for the electronic licensing
 15.30 system commission established by the commissioner under section 84.027, subdivision
 15.31 15, is available for appropriation to the commissioner to operate and maintain the state
 15.32 park system.

15.33 (b) State parks and recreation areas shall remain open for camping and other
 15.34 recreational activities, regardless of whether all or any part of the biennial appropriation

16.1 law for the state parks and recreation areas has been enacted. The amount necessary for
 16.2 operations of state parks and recreation areas when the biennial appropriation law has not
 16.3 been enacted is appropriated from the state parks account in the natural resources fund. If,
 16.4 by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money
 16.5 to the commissioner of management and budget for central accounting, procurement,
 16.6 payroll, and human resources functions, amounts necessary to operate those functions for
 16.7 the purpose of this paragraph are appropriated from the general fund to the commissioner
 16.8 of management and budget. As necessary, the commissioner may transfer a portion of
 16.9 this appropriation to other state agencies to support carrying out these functions. Any
 16.10 subsequent appropriation to the commissioner of management and budget for a biennium
 16.11 in which this paragraph has been applied supersedes and replaces the funding authorized
 16.12 in this paragraph.

16.13 Sec. 20. Minnesota Statutes 2010, section 85.20, subdivision 1, is amended to read:

16.14 Subdivision 1. **Violation of rules.** (a) Any person who, within the limits of any state
 16.15 park, state monument, state recreation area, state wayside, or area of state land reserved
 16.16 from sale, as provided by Laws 1923, chapter 430 outdoor recreation unit established in
 16.17 chapter 86A, shall willfully cut, injure, or destroy any live tree, shrub, timber, evergreen,
 16.18 or ornamental plant of any kind, or who shall willfully injure, remove, destroy, deface,
 16.19 or mutilate any guideboard, guidepost, furniture, fixture, improvement, monument,
 16.20 tablet, or other property of the state of any kind, or who shall willfully violate, or fail
 16.21 to comply with, any rule of the commissioner adopted and promulgated in accordance
 16.22 with the provisions of Laws 1923, chapter 430, shall be according to section 86A.06, is
 16.23 guilty of a petty misdemeanor.

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

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

16.32 Sec. 21. Minnesota Statutes 2010, section 85.46, subdivision 1, is amended to read:

16.33 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while
 16.34 riding, leading, or driving a horse on lands administered by the commissioner, except

17.1 forest roads and forest roads rights-of-way, a person 16 years of age or over shall carry in
17.2 immediate possession a valid horse pass. The pass must be available for inspection by a
17.3 peace officer, a conservation officer, or an employee designated under section 84.0835. A
17.4 person who violates any provision of this subdivision is guilty of a petty misdemeanor.

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

17.8 Sec. 22. Minnesota Statutes 2010, section 85A.04, subdivision 1, is amended to read:

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

17.13 (b) The Minnesota Zoological Garden shall remain open, regardless of whether all
17.14 or any part of the biennial appropriation law for the zoo has been enacted. Appropriations
17.15 under this section shall be used for operations of the zoo when the biennial appropriation
17.16 law has not been enacted. If, by July 1 of an odd-numbered year, legislation has not been
17.17 enacted to appropriate money to the commissioner of management and budget for central
17.18 accounting, procurement, payroll, and human resources functions, amounts necessary to
17.19 operate those functions for the purpose of this paragraph are appropriated from the general
17.20 fund to the commissioner of management and budget. As necessary, the commissioner
17.21 may transfer a portion of this appropriation to other state agencies to support carrying out
17.22 these functions. Any subsequent appropriation to the commissioner of management and
17.23 budget for a biennium in which this paragraph has been applied supersedes and replaces
17.24 the funding authorized in this paragraph.

17.25 Sec. 23. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

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

17.31 Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an
17.32 aquatic invasive species trailer decal to a person that satisfactorily completes the required
17.33 course of instruction.

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

18.3 Sec. 24. Minnesota Statutes 2010, section 86B.331, subdivision 1, is amended to read:

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

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

18.12 (c) A person who operates or is in physical control of a motorboat on the waters
18.13 of this state is subject to chapter 169A. In addition to the applicable sanctions under
18.14 chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance
18.15 in conformity with it while operating a motorboat, shall be prohibited from operating
18.16 ~~the~~ a motorboat on the waters of this state for a period of 90 days between May 1 and
18.17 October 31, extending over two consecutive years if necessary. If the person operating the
18.18 motorboat refuses to comply with a lawful demand to submit to testing under sections
18.19 169A.50 to 169A.53 or an ordinance in conformity with it, the person shall be prohibited
18.20 from operating ~~the~~ a motorboat for a period of one year. The commissioner shall notify
18.21 the person of the period during which the person is prohibited from operating a motorboat.

18.22 (d) Administrative and judicial review of the operating privileges prohibition is
18.23 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior
18.24 impaired driving conviction or prior license revocation, as defined in section 169A.03.
18.25 Otherwise, administrative and judicial review of the prohibition is governed by section
18.26 169A.53.

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

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

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

19.1 Sec. 25. Minnesota Statutes 2010, section 90.031, subdivision 4, is amended to read:

19.2 Subd. 4. **Timber rules.** The Executive Council may formulate and establish,
19.3 from time to time, rules it deems advisable for the transaction of timber business of the
19.4 state, ~~including approval of the sale of timber on any tract in a lot exceeding 6,000 cords~~
19.5 ~~in volume when the sale is in the best interests of the state~~, and may abrogate, modify,
19.6 or suspend rules at its pleasure.

19.7 Sec. 26. Minnesota Statutes 2010, section 92.45, is amended to read:

19.8 **~~92.45 STATE LAND ON MEANDERED LAKES WITHDRAWN FROM SALE~~**
19.9 **PUBLIC WATERS.**

19.10 ~~All state lands bordering on or adjacent to meandered lakes and other public waters~~
19.11 ~~and watercourses, with the live timber growing on them, are withdrawn from sale except~~
19.12 ~~as provided in this section. The commissioner of natural resources may sell the timber as~~
19.13 ~~otherwise provided by law for cutting and removal under conditions the commissioner~~
19.14 ~~prescribes. The conditions must be in accordance with approved, sustained-yield forestry~~
19.15 ~~practices. The commissioner must reserve the timber and impose other conditions the~~
19.16 ~~commissioner deems necessary to protect watersheds, wildlife habitat, shorelines, and~~
19.17 ~~scenic features. (a) Within the area in Cook, Lake, and St. Louis Counties described in~~
19.18 ~~the Act of Congress approved July 10, 1930, (Statutes at Large, volume 46, page 1020),~~
19.19 ~~the timber on state lands is subject to restrictions like those now imposed by the act on~~
19.20 ~~federal lands.~~

19.21 (b) The following land is reserved for public travel: of all state-owned land
19.22 bordering on or adjacent to meandered lakes and other public waters and watercourses
19.23 ~~and withdrawn from sale~~, a strip two rods wide, the ordinary high-water mark being
19.24 its waterside boundary, and its landside boundary a line drawn parallel to the ordinary
19.25 high-water mark and two rods distant landward from it. Wherever the conformation of the
19.26 shore line or conditions require, the commissioner must reserve a wider strip.

19.27 ~~Except for sales under section 282.018, subdivision 1, when a state agency or any~~
19.28 ~~other unit of government requests the legislature to authorize the sale of state lands~~
19.29 ~~bordering on or adjacent to meandered lakes and other public waters and watercourses, the~~
19.30 ~~commissioner shall evaluate the lands and their public benefits and make recommendations~~
19.31 ~~on the proposed dispositions to the committees of the legislature with jurisdiction~~
19.32 ~~over natural resources. The commissioner shall include any recommendations of the~~
19.33 ~~commissioner for disposition of lands withdrawn from sale under this section over which~~
19.34 ~~the commissioner has jurisdiction. The commissioner's recommendations may include a~~
19.35 ~~public sale, sale to a private party, acquisition by the commissioner for public purposes,~~

20.1 ~~retention of a conservation easement for shoreland preservation by the commissioner~~
20.2 ~~under chapter 84C, or a cooperative management agreement with, or transfer to, another~~
20.3 ~~unit of government.~~

20.4 (c) The commissioner may sell state lands bordering on or adjacent to the Mississippi
20.5 River or any lakes, waters, and watercourses in its bottom lands, desired or needed by the
20.6 United States government for, or in connection with, any project heretofore authorized
20.7 by Congress, to improve navigation in the Mississippi River at public sale according
20.8 to law, as in other cases, upon application by an authorized United States official. The
20.9 application must describe the land and include a map showing its location with reference
20.10 to adjoining properties.

20.11 Sec. 27. Minnesota Statutes 2010, section 92.50, subdivision 1, is amended to read:

20.12 Subdivision 1. **Lease terms.** (a) The commissioner of natural resources may lease
20.13 land under the commissioner's jurisdiction and control:

20.14 (1) to remove sand, gravel, clay, rock, marl, peat, and black dirt;

20.15 (2) to store ore, waste materials from mines, or rock and tailings from ore milling
20.16 plants;

20.17 (3) for roads or railroads; or

20.18 (4) for other uses consistent with the interests of the state.

20.19 (b) The commissioner shall offer the lease at public or private sale for an amount
20.20 and under terms and conditions prescribed by the commissioner. ~~Commercial leases for~~
20.21 ~~more than ten years and leases for removal of peat that cover 320 or more acres must be~~
20.22 ~~approved by the Executive Council.~~

20.23 (c) The lease term may not exceed ~~ten~~ 21 years except:

20.24 (1) leases of lands for storage sites for ore, waste materials from mines, or rock and
20.25 tailings from ore milling plants, or for the removal of peat for nonagricultural purposes
20.26 may not exceed a term of 25 years; and

20.27 ~~(2) leases for the use of peat lands for agricultural purposes may not exceed 21~~
20.28 ~~years; and~~

20.29 ~~(3)~~ (2) leases for commercial purposes, including major resort, convention center, or
20.30 recreational area purposes, may not exceed a term of 40 years.

20.31 (d) Leases must be subject to sale and leasing of the land for mineral purposes and
20.32 contain a provision for cancellation for just cause at any time by the commissioner upon
20.33 six months' written notice. A longer notice period, not exceeding three years, may be
20.34 provided in leases for storing ore, waste materials from mines or rock or tailings from ore

21.1 milling plants. The commissioner may determine the terms and conditions, including the
21.2 notice period, for cancellation of a lease for the removal of peat and commercial leases.

21.3 (e) Money received from leases under this section must be credited to the fund to
21.4 which the land belongs.

21.5 Sec. 28. **[92.80] CREATION OF CHILDREN'S STATE FOREST.**

21.6 **Subdivision 1. Purpose and scope.** (a) This section facilitates the expedited
21.7 exchange of state-owned lands located within the Boundary Waters Canoe Area
21.8 Wilderness.

21.9 (b) For land exchanges under this section, sections 94.342 to 94.347 apply only to
21.10 the extent specified in this section.

21.11 **Subd. 2. Classes of land; definitions.** The classes of state land that may be involved
21.12 in an expedited exchange under this section are:

21.13 (1) school trust land as defined in section 92.025;

21.14 (2) university land granted to the state by acts of Congress;

21.15 (3) all other lands acquired by the state in any manner and under the control of
21.16 the commissioner of natural resources; and

21.17 (4) all lands acquired by the state through tax forfeiture, held subject to a trust in
21.18 favor of the taxing districts, and under the control of county authorities for classification,
21.19 appraisal, and sale.

21.20 **Subd. 3. Priority.** An exchange of state land under this section shall give priority to
21.21 exchanges that provide the most opportunity for revenue generation for the permanent
21.22 school fund, and priority shall be given to lands within the Superior National Forest in
21.23 the Mesabi Purchase Unit in St. Louis County and in the following townships in St.
21.24 Louis County:

21.25 (1) Township 59 North, Range 14 West;

21.26 (2) Township 59 North, Range 13 West;

21.27 (3) Township 60 North, Range 13 West; and

21.28 (4) Township 60 North, Range 12 West.

21.29 **Subd. 4. Valuation of land.** (a) In an exchange of school trust land, university land,
21.30 or other land under the control of the commissioner of natural resources for land owned
21.31 by the United States, the examination and value determination of the land shall be done
21.32 in a manner as agreed to between the commissioner and the authorized representative of
21.33 the United States.

22.1 (b) In an exchange of tax-forfeited land for land owned by the United States, the
22.2 examination and value determination shall be done in a manner as agreed to between the
22.3 county board and the authorized representative of the United States.

22.4 (c) Notwithstanding section 94.343 or any other law to the contrary, all lands
22.5 exchanged under this section shall be exchanged for an equal amount of acres of land and
22.6 shall, through exchanges that reunite mineral rights with surface ownership and other
22.7 means, provide as close to an equal land value exchange as possible.

22.8 Subd. 5. **Title.** Title to the land must be examined to the extent necessary for the
22.9 parties to determine that the title is good, with any encumbrances identified. The parties to
22.10 the exchange may use title insurance to aid in the determination.

22.11 Subd. 6. **Approval by Land Exchange Board.** In accordance with the Minnesota
22.12 Constitution, article XI, section 10, all expedited land exchanges under this section require
22.13 the unanimous approval of the Land Exchange Board.

22.14 Subd. 7. **Conveyance.** (a) Conveyance of school trust land, university land, or other
22.15 land under the control of the commissioner of natural resources shall be made by deed
22.16 executed by the commissioner in the name of the state. Conveyance of tax-forfeited land
22.17 shall be by a deed executed by the commissioner of revenue in the name of the state.

22.18 (b) School trust land, university land, and other land under the control of the
22.19 commissioner of natural resources and given in exchange are subject to reservations
22.20 under section 94.343, subdivision 4, and the Minnesota Constitution, article XI, section
22.21 10. Tax-forfeited land given in exchange is subject to reservations under section 94.344,
22.22 subdivision 4, and the Minnesota Constitution, article XI, section 10.

22.23 (c) All deeds shall be recorded or registered in the county in which the lands lie.

22.24 Subd. 8. **Land status.** Except as provided under section 92.81, land received in
22.25 exchange for school trust land, university land, or other land under the control of the
22.26 commissioner of natural resources is subject to the same trust, if any, and otherwise has
22.27 the same status as the land given in exchange. Land received in exchange for tax-forfeited
22.28 land is subject to a trust in favor of the governmental subdivision in which it lies and all
22.29 laws relating to tax-forfeited land.

22.30 **Sec. 29. [92.81] CONDEMNATION OF SCHOOL TRUST LAND.**

22.31 Subdivision 1. **Purpose and scope.** (a) The purpose of this section is to facilitate
22.32 the exchange of school trust lands located within the Boundary Waters Canoe Area
22.33 Wilderness to the United States.

22.34 (b) For purposes of this section, "school trust land" has the meaning given under
22.35 section 92.025.

23.1 Subd. 2. Commencement of condemnation proceedings. When the commissioner
23.2 of natural resources has reached agreement with the United States on the exchange of
23.3 state-owned land within the wilderness area, the commissioner shall extinguish the school
23.4 trust interest by condemnation action when necessary to facilitate the agreement. When
23.5 requested by the commissioner, the attorney general shall commence condemnation of the
23.6 school trust lands.

23.7 Subd. 3. Valuation. Notwithstanding section 117.036, an appraisal of the land is
23.8 not required, and the examination and value determination of the school trust land shall
23.9 be done in a manner as agreed to between the commissioner of natural resources and the
23.10 authorized representative of the United States.

23.11 Sec. 30. Minnesota Statutes 2010, section 93.17, subdivision 3, is amended to read:

23.12 Subd. 3. **Bid acceptance.** (a) At the time and place fixed for the sale, the
23.13 commissioner shall publicly announce the number of applications and bids received. The
23.14 commissioner shall then publicly open the bids and announce the amount of each bid
23.15 separately. Thereafter, the commissioner, ~~together with the Executive Council,~~ shall
23.16 award the leases to the highest bidders for the respective mining units, but no bids shall
23.17 be accepted that do not equal or exceed the minimum amounts provided for in section
23.18 93.20, nor shall any bid be accepted that does not comply with the law. The right is
23.19 reserved to the state to reject any and all bids.

23.20 (b) All applications for leases and bids not accepted at the sale shall become void at
23.21 the close of the sale and the payment accompanying the applications and bids shall be
23.22 returned to the applicants entitled to them.

23.23 (c) Upon the award of a lease, the payment submitted with the application as
23.24 provided by subdivision 1 shall be deposited with the commissioner of management
23.25 and budget as a fee for the lease.

23.26 Sec. 31. Minnesota Statutes 2010, section 93.1925, subdivision 1, is amended to read:

23.27 Subdivision 1. **Conditions required.** When the commissioner finds that the best
23.28 interests of the state will be served and the circumstances in clause (1), (2), or (3) exist,
23.29 the commissioner, ~~with the approval of the Executive Council,~~ may issue an iron ore or
23.30 taconite iron ore mining lease through negotiations to an applicant. A lease may be issued
23.31 through negotiations under any of the following circumstances:

23.32 (1) the state taconite iron ore is adjacent to taconite iron ore owned or leased for
23.33 mining purposes by the applicant and the commissioner finds that it is impracticable to
23.34 mine the state taconite iron ore except in conjunction with the mining of the adjacent ore;

- 24.1 (2) the lands to be leased are primarily valuable for their natural iron ore content; or
24.2 (3) the state's mineral ownership interest in the lands to be leased is an undivided
24.3 fractional interest and the applicant holds under control a majority of the remaining
24.4 undivided fractional mineral interests in the lands to be leased.

24.5 Sec. 32. Minnesota Statutes 2010, section 93.20, subdivision 2, is amended to read:

24.6 Subd. 2. **Term; conditions.** The commissioner of natural resources, ~~with the~~
24.7 ~~approval of the Executive Council,~~ may, so far as the commissioner deems advisable in
24.8 furtherance of the public interests, fix the term of any lease at any period not exceeding
24.9 that hereinafter prescribed, or may include in a lease any other conditions not inconsistent
24.10 herewith relating to performance by the lessee or other pertinent matters, provided, that
24.11 in case of a lease made pursuant to a permit issued upon public sale, a statement of
24.12 such conditions shall be included in the designation of the mining unit affected before
24.13 publication of the notice of sale.

24.14 Sec. 33. Minnesota Statutes 2010, section 93.20, subdivision 30, is amended to read:

24.15 Subd. 30. **Supplemental agreement.** In case it shall become impossible or
24.16 impracticable at any time during the term of this lease to comply with the provisions
24.17 hereof relating to sampling, analysis, shipping, or weighing of ore, or in case methods
24.18 for any of said operations shall be developed which appear to be superior to those herein
24.19 prescribed and which will not result in any loss or disadvantage to the state hereunder,
24.20 the commissioner of natural resources, ~~with the approval of the Executive Council,~~ may
24.21 make a supplemental agreement with the part..... of the second part, modifying this lease
24.22 so as to authorize the adoption of such other methods for any of said operations so far as
24.23 deemed expedient.

24.24 Sec. 34. Minnesota Statutes 2010, section 93.20, subdivision 38, is amended to read:

24.25 Subd. 38. **Lease modification.** Any state iron ore mining lease heretofore or
24.26 hereafter issued and in force may be modified by the commissioner of natural resources;
24.27 ~~with the approval of the Executive Council,~~ upon application of the holder of the lease,
24.28 by written agreement with the holder, so as to conform with the provisions of the laws in
24.29 force at the time of such application with respect to the methods of shipping, weighing,
24.30 and analyzing ore and computing royalty thereon, the time of payment of rental and
24.31 royalty, the beneficiation or treatment of iron ore and the disposal of concentrates and
24.32 residues therefrom, the stockpiling, depositing, or disposal of iron ore or other material,
24.33 and the making of statements and reports pertaining to said matters.

25.1 Sec. 35. Minnesota Statutes 2010, section 93.2236, is amended to read:

25.2 **93.2236 MINERALS MANAGEMENT ACCOUNT.**

25.3 (a) The minerals management account is created as an account in the natural
25.4 resources fund. Interest earned on money in the account accrues to the account. Money in
25.5 the account may be spent or distributed only as provided in paragraphs (b) and (c).

25.6 (b) If the balance in the minerals management account exceeds \$3,000,000 on June
25.7 30, the amount exceeding \$3,000,000 must be distributed to the permanent school fund
25.8 ~~and~~, the permanent university fund, and taxing districts as provided in section 93.22,
25.9 subdivision 1, paragraph (c). The amount distributed to each fund must be in the same
25.10 proportion as the total mineral lease revenue received in the previous biennium from school
25.11 trust lands ~~and~~, university lands, and lands held by the state in trust for taxing districts.

25.12 (c) Subject to appropriation by the legislature, money in the minerals management
25.13 account may be spent by the commissioner of natural resources for mineral resource
25.14 management and projects to enhance future mineral income and promote new mineral
25.15 resource opportunities.

25.16 Sec. 36. Minnesota Statutes 2010, section 93.25, subdivision 2, is amended to read:

25.17 Subd. 2. **Lease requirements.** ~~All leases for nonferrous metallic minerals or~~
25.18 ~~petroleum must be approved by the Executive Council, and any other mineral lease issued~~
25.19 ~~pursuant to this section that covers 160 or more acres must be approved by the Executive~~
25.20 ~~Council.~~ (a) Except as provided in subdivision 2a, the rents, royalties, terms, conditions,
25.21 and covenants of all such leases shall be fixed by the commissioner according to rules
25.22 adopted by the commissioner, but no lease shall be for a longer term than 50 years, and
25.23 all rents, royalties, terms, conditions, and covenants shall be fully set forth in each lease
25.24 issued. The rents and royalties shall be credited to the funds as provided in section 93.22.

25.25 (b) The applicant must submit with the application a certified check, cashier's check,
25.26 or bank money order, payable to the Department of Natural Resources, in the sum of
25.27 \$1,000 as a fee for filing an application for a lease being offered at public sale and in
25.28 the sum of \$2,000 as a fee for filing an application for a lease through negotiation. The
25.29 application fee for a negotiated lease shall not be refunded under any circumstances. The
25.30 application fee must be deposited in the minerals management account in the natural
25.31 resources fund.

25.32 Sec. 37. Minnesota Statutes 2010, section 93.25, is amended by adding a subdivision
25.33 to read:

26.1 Subd. 2a. **Rents.** The commissioner shall, by written order, establish the schedule
26.2 of rental rates of all leases issued under this section. The commissioner shall update the
26.3 schedule of rental rates every five years. The schedule of rental rates and any adjustment
26.4 to the schedule are not subject to the rulemaking provisions of chapter 14, and section
26.5 14.386 does not apply.

26.6 Sec. 38. Minnesota Statutes 2010, section 97A.401, subdivision 1, is amended to read:

26.7 Subdivision 1. **Commissioner's authority.** The commissioner may issue special
26.8 permits for the activities in this section. A special permit may be issued in the form of a
26.9 general permit to a governmental subdivision or to the general public to conduct one or
26.10 more activities under subdivisions 2 to 7.

26.11 Sec. 39. Minnesota Statutes 2010, section 97A.421, subdivision 4a, is amended to read:

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

26.13 When a court reports to the commissioner that a person: (1) has failed to appear in court
26.14 ~~under the summons issued~~ in response to a notice to appear or fails to comply with other
26.15 orders of the court regarding the appearance or proceedings for a violation of the game
26.16 and fish laws; or (2) has been convicted of violating a provision of the game and fish
26.17 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,
26.18 and refused or failed to comply with that sentence or to pay the fine or surcharge, the
26.19 commissioner shall suspend the game and fish license and permit privileges of the person
26.20 until notified by the court that the person has appeared in court under clause (1) or that any
26.21 fine or surcharge due the court has been paid under clause (2).

26.22 Sec. 40. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

26.23 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

26.24 (a) A person may not use live minnows imported from outside of the state, game
26.25 fish, goldfish, or carp for bait. The commissioner may, by written order published in
26.26 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on
26.27 their use. The order is exempt from the rulemaking provisions of chapter 14 and section
26.28 14.386 does not apply.

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

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

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

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

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

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

27.13 (1) water body source;

27.14 (2) lot number;

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

27.16 (4) date of packaging and labeling; and

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

27.18 Sec. 41. Minnesota Statutes 2010, section 103A.43, is amended to read:

27.19 **103A.43 WATER ASSESSMENTS AND REPORTS.**

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

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

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

27.32 Sec. 42. Minnesota Statutes 2010, section 103B.101, subdivision 2, is amended to read:

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

27.34 (1) three county commissioners;

- 28.1 (2) three soil and water conservation district supervisors;
- 28.2 (3) three watershed district or watershed management organization representatives;
- 28.3 (4) three citizens who are not employed by, or the appointed or elected officials of, a
- 28.4 state governmental office, board, or agency;
- 28.5 (5) one township officer;
- 28.6 (6) two elected city officials, one of whom must be from a city located in the
- 28.7 metropolitan area, as defined under section 473.121, subdivision 2;
- 28.8 (7) the commissioner of agriculture;
- 28.9 (8) the commissioner of health;
- 28.10 (9) the commissioner of natural resources;
- 28.11 (10) the commissioner of the Pollution Control Agency; and
- 28.12 (11) the director of the University of Minnesota Extension Service.
- 28.13 (b) Members in paragraph (a), clauses (1) to (6), must be distributed across the state
- 28.14 with at least four members but not more than six members from the metropolitan area,
- 28.15 as defined by section 473.121, subdivision 2; ~~and one from each of the current soil and~~
- 28.16 ~~water conservation administrative regions.~~
- 28.17 (c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor.
- 28.18 In making the appointments, the governor may consider persons recommended by
- 28.19 the Association of Minnesota Counties, the Minnesota Association of Townships, the
- 28.20 League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation
- 28.21 Districts, and the Minnesota Association of Watershed Districts. The list submitted by an
- 28.22 association must contain at least three nominees for each position to be filled.
- 28.23 (d) The membership terms, compensation, removal of members and filling of
- 28.24 vacancies on the board for members in paragraph (a), clauses (1) to (6), are as provided
- 28.25 in section 15.0575.

28.26 Sec. 43. Minnesota Statutes 2010, section 103B.101, subdivision 7, is amended to read:

28.27 Subd. 7. **Hearings, orders, and rulemaking.** The board may hold public hearings

28.28 and adopt rules and orders necessary to execute its duties.

28.29 Sec. 44. Minnesota Statutes 2010, section 103B.101, is amended by adding a

28.30 subdivision to read:

28.31 Subd. 8a. **Bylaws and conflict of interest.** The board shall adopt bylaws that

28.32 include provisions to prevent or address conflict of interest.

29.1 Sec. 45. Minnesota Statutes 2010, section 103B.101, subdivision 10, is amended to
29.2 read:

29.3 Subd. 10. **Committee for dispute resolution.** A committee of the board is
29.4 established to hear and resolve disputes, appeals, and interventions under sections
29.5 103A.301 to 103A.341; 103B.101; 103B.231; 103B.345; 103D.535; 103D.537; and
29.6 103G.2242, subdivision 9. ~~The committee consists of two of the three citizen members;~~
29.7 ~~one county commissioner member; one soil and water conservation district supervisor~~
29.8 ~~member; and one watershed district or watershed management organization representative~~
29.9 ~~member.~~ The committee is appointed by the board chair. The board shall adopt bylaws
29.10 governing committee membership and duties.

29.11 Sec. 46. Minnesota Statutes 2010, section 103B.101, is amended by adding a
29.12 subdivision to read:

29.13 Subd. 14. **Local water management coordination.** (a) The board may adopt
29.14 resolutions, policies, or orders that allow a comprehensive plan, local water management
29.15 plan, or watershed management plan, developed or amended, approved and adopted,
29.16 according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be
29.17 replaced with a comprehensive watershed management plan. The board may also develop
29.18 criteria for incorporating or coordinating the elements of metropolitan county groundwater
29.19 plans in accordance with section 103B.255. The board shall, to the extent practicable,
29.20 incorporate a watershed approach when adopting the resolutions, policies, or orders, and
29.21 shall establish a suggested watershed boundary framework for development, approval,
29.22 adoption, and coordination of plans.

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

29.30 Sec. 47. Minnesota Statutes 2010, section 103B.101, is amended by adding a
29.31 subdivision to read:

29.32 Subd. 15. **Local water management boundary and plan determinations and**
29.33 **appeals.** (a) Local government units may either submit a request for a plan boundary
29.34 determination as part of a plan approval request or apply separately for a plan boundary

30.1 determination from the board before requesting plan approval. Local government units
30.2 must provide written documentation of the rationale and justification for the proposed
30.3 boundary. The board may request additional information needed to make a plan boundary
30.4 determination.

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

30.11 Sec. 48. Minnesota Statutes 2010, section 103B.311, subdivision 4, is amended to read:

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

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

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

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

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

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

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

30.32 Sec. 49. Minnesota Statutes 2010, section 103B.3363, is amended by adding a
30.33 subdivision to read:

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

31.8 Sec. 50. **[103B.3367] WATER PLAN EXTENSIONS.**

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

31.12 Sec. 51. Minnesota Statutes 2010, section 103B.3369, is amended to read:

31.13 **103B.3369 LOCAL WATER RESOURCES RESTORATION, PROTECTION,**
 31.14 **AND MANAGEMENT PROGRAM.**

31.15 Subdivision 1. **Assistance priorities.** State agencies may give priority to local
 31.16 government unit requests that are part of or responsive to a comprehensive plan, local
 31.17 water management plan, watershed management plan, or comprehensive watershed
 31.18 management plan, developed or amended, approved and adopted, according to chapter
 31.19 103B, 103C, 103D, or 114D, when administering programs for water-related financial
 31.20 and technical assistance.

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

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

31.33 Subd. 5. **Financial assistance.** A base grant may be awarded to a county that
 31.34 provides a match utilizing a water implementation tax or other local source. A water

32.1 implementation tax that a county intends to use as a match to the base grant must be levied
32.2 at a rate determined by the board. ~~The minimum amount of the water implementation tax~~
32.3 ~~shall be a tax rate times the adjusted net tax capacity of the county for the preceding year.~~
32.4 ~~The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied~~
32.5 ~~to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The~~
32.6 ~~base grant will be in an amount equal to \$37,500 less the amount raised by the local~~
32.7 ~~match. If the amount necessary to implement the local water plan for the county is less~~
32.8 ~~than \$37,500, the amount of the base grant shall be the amount that, when added to the~~
32.9 ~~match amount, equals the amount required to implement the plan. For counties where~~
32.10 ~~the tax rate generates an amount equal to or greater than \$18,750, the base grant shall~~
32.11 ~~be in an amount equal to \$18,750.~~ The board may award performance-based grants to
32.12 local units of government that are responsible for implementing elements of applicable
32.13 portions of watershed management plans, comprehensive plans, local water management
32.14 plans, or comprehensive watershed management plans, developed or amended, adopted
32.15 and approved, according to chapter 103B, 103C, or 103D. Upon request by a local
32.16 government unit, the board may also award performance-based grants to local units of
32.17 government to carry out TMDL implementation plans as provided in chapter 114D, if the
32.18 TMDL implementation plan has been incorporated into the local water management plan
32.19 according to the procedures for approving comprehensive plans, watershed management
32.20 plans, local water management plans, or comprehensive watershed management plans
32.21 under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone
32.22 a public review process. Notwithstanding section 16A.41, the board may award
32.23 performance-based grants on an advanced basis.

32.24 Subd. 6. **Limitations Conditions.** (a) Grants provided to implement programs
32.25 under this section must be reviewed by the state agency having statutory program authority
32.26 to assure compliance with minimum state standards. At the request of the state agency
32.27 commissioner, the board shall revoke the portion of a grant used to support a program
32.28 not in compliance.

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

32.33 (c) A local unit of government may not request or be awarded grants for project
32.34 implementation unless a comprehensive plan, local water management water plan has
32.35 been adopted, watershed management plan, or comprehensive watershed management

33.1 plan has been developed or amended, adopted and approved, according to chapter 103B,
33.2 103C, or 103D.

33.3 Subd. 7. **Performance criteria.** The board shall develop and utilize
33.4 performance-based criteria for local water resources restoration, protection, and
33.5 management programs and projects. The criteria may include, but are not limited to,
33.6 science-based assessments, organizational capacity, priority resource issues, community
33.7 outreach and support, partnership potential, potential for multiple benefits, and program
33.8 and project delivery efficiency and effectiveness.

33.9 Sec. 52. Minnesota Statutes 2010, section 103B.355, is amended to read:

33.10 **103B.355 APPLICATION.**

33.11 Sections 103B.301 to 103B.335 and 103B.341 to 103B.355 do not apply in areas
33.12 subject to the requirements of sections 103B.201 to 103B.255 under section 103B.231,
33.13 subdivision 1, and in areas covered by an agreement under section 103B.231, subdivision
33.14 2, except as otherwise provided in section 103B.311, subdivision 4, clause (4).

33.15 Sec. 53. Minnesota Statutes 2011 Supplement, section 103G.222, subdivision 1,
33.16 is amended to read:

33.17 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
33.18 partially, unless replaced by restoring or creating wetland areas of at least equal public
33.19 value under a replacement plan approved as provided in section 103G.2242, a replacement
33.20 plan under a local governmental unit's comprehensive wetland protection and management
33.21 plan approved by the board under section 103G.2243, or, if a permit to mine is required
33.22 under section 93.481, under a mining reclamation plan approved by the commissioner
33.23 under the permit to mine. For project-specific wetland replacement completed prior to
33.24 wetland impacts authorized or conducted under a permit to mine within the Great Lakes
33.25 and Rainy River watershed basins, those basins shall be considered a single watershed
33.26 for purposes of determining wetland replacement ratios. Mining reclamation plans shall
33.27 apply the same principles and standards for replacing wetlands by restoration or creation
33.28 of wetland areas that are applicable to mitigation plans approved as provided in section
33.29 103G.2242. Public value must be determined in accordance with section 103B.3355 or
33.30 a comprehensive wetland protection and management plan established under section
33.31 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently
33.32 and semipermanently flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

34.12 For a project involving the draining or filling of wetlands in an amount not exceeding
34.13 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
34.14 paragraph (a), the local government unit may make an on-site sequencing determination
34.15 without a written alternatives analysis from the applicant.

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

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

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

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

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

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

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

35.14 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision
35.15 2, shall ensure that sufficient time has occurred for the wetland to develop wetland
35.16 characteristics of soils, vegetation, and hydrology before recommending that the wetland
35.17 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason
35.18 to believe that the wetland characteristics may change substantially, the panel shall
35.19 postpone its recommendation until the wetland has stabilized.

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

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

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

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

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

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

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

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

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

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

36.34 (o) A local government unit may request the board to reclassify a county or
36.35 watershed on the basis of its percentage of presettlement wetlands remaining. After
36.36 receipt of satisfactory documentation from the local government, the board shall change

37.1 the classification of a county or watershed. If requested by the local government unit,
 37.2 the board must assist in developing the documentation. Within 30 days of its action to
 37.3 approve a change of wetland classifications, the board shall publish a notice of the change
 37.4 in the Environmental Quality Board Monitor.

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

37.11 Sec. 54. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to
 37.12 read:

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

37.16 (1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
 37.17 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a greater than
 37.18 80 percent area;

37.19 (2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and
 37.20 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a 50 to 80 percent
 37.21 area, ~~except within the 11-county metropolitan area;~~

37.22 (3) 2,000 square feet of type 1, 2, ~~or 6, or 7~~ wetland, ~~outside of the shoreland wetland~~
 37.23 ~~protection zone~~ excluding white cedar and tamarack wetlands, in a less than 50 percent
 37.24 area, ~~except within the 11-county metropolitan area;~~ or

37.25 (4) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland
 37.26 ~~types not listed in clauses (1) to (3) outside of the building setback zone of the shoreland~~
 37.27 ~~wetland protection zones in all counties;~~

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

37.32 ~~(5)~~ (1) 400 square feet of type 1, 2, 6, or 7 wetland types listed in clauses (1) to
 37.33 ~~(3), beyond the building setback zone, as defined in the local shoreland management~~
 37.34 ~~ordinance, but within the shoreland wetland protection zone;~~ or

37.35 (2) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.

38.1 In a greater than 80 percent area, ~~the local government unit may increase the de~~
 38.2 ~~minimis amount allowed under clause (1) may be increased up to 1,000 square feet if the~~
 38.3 ~~wetland is isolated and is determined to have no direct surficial connection to the public~~
 38.4 ~~water or if permanent water runoff retention or infiltration measures are established in~~
 38.5 ~~proximity as approved by the shoreland management authority.~~

38.6 (c) Except as provided in paragraphs (d), (e), (f), (g), and (h), a replacement plan
 38.7 for wetlands is not required for draining or filling up to 20 square feet of wetland as part
 38.8 of a project within the shoreland building setback zone, as defined in the local shoreland
 38.9 management ordinance. The amount in this paragraph may be increased to 100 square feet
 38.10 if permanent water runoff retention or infiltration measures are established in proximity as
 38.11 approved by the shoreland management authority.

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

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

38.15 ~~(7) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and~~
 38.16 ~~tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent~~
 38.17 ~~area within the 11-county metropolitan area; or~~

38.18 ~~(8) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland~~
 38.19 ~~protection zone in a less than 50 percent area within the 11-county metropolitan area.~~

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

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

38.25 ~~(e) (e)~~ This exemption no longer applies to a landowner's portion of a wetland
 38.26 when the cumulative area drained or filled of the landowner's portion since January 1,
 38.27 1992, is the greatest of:

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

38.30 (2) five percent of the landowner's portion of the wetland; or

38.31 (3) 400 square feet.

38.32 ~~(d) (f)~~ This exemption may not be combined with another exemption in this section
 38.33 on a project.

38.34 ~~(e) (g)~~ Property may not be divided to increase the amounts listed in paragraph (a).

38.35 (h) If a local ordinance or similar local control is more restrictive than this
 38.36 subdivision, the local standard applies.

39.1 Sec. 55. Minnesota Statutes 2010, section 103G.2242, subdivision 3, is amended to
39.2 read:

39.3 Subd. 3. **Replacement completion.** Replacement of wetland values must be
39.4 completed prior to or concurrent with the actual draining or filling of a wetland, ~~or unless~~
39.5 an irrevocable bank letter of credit or other security acceptable to the local government
39.6 unit ~~must be~~ or the board is given to the local government unit or the board to guarantee
39.7 the successful completion of the replacement. The board may establish, sponsor, or
39.8 administer a wetland banking program, which may include provisions allowing monetary
39.9 payment to the wetland bank for impacts to wetlands on agricultural land, for impacts
39.10 that occur in greater than 80 percent areas, and for public road projects. The board shall
39.11 coordinate the establishment and operation of a wetland bank with the United States
39.12 Army Corps of Engineers, the Natural Resources Conservation Service of the United
39.13 States Department of Agriculture, and the commissioners of natural resources, agriculture,
39.14 and the Pollution Control Agency.

39.15 Sec. 56. **[103G.2375] ASSUMPTION OF SECTION 404 OF FEDERAL CLEAN**
39.16 **WATER ACT.**

39.17 Notwithstanding any other law to the contrary, the Board of Water and Soil
39.18 Resources, in consultation with the commissioners of natural resources, agriculture,
39.19 and the Pollution Control Agency, may adopt or amend rules establishing a program
39.20 for regulating the discharge of dredged and fill material into the waters of the state as
39.21 necessary to obtain approval from the United States Environmental Protection Agency to
39.22 administer, in whole or part, the permitting and wetland banking programs under section
39.23 404 of the federal Clean Water Act, United States Code, title 33, section 1344. The rules
39.24 may not be more restrictive than the program under section 404 or state law.

39.25 Sec. 57. Minnesota Statutes 2010, section 103G.245, subdivision 3, is amended to read:

39.26 Subd. 3. **Permit application.** Application for a public waters work permit must
39.27 be in writing to the commissioner on forms prescribed by the commissioner. The
39.28 commissioner may issue a state general permit to a governmental subdivision or to the
39.29 general public ~~for classes of activities having minimal impact upon public waters~~ under
39.30 which more than one project may be conducted under a single permit.

39.31 Sec. 58. Minnesota Statutes 2010, section 103G.271, subdivision 1, is amended to read:

39.32 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state,
39.33 a person, partnership, or association, private or public corporation, county, municipality,

40.1 or other political subdivision of the state may not appropriate or use waters of the state
40.2 without a water use permit from the commissioner.

40.3 (b) This section does not apply to use for a water supply by less than 25 persons for
40.4 domestic purposes.

40.5 (c) The commissioner may issue a state general permit for appropriation of water
40.6 to a governmental subdivision or to the general public ~~for classes of activities that have~~
40.7 ~~minimal impact upon waters of the state.~~ The general permit may authorize more than
40.8 one project and the appropriation or use of more than one source of water. Water use
40.9 permit processing fees and reports required under subdivision 6 and section 103G.281,
40.10 subdivision 3, are required for each project or water source that is included under a
40.11 general permit, except that no fee is required for uses totaling less than 15,000,000 gallons
40.12 annually.

40.13 Sec. 59. Minnesota Statutes 2010, section 103G.291, subdivision 3, is amended to read:

40.14 Subd. 3. **Water supply plans; demand reduction.** (a) Every public water supplier
40.15 serving more than 1,000 people must submit a water supply plan to the commissioner
40.16 for approval by January 1, 1996. In accordance with guidelines developed by the
40.17 commissioner, the plan must address projected demands, adequacy of the water supply
40.18 system and planned improvements, existing and future water sources, natural resource
40.19 impacts or limitations, emergency preparedness, water conservation, supply and demand
40.20 reduction measures, and allocation priorities that are consistent with section 103G.261.
40.21 Public water suppliers must update their plan and, upon notification, submit it to the
40.22 commissioner for approval every ten years.

40.23 (b) The water supply plan in paragraph (a) is required for all communities in the
40.24 metropolitan area, as defined in section 473.121, with a municipal water supply system
40.25 and is a required element of the local comprehensive plan required under section 473.859.
40.26 Water supply plans or updates submitted after December 31, 2008, must be consistent
40.27 with the metropolitan area master water supply plan required under section 473.1565,
40.28 subdivision 1, paragraph (a), clause (2).

40.29 (c) Public water suppliers serving more than 1,000 people must ~~employ~~ encourage
40.30 water conservation by employing water use demand reduction measures, ~~including a~~
40.31 ~~conservation rate structure,~~ as defined in subdivision 4, paragraph (a), ~~unless exempted~~
40.32 ~~under subdivision 4, paragraph (c),~~ before requesting approval from the commissioner
40.33 of health under section 144.383, paragraph (a), to construct a public water supply well
40.34 or requesting an increase in the authorized volume of appropriation. ~~Demand reduction~~
40.35 ~~measures must include evaluation of conservation rate structures and a public education~~

41.1 ~~program that may include a toilet and showerhead retrofit program.~~ The commissioner
 41.2 of natural resources and the water supplier shall use a collaborative process to achieve
 41.3 demand reduction measures as a part of a water supply plan review process.

41.4 (d) Public water suppliers serving more than 1,000 people must submit records
 41.5 that indicate the number of connections and amount of use by customer category and
 41.6 volume of water unaccounted for with the annual report of water use required under
 41.7 section 103G.281, subdivision 3.

41.8 (e) For the purposes of this section, "public water supplier" means an entity
 41.9 that owns, manages, or operates a public water supply, as defined in section 144.382,
 41.10 subdivision 4.

41.11 Sec. 60. Minnesota Statutes 2010, section 103G.291, subdivision 4, is amended to read:

41.12 Subd. 4. ~~Conservation rate structure required~~ **Demand reduction measures.**

41.13 (a) For the purposes of this section, "demand reduction measures" means measures that
 41.14 reduce water demand, water losses, peak water demands, and nonessential water uses.

41.15 Demand reduction measures must include a conservation rate structure, or a uniform rate
 41.16 structure with a conservation program that achieves demand reduction. A "conservation

41.17 rate structure" means a rate structure that encourages conservation and may include

41.18 increasing block rates, seasonal rates, time of use rates, individualized goal rates, or excess

41.19 use rates. If a conservation rate is applied to multifamily dwellings, the rate structure must

41.20 consider each residential unit as an individual user in multiple-family dwellings.

41.21 (b) To encourage conservation, a public water supplier serving more than 1,000

41.22 ~~people in the metropolitan area, as defined in section 473.121, subdivision 2, shall use~~

41.23 ~~a conservation rate structure by January 1, 2010. All remaining public water suppliers~~

41.24 ~~serving more than 1,000 people shall use a conservation rate structure~~ must implement

41.25 demand reduction measures by January 1, ~~2013~~ 2015.

41.26 (c) ~~A public water supplier without the proper measuring equipment to track the~~

41.27 ~~amount of water used by its users, as of July 1, 2008, is exempt from this subdivision and~~

41.28 ~~the conservation rate structure requirement under subdivision 3, paragraph (c).~~

41.29 Sec. 61. Minnesota Statutes 2010, section 103G.301, subdivision 2, is amended to read:

41.30 Subd. 2. **Permit application and notification fees.** (a) A ~~permit application~~ fee

41.31 to defray the costs of receiving, recording, and processing ~~the application~~ must be paid

41.32 for a permit application authorized under this chapter ~~and~~, except for a general permit

41.33 application, for each request to amend or transfer an existing permit, and for a notification

41.34 to request authorization to conduct a project under a general permit. Fees established

42.1 under this subdivision, unless specified in paragraph (c), shall be compliant with section
42.2 16A.1285.

42.3 (b) Proposed projects that require water in excess of 100 million gallons per year
42.4 must be assessed fees to recover the costs incurred to evaluate the project and the costs
42.5 incurred for environmental review. Fees collected under this paragraph must be credited
42.6 to an account in the natural resources fund and are appropriated to the commissioner.

42.7 (c) The fee to apply for a permit to appropriate water, in addition to any fee under
42.8 paragraph (b); and for a permit to construct or repair a dam that is subject to dam safety
42.9 inspection; or a state general permit is \$150. The application fee for a permit to work in
42.10 public waters or to divert waters for mining must be at least \$150, but not more than
42.11 \$1,000. The fee for a notification to request authorization to conduct a project under a
42.12 general permit is \$100.

42.13 Sec. 62. Minnesota Statutes 2010, section 103G.301, subdivision 4, is amended to read:

42.14 Subd. 4. **Refund of fees prohibited.** A permit application, general permit
42.15 notification, or field inspection fee may not be refunded for any reason, even if the
42.16 application or request is denied or withdrawn.

42.17 Sec. 63. Minnesota Statutes 2010, section 103G.301, subdivision 5, is amended to read:

42.18 Subd. 5. **State and federal agencies exempt from fee.** A permit application,
42.19 general permit notification, or field inspection fee may not be imposed on any state agency,
42.20 as defined in section 16B.01, or federal governmental agency applying for a permit.

42.21 Sec. 64. Minnesota Statutes 2010, section 103G.301, subdivision 5a, is amended to
42.22 read:

42.23 Subd. 5a. **Town fees limited.** Notwithstanding this section or any other law, no
42.24 permit application, general permit notification, or field inspection fee charged to a town
42.25 in connection with the construction or alteration of a town road, bridge, or culvert shall
42.26 exceed \$100.

42.27 Sec. 65. Minnesota Statutes 2010, section 103G.611, is amended by adding a
42.28 subdivision to read:

42.29 Subd. 1a. **General permits.** The commissioner may issue a general permit to
42.30 a governmental subdivision or to the general public to conduct one or more projects
42.31 described in subdivision 1. A fee of \$100 may be charged for each aeration system used
42.32 under a general permit.

43.1 Sec. 66. Minnesota Statutes 2011 Supplement, section 103G.615, subdivision 1,
43.2 is amended to read:

43.3 Subdivision 1. **Issuance; validity.** (a) The commissioner may issue a state general
43.4 permit to a governmental subdivision or to the general public to conduct one or more
43.5 projects described in this subdivision. The commissioner may issue permits, with or
43.6 without a fee, to:

43.7 (1) gather or harvest aquatic plants, or plant parts, other than wild rice from public
43.8 waters;

43.9 (2) transplant aquatic plants into public waters;

43.10 (3) destroy harmful or undesirable aquatic vegetation or organisms in public waters
43.11 under prescribed conditions to protect the waters, desirable species of fish, vegetation,
43.12 other forms of aquatic life, and the public.

43.13 (b) Application for a permit and a notification to request authorization to conduct a
43.14 project under a general permit must be accompanied by a ~~permit~~ fee, if required.

43.15 (c) An aquatic plant management permit is valid for one growing season and expires
43.16 on December 31 of the year it is issued unless the commissioner stipulates a different
43.17 expiration date in rule or in the permit.

43.18 (d) A general permit may authorize a project for more than one growing season.

43.19 Sec. 67. Minnesota Statutes 2011 Supplement, section 103G.615, subdivision 2,
43.20 is amended to read:

43.21 Subd. 2. **Fees.** (a) The commissioner shall establish a fee schedule for permits to
43.22 control or harvest aquatic plants other than wild rice. The fees must be set by rule, and
43.23 section 16A.1283 does not apply, but the rule must not take effect until 45 legislative
43.24 days after it has been reported to the legislature. The fees shall not exceed \$2,500 per
43.25 permit and shall be based upon the cost of receiving, processing, analyzing, and issuing
43.26 the permit, and additional costs incurred after the application to inspect and monitor
43.27 the activities authorized by the permit, and enforce aquatic plant management rules and
43.28 permit requirements.

43.29 (b) A fee for a permit for the control of rooted aquatic vegetation for each contiguous
43.30 parcel of shoreline owned by an owner may be charged. This fee may not be charged for
43.31 permits issued in connection with purple loosestrife control or lakewide Eurasian water
43.32 milfoil control programs.

43.33 (c) A fee may not be charged to the state or a federal governmental agency applying
43.34 for a permit.

44.1 (d) A fee for a permit for the control of rooted aquatic vegetation in a public
44.2 water basin that is 20 acres or less in size shall be one-half of the fee established under
44.3 paragraph (a).

44.4 (e) The money received for the permits under this subdivision shall be deposited in
44.5 the treasury and credited to the water recreation account.

44.6 (f) The fee for processing a notification to request authorization for work under a
44.7 general permit is \$30, until the commissioner establishes a fee by rule as provided under
44.8 this subdivision.

44.9 Sec. 68. Minnesota Statutes 2010, section 103H.175, subdivision 3, is amended to read:

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

44.16 Sec. 69. Minnesota Statutes 2010, section 115.01, is amended by adding a subdivision
44.17 to read:

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

44.20 Sec. 70. **[115.035] WATER QUALITY STANDARDS NO MORE RESTRICTIVE**
44.21 **THAN FEDERAL STANDARDS.**

44.22 Notwithstanding section 115.03 or 115.44 or any other law to the contrary, the
44.23 commissioner of the Pollution Control Agency shall not adopt water quality standards
44.24 that are more restrictive than federal water quality standards after June 30, 2012, except
44.25 upon a showing by clear and convincing evidence that another standard is necessary to
44.26 protect the public use and benefit of the waters of the state. Water quality standards that
44.27 were adopted before that date and that exceed federal standards remain in effect, but shall
44.28 not be made more restrictive unless required under federal law.

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

44.30 Sec. 71. Minnesota Statutes 2010, section 115.06, subdivision 4, is amended to read:

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

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

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

45.6 (3) seeking public and private funds to:

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

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

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

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

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

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

45.20 Sec. 72. Minnesota Statutes 2010, section 115.073, is amended to read:

45.21 **115.073 ENFORCEMENT FUNDING.**

45.22 Except as provided in section 115C.05, all money recovered by the state under this
45.23 chapter and chapters 115A and 116, including civil penalties and money paid under an
45.24 agreement, stipulation, or settlement, excluding money paid for past due fees or taxes,
45.25 must be deposited in the state treasury and credited to the ~~environmental~~ general fund.

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

45.27 Sec. 73. Minnesota Statutes 2010, section 115.42, is amended to read:

45.28 **115.42 POLICY; LONG-RANGE PLAN; PURPOSE.**

45.29 It is the policy of the state to provide for the prevention, control, and abatement
45.30 of pollution of all waters of the state, so far as feasible and practical, in furtherance
45.31 of conservation of such waters and protection of the public health and in furtherance
45.32 of the development of the economic welfare of the state. The agency shall prepare a
45.33 long-range plan and program for the effectuation of said policy, ~~and shall make a report of~~

46.1 ~~progress thereon to the legislature by November 15 of each even-numbered year, with~~
46.2 ~~recommendations for action in furtherance of such program during the ensuing biennium.~~

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

46.7 Sec. 74. **[115A.121] REPORT CONSOLIDATION.**

46.8 Notwithstanding the statutory filing dates for reports required under chapters 115A
46.9 and 115D, the commissioner shall consolidate all reports under those chapters in a single
46.10 report to be submitted by December 31, 2013, and every four years thereafter, to the chairs
46.11 and ranking minority members of the senate and house of representatives committees
46.12 having jurisdiction over environment and natural resources policy and finance and to other
46.13 persons statutorily designated to receive the reports.

46.14 Sec. 75. Minnesota Statutes 2011 Supplement, section 115A.1320, subdivision 1,
46.15 is amended to read:

46.16 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections
46.17 115A.1310 to 115A.1330.

46.18 (b) The agency shall establish procedures for:

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

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

46.23 (c) The agency shall annually review the value of the following variables that are
46.24 part of the formula used to calculate a manufacturer's annual registration fee under section
46.25 115A.1314, subdivision 1:

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

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

46.30 (3) the base registration fee; and

46.31 (4) the multiplier established for the weight of covered electronic devices collected
46.32 in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of
46.33 these values must be changed in order to improve the efficiency or effectiveness of the
46.34 activities regulated under sections 115A.1312 to 115A.1330, the agency shall submit

47.1 recommended changes and the reasons for them to the chairs of the senate and house of
47.2 representatives committees with jurisdiction over solid waste policy.

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

47.7 (e) ~~On or before December 1, 2010, and each year thereafter,~~ The agency shall
47.8 provide a report to the governor and the legislature on the implementation of sections
47.9 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight
47.10 of covered electronic devices recycled and a summary of information in the reports
47.11 submitted by manufacturers and recyclers under section 115A.1316. The report must
47.12 also discuss the various collection programs used by manufacturers to collect covered
47.13 electronic devices; information regarding covered electronic devices that are being
47.14 collected by persons other than registered manufacturers, collectors, and recyclers; and
47.15 information about covered electronic devices, if any, being disposed of in landfills in
47.16 this state. The report must include a description of enforcement actions under sections
47.17 115A.1310 to 115A.1330. The agency may include in its report other information received
47.18 by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The
47.19 report must be done in conjunction with the report required under section 115D.10.

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

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

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

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

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

47.34 Sec. 76. Minnesota Statutes 2010, section 115A.15, subdivision 5, is amended to read:

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

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

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

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

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

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

48.17 Sec. 77. Minnesota Statutes 2010, section 115A.411, is amended to read:

48.18 **115A.411 SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED**
 48.19 **REPORT.**

48.20 Subdivision 1. **Authority; purpose.** The commissioner shall prepare and adopt a
 48.21 report on solid waste management policy and activities under this chapter. The report must
 48.22 be submitted by the commissioner to the senate and house of representatives committees
 48.23 having jurisdiction over environment and natural resources ~~and environment and natural~~
 48.24 ~~resources finance~~ by December 1 ~~of each odd-numbered year~~ 31, 2015, and every four
 48.25 years thereafter and shall include reports required under sections ~~115A.55, subdivision 4,~~
 48.26 ~~paragraph (b);~~ 115A.551, subdivision 4; 115A.557, subdivision 4; 473.149, subdivision
 48.27 6; 473.846; and 473.848, subdivision 4.

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

48.29 (1) a summary of the current status of solid waste management, including the amount
 48.30 of solid waste generated and reduced, the manner in which it is collected, processed, and
 48.31 disposed, the extent of separation, recycling, reuse, and recovery of solid waste, and the
 48.32 facilities available or under development to manage the waste;

48.33 (2) an evaluation of the extent and effectiveness of implementation ~~and~~ of section
 48.34 115A.02, including an assessment of progress in accomplishing state policies, goals, and
 48.35 objectives, including those listed in paragraph (b);

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

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

49.7 ~~(b) (5) a report on progress made toward implementation of the objectives of~~
 49.8 ~~Beginning in 1997, and every sixth year thereafter, the report shall be expanded to include~~
 49.9 ~~the metropolitan area solid waste policy plan as required in section 473.149, subdivision~~
 49.10 ~~1, and strategies for the agency to advance the goals of this chapter, to manage waste as a~~
 49.11 ~~resource, to further reduce the need for expenditures on resource recovery and disposal~~
 49.12 ~~facilities, and to further reduce long-term environmental and financial liabilities 6.~~

49.13 (b) The ~~expanded~~ report must include strategies for:

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

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

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

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

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

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

49.32 Sec. 78. Minnesota Statutes 2010, section 115A.551, subdivision 2a, is amended to
 49.33 read:

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

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

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

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

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

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

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

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

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

50.26 Sec. 79. Minnesota Statutes 2010, section 115A.551, subdivision 4, is amended to read:

50.27 Subd. 4. **Interim monitoring.** The commissioner shall monitor the progress of each
50.28 county toward meeting the recycling goals in subdivisions 2 and 2a. The commissioner
50.29 shall report to the senate and house of representatives committees having jurisdiction over
50.30 environment and natural resources ~~and environment and natural resources finance on the
50.31 progress of the counties by July 1 of each odd-numbered year as part of the report required
50.32 under section 115A.411.~~ If the commissioner finds that a county is not progressing toward
50.33 the goals in subdivisions 2 and 2a, the commissioner shall negotiate with the county to
50.34 develop and implement solid waste management techniques designed to assist the county

51.1 in meeting the goals, such as organized collection, curbside collection of source-separated
51.2 materials, and volume-based pricing.

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

51.4 Sec. 80. Minnesota Statutes 2010, section 115A.557, subdivision 4, is amended to read:

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

51.11 Sec. 81. Minnesota Statutes 2010, section 115D.08, is amended to read:

51.12 **115D.08 PROGRESS REPORTS.**

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

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

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

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

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

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

51.29 (5) a certification, signed and dated by the facility manager and an officer of the
51.30 company under penalty of section 609.63, attesting that a plan meeting the requirements
51.31 of section 115D.07 has been prepared and also attesting to the accuracy of the information
51.32 in the progress report.

51.33 Subd. 2. **Review of progress reports.** (a) The commissioner of public safety shall
51.34 review all progress reports to determine if they meet the requirements of subdivision 1.

52.1 If the commissioner of public safety determines that a progress report does not meet the
 52.2 requirements, the commissioner of public safety shall notify the facility in writing and
 52.3 shall identify specific deficiencies and specify a reasonable time period of not less than 90
 52.4 days for the facility to modify the progress report.

52.5 (b) The commissioner of public safety shall be given access to a facility plan
 52.6 required under section 115D.07 if the commissioner of public safety determines that
 52.7 the progress report for that facility does not meet the requirements of subdivision 1.
 52.8 Twenty-five or more persons living within ten miles of the facility may submit a petition
 52.9 to the commissioner of public safety that identifies specific deficiencies in the progress
 52.10 report and requests the commissioner of public safety to review the facility plan. Within
 52.11 30 days after receipt of the petition, the commissioner of public safety shall respond in
 52.12 writing. If the commissioner of public safety agrees that the progress report does not meet
 52.13 requirements of subdivision 1, the commissioner of public safety shall be given access
 52.14 to the facility plan.

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

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

52.24 (e) If the commissioner of public safety determines that a modified progress report
 52.25 still does not meet the requirements of subdivision 1, action may be taken under section
 52.26 115.071 to obtain compliance with sections 115D.01 to 115D.12.

52.27 Sec. 82. Minnesota Statutes 2010, section 116.011, is amended to read:

52.28 **116.011 ~~ANNUAL~~ POLLUTION REPORT.**

52.29 A goal of the Pollution Control Agency is to reduce the amount of pollution that is
 52.30 emitted in the state. By April 1 of each even-numbered year, the Pollution Control Agency
 52.31 shall report the best estimate of the agency of the total volume of water and air pollution
 52.32 that was emitted in the state in the previous two calendar ~~year~~ years for which data are
 52.33 available. The agency shall report its findings for both water and air pollution:

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

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

53.3 Sec. 83. Minnesota Statutes 2010, section 116.02, subdivision 1, is amended to read:

53.4 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota
53.5 Pollution Control Agency, ~~is~~ and the Minnesota Pollution Control Agency Citizen's Board
53.6 are hereby created. The ~~agency~~ Minnesota Pollution Control Agency Citizen's Board shall
53.7 consist of the commissioner and eight members appointed by the governor, by and with the
53.8 advice and consent of the senate. One of such members shall be a person knowledgeable
53.9 in the field of agriculture and one shall be representative of organized labor.

53.10 Sec. 84. Minnesota Statutes 2010, section 116.02, subdivision 2, is amended to read:

53.11 Subd. 2. **Terms, compensation, removal, vacancies.** The membership terms,
53.12 compensation, removal of members, and filling of vacancies on the ~~agency~~ Minnesota
53.13 Pollution Control Agency Citizen's Board shall be as provided in section 15.0575.

53.14 Sec. 85. Minnesota Statutes 2010, section 116.02, subdivision 3, is amended to read:

53.15 Subd. 3. **Membership.** The membership of the Minnesota Pollution Control Agency
53.16 Citizen's Board shall be broadly representative of the skills and experience necessary to
53.17 effectuate the policy of sections 116.01 to 116.075, except that no member other than the
53.18 commissioner shall be an officer or employee of the state or federal government. Only two
53.19 members at one time may be officials or employees of a municipality or any governmental
53.20 subdivision, but neither may be a member ex officio or otherwise on the management
53.21 board of a municipal sanitary sewage disposal system.

53.22 Sec. 86. Minnesota Statutes 2010, section 116.02, subdivision 4, is amended to read:

53.23 Subd. 4. **Chair.** The commissioner shall serve as chair of the ~~agency~~ Minnesota
53.24 Pollution Control Agency Citizen's Board. The ~~agency~~ Minnesota Pollution Control
53.25 Agency Citizen's Board shall elect such other officers as it deems necessary.

53.26 Sec. 87. Minnesota Statutes 2010, section 116.02, subdivision 6, is amended to read:

53.27 Subd. 6. **Required decisions.** The ~~agency~~ Minnesota Pollution Control Agency
53.28 Citizen's Board shall ~~make final decisions on the following matters:~~

53.29 ~~(1) a petition for the preparation of an environmental assessment worksheet, if the~~
53.30 ~~project proposer or a person commenting on the proposal requests that the decision be~~
53.31 ~~made by the agency and the agency requests that it make the decision under subdivision 8;~~

- 54.1 ~~(2) the need for an environmental impact statement following preparation of an~~
 54.2 ~~environmental assessment worksheet under applicable rules, if:~~
- 54.3 ~~(i) the agency has received a request for an environmental impact statement;~~
 54.4 ~~(ii) the project proposer or a person commenting on the proposal requests that the~~
 54.5 ~~declaration be made by the agency and the agency requests that it make the decision~~
 54.6 ~~under subdivision 8; or~~
- 54.7 ~~(iii) the commissioner is recommending preparation of an environmental impact~~
 54.8 ~~statement;~~
- 54.9 ~~(3) the scope and adequacy of environmental impact statements;~~
 54.10 ~~(4) issuance, reissuance, modification, or revocation of a permit if:~~
- 54.11 ~~(i) a variance is sought in the permit application or a contested case hearing request~~
 54.12 ~~is pending; or~~
- 54.13 ~~(ii) the permit applicant, the permittee, or a person commenting on the permit action~~
 54.14 ~~requests that the decision be made by the agency and the agency requests that it make~~
 54.15 ~~the decision under subdivision 8;~~
- 54.16 ~~(5) final adoption or amendment of agency rules for which a public hearing is~~
 54.17 ~~required under section 14.25 or for which the commissioner decides to proceed directly to~~
 54.18 ~~a public hearing under section 14.14, subdivision 1;~~
- 54.19 ~~(6) approval or denial of an application for a variance from an agency rule if:~~
- 54.20 ~~(i) granting the variance request would change an air, soil, or water quality standard;~~
 54.21 ~~(ii) the commissioner has determined that granting the variance would have a~~
 54.22 ~~significant environmental impact; or~~
- 54.23 ~~(iii) the applicant or a person commenting on the variance request requests that the~~
 54.24 ~~decision be made by the agency and the agency requests that it make the decision under~~
 54.25 ~~subdivision 8; and~~
- 54.26 ~~(7) whether to reopen, rescind, or reverse a decision of the agency:~~
- 54.27 (1) make final decisions on adoption or amendment of rules implementing the
 54.28 substantive statutes charged to the Minnesota Pollution Control Agency for administration;
 54.29 (2) make additional decisions in response to the commissioner's request; and
 54.30 (3) provide advice to the commissioner at the commissioner's request.

54.31 Sec. 88. Minnesota Statutes 2010, section 116.03, subdivision 1, is amended to read:

54.32 Subdivision 1. **Office.** (a) The Office of Commissioner of the Pollution Control
 54.33 Agency is created and is under the supervision and control of the commissioner, who is
 54.34 appointed by the governor under the provisions of section 15.06.

55.1 (b) The commissioner may appoint a deputy commissioner and assistant
55.2 commissioners who shall be in the unclassified service.

55.3 (c) The commissioner shall make all decisions on behalf of the agency ~~that are not~~
55.4 ~~required to be made by the agency~~ other than rulemaking decisions to be made by the
55.5 Minnesota Pollution Control Agency Citizen's Board under section 116.02.

55.6 Sec. 89. Minnesota Statutes 2011 Supplement, section 116.03, subdivision 2b, is
55.7 amended to read:

55.8 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and
55.9 resource management permits be issued or denied within 150 days of the submission of a
55.10 substantially completed permit application. The commissioner of the Pollution Control
55.11 Agency shall establish management systems designed to achieve the goal.

55.12 (b) The commissioner shall prepare semiannual permitting efficiency reports that
55.13 include statistics on meeting the goal in paragraph (a). The reports are due February 1
55.14 and August 1 each year. For permit applications that have not met the goal, the report
55.15 must state the reasons for not meeting the goal, steps that will be taken to complete action
55.16 on the application, and the expected timeline. In stating the reasons for not meeting the
55.17 goal, the commissioner shall separately identify delays caused by the responsiveness of
55.18 the proposer, lack of staff, scientific or technical disagreements, or the level of public
55.19 engagement. The report must specify the number of days from initial submission of the
55.20 application to the day of determination that the application is complete. The report for
55.21 August 1 each year must aggregate the data for the year and assess whether program
55.22 or system changes are necessary to achieve the goal. The report must be posted on the
55.23 agency's Web site and submitted to the governor and the chairs and ranking minority
55.24 members of the house of representatives and senate committees having jurisdiction over
55.25 environment policy and finance.

55.26 (c) The commissioner shall allow electronic submission of environmental review
55.27 and permit documents to the agency.

55.28 (d) Beginning July 1, 2011, within 30 business days of application for a permit
55.29 subject to paragraph (a), the commissioner of the Pollution Control Agency shall notify
55.30 the project proposer, in writing, of whether or not the permit application is complete
55.31 enough for processing. If the permit is incomplete, the commissioner must identify where
55.32 deficiencies exist and advise the applicant on how they can be remedied. A resubmittal of
55.33 the application begins a new 30-day review period. If the commissioner fails to notify the
55.34 project proposer of completeness within 30 business days, the application is deemed to be
55.35 substantially complete and subject to the 150-day permitting review period in paragraph

56.1 (a) from the date it was submitted. This paragraph does not apply to an application for a
56.2 permit that is subject to a grant or loan agreement under chapter 446A.

56.3 (e) The commissioner shall approve or deny within 60 days an application for a
56.4 minor permit or minor permit amendment. Failure of the commissioner to deny an
56.5 application for a minor permit or minor permit amendment within 60 days is approval of
56.6 the permit. If the commissioner receives an application that does not contain all required
56.7 information, the 60-day limit starts over only if the commissioner notifies the applicant
56.8 as required under paragraph (d).

56.9 (f) By July 1, 2012, the commissioner shall review all types of permits issued by
56.10 the agency, determine the permit and amendment types the commissioner deems minor
56.11 for purposes of paragraph (e), and post a list of the permit and amendment types on the
56.12 agency's Web site. The commissioner shall periodically review, update, and post the
56.13 list of permits and permit amendment types subject to paragraph (e) at least every five
56.14 years. Permits and permit amendments may not be deemed minor under this paragraph
56.15 if approval of a permit or permit amendment according to paragraph (e) would be in
56.16 violation of federal law.

56.17 **EFFECTIVE DATE.** Paragraph (f) is effective the day following final enactment.

56.18 Sec. 90. Minnesota Statutes 2010, section 116.06, subdivision 22, is amended to read:

56.19 Subd. 22. **Solid waste.** "Solid waste" means garbage, refuse, sludge from a water
56.20 supply treatment plant or air contaminant treatment facility, and other discarded waste
56.21 materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting
56.22 from industrial, commercial, mining, and agricultural operations, and from community
56.23 activities, but does not include hazardous waste; animal waste used as fertilizer; earthen
56.24 fill, boulders, rock; concrete diamond grinding and saw slurry associated with the
56.25 construction, improvement, or repair of a road when deposited according to section
56.26 161.367; sewage sludge; solid or dissolved material in domestic sewage or other common
56.27 pollutants in water resources, such as silt, dissolved or suspended solids in industrial
56.28 wastewater effluents or discharges which are point sources subject to permits under
56.29 section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials
56.30 in irrigation return flows; or source, special nuclear, or by-product material as defined by
56.31 the Atomic Energy Act of 1954, as amended.

56.32 Sec. 91. Minnesota Statutes 2010, section 116.07, is amended by adding a subdivision
56.33 to read:

57.1 Subd. 7e. **Manure digester permits.** An air emissions permit is not required for a
57.2 manure digester and associated electrical generation equipment that converts methane to
57.3 electricity or provides backup power for farm use on a farm that is located outside the
57.4 metropolitan area, as defined in section 473.121. subdivision 2.

57.5 Sec. 92. Minnesota Statutes 2010, section 116.0714, is amended to read:

57.6 **116.0714 NEW OPEN AIR SWINE BASINS.**

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

57.13 Sec. 93. Minnesota Statutes 2010, section 116.10, is amended to read:

57.14 **116.10 POLICY; LONG-RANGE PLAN; PURPOSE.**

57.15 Consistent with the policy announced herein and the purposes of Laws 1963, chapter
57.16 874, the Pollution Control Agency shall, ~~before November 15 of each even-numbered~~
57.17 ~~year,~~ prepare a long-range plan and program for the effectuation of said policy, ~~and shall~~
57.18 ~~make a report also of progress on abatement and control of air and land pollution during~~
57.19 ~~each biennium to the legislature with recommendations for action in furtherance of the air~~
57.20 ~~and land pollution and waste programs.~~

57.21 Sec. 94. Minnesota Statutes 2010, section 116C.833, subdivision 2, is amended to read:

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

57.30 Sec. 95. Minnesota Statutes 2011 Supplement, section 116D.04, subdivision 2a,
57.31 is amended to read:

58.1 Subd. 2a. **When prepared.** Where there is potential for significant environmental
58.2 effects resulting from any major governmental action, the action shall be preceded by a
58.3 detailed environmental impact statement prepared by the responsible governmental unit.
58.4 The environmental impact statement shall be an analytical rather than an encyclopedic
58.5 document which describes the proposed action in detail, analyzes its significant
58.6 environmental impacts, discusses appropriate alternatives to the proposed action and
58.7 their impacts, and explores methods by which adverse environmental impacts of an
58.8 action could be mitigated. The environmental impact statement shall also analyze those
58.9 economic, employment and sociological effects that cannot be avoided should the action
58.10 be implemented. To ensure its use in the decision-making process, the environmental
58.11 impact statement shall be prepared as early as practical in the formulation of an action.
58.12 No mandatory environmental impact statement may be required for an ethanol plant,
58.13 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than
58.14 125,000,000 gallons of ethanol annually and is located outside of the seven-county
58.15 metropolitan area.

58.16 (a) The board shall by rule establish categories of actions for which environmental
58.17 impact statements and for which environmental assessment worksheets shall be prepared
58.18 as well as categories of actions for which no environmental review is required under this
58.19 section. A mandatory environmental assessment worksheet shall not be required for the
58.20 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph
58.21 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a
58.22 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity
58.23 of the expanded or converted facility to produce alcohol fuel, but must be required if
58.24 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories
58.25 of actions for which environmental assessment worksheets must be prepared. The
58.26 responsible governmental unit for an ethanol plant or biobutanol facility project for which
58.27 an environmental assessment worksheet is prepared shall be the state agency with the
58.28 greatest responsibility for supervising or approving the project as a whole.

58.29 (b) The responsible governmental unit shall promptly publish notice of the
58.30 completion of an environmental assessment worksheet ~~in a~~ by publishing the notice in
58.31 at least one newspaper of general circulation in the geographic area where the project is
58.32 proposed, by posting the notice on a Web site that has been designated as the official
58.33 publication site for publication of proceedings, public notices, and summaries of a political
58.34 subdivision in which the project is proposed or in any other manner to be determined by
58.35 the board and shall provide copies of the environmental assessment worksheet to the board
58.36 and its member agencies. Comments on the need for an environmental impact statement

59.1 may be submitted to the responsible governmental unit during a 30-day period following
59.2 publication of the notice that an environmental assessment worksheet has been completed.
59.3 The responsible governmental unit's decision on the need for an environmental impact
59.4 statement shall be based on the environmental assessment worksheet and the comments
59.5 received during the comment period, and shall be made within 15 days after the close of
59.6 the comment period. The board's chair may extend the 15-day period by not more than 15
59.7 additional days upon the request of the responsible governmental unit.

59.8 (c) An environmental assessment worksheet shall also be prepared for a proposed
59.9 action whenever material evidence accompanying a petition by not less than 100
59.10 individuals who reside or own property in the state, submitted before the proposed
59.11 project has received final approval by the appropriate governmental units, demonstrates
59.12 that, because of the nature or location of a proposed action, there may be potential for
59.13 significant environmental effects. Petitions requesting the preparation of an environmental
59.14 assessment worksheet shall be submitted to the board. The chair of the board shall
59.15 determine the appropriate responsible governmental unit and forward the petition to it.
59.16 A decision on the need for an environmental assessment worksheet shall be made by
59.17 the responsible governmental unit within 15 days after the petition is received by the
59.18 responsible governmental unit. The board's chair may extend the 15-day period by not
59.19 more than 15 additional days upon request of the responsible governmental unit.

59.20 (d) Except in an environmentally sensitive location where Minnesota Rules, part
59.21 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
59.22 review under this chapter and rules of the board, if:

59.23 (1) the proposed action is:

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

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

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

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

59.35 (e) The board may, prior to final approval of a proposed project, require preparation
59.36 of an environmental assessment worksheet by a responsible governmental unit selected

60.1 by the board for any action where environmental review under this section has not been
60.2 specifically provided for by rule or otherwise initiated.

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

60.14 (g) The responsible governmental unit shall, to the extent practicable, avoid
60.15 duplication and ensure coordination between state and federal environmental review
60.16 and between environmental review and environmental permitting. Whenever practical,
60.17 information needed by a governmental unit for making final decisions on permits or
60.18 other actions required for a proposed project shall be developed in conjunction with
60.19 the preparation of an environmental impact statement. When an environmental impact
60.20 statement is prepared for a project requiring multiple permits for which two or more
60.21 state agencies' decision processes include either mandatory or discretionary hearings
60.22 before a hearing officer prior to the agencies' decision on the permit, the agencies may,
60.23 notwithstanding any law or rule to the contrary, conduct such hearings in a single
60.24 consolidated hearing process if requested by the proposer. All state agencies having
60.25 jurisdiction over a permit that is included in the consolidated hearing shall participate. The
60.26 responsible governmental unit shall establish appropriate procedures for the consolidated
60.27 hearing process, including procedures to ensure that the consolidated hearing process
60.28 is consistent with the applicable requirements for each permit regarding the rights and
60.29 duties of parties to the hearing, and shall utilize the earliest applicable hearing procedure
60.30 to initiate the hearing. The procedures of section 116C.28, subdivision 2, shall apply to
60.31 the consolidated hearing.

60.32 (h) An environmental impact statement shall be prepared and its adequacy
60.33 determined within 280 days after notice of its preparation unless the time is extended by
60.34 consent of the parties or by the governor for good cause. The responsible governmental
60.35 unit shall determine the adequacy of an environmental impact statement, unless within 60
60.36 days after notice is published that an environmental impact statement will be prepared,

61.1 the board chooses to determine the adequacy of an environmental impact statement. If an
61.2 environmental impact statement is found to be inadequate, the responsible governmental
61.3 unit shall have 60 days to prepare an adequate environmental impact statement.

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

61.15 Sec. 96. Minnesota Statutes 2010, section 116D.04, is amended by adding a
61.16 subdivision to read:

61.17 **Subd. 15. Duplicative permit information; environmental assessment**
61.18 **worksheets.** The board shall not require, unless necessary, information in an
61.19 environmental assessment worksheet for a proposed action when the information is also
61.20 required as part of any necessary permitting process for the proposed action.

61.21 Sec. 97. **[161.367] CONCRETE DIAMOND GRINDING AND SAW SLURRY.**

61.22 In any contract that includes concrete diamond grinding or concrete sawing
61.23 associated with construction, improvement, or repair of a road, the commissioner of
61.24 transportation shall include a special provision relating to the resulting concrete slurry.
61.25 The special provision must include language requiring removal of the concrete slurry by
61.26 vacuuming; allowing deposit of the concrete slurry along the in-slope of the roadway;
61.27 prohibiting the contractor from allowing the concrete slurry to flow across lanes of traffic
61.28 or into gutters or other closed drainage facilities; specifying that the concrete slurry
61.29 disposal follows national industry best management practices; and specifying that the
61.30 concrete slurry must be deposited in a manner that complies with Minnesota Rules, part
61.31 7050.0210.

62.1 Sec. 98. Minnesota Statutes 2010, section 216C.055, is amended to read:

62.2 **216C.055 KEY ROLE OF SOLAR AND BIOMASS RESOURCES IN**
 62.3 **PRODUCING THERMAL ENERGY.**

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

62.15 Sec. 99. Minnesota Statutes 2010, section 216H.07, subdivision 3, is amended to read:

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

62.21 (1) the most recent and best available evidence identifying the level of reductions
 62.22 already achieved and the level necessary to achieve the reductions timetable in section
 62.23 216H.02-; and

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

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

62.29 Sec. 100. Minnesota Statutes 2010, section 473.149, subdivision 1, is amended to read:

62.30 Subdivision 1. **Policy plan; general requirements.** The commissioner of the
 62.31 Pollution Control Agency ~~may~~ shall revise the metropolitan long range policy plan for
 62.32 solid waste management adopted ~~and revised by the Metropolitan Council prior to the~~
 62.33 ~~transfer of powers and duties in Laws 1994, chapter 639, article 5, section 2 in 2011 by~~
 62.34 December 31, 2016, and every sixth year thereafter. The plan shall be followed in the

63.1 metropolitan area. ~~Until the commissioner revises it, the plan adopted and revised by~~
63.2 ~~the council on September 26, 1991, remains in effect.~~ The plan shall address the state
63.3 policies and purposes expressed in section 115A.02. In revising the plan the commissioner
63.4 shall follow the procedures in subdivision 3. The plan shall include goals and policies
63.5 for solid waste management, including recycling consistent with section 115A.551, and
63.6 household hazardous waste management consistent with section 115A.96, subdivision 6,
63.7 in the metropolitan area.

63.8 The plan shall include criteria and standards for solid waste facilities and solid
63.9 waste facility sites respecting the following matters: general location; capacity; operation;
63.10 processing techniques; environmental impact; effect on existing, planned, or proposed
63.11 collection services and waste facilities; and economic viability. The plan shall, to the
63.12 extent practicable and consistent with the achievement of other public policies and
63.13 purposes, encourage ownership and operation of solid waste facilities by private industry.
63.14 For solid waste facilities owned or operated by public agencies or supported primarily by
63.15 public funds or obligations issued by a public agency, the plan shall include additional
63.16 criteria and standards to protect comparable private and public facilities already existing
63.17 in the area from displacement unless the displacement is required in order to achieve the
63.18 waste management objectives identified in the plan. In revising the plan, the commissioner
63.19 shall consider the orderly and economic development, public and private, of the
63.20 metropolitan area; the preservation and best and most economical use of land and water
63.21 resources in the metropolitan area; the protection and enhancement of environmental
63.22 quality; the conservation and reuse of resources and energy; the preservation and
63.23 promotion of conditions conducive to efficient, competitive, and adaptable systems
63.24 of waste management; and the orderly resolution of questions concerning changes in
63.25 systems of waste management. Criteria and standards for solid waste facilities shall be
63.26 consistent with rules adopted by the Pollution Control Agency pursuant to chapter 116 and
63.27 shall be at least as stringent as the guidelines, regulations, and standards of the federal
63.28 Environmental Protection Agency.

63.29 Sec. 101. Minnesota Statutes 2010, section 473.149, subdivision 6, is amended to read:

63.30 Subd. 6. **Report to legislature.** The commissioner shall report on abatement to
63.31 the senate and house of representatives committees having jurisdiction over ways and
63.32 means, finance, environment and natural resources committees of the senate and house
63.33 of representatives, the Finance Division of the senate Committee on Environment and
63.34 Natural Resources, and the house of representatives Committee on Environment and
63.35 Natural Resources Finance by July 1 of each odd-numbered year policy, and environment

64.1 and natural resources finance. The report must include an assessment of whether the
 64.2 objectives of the metropolitan abatement plan have been met and whether each county
 64.3 and each class of city within each county have achieved the objectives set for it in the
 64.4 plan. The report must recommend any legislation that may be required to implement the
 64.5 plan. The report shall be included in the report required by section 115A.411. If in any
 64.6 year the commissioner reports that the objectives of the abatement plan have not been
 64.7 met, the commissioner shall evaluate and report on the need to reassign governmental
 64.8 responsibilities among cities, counties, and metropolitan agencies to assure implementation
 64.9 and achievement of the metropolitan and local abatement plans and objectives.

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

64.15 Sec. 102. Minnesota Statutes 2010, section 473.846, is amended to read:

64.16 **473.846 ~~REPORT~~ REPORTS TO LEGISLATURE.**

64.17 The agency shall submit to the senate ~~Finance Committee, the~~ and house of
 64.18 representatives ~~Ways and Means Committee, and the Environment and Natural Resources~~
 64.19 ~~Committees of the senate and house of representatives, the Finance Division of the senate~~
 64.20 ~~Committee on Environment and Natural Resources, and the house of representatives~~
 64.21 ~~Committee on~~ committees having jurisdiction over environment and natural resources
 64.22 ~~finance~~ separate reports describing the activities for which money for landfill abatement
 64.23 has been spent under sections 473.844 and 473.845. ~~The agency shall report by November~~
 64.24 ~~1 of each year on expenditures during its previous fiscal year. The commissioner shall~~
 64.25 ~~report on expenditures during the previous calendar year and must incorporate its report~~
 64.26 The report for section 473.844 expenditures shall be included in the report required by
 64.27 section 115A.411, due July 1 of each odd-numbered year. By December 31 of each year,
 64.28 the commissioner shall submit the report for section 473.845 on contingency action
 64.29 trust fund activities. In both reports, the commissioner shall make recommendations
 64.30 ~~to the Environment and Natural Resources Committees of the senate and house of~~
 64.31 ~~representatives, the Finance Division of the senate Committee on Environment and~~
 64.32 ~~Natural Resources, and the house of representatives Committee on Environment and~~
 64.33 ~~Natural Resources Finance~~ on the future management and use of the metropolitan landfill
 64.34 abatement account.

65.1 Sec. 103. [574.2631] SURVEYORS WORKING ON STATE LANDS; BONDS;
65.2 INSURANCE.

65.3 The commissioner of natural resources shall not require a surveyor working on lands
65.4 administered by the commissioner to obtain insurance or bonds in excess of \$1,000,000.

65.5 Sec. 104. Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by
65.6 Laws 2009, chapter 37, article 1, section 60, is amended to read:

65.7 Subd. 2. **Land and Mineral Resources**
65.8 **Management** 11,747,000 11,272,000

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

65.14 \$475,000 the first year and \$475,000 the
65.15 second year are for iron ore cooperative
65.16 research. Of this amount, \$200,000 each year
65.17 is from the minerals management account in
65.18 the natural resources fund and \$275,000 each
65.19 year is from the general fund. \$237,500 the
65.20 first year and \$237,500 the second year are
65.21 available only as matched by \$1 of nonstate
65.22 money for each \$1 of state money. The
65.23 match may be cash or in-kind.

65.24 \$86,000 the first year and \$86,000 the
65.25 second year are for minerals cooperative
65.26 environmental research, of which \$43,000
65.27 the first year and \$43,000 the second year are
65.28 available only as matched by \$1 of nonstate
65.29 money for each \$1 of state money. The
65.30 match may be cash or in-kind.

65.31 \$2,800,000 the first year and \$2,696,000
65.32 the second year are from the minerals
65.33 management account in the natural resources
65.34 fund for use as provided in Minnesota
65.35 Statutes, section 93.2236, paragraph (c).

66.1 \$200,000 the first year and \$200,000 the
66.2 second year are from the state forest suspense
66.3 account in the permanent school fund to
66.4 accelerate land exchanges, land sales, and
66.5 commercial leasing of school trust lands and
66.6 to identify, evaluate, and lease construction
66.7 aggregate located on school trust lands. This
66.8 appropriation is to be used for securing
66.9 maximum long-term economic return
66.10 from the school trust lands consistent with
66.11 fiduciary responsibilities and sound natural
66.12 resources conservation and management
66.13 principles.

66.14 \$15,000 the first year is for a report
66.15 by February 1, 2008, to the house and
66.16 senate committees with jurisdiction over
66.17 environment and natural resources on
66.18 proposed minimum legal and conservation
66.19 standards that could be applied to
66.20 conservation easements acquired with public
66.21 money.

66.22 \$1,201,000 the first year and \$701,000 the
66.23 second year are to support the land records
66.24 management system. Of this amount,
66.25 \$326,000 the first year and \$326,000 the
66.26 second year are from the game and fish fund
66.27 and \$375,000 the first year and \$375,000 the
66.28 second year are from the natural resources
66.29 fund. The unexpended balances are available
66.30 until June 30, 2011. ~~The commissioner~~
66.31 ~~must report to the legislative chairs on~~
66.32 ~~environmental finance on the outcomes of~~
66.33 ~~the land records management support.~~

67.1 \$500,000 the first year and \$500,000 the
 67.2 second year are for land asset management.
 67.3 This is a onetime appropriation.

67.4 Sec. 105. Laws 2010, chapter 362, section 2, subdivision 7, is amended to read:

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

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

67.7 \$900,000 is from the trust fund to the Board
 67.8 of Regents of the University of Minnesota
 67.9 to demonstrate an innovative microalgae
 67.10 production system utilizing and treating
 67.11 sanitary wastewater to produce biofuels
 67.12 from algae. This appropriation is available
 67.13 until June 30, 2013, by which time the
 67.14 project must be completed and final products
 67.15 delivered.

67.16 **(b) Sustainable Biofuels**

67.17 \$221,000 is from the trust fund to the Board
 67.18 of Regents of the University of Minnesota
 67.19 to determine how fertilization and irrigation
 67.20 impact yields of grass monoculture and high
 67.21 diversity prairie biofuel crops, their storage
 67.22 of soil carbon, and susceptibility to invasion
 67.23 by exotic species. This appropriation is
 67.24 available until June 30, 2013, by which time
 67.25 the project must be completed and final
 67.26 products delivered.

67.27 **(c) Linking Habitat Restoration to Bioenergy**
 67.28 **and Local Economies**

67.29 \$600,000 is from the trust fund to the
 67.30 commissioner of natural resources to restore
 67.31 high quality native habitats and expand
 67.32 market opportunities for ~~utilizing postharvest~~
 67.33 ~~restoration as a~~ using the woody by-product
 67.34 material for bioenergy source. ~~or other~~

68.1 products. The commissioner may provide
 68.2 grants or otherwise transfer some or all
 68.3 of this money to other public or private
 68.4 entities to accomplish these purposes. The
 68.5 commissioner may sell the material from
 68.6 public or private property to any viable
 68.7 market, provided that all of the proceeds
 68.8 are spent to further the purposes of this
 68.9 appropriation. This appropriation is available
 68.10 until June 30, 2013, by which time the
 68.11 project must be completed and final products
 68.12 delivered.

68.13 **(d) Demonstrating Sustainable Energy**
 68.14 **Practices at Residential Environmental**
 68.15 **Learning Centers (RELCs)**

68.16 \$1,500,000 is from the trust fund to
 68.17 the commissioner of natural resources
 68.18 for agreements as follows: \$206,000
 68.19 with Audubon Center of the North
 68.20 Woods; \$212,000 with Deep Portage
 68.21 Learning Center; \$350,000 with Eagle
 68.22 Bluff Environmental Learning Center;
 68.23 \$258,000 with Laurentian Environmental
 68.24 Learning Center; \$240,000 with Long
 68.25 Lake Conservation Center; and \$234,000
 68.26 with Wolf Ridge Environmental Learning
 68.27 Center to implement renewable energy,
 68.28 energy efficiency, and energy conservation
 68.29 practices at the facilities. Efforts will include
 68.30 dissemination of related energy education.

68.31 Sec. 106. Laws 2011, First Special Session chapter 2, article 1, section 4, subdivision
 68.32 7, is amended to read:

68.33	Subd. 7. Enforcement	31,613,000	32,225,000
68.34	Appropriations by Fund		
68.35	2012	2013	

69.1	General	2,216,000	2,216,000
69.2	Natural Resources	8,868,000	9,577,000
69.3	Game and Fish	20,429,000	20,332,000
69.4	Remediation	100,000	100,000

69.5 \$1,204,000 the first year and \$1,307,000
69.6 the second year are from the heritage
69.7 enhancement account in the game and
69.8 fish fund for only the purposes specified
69.9 in Minnesota Statutes, section 297A.94,
69.10 paragraph (e), clause (1).

69.11 \$240,000 the first year and \$143,000
69.12 the second year are from the heritage
69.13 enhancement account in the game and fish
69.14 fund for a conservation officer academy.

69.15 \$315,000 the first year and \$315,000 the
69.16 second year are from the snowmobile
69.17 trails and enforcement account in the
69.18 natural resources fund for grants to local
69.19 law enforcement agencies for snowmobile
69.20 enforcement activities. Any unencumbered
69.21 balance does not cancel at the end of the first
69.22 year and is available for the second year.

69.23 \$250,000 the first year and \$250,000 the
69.24 second year are from the all-terrain vehicle
69.25 account for grants to qualifying organizations
69.26 to assist in safety and environmental
69.27 education and monitoring trails on public
69.28 lands under Minnesota Statutes, section
69.29 84.9011. Grants issued under this paragraph:
69.30 (1) must be issued through a formal
69.31 agreement with the organization; and (2)
69.32 must not be used as a substitute for traditional
69.33 spending by the organization. By December
69.34 15 each year, an organization receiving a
69.35 grant under this paragraph shall report to the

70.1 commissioner with details on expenditures
70.2 and outcomes from the grant. ~~By January~~
70.3 ~~15, 2013, the commissioner shall report on~~
70.4 ~~the expenditures and outcomes of the grants~~
70.5 ~~to the chairs and ranking minority members~~
70.6 ~~of the legislative committees and divisions~~
70.7 ~~having jurisdiction over natural resources~~
70.8 ~~policy and finance.~~ Of this appropriation,
70.9 \$25,000 each year is for administration of
70.10 these grants. Any unencumbered balance
70.11 does not cancel at the end of the first year
70.12 and is available for the second year.

70.13 \$510,000 the first year and \$510,000
70.14 the second year are from the natural
70.15 resources fund for grants to county law
70.16 enforcement agencies for off-highway
70.17 vehicle enforcement and public education
70.18 activities based on off-highway vehicle use
70.19 in the county. Of this amount, \$498,000 each
70.20 year is from the all-terrain vehicle account;
70.21 \$11,000 each year is from the off-highway
70.22 motorcycle account; and \$1,000 each year
70.23 is from the off-road vehicle account. The
70.24 county enforcement agencies may use
70.25 money received under this appropriation
70.26 to make grants to other local enforcement
70.27 agencies within the county that have a high
70.28 concentration of off-highway vehicle use.
70.29 Of this appropriation, \$25,000 each year
70.30 is for administration of these grants. Any
70.31 unencumbered balance does not cancel at the
70.32 end of the first year and is available for the
70.33 second year.

70.34 \$1,082,000 the first year and \$1,082,000 the
70.35 second year are from the water recreation
70.36 account in the natural resources fund for

71.1 grants to counties for boat and water safety.
71.2 Any unencumbered balance does not cancel
71.3 at the end of the first year and is available for
71.4 the second year.

71.5 Sec. 107. Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision
71.6 3, is amended to read:

71.7 Subd. 3. **Administration.** The commissioner of natural resources shall administer
71.8 the area according to Minnesota Statutes, section 86A.05, subdivision 3, subject to
71.9 existing rules and regulations for state recreation areas, except the following is permitted:
71.10 hunting, fishing, and trapping of protected species during designated seasons and dogs
71.11 under control for hunting purposes during regular hunting seasons. La Salle Lake State
71.12 Recreation Area shall be administered as a satellite unit of Itasca State Park.

71.13 Sec. 108. **LEGISLATIVE REPORT ON STATE PARKS, RECREATION AREAS,**
71.14 **TRAILS, AND STATE FOREST DAY USE AREAS.**

71.15 (a) By January 15, 2013, the commissioner of natural resources shall prepare and
71.16 submit a report to the chairs and ranking minority members of the house of representatives
71.17 and senate legislative committees with jurisdiction over environment and natural resources
71.18 policy and finance concerning the long-term funding, use, expansion, and administration
71.19 of Minnesota's system of state parks, recreation areas, trails, and state forest day use areas.

71.20 (b) At a minimum, the report shall include:

71.21 (1) long-term funding options to reduce reliance on general fund appropriations for
71.22 maintaining and operating state parks, recreation areas, trails, and forest day use areas;

71.23 (2) criteria and considerations for optimizing the system of state parks, recreation
71.24 areas, trails, and state forest day use areas to ensure investment focuses on Minnesota's
71.25 most important natural resources and the highest quality recreational opportunities; and

71.26 (3) recommendations for innovative programs and initiatives to increase outdoor
71.27 recreation participation among Minnesotans and visitors to the state.

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

71.29 Sec. 109. **ENVIRONMENT AND NATURAL RESOURCES TRUST FUND;**
71.30 **APPROPRIATION EXTENSION.**

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

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

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

72.3 (b) The availability of the appropriation is extended to June 30, 2014, for Laws
72.4 2009, chapter 143, section 2, subdivision 4, paragraph (c), metropolitan regional park
72.5 system acquisition.

72.6 (c) The availability of the appropriation is extended to June 30, 2015, for Laws
72.7 2011, First Special Session chapter 2, article 3, section 2, subdivision 9, paragraph (a),
72.8 Minnesota Conservation Apprenticeship Academy.

72.9 Sec. 110. **ENVIRONMENTAL REVIEW REPORT.**

72.10 By November 15, 2012, the Environmental Quality Board shall evaluate and make
72.11 recommendations to the governor and the chairs of the house of representatives and
72.12 senate committees having jurisdiction over environment and natural resources on how
72.13 to improve environmental review, given the changes made in Laws 2011, chapter 4, and
72.14 the recommendations contained in the Office of the Legislative Auditor's "Environmental
72.15 Review and Permitting Report" dated March 2011. The evaluation and recommendations
72.16 shall include a list of categories of mandatory environmental assessment worksheets
72.17 and mandatory environmental impact statements, and for each mandatory category a
72.18 document including:

72.19 (1) intended historical purpose of the category;

72.20 (2) whether projects that fall within the category are also subject to local, state,
72.21 and federal permits; and

72.22 (3) an analysis of whether the mandatory category should be modified, eliminated, or
72.23 unchanged based on its relationship to existing permits or other federal, state, or local laws.

72.24 Sec. 111. **BENEFICIAL USE OF WASTEWATER; CITY OF ELK RIVER.**

72.25 Notwithstanding Minnesota Statutes, section 116.195, the executed grant agreement
72.26 between Elk River and the state shall be amended to provide for the beneficial use of
72.27 treated wastewater effluent provided by the city of Elk River to replace surface water used
72.28 for noncontact cooling by the Great River Energy generating facility located in Elk River.

72.29 Sec. 112. **RULEMAKING; INDUSTRIAL MINERALS AND NONFERROUS**
72.30 **MINERAL LEASES.**

72.31 The commissioner of natural resources may use the good cause exemption under
72.32 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend Minnesota
72.33 Rules, parts 6125.0100 to 6125.0700 and 6125.8000 to 6125.8700, to conform with the

73.1 amendments to Minnesota Statutes, section 93.25, contained in this act. Minnesota
73.2 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,
73.3 section 14.388.

73.4 Sec. 113. **RULEMAKING; NOTICE OF ENVIRONMENTAL ASSESSMENT**
73.5 **WORKSHEET.**

73.6 The Environmental Quality Board may use the good cause exemption under
73.7 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend Minnesota Rules
73.8 to conform with the amendments to Minnesota Statutes, section 116D.04, subdivision
73.9 2a, contained in this act. Minnesota Statutes, section 14.386, does not apply except as
73.10 provided under Minnesota Statutes, section 14.388.

73.11 Sec. 114. **REPEALER.**

73.12 (a) Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision
73.13 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705; 115.447; 115A.07, subdivision 2;
73.14 115A.965, subdivision 7; 116.02, subdivisions 7 and 8; and 216H.07, subdivision 4;
73.15 Laws 2011, chapter 107, section 105, and Minnesota Rules, parts 7002.0025, subpart
73.16 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts 1, 2, and 3; and 7041.0500,
73.17 subparts 5, 6, and 7, are repealed.

73.18 (b) Minnesota Statutes 2011 Supplement, sections 86B.508; and 86B.811,
73.19 subdivision 1a, are repealed.