

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3141

(SENATE AUTHORS: INGEBRIGTSEN and Ruud)

DATE	D-PG	OFFICIAL STATUS
03/08/2018	6369	Introduction and first reading Referred to Environment and Natural Resources Policy and Legacy Finance
03/29/2018	7058a	Comm report: To pass as amended and re-refer to Environment and Natural Resources Finance
04/09/2018	7259	Chief author stricken, shown as co-author Ruud Chief author added Ingebrigtsen
04/19/2018	7435a	Comm report: To pass as amended and re-refer to Finance See SF3656, Art. 19, Sec. 2-4, 6-7; Art. 20-21

1.1 A bill for an act

1.2 relating to environment; modifying environment and natural resources provisions;

1.3 adding to and deleting from state parks, recreation areas, and forests; modifying

1.4 drainage law; appropriating money for environment and natural resources purposes;

1.5 creating accounts; providing for disposition of certain receipts; requiring

1.6 rulemaking; requiring reports; amending Minnesota Statutes 2016, sections 17.117,

1.7 subdivisions 1, 4, 11; 17.494; 17.4982, by adding subdivisions; 84.0895, subdivision

1.8 2; 84.86, subdivision 1; 86B.005, subdivision 8a; 86B.532, subdivision 1; 88.10,

1.9 by adding a subdivision; 88.75, subdivision 1; 89.551; 92.50, by adding a

1.10 subdivision; 94.10, subdivision 2; 97A.051, subdivision 2; 97A.433, subdivisions

1.11 4, 5; 97B.015, subdivision 6; 97B.1055; 97C.345, subdivision 3a; 103B.3369,

1.12 subdivisions 5, 9; 103B.801, subdivisions 2, 5; 103E.005, by adding subdivisions;

1.13 103E.021, subdivision 6; 103E.071; 103E.095; 103E.215, subdivision 5; 103E.351,

1.14 subdivision 1; 103E.401, subdivision 4; 103E.411, subdivision 5; 103E.615,

1.15 subdivisions 1, 2, 3, 5, 7; 103E.711, subdivision 1; 103E.715, subdivisions 4, 5;

1.16 103E.725; 103E.728, subdivisions 1, 2, by adding a subdivision; 103E.731,

1.17 subdivisions 1, 2, 6; 103E.735, subdivision 1; 103F.361, subdivision 2; 103F.363,

1.18 subdivision 1; 103F.365, by adding a subdivision; 103F.371; 103F.373, subdivisions

1.19 1, 3, 4; 103G.2242, subdivision 14; 114D.15, subdivisions 7, 11, 13, by adding

1.20 subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding subdivisions; 114D.26;

1.21 114D.35, subdivisions 1, 3; 115.03, subdivision 5, by adding a subdivision; 115.035;

1.22 115A.51; 115A.94, subdivisions 2, 4a, 4b, 4c, 4d, 5, by adding subdivisions;

1.23 116.07, subdivision 2, by adding a subdivision; 116.155, subdivision 1, by adding

1.24 a subdivision; 116.993, subdivisions 2, 6; 216G.01, subdivision 3; 349A.05;

1.25 473.8441, subdivision 4; Minnesota Statutes 2017 Supplement, sections 84.01,

1.26 subdivision 6; 84.925, subdivision 1; 84.9256, subdivision 1; 84D.03, subdivisions

1.27 3, 4; 84D.108, subdivisions 2b, 2c; 85.0146, subdivision 1; 89.17; 97A.075,

1.28 subdivision 1; 103G.222, subdivision 3; 103G.2242, subdivision 1; 116.0714;

1.29 Laws 2010, chapter 361, article 4, section 78; Laws 2015, First Special Session

1.30 chapter 4, article 4, section 146, as amended; Laws 2016, chapter 189, article 3,

1.31 sections 3, subdivision 5; 48; proposing coding for new law in Minnesota Statutes,

1.32 chapters 11A; 17; 97A; 103B; 103F; 115; 115B; 349A; 383A; repealing Minnesota

1.33 Statutes 2016, section 349A.16; Laws 2008, chapter 368, article 1, section 21,

1.34 subdivision 2.

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

2.1 **ARTICLE 1**

2.2 **ENVIRONMENT AND NATURAL RESOURCES**

2.3 Section 1. **APPROPRIATIONS.**

2.4 The sums shown in the columns marked "Appropriations" are added to or, if shown in
 2.5 parentheses, subtracted from the appropriations in Laws 2017, chapter 93, or appropriated
 2.6 to the agencies and for the purposes specified in this article. The appropriations are from
 2.7 the general fund, or another named fund, and are available for the fiscal year indicated for
 2.8 each purpose. The figures "2018" and "2019" used in this article mean that the addition to
 2.9 the appropriations listed under them are available for the fiscal year ending June 30, 2018,
 2.10 or June 30, 2019, respectively. "The first year" is fiscal year 2018. "The second year" is
 2.11 fiscal year 2019.

2.12 **APPROPRIATIONS**

2.13 **Available for the Year**

2.14 **Ending June 30**

2.15 **2018**

2019

2.16 Sec. 2. **POLLUTION CONTROL AGENCY**

2.17 **Subdivision 1. Total Appropriation** \$ \$ **300,000**

2.18 **Appropriations by Fund**

	<u>2018</u>	<u>2019</u>
2.19 <u>General</u>	<u>-0-</u>	<u>(700,000)</u>
2.20 <u>Environmental</u>	<u>-0-</u>	<u>1,000,000</u>

2.21 **Subd. 2. Resource Management** 0 0

2.22 **(a) \$700,000 the second year is a reduction**
 2.23 **from the general fund for competitive**
 2.24 **recycling grants under Minnesota Statutes,**
 2.25 **section 115A.565.**

2.26 **(b) \$700,000 the second year is from the**
 2.27 **environmental fund for competitive recycling**
 2.28 **grants under Minnesota Statutes, section**
 2.29 **115A.565.**

3.1 Subd. 3. Watershed 0 300,000

3.2 \$300,000 the second year is from the

3.3 environmental fund for a grant to the

3.4 Minnesota Association of County Feedlot

3.5 Officers to develop, in coordination with the

3.6 Pollution Control Agency and the University

3.7 of Minnesota Extension program, an online

3.8 training curriculum related to animal feedlot

3.9 requirements under Minnesota Rules, chapter

3.10 7020. The curriculum must be developed to:

3.11 (1) provide base-level knowledge to new and

3.12 existing county feedlot pollution control

3.13 officers on feedlot registration, permitting,

3.14 compliance, enforcement, and program

3.15 administration;

3.16 (2) provide assistance to new and existing

3.17 county feedlot pollution control officers for

3.18 working efficiently and effectively with

3.19 producers; and

3.20 (3) reduce the incidence of manure or nutrients

3.21 entering surface water or groundwater.

3.22 This is a onetime appropriation and is

3.23 available until June 30, 2020.

3.24 **Sec. 3. NATURAL RESOURCES.**

3.25	Subdivision 1. <u>Total Appropriation</u>	\$	<u>-0-</u>	\$	<u>3,382,000</u>
3.26	<u>Appropriations by Fund</u>				
3.27		<u>2018</u>		<u>2019</u>	
3.28	<u>General</u>	<u>-0-</u>		<u>(1,081,000)</u>	
3.29	<u>Natural Resources</u>	<u>-0-</u>		<u>2,403,000</u>	
3.30	<u>Game and Fish</u>	<u>-0-</u>		<u>2,060,000</u>	

4.1	<u>Subd. 2. Lands and Minerals Management</u>	<u>-0-</u>	<u>625,000</u>
4.2	<u>(a) \$425,000 the second year is for aggregate</u>		
4.3	<u>mapping. This is a onetime appropriation and</u>		
4.4	<u>is available until June 30, 2020.</u>		
4.5	<u>(b) \$200,000 the second year is to expand</u>		
4.6	<u>monitoring and modeling of water levels in</u>		
4.7	<u>the Canisteo and Arcturus to Hill Annex</u>		
4.8	<u>open-pit mine groups, with priority on the</u>		
4.9	<u>latter. The monitoring and modeling results</u>		
4.10	<u>must be used by the commissioner to develop</u>		
4.11	<u>plans to control and reduce the water levels in</u>		
4.12	<u>each pit group and ameliorate, mitigate, or</u>		
4.13	<u>eliminate the public safety hazards resulting</u>		
4.14	<u>from rising water in both open-pit groups. This</u>		
4.15	<u>is a onetime appropriation.</u>		
4.16	<u>Subd. 3. Ecological and Water Resources</u>	<u>-0-</u>	<u>(475,000)</u>
4.17	<u>(a) \$425,000 the second year is for grants to</u>		
4.18	<u>lake associations to manage aquatic invasive</u>		
4.19	<u>species, including grants for projects to control</u>		
4.20	<u>and provide public awareness of aquatic</u>		
4.21	<u>invasive species and for watercraft inspections</u>		
4.22	<u>in partnership with local units of government.</u>		
4.23	<u>This is a onetime appropriation.</u>		
4.24	<u>(b) \$1,000,000 the second year is a reduction</u>		
4.25	<u>from the general fund for water monitoring</u>		
4.26	<u>and compliance.</u>		
4.27	<u>(c) \$100,000 the second year is from the</u>		
4.28	<u>heritage enhancement account in the game and</u>		
4.29	<u>fish fund for a grant to the Board of Regents</u>		
4.30	<u>of the University of Minnesota to conduct a</u>		
4.31	<u>statewide survey and analysis of Minnesotans'</u>		
4.32	<u>attitude toward fish stocking. The survey must</u>		
4.33	<u>include a representative sample of</u>		
4.34	<u>Minnesotans from all regions of the state and</u>		

5.1 must examine Minnesotans' attitudes toward
 5.2 the stocking of each fish species that is or has
 5.3 been stocked by the Department of Natural
 5.4 Resources. The Board of Regents must report
 5.5 the results of the survey and analysis to the
 5.6 chairs and ranking minority members of the
 5.7 legislative committees with jurisdiction over
 5.8 environment and natural resources finance no
 5.9 later than March 1, 2020. The report must
 5.10 include data about the amount spent on
 5.11 stocking each fish species.

5.12 **Subd. 4. Forest Management**

-0-

(131,000)

5.13 (a) \$1,131,000 the second year is a reduction
 5.14 to the general fund for the Next Generation
 5.15 Core Forestry data system.

5.16 (b) \$1,000,000 the second year is from the
 5.17 forest management investment account in the
 5.18 natural resources fund for the Next Generation
 5.19 Core Forestry data system. The appropriation
 5.20 is available until June 30, 2021.

5.21 **Subd. 5. Parks and Trails**

-0-

1,363,000

5.22 (a) \$100,000 the second year is from the
 5.23 all-terrain vehicle account in the natural
 5.24 resources fund to the commissioner of natural
 5.25 resources for a grant to the city of Virginia to
 5.26 develop, in cooperation with the Quad Cities
 5.27 ATV Club, an all-terrain vehicle trail system
 5.28 in the cities of Virginia, Eveleth, Gilbert, and
 5.29 Mountain Iron and surrounding areas. This is
 5.30 a onetime appropriation and is available until
 5.31 June 30, 2021.

5.32 (b) \$150,000 the second year is from the
 5.33 off-road vehicle account for a contract to assist
 5.34 the commissioner in planning, designing, and

6.1 providing a system of state touring routes for
6.2 off-road vehicles by identifying sustainable,
6.3 legal routes suitable for licensed four-wheel
6.4 drive vehicles and a system of recreational
6.5 trails for registered off-road vehicles. This is
6.6 a onetime appropriation and is available until
6.7 June 30, 2019.

6.8 (c) \$200,000 the second year is from the
6.9 off-road vehicle account in the natural
6.10 resources fund for a contract to prepare a
6.11 comprehensive, statewide, strategic master
6.12 plan for trails for off-road vehicles. The master
6.13 plan must be consistent with federal, tribal,
6.14 state, and local law and regulations. The
6.15 commissioner must consult with the Minnesota
6.16 Four Wheel Drive Association in developing
6.17 contract criteria. This is a onetime
6.18 appropriation and is available until June 30,
6.19 2019.

6.20 (d) \$200,000 the second year is from the
6.21 off-road vehicle account in the natural
6.22 resources fund to share the cost by reimbursing
6.23 federal, state, county, and township entities
6.24 for additional needs on forest roads when the
6.25 needs are a result of increased use by off-road
6.26 vehicles and are attributable to a
6.27 border-to-border touring route established by
6.28 the commissioner. This section does apply to
6.29 roads that are operated by a public road
6.30 authority as defined in Minnesota Statutes,
6.31 section 160.02, subdivision 25. This is a
6.32 onetime appropriation and is available until
6.33 June 30, 2021. To be eligible for
6.34 reimbursement under this paragraph, the
6.35 claimant must demonstrate that:

7.1 (1) the needs result from additional traffic
7.2 generated by the border-to-border touring
7.3 route; and

7.4 (2) increased use attributable to a
7.5 border-to-border touring route has caused at
7.6 least a 50 percent increase in maintenance
7.7 costs for forest roads under the claimant's
7.8 jurisdiction, based on a ten-year maintenance
7.9 average.

7.10 Before reimbursing a claim under this
7.11 paragraph, the commissioner must consider
7.12 whether the claim is consistent with claims
7.13 made by other entities that administer forest
7.14 roads on the touring route, in terms of the
7.15 amount requested for reimbursement and the
7.16 frequency of claims made.

7.17 (e) \$313,000 the second year is from the
7.18 natural resources fund for a grant to St. Louis
7.19 County as a match to a state bonding grant for
7.20 trail and bridge construction and for a
7.21 maintenance fund for a five-mile segment of
7.22 the Voyageur Country ATV trail system,
7.23 including a multiuse bridge over the Vermilion
7.24 River that would serve ATVs, snowmobiles,
7.25 off-road vehicles, off-highway motorcycles,
7.26 and emergency vehicles in St. Louis County.
7.27 Of this amount, \$285,000 is from the
7.28 all-terrain vehicle account, \$14,000 is from
7.29 the off-road vehicle account, and \$14,000 is
7.30 from the off-highway motorcycle account.

7.31 This is a onetime appropriation and is
7.32 available until June 30, 2021.

7.33 (f) \$300,000 the second year is from the
7.34 natural resources fund for a grant to Lake
7.35 County to match other funding sources to

8.1 develop the Prospectors Loop trail system. Of
 8.2 this amount, \$270,000 is from the all-terrain
 8.3 vehicle account, \$15,000 is from the
 8.4 off-highway motorcycle account, and \$15,000
 8.5 is from the off-road vehicle account. This is
 8.6 a onetime appropriation and is available until
 8.7 June 30, 2021.

8.8 (g) \$100,000 the second year is from the
 8.9 all-terrain vehicle account in the natural
 8.10 resources fund for wetland delineation and
 8.11 work on an environmental assessment
 8.12 worksheet for the Taconite State Trail from
 8.13 Ely to Tower consistent with the 2017
 8.14 Taconite State Trail Master Plan. This is a
 8.15 onetime appropriation and is available until
 8.16 June 30, 2021.

8.17 **Subd. 6. Fish and Wildlife Management** -0- 1,960,000

8.18 (a) \$7,146,000 the second year is a reduction
 8.19 from the operations account in the game and
 8.20 fish fund.

8.21 (b) \$8,606,000 the second year is from the
 8.22 deer management account in the game and
 8.23 fish fund.

8.24 (c) Notwithstanding Minnesota Statutes,
 8.25 section 297A.94, \$500,000 the second year is
 8.26 from the heritage enhancement account in the
 8.27 game and fish fund for planning and
 8.28 emergency response to disease outbreaks in
 8.29 wildlife. This is a onetime appropriation and
 8.30 is available until June 30, 2020.

8.31 **Subd. 7. Enforcement** -0- 40,000

8.32 \$40,000 the second year is from the all-terrain
 8.33 vehicle account in the natural resources fund
 8.34 for the development and implementation of

9.1 safety coursework for younger riders. This is
 9.2 a onetime appropriation.

9.3 **Subd. 8. Cancellation**

9.4 On July 1, 2018, \$492,000 is canceled to the
 9.5 general fund from the amount appropriated
 9.6 for legal costs under Laws 2017, chapter 93,
 9.7 article 1, section 3, subdivision 8.

9.8 **Sec. 4. BOARD OF WATER AND SOIL**
 9.9 **RESOURCES.**

<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>650,000</u>
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9.10 (a) \$600,000 the second year is for a grant to
 9.11 the Alexandria Lake Area Sanitary District
 9.12 for lake management activities, including but
 9.13 not limited to alum treatment in Lake Agnes,
 9.14 carp removal in Lake Winona, and related
 9.15 management and reassessment measures that
 9.16 are intended to achieve and maintain
 9.17 compliance with water quality standards for
 9.18 phosphorus and the total maximum daily load
 9.19 for Lake Winona. This is a onetime
 9.20 appropriation and is available until June 30,
 9.21 2020.

9.22 (b) \$50,000 the second year is for a grant to
 9.23 the Red River Basin Commission for water
 9.24 quality and floodplain management. This
 9.25 amount is in addition to the appropriation in
 9.26 Laws 2017, chapter 93, article 1, section 4,
 9.27 paragraph (i).

9.28 **Sec. 5. METROPOLITAN COUNCIL**

<u>\$</u>	<u>0</u>	<u>\$</u>	<u>0</u>
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9.29 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
9.30		
9.31 <u>General</u>	<u>-0-</u>	<u>(270,000)</u>
9.32 <u>Natural Resources</u>	<u>-0-</u>	<u>270,000</u>

10.1 (a) \$270,000 the second year is a reduction
 10.2 from the general fund for metropolitan area
 10.3 regional parks operations and maintenance
 10.4 according to Minnesota Statutes, section
 10.5 473.351.

10.6 (b) \$270,000 the second year is from the
 10.7 natural resources fund for metropolitan area
 10.8 regional parks and trails maintenance and
 10.9 operations. This appropriation is from the
 10.10 revenue deposited in the natural resources fund
 10.11 under Minnesota Statutes, section 297A.94,
 10.12 paragraph (h), clause (3).

10.13 Sec. 6. Laws 2010, chapter 361, article 4, section 78, is amended to read:

10.14 Sec. 78. **APPROPRIATION; MOOSE TRAIL.**

10.15 \$100,000 in fiscal year 2011 is appropriated to the commissioner of natural resources
 10.16 from the all-terrain vehicle account in the natural resources fund for a grant to the city of
 10.17 Hoyt Lakes ~~to convert the Moose Trail snowmobile trail to~~ for a dual usage trail, ~~so that it~~
 10.18 ~~may also be used as an~~ off-highway vehicle trail connecting the city of Biwabik to the Iron
 10.19 Range Off-Highway Vehicle Recreation Area. This is a onetime appropriation and is available
 10.20 until ~~spent~~ June 30, 2020.

10.21 Sec. 7. Laws 2016, chapter 189, article 3, section 3, subdivision 5, is amended to read:

10.22 Subd. 5. **Parks and Trails Management** -0- 6,459,000

10.23 Appropriations by Fund

10.24	2016	2017
10.25 General	-0-	2,929,000
10.26 Natural Resources	-0-	3,530,000

10.27 \$2,800,000 the second year is a onetime
 10.28 appropriation.

10.29 \$2,300,000 the second year is from the state
 10.30 parks account in the natural resources fund.

10.31 Of this amount, \$1,300,000 is onetime, of
 10.32 which \$1,150,000 is for strategic park
 10.33 acquisition.

- 11.1 \$20,000 the second year is from the natural
11.2 resources fund to design and erect signs
11.3 marking the David Dill trail designated in this
11.4 act. Of this amount, \$10,000 is from the
11.5 snowmobile trails and enforcement account
11.6 and \$10,000 is from the all-terrain vehicle
11.7 account. This is a onetime appropriation.
- 11.8 \$100,000 the second year is for the
11.9 improvement of the infrastructure for sanitary
11.10 sewer service at the Woodenfrog Campground
11.11 in Kabetogama State Forest. This is a onetime
11.12 appropriation.
- 11.13 \$29,000 the second year is for computer
11.14 programming related to the transfer-on-death
11.15 title changes for watercraft. This is a onetime
11.16 appropriation.
- 11.17 \$210,000 the first year is from the water
11.18 recreation account in the natural resources
11.19 fund for implementation of Minnesota
11.20 Statutes, section 86B.532, established in this
11.21 act. This is a onetime appropriation. The
11.22 commissioner of natural resources shall seek
11.23 federal and other nonstate funds to reimburse
11.24 the department for the initial costs of
11.25 producing and distributing carbon monoxide
11.26 boat warning labels. All amounts collected
11.27 under this paragraph shall be deposited into
11.28 the water recreation account.
- 11.29 \$1,000,000 the second year is from the natural
11.30 resources fund for a grant to Lake County for
11.31 construction, including bridges, of the
11.32 Prospectors ATV Trail System linking the
11.33 communities of Ely, Babbitt, Embarrass, and
11.34 Tower; Bear Head Lake and Lake
11.35 Vermilion-Soudan Underground Mine State

12.1 Parks; the Taconite State Trail; and the Lake
 12.2 County Regional ATV Trail System. Of this
 12.3 amount, \$900,000 is from the all-terrain
 12.4 vehicle account, \$50,000 is from the
 12.5 off-highway motorcycle account, and \$50,000
 12.6 is from the off-road vehicle account. This is
 12.7 a onetime appropriation and is available until
 12.8 June 30, 2019.

12.9 ARTICLE 2

12.10 ENVIRONMENT AND NATURAL RESOURCES POLICY

12.11 Section 1. [11A.236] ACCOUNT FOR INVESTMENT OF PERMIT TO MINE
 12.12 FINANCIAL ASSURANCE MONEY.

12.13 Subdivision 1. Establishment; appropriation. (a) The State Board of Investment, when
 12.14 requested by the commissioner of natural resources, may invest money collected by the
 12.15 commissioner as part of financial assurance provided under a permit to mine issued under
 12.16 chapter 93. The State Board of Investment may establish one or more accounts into which
 12.17 money may be deposited for the purposes of this section, subject to the policies and
 12.18 procedures of the State Board of Investment. Use of any money in the account shall be
 12.19 restricted to the financial assurance purposes identified in sections 93.46 to 93.51, and rules
 12.20 adopted thereunder, and as authorized under any trust fund agreements or other conditions
 12.21 established under a permit to mine.

12.22 (b) Money in the accounts is appropriated to the commissioner for the purposes for
 12.23 which the account is established under this section.

12.24 Subd. 2. Account maintenance and investment. The commissioner of natural resources
 12.25 may deposit money in the appropriate account and may withdraw money from the appropriate
 12.26 account for the financial assurance purposes identified in sections 93.46 to 93.51 and rules
 12.27 adopted thereunder and as authorized under any trust fund agreements or other conditions
 12.28 established under the permit to mine for which the financial assurance is provided, subject
 12.29 to the policies and procedures of the State Board of Investment. Investment strategies related
 12.30 to an account established under this section must be determined jointly by the commissioner
 12.31 of natural resources and the executive director of the State Board of Investment. The
 12.32 authorized investments for an account shall be the investments authorized under section
 12.33 11A.24 that are made available for investment by the State Board of Investment. Investment
 12.34 transactions must be at a time and in a manner determined by the executive director of the

13.1 State Board of Investment. Decisions to withdraw money from the account must be
 13.2 determined by the commissioner of natural resources, subject to the policies and procedures
 13.3 of the State Board of Investment. Investment earnings must be credited to the appropriate
 13.4 account for financial assurance under the identified permit to mine. An account may be
 13.5 terminated by the commissioner of natural resources at any time, so long as the termination
 13.6 is in accordance with applicable statutes, rules, trust fund agreements, or other conditions
 13.7 established under the permit to mine, subject to the policies and procedures of the State
 13.8 Board of Investment.

13.9 Sec. 2. Minnesota Statutes 2016, section 17.494, is amended to read:

13.10 **17.494 AQUACULTURE PERMITS; RULES.**

13.11 (a) The commissioner shall act as permit or license coordinator for aquatic farmers and
 13.12 shall assist aquatic farmers to obtain licenses or permits.

13.13 ~~By July 1, 1992,~~ (b) A state agency issuing multiple permits or licenses for aquaculture
 13.14 shall consolidate the permits or licenses required for every aquatic farm location. The
 13.15 Department of Natural Resources transportation permits are exempt from this requirement.
 13.16 State agencies shall adopt rules or issue commissioner's orders that establish permit and
 13.17 license requirements, approval timelines, and compliance standards. Saltwater aquatic farms,
 13.18 as defined in section 17.4982, and processing facilities for saltwater aquatic life, as defined
 13.19 in section 17.4982, must be classified as agricultural operations for purposes of any
 13.20 construction, discharge, or other permit issued by the Pollution Control Agency.

13.21 Nothing in this section modifies any state agency's regulatory authority over aquaculture
 13.22 production.

13.23 Sec. 3. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to
 13.24 read:

13.25 Subd. 20a. **Saltwater aquaculture.** "Saltwater aquaculture" means the commercial
 13.26 propagation and rearing of saltwater aquatic life, including, but not limited to, crustaceans,
 13.27 primarily for consumption as human food.

13.28 Sec. 4. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to
 13.29 read:

13.30 Subd. 20b. **Saltwater aquatic farm.** "Saltwater aquatic farm" means a facility used for
 13.31 saltwater aquaculture, including, but not limited to, artificial ponds, vats, tanks, raceways,

14.1 and other facilities that an aquatic farmer owns or has exclusive control of for the sole
14.2 purpose of producing saltwater aquatic life.

14.3 Sec. 5. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to
14.4 read:

14.5 Subd. 20c. **Saltwater aquatic life.** "Saltwater aquatic life" means aquatic species that
14.6 are saltwater obligates or perform optimally when raised in salinities closer to that of natural
14.7 seawater and need saltwater to survive.

14.8 Sec. 6. **[17.499] TRANSPORTATION OR IMPORTATION OF SALTWATER**
14.9 **AQUATIC LIFE; QUARANTINE REQUIREMENT.**

14.10 Subdivision 1. **Purpose.** The legislature finds that it is in the public interest to increase
14.11 private saltwater aquaculture production and processing in this state under the coordination
14.12 of the commissioner of agriculture. Additional private production will reduce dependence
14.13 on foreign suppliers and benefit the rural economy by creating new jobs and economic
14.14 activity.

14.15 Subd. 2. **Transportation permit.** (a) Notwithstanding the requirements in section
14.16 17.4985, saltwater aquatic life transportation and importation requirements are governed
14.17 by this section. A transportation permit is required prior to any importation or intrastate
14.18 transportation of saltwater aquatic life not exempted under subdivision 3. A transportation
14.19 permit may be used for multiple shipments within the 30-day term of the permit if the source
14.20 and the destination remain the same. Transportation permits must be obtained from the
14.21 commissioner prior to shipment of saltwater aquatic life.

14.22 (b) An application for a transportation permit must be made in the form required by the
14.23 commissioner. The commissioner may reject an incomplete application.

14.24 (c) An application for a transportation permit must be accompanied by satisfactory
14.25 evidence, as determined by the commissioner, that the shipment is free of any nonindigenous
14.26 species of animal other than the saltwater aquatic species and either:

14.27 (1) the facility from which the saltwater aquatic life originated has provided
14.28 documentation of 36 or more consecutive months of negative testing by an approved
14.29 laboratory as free of any disease listed by OIE - the World Organisation for Animal Health
14.30 for that species following the testing guidelines outlined in the OIE Aquatic Animal Health
14.31 Code for crustaceans or the AFS Fish Health Blue Book for other species, as appropriate;
14.32 or

15.1 (2) the saltwater aquatic life to be imported or transported includes documentation of
15.2 negative testing for that specific lot by an approved laboratory as free of any disease listed
15.3 by OIE - the World Organisation for Animal Health for crustaceans or in the AFS Fish
15.4 Health Blue Book for other species, as appropriate.

15.5 If a shipment authorized by the commissioner under clause (1) includes saltwater aquatic
15.6 life that originated in a foreign country, the shipment must be quarantined at the receiving
15.7 facility according to a quarantine plan approved by the commissioner. A shipment authorized
15.8 by the commissioner under clause (2) must be quarantined at the receiving facility according
15.9 to a quarantine plan approved by the commissioner.

15.10 (d) For purposes of this subdivision, "approved laboratory" means a laboratory approved
15.11 by the commissioner or the United States Department of Agriculture, Animal and Plant
15.12 Health Inspection Services.

15.13 (e) No later than 14 calendar days after a completed transportation permit application
15.14 is received, the commissioner must approve or deny the transportation permit application.

15.15 (f) A copy of the transportation permit must accompany a shipment of saltwater aquatic
15.16 life while in transit and must be available for inspection by the commissioner.

15.17 (g) A vehicle used by a licensee for transporting aquatic life must be identified with the
15.18 license number and the licensee's name and town of residence as it appears on the license.
15.19 A vehicle used by a licensee must have identification displayed so that it is readily visible
15.20 from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and
15.21 three-eighths inch wide. Identification may be permanently affixed to vehicles or displayed
15.22 on removable plates or placards placed on opposite doors of the vehicle or on the tanks
15.23 carried on the vehicle.

15.24 (h) An application to license a vehicle for brood stock or larvae transport or for use as
15.25 a saltwater aquatic life vendor that is received by the commissioner is a temporary license
15.26 until approved or denied by the commissioner.

15.27 Subd. 3. **Exemptions.** (a) A transportation permit is not required to transport or import
15.28 saltwater aquatic life:

15.29 (1) previously processed for use as food or other purposes unrelated to propagation;

15.30 (2) transported directly to an outlet for processing as food or for other food purposes if
15.31 accompanied by shipping documents;

15.32 (3) that is being exported if accompanied by shipping documents;

16.1 (4) that is being transported through the state if accompanied by shipping documents;

16.2 or

16.3 (5) transported intrastate within or between facilities licensed for saltwater aquaculture

16.4 by the commissioner if accompanied by shipping documents.

16.5 (b) Shipping documents required under paragraph (a) must include the place of origin,

16.6 owner or consignee, destination, number, species, and satisfactory evidence, as determined

16.7 by the commissioner, of the disease-free certification required under subdivision 2, paragraph

16.8 (c), clauses (1) and (2).

16.9 Sec. 7. Minnesota Statutes 2017 Supplement, section 84.01, subdivision 6, is amended to
16.10 read:

16.11 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys
16.12 or outside counsel to render title opinions, represent the department in severed mineral
16.13 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute
16.14 to the contrary, represent the state in quiet title or title registration actions affecting land or
16.15 interests in land administered by the commissioner and in all proceedings relating to road
16.16 vacations.

16.17 Sec. 8. Minnesota Statutes 2016, section 84.0895, subdivision 2, is amended to read:

16.18 Subd. 2. **Application.** (a) Subdivision 1 does not apply to:

16.19 (1) plants on land classified for property tax purposes as class 2a or 2c agricultural land
16.20 under section 273.13, ~~or on ditches and roadways~~ a ditch, or on an existing public road
16.21 right-of-way as defined in section 84.92, subdivision 6a, except for ground not previously
16.22 disturbed by construction or maintenance; and

16.23 (2) noxious weeds designated pursuant to sections 18.76 to 18.88 or to weeds otherwise
16.24 designated as troublesome by the Department of Agriculture.

16.25 (b) If control of noxious weeds is necessary, it takes priority over the protection of
16.26 endangered plant species, as long as a reasonable effort is taken to preserve the endangered
16.27 plant species first.

16.28 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or
16.29 3b agricultural land as a result of the application of pesticides or other agricultural chemical
16.30 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in
16.31 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the
16.32 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste

17.1 land, or other land for which the owner receives a state paid wetlands or native prairie tax
17.2 credit.

17.3 (d) The accidental taking of an endangered plant, where the existence of the plant is not
17.4 known at the time of the taking, is not a violation of subdivision 1.

17.5 Sec. 9. Minnesota Statutes 2016, section 84.86, subdivision 1, is amended to read:

17.6 Subdivision 1. **Required rules.** With a view of achieving maximum use of snowmobiles
17.7 consistent with protection of the environment the commissioner of natural resources shall
17.8 adopt rules in the manner provided by chapter 14, for the following purposes:

17.9 (1) Registration of snowmobiles and display of registration numbers.

17.10 (2) Use of snowmobiles insofar as game and fish resources are affected.

17.11 (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.

17.12 (4) Uniform signs to be used by the state, counties, and cities, which are necessary or
17.13 desirable to control, direct, or regulate the operation and use of snowmobiles.

17.14 (5) Specifications relating to snowmobile mufflers.

17.15 (6) A comprehensive snowmobile information and safety education and training program,
17.16 including but not limited to the preparation and dissemination of snowmobile information
17.17 and safety advice to the public, the training of snowmobile operators, and the issuance of
17.18 snowmobile safety certificates to snowmobile operators who successfully complete the
17.19 snowmobile safety education and training course. For the purpose of administering such
17.20 program and to defray expenses of training and certifying snowmobile operators, the
17.21 commissioner shall collect a fee from each person who receives the youth or adult training.
17.22 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for
17.23 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both
17.24 fees in a manner that neither significantly overrecovers nor underrecovers costs, including
17.25 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
17.26 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
17.27 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing
17.28 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails
17.29 and enforcement account in the natural resources fund and the amount thereof, except for
17.30 the electronic licensing system commission established by the commissioner under section
17.31 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
17.32 annually to the Enforcement Division of the Department of Natural Resources for the
17.33 administration of such programs. In addition to the fee established by the commissioner,

18.1 instructors may charge each person any fee paid by the instructor for the person's online
 18.2 training course and up to the established fee amount for class materials and expenses. The
 18.3 commissioner shall cooperate with private organizations and associations, private and public
 18.4 corporations, and local governmental units in furtherance of the program established under
 18.5 this clause. School districts may cooperate with the commissioner and volunteer instructors
 18.6 to provide space for the classroom portion of the training. The commissioner shall consult
 18.7 with the commissioner of public safety in regard to training program subject matter and
 18.8 performance testing that leads to the certification of snowmobile operators.

18.9 (7) The operator of any snowmobile involved in an accident resulting in injury requiring
 18.10 medical attention or hospitalization to or death of any person or total damage to an extent
 18.11 of \$500 or more, shall forward a written report of the accident to the commissioner on such
 18.12 form as the commissioner shall prescribe. If the operator is killed or is unable to file a report
 18.13 due to incapacitation, any peace officer investigating the accident shall file the accident
 18.14 report within ten business days.

18.15 Sec. 10. Minnesota Statutes 2017 Supplement, section 84.925, subdivision 1, is amended
 18.16 to read:

18.17 Subdivision 1. **Program Training and certification programs established.** (a) The
 18.18 commissioner shall establish:

18.19 (1) a comprehensive all-terrain vehicle environmental and safety education and training
 18.20 certification program, including the preparation and dissemination of vehicle information
 18.21 and safety advice to the public, the training of all-terrain vehicle operators, and the issuance
 18.22 of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
 18.23 successfully complete the all-terrain vehicle environmental and safety education and training
 18.24 course; and

18.25 (2) a voluntary all-terrain vehicle online training program for youth and a parent or
 18.26 guardian, offered at no charge for operators at least six years of age but younger than ten
 18.27 years of age.

18.28 (b) A parent or guardian must be present at the hands-on a training portion of the program
 18.29 for when the youth who are six through ten is under ten years of age.

18.30 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of
 18.31 training and certifying vehicle operators, the commissioner shall collect a fee from each
 18.32 person who receives the training for certification under paragraph (a), clause (1). The
 18.33 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing

19.1 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees
 19.2 in a manner that neither significantly overrecovers nor underrecovers costs, including
 19.3 overhead costs, involved in providing the services. The fees are not subject to the rulemaking
 19.4 provisions of chapter 14 and section 14.386 does not apply. The fees may be established
 19.5 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing
 19.6 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle
 19.7 account in the natural resources fund and the amount thereof, except for the electronic
 19.8 licensing system commission established by the commissioner under section 84.027,
 19.9 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to
 19.10 the Enforcement Division of the Department of Natural Resources for the administration
 19.11 of the programs. In addition to the fee established by the commissioner, instructors may
 19.12 charge each person up to the established fee amount for class materials and expenses.

19.13 ~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations,
 19.14 private and public corporations, and local governmental units in furtherance of the ~~program~~
 19.15 programs established under this section. School districts may cooperate with the
 19.16 commissioner and volunteer instructors to provide space for the classroom portion of the
 19.17 training. The commissioner shall consult with the commissioner of public safety in regard
 19.18 to ~~training program~~ the subject matter of the training programs and performance testing that
 19.19 leads to the certification of vehicle operators. The commissioner shall incorporate a riding
 19.20 component in the ~~safety education and training program~~ certification programs established
 19.21 under this section, and may incorporate a riding component in the training program as
 19.22 established in paragraph (a), clause (2).

19.23 Sec. 11. Minnesota Statutes 2017 Supplement, section 84.9256, subdivision 1, is amended
 19.24 to read:

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

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

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

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

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

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

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

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

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

20.13 (e) A person at least ~~six~~ ten years of age may take the safety education and training
20.14 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
20.15 the certificate is not valid until the person reaches age 12.

20.16 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain
20.17 vehicle with an engine capacity up to 110cc if the vehicle is a class 1 all-terrain vehicle with
20.18 straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with
20.19 side-by-side-style seating on public lands or waters if accompanied by a parent or legal
20.20 guardian.

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

20.22 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands
20.23 or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

20.24 (1) the handle bars and reach the foot pegs while sitting upright on the seat of the
20.25 all-terrain vehicle with straddle-style seating; or

20.26 (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with
20.27 side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

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

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

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

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

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

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

21.12 Sec. 12. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 3, is amended
21.13 to read:

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

21.17 (b) In waters that are listed as infested waters, except those listed as infested with
21.18 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
21.19 17.4982, subdivision 6, taking wild animals may be permitted for:

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

21.22 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
21.23 watermilfoil, when the infested waters are listed solely because they contain Eurasian
21.24 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not
21.25 exceeding 16 inches in diameter and 32 inches in length.

21.26 (c) In streams or rivers that are listed as infested waters, except those listed as infested
21.27 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest
21.28 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by
21.29 hook and line for noncommercial personal use is allowed as follows:

21.30 (1) fish taken under this paragraph must be used on the same body of water where caught
21.31 and while still on that water body. Where the river or stream is divided by barriers such as
21.32 dams, the fish must be caught and used on the same section of the river or stream;

22.1 (2) fish taken under this paragraph may not be transported live from or off the water
22.2 body;

22.3 (3) fish harvested under this paragraph may only be used in accordance with this section;

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

22.5 (5) fish taken under this paragraph must meet all other size restrictions and requirements
22.6 as established in rules; and

22.7 (6) all species listed under this paragraph shall be included in the person's daily limit as
22.8 established in rules, if applicable.

22.9 (d) In the Minnesota River downstream of Granite Falls, the Mississippi River
22.10 downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors
22.11 Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota
22.12 Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for
22.13 noncommercial personal use as bait for angling, as provided in a permit issued under section
22.14 84D.11, is allowed as follows:

22.15 (1) nontarget species must immediately be returned to the water;

22.16 (2) gizzard shad taken under this paragraph must be used on the same body of water
22.17 where caught and while still on that water body. Where the river is divided by barriers such
22.18 as dams, the gizzard shad must be caught and used on the same section of the river;

22.19 (3) gizzard shad taken under this paragraph may not be transported off the water body;
22.20 and

22.21 (4) gizzard shad harvested under this paragraph may only be used in accordance with
22.22 this section.

22.23 ~~This paragraph expires December 1, 2017.~~

22.24 (e) Equipment authorized for minnow harvest in a listed infested water by permit issued
22.25 under paragraph (b) may not be transported to, or used in, any waters other than waters
22.26 specified in the permit.

22.27 (f) Bait intended for sale may not be held in infested water after taking and before sale,
22.28 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

23.1 Sec. 13. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 4, is amended
23.2 to read:

23.3 Subd. 4. **Restrictions in infested and noninfested waters; commercial fishing and**
23.4 **turtle, frog, and crayfish harvesting.** (a) All nets, traps, buoys, anchors, stakes, and lines
23.5 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
23.6 is listed because it contains invasive fish, invertebrates, aquatic plants or aquatic macrophytes
23.7 other than Eurasian watermilfoil, or certifiable diseases, as defined in section 17.4982, must
23.8 be tagged with tags provided by the commissioner, as specified in the commercial licensee's
23.9 license or permit. Tagged gear must not be used in water bodies other than those specified
23.10 in the license or permit. The license or permit may authorize department staff to remove
23.11 tags after the from gear is that has been decontaminated according to a protocol specified
23.12 by the commissioner if the use of the decontaminated gear in other water bodies would not
23.13 pose an unreasonable risk of harm to natural resources or the use of natural resources in the
23.14 state. This tagging requirement does not apply to commercial fishing equipment used in
23.15 Lake Superior.

23.16 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,
23.17 frog, or crayfish harvesting in an infested water that is listed solely because it contains
23.18 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum
23.19 of two days before they are used in any other waters, except as provided in this paragraph.
23.20 Commercial licensees must notify the department's regional or area fisheries office or a
23.21 conservation officer before removing nets or equipment from an infested water listed solely
23.22 because it contains Eurasian watermilfoil and before resetting those nets or equipment in
23.23 any other waters. Upon notification, the commissioner may authorize a commercial licensee
23.24 to move nets or equipment to another water without freezing or drying, if that water is listed
23.25 as infested solely because it contains Eurasian watermilfoil.

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

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

23.30 Sec. 14. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2b, is amended
23.31 to read:

23.32 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
23.33 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
23.34 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~

24.1 ~~Gull East State~~ water access ~~Site sites~~ on Gull Lake (DNR Division of Waters number
 24.2 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures,
 24.3 and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake
 24.4 service providers participating in the Gull Lake targeted pilot study place of business must
 24.5 be located in Cass or Crow Wing County.

24.6 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
 24.7 the report to the chairs and ranking minority members of the senate and house of
 24.8 representatives committees having jurisdiction over natural resources required under Laws
 24.9 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
 24.10 recommendations and assessments.

24.11 (c) This subdivision expires December 1, 2019.

24.12 Sec. 15. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2c, is amended
 24.13 to read:

24.14 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional
 24.15 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~
 24.16 ~~Cross Lake #1 State~~ water access ~~Site sites~~ on Cross Lake (DNR Division of Waters number
 24.17 18-0312) in Crow Wing County using the same authorities, general procedures, and
 24.18 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place
 24.19 of business of lake service providers participating in the Cross Lake targeted pilot study
 24.20 must be located in Cass or Crow Wing County.

24.21 (b) If an additional targeted pilot project for Cross Lake is implemented under this
 24.22 section, the report to the chairs and ranking minority members of the senate and house of
 24.23 representatives committees having jurisdiction over natural resources required under Laws
 24.24 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot
 24.25 study recommendations and assessments.

24.26 (c) This subdivision expires December 1, 2019.

24.27 Sec. 16. Minnesota Statutes 2017 Supplement, section 85.0146, subdivision 1, is amended
 24.28 to read:

24.29 Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation Area
 24.30 Citizens Advisory Council is established. Membership on the advisory council shall include:

24.31 (1) a representative of ~~the Cuyuna Range Mineland Recreation Area Joint Powers Board~~
 24.32 Cuyuna Range Economic Development, Inc.;

25.1 (2) a representative ~~of~~ for the Croft Mine Historical Park Joint Powers Board appointed
 25.2 by the members of the Cuyuna Country State Recreation Area Citizens Advisory Council
 25.3 who are appointed under clauses (1) and (4) to (13);

25.4 (3) a ~~designee of the Cuyuna Range Mineland Reclamation Committee who has worked~~
 25.5 ~~as a miner in the local area~~ member at large appointed by the members of the Cuyuna
 25.6 Country State Recreation Area Citizens Advisory Council who are appointed under clauses
 25.7 (1) and (4) to (13);

25.8 (4) a representative of the Crow Wing County Board;

25.9 (5) ~~an elected state official~~ the state senator representing the state recreation area;

25.10 (6) the member from the state house of representatives representing the state recreation
 25.11 area;

25.12 (7) a representative of the Grand Rapids regional office of the Department of Natural
 25.13 Resources;

25.14 ~~(7)~~ (8) a designee of the commissioner of Iron Range resources and rehabilitation;

25.15 ~~(8)~~ (9) a designee of the local business community selected by the area chambers of
 25.16 commerce;

25.17 ~~(9)~~ (10) a designee of the local environmental community selected by the Crow Wing
 25.18 County District 5 commissioner;

25.19 ~~(10)~~ (11) a designee of a local education organization selected by the Crosby-Ironton
 25.20 School Board;

25.21 ~~(11)~~ (12) a designee of one of the recreation area user groups selected by the Cuyuna
 25.22 Range Chamber of Commerce; and

25.23 ~~(12)~~ (13) a member of the Cuyuna Country Heritage Preservation Society.

25.24 Sec. 17. Minnesota Statutes 2016, section 86B.005, subdivision 8a, is amended to read:

25.25 Subd. 8a. **Marine carbon monoxide detection system.** "Marine carbon monoxide
 25.26 detection system" means a device or system ~~that meets the requirements of the American~~
 25.27 ~~Boat and Yacht Council Standard A-24, July, 2015, for carbon monoxide detection systems.~~
 25.28 for detecting carbon monoxide that is certified by a nationally recognized testing laboratory
 25.29 to conform to current UL Standards for use on recreational boats.

26.1 Sec. 18. Minnesota Statutes 2016, section 86B.532, subdivision 1, is amended to read:

26.2 Subdivision 1. **Requirements; installation.** (a) No motorboat used for recreational
26.3 purposes that has an enclosed accommodation compartment may be operated on any waters
26.4 of the state unless the motorboat is equipped with a functioning marine carbon monoxide
26.5 detection system installed according to the manufacturer's instructions and this subdivision.

26.6 (b) ~~After May 1, 2017,~~ No new motorboat used for recreational purposes that has an
26.7 enclosed accommodation compartment may be sold or offered for sale in Minnesota unless
26.8 the motorboat is equipped with a new functioning marine carbon monoxide detection system
26.9 installed according to the manufacturer's instructions and this subdivision.

26.10 (c) A marine carbon monoxide detection system must be located:

26.11 (1) to monitor the atmosphere of the enclosed accommodation compartment; and

26.12 (2) within ten feet or 3.048 meters of any designated sleeping accommodations.

26.13 (d) A marine carbon monoxide detection system, including a sensor, must not be located
26.14 within five feet or 1.52 meters of any cooking appliance.

26.15 Sec. 19. Minnesota Statutes 2016, section 88.10, is amended by adding a subdivision to
26.16 read:

26.17 Subd. 3. **Wildland firefighters; training and licensing.** Forest officers and all
26.18 individuals employed as wildland firefighters under this chapter are not subject to the
26.19 requirements of chapter 299N.

26.20 Sec. 20. Minnesota Statutes 2016, section 88.75, subdivision 1, is amended to read:

26.21 Subdivision 1. **Misdemeanor offenses; damages; injunctive relief.** (a) Any person
26.22 who violates any of the provisions of sections 88.03 to 88.22 for which no specific penalty
26.23 is therein prescribed shall be guilty of a misdemeanor and be punished accordingly.

26.24 (b) Failure by any person to comply with any provision or requirement of sections 88.03
26.25 to 88.22 to which such person is subject shall be deemed a violation thereof.

26.26 (c) Any person who violates ~~any provisions of~~ sections 88.03 to 88.22, in addition to
26.27 any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation,
26.28 shall also be liable in full damages to any and every person suffering loss or injury by reason
26.29 of such violation, including liability to the state, and any of its political subdivisions, for
26.30 all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire
26.31 caused by, or resulting from, any violation of these sections. Notwithstanding any statute

27.1 to the contrary, an attorney who is licensed to practice law in Minnesota and is an employee
 27.2 of the Department of Natural Resources may represent the commissioner in proceedings
 27.3 under this subdivision that are removed to district court from conciliation court. All expenses
 27.4 so collected by the state shall be deposited in the general fund. When a fire set by any person
 27.5 spreads to and damages or destroys property belonging to another, the setting of the fire
 27.6 shall be prima facie evidence of negligence in setting and allowing the same to spread.

27.7 (d) At any time the state, or any political subdivision thereof, either of its own motion,
 27.8 or at the suggestion or request of the director, may bring an action in any court of competent
 27.9 jurisdiction to restrain, enjoin, or otherwise prohibit any violation of sections 88.03 to 88.22,
 27.10 whether therein described as a crime or not, and likewise to restrain, enjoin, or prohibit any
 27.11 person from proceeding further in, with, or at any timber cutting or other operations without
 27.12 complying with the provisions of those sections, or the requirements of the director pursuant
 27.13 thereto; and the court may grant such relief, or any other appropriate relief, whenever it
 27.14 shall appear that the same may prevent loss of life or property by fire, or may otherwise aid
 27.15 in accomplishing the purposes of sections 88.03 to 88.22.

27.16 Sec. 21. Minnesota Statutes 2017 Supplement, section 89.17, is amended to read:

27.17 **89.17 LEASES AND PERMITS.**

27.18 (a) Notwithstanding the permit procedures of chapter 90, the commissioner may grant
 27.19 and execute, in the name of the state, leases and permits for the use of any forest lands under
 27.20 the authority of the commissioner for any purpose that in the commissioner's opinion is not
 27.21 inconsistent with the maintenance and management of the forest lands, on forestry principles
 27.22 for timber production. Every such lease or permit is revocable at the discretion of the
 27.23 commissioner at any time subject to such conditions as may be agreed on in the lease. The
 27.24 approval of the commissioner of administration is not required upon any such lease or
 27.25 permit. No such lease or permit for a period exceeding 21 years shall be granted except with
 27.26 the approval of the Executive Council.

27.27 (b) Public access to the leased land for outdoor recreation is the same as access would
 27.28 be under state management.

27.29 (c) Notwithstanding section 16A.125, subdivision 5, after deducting the reasonable costs
 27.30 incurred for preparing and issuing the lease, all remaining proceeds from leasing school
 27.31 trust land and university land for roads on forest lands must be deposited into the respective
 27.32 permanent fund for the lands.

28.1 (d) The commissioner may require a performance bond, security deposit, or other form
 28.2 of security for removing any improvements or personal property left on the leased premises
 28.3 by the lessee upon termination or cancellation of the lease.

28.4 Sec. 22. Minnesota Statutes 2016, section 89.551, is amended to read:

28.5 **89.551 APPROVED FIREWOOD REQUIRED.**

28.6 (a) After the commissioner issues an order under paragraph (b), a person may not possess
 28.7 firewood on land administered by the commissioner of natural resources unless the firewood:

28.8 (1) was obtained from a firewood distribution facility located on land administered by
 28.9 the commissioner;

28.10 (2) was obtained from a firewood dealer who is selling firewood that is approved by the
 28.11 commissioner under paragraph (b); or

28.12 (3) has been approved by the commissioner of natural resources under paragraph (b).

28.13 (b) The commissioner of natural resources shall, by written order published in the State
 28.14 Register, approve firewood for possession on lands administered by the commissioner. The
 28.15 order is not subject to the rulemaking provisions of chapter 14₂ and section 14.386 does not
 28.16 apply.

28.17 (c) A violation under this section is subject to confiscation of firewood ~~and after May~~
 28.18 ~~1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to confiscation~~
 28.19 ~~and assessed a \$100 penalty for each sale of firewood not approved under the provisions~~
 28.20 ~~of this section and sold for use on land administered by the commissioner.~~

28.21 (d) For the purposes of this section, "firewood" means any wood that is intended for use
 28.22 in a campfire, as defined in section 88.01, subdivision 25.

28.23 Sec. 23. Minnesota Statutes 2016, section 92.50, is amended by adding a subdivision to
 28.24 read:

28.25 Subd. 3. Security requirement. The commissioner may require a performance bond,
 28.26 security deposit, or other form of security for removing any improvements or personal
 28.27 property left on the leased premises by the lessee upon termination or cancellation of the
 28.28 lease.

29.1 Sec. 24. Minnesota Statutes 2016, section 94.10, subdivision 2, is amended to read:

29.2 Subd. 2. **Public sale requirements.** (a) After complying with subdivision 1 and before
29.3 any public sale of surplus state-owned land is made and at least 30 days before the sale, the
29.4 commissioner of natural resources shall publish a notice of the sale in a newspaper of general
29.5 distribution in the county in which the real property to be sold is situated. The notice shall
29.6 specify the time and place at which the sale will commence, a general description of the
29.7 lots or tracts to be offered, and a general statement of the terms of sale. The commissioner
29.8 shall also provide electronic notice of sale.

29.9 (b) The minimum bid for a parcel of land must include the estimated value or appraised
29.10 value of the land and any improvements and, if any of the land is valuable for merchantable
29.11 timber, the value of the merchantable timber. The minimum bid may include expenses
29.12 incurred by the commissioner in rendering the property salable, including survey, appraisal,
29.13 legal, advertising, and other expenses.

29.14 (c) The purchaser of state land must pay recording fees and the state deed tax.

29.15 (d) Except as provided under paragraph (e), parcels remaining unsold after the offering
29.16 may be sold to anyone agreeing to pay at least 75 percent of the appraised value. The sale
29.17 shall continue until all parcels are sold or until the commissioner orders a reappraisal or
29.18 withdraws the remaining parcels from sale.

29.19 (e) The commissioner may retain the services of a licensed real estate broker to find a
29.20 buyer for parcels remaining unsold after the offering. The sale price may be negotiated by
29.21 the broker, but must not be less than 90 percent of the appraised value as determined by the
29.22 commissioner. The broker's fee must be established by prior agreement between the
29.23 commissioner and the broker and must not exceed ten percent of the sale price for sales of
29.24 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

29.25 (f) Public sales of surplus state-owned land may be conducted through online auctions.

29.26 Sec. 25. Minnesota Statutes 2016, section 97A.051, subdivision 2, is amended to read:

29.27 Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a
29.28 summary of the hunting and fishing laws and rules and deliver a sufficient supply to license
29.29 vendors to furnish one copy to each person obtaining a hunting, fishing, or trapping license.

29.30 (b) At the beginning of the summary, under the heading "Trespass," the commissioner
29.31 shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that
29.32 conservation officers and peace officers must enforce the trespass laws, and state the penalties
29.33 for trespassing.

30.1 (c) In the summary the commissioner shall, under the heading "Duty to Render Aid,"
30.2 summarize the requirements under section 609.662 and state the penalties for failure to
30.3 render aid to a person injured by gunshot.

30.4 Sec. 26. Minnesota Statutes 2017 Supplement, section 97A.075, subdivision 1, is amended
30.5 to read:

30.6 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,
30.7 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),
30.8 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and
30.9 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

30.10 (b) \$16 from each annual deer license issued under section 97A.475, subdivisions 2,
30.11 clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b); \$2
30.12 from each annual deer license and \$2 issued under sections 97A.475, subdivisions 2, clauses
30.13 (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,
30.14 subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in
30.15 section 97A.4742, for each license issued to a person 18 years of age or older under section
30.16 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for
30.17 each license issued to a person under 18 years of age shall be credited to the deer management
30.18 account and is appropriated to the commissioner for deer habitat improvement or deer
30.19 management programs.

30.20 (c) \$1 from each annual deer license and each bear license and \$1 annually from the
30.21 lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued
30.22 under section 97A.473, subdivision 4, shall be credited to the deer and bear management
30.23 account and is appropriated to the commissioner for deer- and bear-management programs,
30.24 including a computerized licensing system.

30.25 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild
30.26 Cervidae health-management account and is appropriated for emergency deer feeding and
30.27 wild Cervidae health management. Money appropriated for emergency deer feeding and
30.28 wild Cervidae health management is available until expended.

30.29 When the unencumbered balance in the appropriation for emergency deer feeding and
30.30 wild Cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the
30.31 unencumbered balance in excess of \$2,500,000 is canceled and available for deer- and
30.32 bear-management programs and computerized licensing.

31.1 Sec. 27. [97A.409] VOTER REGISTRATION INFORMATION.

31.2 (a) On the Department of Natural Resources online license sales Web site for purchasing
 31.3 a resident license to hunt or fish that is required under the game and fish laws, the
 31.4 commissioner must include the voter registration eligibility requirements and a description
 31.5 of how to register to vote before or on election day. On the Web page where an individual
 31.6 has the option to print a license to hunt or fish, the commissioner must include a direct link
 31.7 to the secretary of state's online voter registration Web page.

31.8 (b) In the printed and digital versions of fishing regulations and hunting and trapping
 31.9 regulations, the commissioner must include the voter registration eligibility requirements,
 31.10 a description of how to register to vote before or on election day, and a link to the secretary
 31.11 of state's online voter registration Web page. In addition, the commissioner must include a
 31.12 voter registration application in the printed and digital versions of fishing regulations and
 31.13 hunting and trapping regulations.

31.14 (c) The secretary of state must provide the required voter registration information to the
 31.15 commissioner. The secretary of state must prepare and approve an alternate form of the
 31.16 voter registration application to be used in the regulations.

31.17 **EFFECTIVE DATE.** Paragraph (a) is effective on August 1, 2018, and applies to
 31.18 licenses issued on or after March 1, 2019. Paragraph (b) is effective on August 1, 2018, and
 31.19 applies to printed and digital versions of regulations updated on or after that date.

31.20 Sec. 28. Minnesota Statutes 2016, section 97A.433, subdivision 4, is amended to read:

31.21 **Subd. 4. Discretionary separate selection; eligibility.** (a) The commissioner may
 31.22 conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area.
 31.23 Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in
 31.24 the area, and their family members, are eligible for the separate selection. Persons that are
 31.25 unsuccessful in a separate selection must be included in the selection for the remaining
 31.26 licenses. Persons who obtain an elk license in a separate selection ~~must allow public elk~~
 31.27 ~~hunting on their land during the elk season for which the license is valid~~ may sell the license
 31.28 to any Minnesota resident eligible to hunt big game for no more than the original cost of
 31.29 the license.

31.30 (b) The commissioner may by rule establish criteria for determining eligible family
 31.31 members under this subdivision.

32.1 Sec. 29. Minnesota Statutes 2016, section 97A.433, subdivision 5, is amended to read:

32.2 Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate
 32.3 selection for 20 percent of the elk licenses to be issued each year. Only individuals who
 32.4 have applied at least ten times for an elk license and who have never received a license are
 32.5 eligible for this separate selection. A person who is unsuccessful in a separate selection
 32.6 under this subdivision must be included in the selection for the remaining licenses.

32.7 Sec. 30. Minnesota Statutes 2016, section 97B.015, subdivision 6, is amended to read:

32.8 Subd. 6. **Provisional certificate for persons with permanent physical or**
 32.9 **developmental disability.** Upon the recommendation of a course instructor, the
 32.10 commissioner may issue a provisional firearms safety certificate to a person who satisfactorily
 32.11 completes the classroom portion of the firearms safety course but is unable to pass the
 32.12 written or an alternate format exam portion of the course because of a permanent physical
 32.13 disability or developmental disability as defined in section 97B.1055, subdivision 1. The
 32.14 certificate is valid only when used according to section 97B.1055.

32.15 Sec. 31. Minnesota Statutes 2016, section 97B.1055, is amended to read:

32.16 **97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR**
 32.17 **DEVELOPMENTAL DISABILITY.**

32.18 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision
 32.19 6;

32.20 (a) A "person with developmental disability" means a person who has been diagnosed
 32.21 as having substantial limitations in present functioning, manifested as significantly
 32.22 subaverage intellectual functioning, existing concurrently with demonstrated deficits in
 32.23 adaptive behavior, and who manifests these conditions before the person's 22nd birthday.

32.24 (b) A "person with a related condition" means a person who meets the diagnostic
 32.25 definition under section 252.27, subdivision 1a.

32.26 (c) A "person with a permanent physical disability" means a person who has a physical
 32.27 disability that prevents them from being able to navigate natural terrain or hold a firearm
 32.28 for the purpose of a required field component for the firearm safety training program under
 32.29 section 97B.020.

32.30 Subd. 2. **Obtaining a license.** (a) Notwithstanding section 97B.020, a person with a
 32.31 permanent physical disability or developmental disability may obtain a firearms hunting

33.1 license with a provisional firearms safety certificate issued under section 97B.015,
33.2 subdivision 6.

33.3 (b) Any person accompanying or assisting a person with a permanent physical disability
33.4 or developmental disability under this section must possess a valid firearms safety certificate
33.5 issued by the commissioner.

33.6 Subd. 3. **Assistance required.** A person who obtains a firearms hunting license under
33.7 subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person
33.8 designated by a parent or guardian when hunting. A person who is not hunting but is solely
33.9 accompanying and assisting a person with a permanent physical disability or developmental
33.10 disability need not obtain a hunting license.

33.11 Subd. 4. **Prohibited activities.** (a) This section does not entitle a person to possess a
33.12 firearm if the person is otherwise prohibited from possessing a firearm under state or federal
33.13 law or a court order.

33.14 (b) No person shall knowingly authorize or permit a person, who by reason of a permanent
33.15 physical disability or developmental disability is incapable of safely possessing a firearm,
33.16 to possess a firearm to hunt in the state or on any boundary water of the state.

33.17 Sec. 32. Minnesota Statutes 2016, section 97C.345, subdivision 3a, is amended to read:

33.18 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard
33.19 shad for use as bait for angling:

33.20 (1) from July 1 to November 30; and

33.21 (2) from the Minnesota River downstream of Granite Falls, Mississippi River downstream
33.22 of St. Anthony Falls₂ and the St. Croix River downstream of the dam at Taylors Falls,
33.23 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,
33.24 part 6266.0500, subpart 1, items A and B, that are listed as infested waters as allowed under
33.25 section 84D.03, subdivision 3.

33.26 (b) Cast nets used under this subdivision must be monofilament and may not exceed
33.27 ~~seven~~ five feet in ~~diameter~~ radius, and mesh size must be from three-eighths to five-eighths
33.28 inch bar measure. No more than two cast nets may be used at one time.

33.29 ~~(e) This subdivision expires December 1, 2017. The commissioner must report to the~~
33.30 ~~chairs and ranking minority members of the house of representatives and senate committees~~
33.31 ~~with jurisdiction over environment and natural resources by March 1, 2018, on the number~~

34.1 ~~of permits issued, conservation impacts from the use of cast nets, and recommendations for~~
 34.2 ~~any necessary changes in statutes or rules.~~

34.3 Sec. 33. Minnesota Statutes 2016, section 103B.3369, subdivision 5, is amended to read:

34.4 Subd. 5. **Financial assistance.** A base grant, contract, or payment may be awarded to a
 34.5 county or other local unit of government that provides a match utilizing a water
 34.6 implementation tax or other local source. A water implementation tax that a county or other
 34.7 local unit of government intends to use as a match to the base grant must be levied at a rate
 34.8 sufficient to generate a minimum amount determined by the board. The board may award
 34.9 performance-based or watershed-based grants, contracts, or payments to local units of
 34.10 government that are responsible for implementing elements of applicable portions of
 34.11 watershed management plans, comprehensive plans, local water management plans, or
 34.12 comprehensive watershed management plans, developed or amended, adopted and approved,
 34.13 according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the
 34.14 board may also award performance-based grants to local units of government to carry out
 34.15 TMDL implementation plans as provided in chapter 114D, if the TMDL implementation
 34.16 plan has been incorporated into the local water management plan according to the procedures
 34.17 for approving comprehensive plans, watershed management plans, local water management
 34.18 plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D,
 34.19 or if the TMDL implementation plan has undergone a public review process. Notwithstanding
 34.20 section 16A.41, the board may award ~~performance-based~~ grants, contracts, or payments on
 34.21 an advanced basis. The fee authorized in section 40A.152 may be used as a local match or
 34.22 as a supplement to state funding to accomplish implementation of comprehensive plans,
 34.23 watershed management plans, local water management plans, or comprehensive watershed
 34.24 management plans under this chapter and chapter 103C or 103D.

34.25 Sec. 34. Minnesota Statutes 2016, section 103B.3369, subdivision 9, is amended to read:

34.26 Subd. 9. **Performance-based criteria.** The board shall develop and utilize
 34.27 performance-based or eligibility criteria for local water resources restoration, protection,
 34.28 and management programs and projects. The criteria may include but are not limited to
 34.29 science-based assessments, organizational capacity, priority resource issues, community
 34.30 outreach and support, partnership potential, potential for multiple benefits, and program
 34.31 and project delivery efficiency and effectiveness.

34.32 Sec. 35. [103B.461] RED RIVER BASIN COMMISSION.

34.33 Subdivision 1. Purposes. The Red River Basin Commission was created to:

35.1 (1) facilitate transboundary and basin-wide dialogue and consultation with citizens, land
35.2 users, organizations, and governments; and

35.3 (2) coordinate basin-wide interstate and international efforts on water management,
35.4 including but not limited to flood mitigation, water quality, water supply, drainage, aquatic
35.5 health, and recreation.

35.6 Subd. 2. **Membership.** The Red River Basin Commission must have basin-wide
35.7 representation of members and alternates to serve on the commission consistent with the
35.8 adopted bylaws of the commission. Selection and terms of members are as defined in the
35.9 commission's bylaws.

35.10 Subd. 3. **Duties.** The Red River Basin Commission must:

35.11 (1) develop and coordinate comprehensive water management goals for the Red River
35.12 basin by aligning the work plans in the major watersheds in the states of Minnesota, North
35.13 Dakota, and South Dakota and the Canadian province of Manitoba;

35.14 (2) advise on developing and using systems to monitor and evaluate the Red River basin
35.15 and incorporating the data obtained from these systems into planning and implementation
35.16 processes;

35.17 (3) conduct public meetings at locations in the Red River basin regarding the public's
35.18 perspective on water resource issues, needs, and priorities in the basin;

35.19 (4) conduct an ongoing information and education program on water management in
35.20 the Red River basin, including an annual conference;

35.21 (5) advise on developing projects in the major watersheds that are scientifically sound,
35.22 have landowner and local government support, and reduce potential flood damages and
35.23 inputs of pollutants into the Red River;

35.24 (6) develop and implement a framework plan for natural resources and provide periodic
35.25 budget requests and reports to the governors of Minnesota, North Dakota, and South Dakota,
35.26 to the premier of Manitoba, and to the respective legislatures, provincial members, and
35.27 congressional representatives of the respective states and province regarding progress on
35.28 meeting water management goals and funding or policy recommendations;

35.29 (7) administer funds for implementing projects and track and report the results achieved
35.30 for each project; and

35.31 (8) assess the collective work in the Red River basin and make recommendations to the
35.32 states of Minnesota, North Dakota, and South Dakota, to the Canadian province of Manitoba,

36.1 and to their respective legislatures, provincial members, and congressional representatives
36.2 on the actions needed to sustain or accelerate components of the framework plan for natural
36.3 resources in the Red River basin and the major watersheds of the Red River basin.

36.4 Sec. 36. Minnesota Statutes 2016, section 103B.801, subdivision 2, is amended to read:

36.5 Subd. 2. **Program purposes.** The purposes of the comprehensive watershed management
36.6 plan program under section 103B.101, subdivision 14, paragraph (a), are to:

36.7 (1) align local water planning purposes and procedures under this chapter and chapters
36.8 103C and 103D on watershed boundaries to create a systematic, watershed-wide,
36.9 science-based approach to watershed management;

36.10 (2) acknowledge and build off existing local government structure, water plan services,
36.11 and local capacity;

36.12 (3) incorporate and make use of data and information, including watershed restoration
36.13 and protection strategies under section 114D.26, which may serve to fulfill all or some of
36.14 the requirements under chapter 114D;

36.15 (4) solicit input and engage experts from agencies, citizens, and stakeholder groups;

36.16 (5) focus on implementation of prioritized and targeted actions capable of achieving
36.17 measurable progress; and

36.18 (6) serve as a substitute for a comprehensive plan, local water management plan, or
36.19 watershed management plan developed or amended, approved, and adopted, according to
36.20 this chapter or chapter 103C or 103D.

36.21 Sec. 37. Minnesota Statutes 2016, section 103B.801, subdivision 5, is amended to read:

36.22 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June
36.23 30, 2016, a transition plan for development, approval, adoption, and coordination of plans
36.24 consistent with section 103A.212. The transition plan must include a goal of completing
36.25 statewide transition to comprehensive watershed management plans by 2025. The
36.26 metropolitan area may be considered for inclusion in the transition plan. The board may
36.27 amend the transition plan no more often than once every two years.

36.28 (b) The board may use the authority under section 103B.3369, subdivision 9, to support
36.29 development or implementation of a comprehensive watershed management plan under this
36.30 section.

37.1 Sec. 38. Minnesota Statutes 2016, section 103F.361, subdivision 2, is amended to read:

37.2 Subd. 2. **Legislative intent.** It is the intent of sections 103F.361 to 103F.377 to authorize
 37.3 and direct the board and ~~the counties~~ zoning authorities to implement the plan for the
 37.4 Mississippi headwaters area.

37.5 Sec. 39. Minnesota Statutes 2016, section 103F.363, subdivision 1, is amended to read:

37.6 Subdivision 1. **Generally.** Sections 103F.361 to 103F.377 apply to the counties of
 37.7 Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison and all other
 37.8 zoning authorities.

37.9 Sec. 40. Minnesota Statutes 2016, section 103F.365, is amended by adding a subdivision
 37.10 to read:

37.11 Subd. 5. **Zoning authority.** "Zoning authority" means counties, organized townships,
 37.12 local and special governmental units, joint powers boards, councils, commissions, boards,
 37.13 districts, and all state agencies and departments within the corridor defined by the plan,
 37.14 excluding statutory or home rule charter cities.

37.15 Sec. 41. Minnesota Statutes 2016, section 103F.371, is amended to read:

37.16 **103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.**

37.17 (a) All local and special governmental units, councils, commissions, boards and districts
 37.18 and all state agencies and departments must exercise their powers so as to further the purposes
 37.19 of sections 103F.361 to 103F.377 and the plan. Land owned by the state, its agencies, and
 37.20 political subdivisions shall be administered in accordance with the plan. The certification
 37.21 procedure under section 103F.373 applies to all zoning authorities in the corridor defined
 37.22 by the plan.

37.23 (b) Actions that comply with the land use ordinance are consistent with the plan. Actions
 37.24 that do not comply with the ordinance may not be started until the board has been notified
 37.25 and given an opportunity to review and comment on the consistency of the action with this
 37.26 section.

37.27 Sec. 42. Minnesota Statutes 2016, section 103F.373, subdivision 1, is amended to read:

37.28 Subdivision 1. **Purpose.** To ~~assure~~ ensure that the plan is not nullified by unjustified
 37.29 exceptions in particular cases and to promote uniformity in the treatment of applications
 37.30 for exceptions, a review and certification procedure is established for the following categories

38.1 of land use actions taken by ~~the counties and~~ zoning authorities directly or indirectly affecting
 38.2 land use within the area covered by the plan:

38.3 (1) the adoption or amendment of an ordinance regulating the use of land, including
 38.4 rezoning of particular tracts of land;

38.5 (2) the granting of a variance from provisions of the land use ordinance; and

38.6 (3) the approval of a plat which is inconsistent with the land use ordinance.

38.7 Sec. 43. Minnesota Statutes 2016, section 103F.373, subdivision 3, is amended to read:

38.8 Subd. 3. **Procedure for certification.** A copy of the notices of public hearings or, when
 38.9 a hearing is not required, a copy of the application to consider an action of a type specified
 38.10 in subdivision 1, clauses (1) to (3), must be forwarded to the board by the ~~county~~ zoning
 38.11 authority at least 15 days before the hearing or meetings to consider the actions. The ~~county~~
 38.12 zoning authority shall notify the board of its final decision on the proposed action within
 38.13 ten days of the decision. By 30 days after the board receives the notice, the board shall
 38.14 notify the ~~county~~ zoning authority and the applicant of ~~its~~ the board's approval or disapproval
 38.15 of the proposed action.

38.16 Sec. 44. Minnesota Statutes 2016, section 103F.373, subdivision 4, is amended to read:

38.17 Subd. 4. **Disapproval of actions.** (a) If a notice of disapproval is issued by the board,
 38.18 the ~~county~~ zoning authority or the applicant may, within 30 days of the notice, file with the
 38.19 board a demand for a hearing. If a demand is not filed within the 30-day period, the
 38.20 disapproval becomes final.

38.21 (b) If a demand is filed within the 30-day period, a hearing must be held within 60 days
 38.22 of demand. The hearing must be preceded by two weeks' published notice. Within 30 days
 38.23 after the hearing, the board must:

38.24 (1) affirm its disapproval of the proposed action; or

38.25 (2) certify approval of the proposed action.

38.26 Sec. 45. [103F.452] APPLICABILITY.

38.27 The provisions of sections 103F.415 to 103F.455 are not applicable without the adoption
 38.28 of an ordinance by the county or local government unit.

39.1 Sec. 46. Minnesota Statutes 2017 Supplement, section 103G.222, subdivision 3, is amended
39.2 to read:

39.3 Subd. 3. **Wetland replacement siting.** (a) Impacted wetlands outside of a greater than
39.4 80 percent area must not be replaced in a greater than 80 percent area. All wetland
39.5 replacement must follow this priority order:

39.6 (1) in the same minor watershed as the impacted wetland;

39.7 (2) in the same watershed as the impacted wetland;

39.8 (3) in the same wetland bank service area as the impacted wetland; and

39.9 (4) in another wetland bank service area.

39.10 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a
39.11 complete wetland banking application submitted to a local government unit by April 1,
39.12 1996, may be used to replace wetland impacts resulting from public transportation projects
39.13 statewide.

39.14 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement
39.15 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under
39.16 section 103G.2242, subdivision 1.

39.17 (d) When reasonable, practicable, and environmentally beneficial replacement
39.18 opportunities are not available in siting priorities listed in paragraph (a), the applicant may
39.19 seek opportunities at the next level.

39.20 (e) For the purposes of this section, "reasonable, practicable, and environmentally
39.21 beneficial replacement opportunities" are defined as opportunities that:

39.22 (1) take advantage of naturally occurring hydrogeomorphological conditions and require
39.23 minimal landscape alteration;

39.24 (2) have a high likelihood of becoming a functional wetland that will continue in
39.25 perpetuity;

39.26 (3) do not adversely affect other habitat types or ecological communities that are
39.27 important in maintaining the overall biological diversity of the area; and

39.28 (4) are available and capable of being done after taking into consideration cost, existing
39.29 technology, and logistics consistent with overall project purposes.

40.1 (f) Regulatory agencies, local government units, and other entities involved in wetland
40.2 restoration shall collaborate to identify potential replacement opportunities within their
40.3 jurisdictional areas.

40.4 (g) The board must establish wetland replacement ratios and wetland bank service area
40.5 priorities to implement the siting and targeting of wetland replacement and encourage the
40.6 use of high priority areas for wetland replacement.

40.7 (h) Wetland replacement sites identified in accordance with the priority order for
40.8 replacement siting in paragraph (a) as part of the completion of an adequate environmental
40.9 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,
40.10 or 103G.2243 without further modification related to the priority order, notwithstanding
40.11 availability of new mitigation sites or availability of credits after completion of an adequate
40.12 environmental impact statement. Wetland replacement plan applications must be submitted
40.13 within one year of the adequacy determination of the environmental impact statement to be
40.14 eligible for approval under this paragraph.

40.15 (i) The wetland replacement priority order under paragraph (a), clauses (1) to (4), does
40.16 not apply to project-specific replacement sites intended to bank credits for single-user banks
40.17 before January 1, 2009.

40.18 Sec. 47. Minnesota Statutes 2017 Supplement, section 103G.2242, subdivision 1, is
40.19 amended to read:

40.20 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt
40.21 rules governing the approval of wetland value replacement plans under this section and
40.22 public-waters-work permits affecting public waters wetlands under section 103G.245. These
40.23 rules must address the criteria, procedure, timing, and location of acceptable replacement
40.24 of wetland values and may address the state establishment and administration of a wetland
40.25 banking program for public and private projects, including provisions for an in-lieu fee
40.26 program; the administrative, monitoring, and enforcement procedures to be used; and a
40.27 procedure for the review and appeal of decisions under this section. In the case of peatlands,
40.28 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program
40.29 established by the board must conform with Code of Federal Regulations, title 33, section
40.30 332.8, as amended.

40.31 (b) After the adoption of the rules, a replacement plan must be approved by a resolution
40.32 of the governing body of the local government unit, consistent with the provisions of the
40.33 rules or a comprehensive wetland protection and management plan approved under section
40.34 103G.2243.

41.1 (c) If the local government unit fails to apply the rules, or fails to implement a local
 41.2 comprehensive wetland protection and management plan established under section
 41.3 103G.2243, the government unit is subject to penalty as determined by the board.

41.4 (d) When making a determination under rules adopted pursuant to this subdivision on
 41.5 whether a rare natural community will be permanently adversely affected, consideration of
 41.6 measures to mitigate any adverse effect on the community must be considered. Wetland
 41.7 banking credits shall be an acceptable mitigation measure for any adverse effects on a rare
 41.8 natural community. The Department of Natural Resources may approve a wetland
 41.9 replacement plan that includes restoration or credits from rare natural communities of
 41.10 substantially comparable character and public value as mitigation for any rare natural
 41.11 community adversely affected by a project.

41.12 Sec. 48. Minnesota Statutes 2016, section 103G.2242, subdivision 14, is amended to read:

41.13 Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank
 41.14 accounts and transactions as follows:

41.15 (1) account maintenance annual fee: one percent of the value of credits not to exceed
 41.16 \$500;

41.17 (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to
 41.18 exceed \$1,000 per establishment, deposit, or transfer; and

41.19 (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

41.20 (b) The board ~~may~~ must establish fees ~~at or~~ based on costs to the agency below the
 41.21 amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

41.22 (c) Fees for single-user or other dedicated wetland banking accounts established pursuant
 41.23 to section 103G.005, subdivision 10i, clause (4), are limited to establishment of a wetland
 41.24 banking account and are assessed at the rate of 6.5 percent of the value of the credits not to
 41.25 exceed \$1,000.

41.26 (d) The board may assess a fee to pay the costs associated with establishing conservation
 41.27 easements, or other long-term protection mechanisms prescribed in the rules adopted under
 41.28 subdivision 1, on property used for wetland replacement.

42.1 Sec. 49. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision
42.2 to read:

42.3 Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water
42.4 management plan" has the meaning given under section 103B.3363, subdivision 3.

42.5 Sec. 50. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision
42.6 to read:

42.7 Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed
42.8 management plan" has the meaning given under section 103B.3363, subdivision 3a.

42.9 Sec. 51. Minnesota Statutes 2016, section 114D.15, subdivision 7, is amended to read:

42.10 Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring,~~
42.11 ~~that are~~ taken to pursue, achieve, and maintain water quality standards for impaired waters
42.12 ~~in accordance with a TMDL that has been approved by the United States Environmental~~
42.13 ~~Protection Agency under federal TMDL requirements.~~

42.14 Sec. 52. Minnesota Statutes 2016, section 114D.15, subdivision 11, is amended to read:

42.15 Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means:

42.16 (1) a document detailing restoration activities needed to meet the approved TMDL's
42.17 pollutant load allocations for point and nonpoint sources; or

42.18 (2) one of the following that the commissioner of the Pollution Control Agency
42.19 determines to be, in whole or part, sufficient to meet applicable water quality standards:

42.20 (i) a comprehensive watershed management plan;

42.21 (ii) a comprehensive local water management plan; or

42.22 (iii) an existing statewide or regional strategy published by the Pollution Control Agency.

42.23 Sec. 53. Minnesota Statutes 2016, section 114D.15, subdivision 13, is amended to read:

42.24 Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed
42.25 restoration and protection strategy" or "WRAPS" means a document summarizing scientific
42.26 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8 scale
42.27 including the physical, chemical, and biological assessment of the water quality of the
42.28 watershed; identification of impairments and water bodies in need of protection; identification
42.29 of biotic stressors and sources of pollution, both point and nonpoint; TMDL's for the

43.1 impairments; and ~~an implementation table containing~~ information to support strategies and
 43.2 ~~actions~~ designed to achieve and maintain water quality standards and goals.

43.3 Sec. 54. Minnesota Statutes 2016, section 114D.20, subdivision 2, is amended to read:

43.4 Subd. 2. **Goals for implementation.** The following goals must guide the implementation
 43.5 of this chapter:

43.6 (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~
 43.7 ~~ten years after May 23, 2006,~~ and thereafter to ensure continuing evaluation of surface
 43.8 waters for impairments;

43.9 (2) to submit TMDL's to the United States Environmental Protection Agency ~~for all~~
 43.10 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

43.11 (3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration
 43.12 ~~of each identified impaired water~~ and protection activities in a reasonable time period;

43.13 (4) to systematically evaluate waters, to provide assistance and incentives to prevent
 43.14 waters from becoming impaired, and to improve the quality of waters that are listed as
 43.15 impaired ~~but do not have an approved TMDL addressing the impairment;~~

43.16 (5) to promptly seek the delisting of waters from the impaired waters list when those
 43.17 waters are shown to achieve the designated uses applicable to the waters;

43.18 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;

43.19 (7) to support effective measures to prevent the degradation of groundwater according
 43.20 to the groundwater degradation prevention goal under section 103H.001; and

43.21 (8) to support effective measures to restore degraded groundwater.

43.22 Sec. 55. Minnesota Statutes 2016, section 114D.20, subdivision 3, is amended to read:

43.23 Subd. 3. **Implementation policies.** The following policies must guide the implementation
 43.24 of this chapter:

43.25 (1) develop regional ~~and,~~ multiple pollutant, or watershed TMDL's ~~and TMDL~~
 43.26 ~~implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants~~
 43.27 or WRAPSs, where reasonable and feasible;

43.28 (2) maximize use of available organizational, technical, and financial resources to perform
 43.29 sampling, monitoring, and other activities to identify degraded groundwater and impaired
 43.30 waters, including use of citizen monitoring and citizen monitoring data used by the Pollution

44.1 Control Agency in assessing water quality that meets the requirements in ~~Appendix D of~~
 44.2 ~~the Volunteer Surface Water Monitoring Guide, Minnesota~~ established by the commissioner
 44.3 of the Pollution Control Agency (2003);

44.4 (3) maximize opportunities for restoration of degraded groundwater and impaired waters,
 44.5 by prioritizing and targeting of available programmatic, financial, and technical resources
 44.6 and by providing additional state resources to complement and leverage available resources;

44.7 (4) use existing regulatory authorities to achieve restoration for point and nonpoint
 44.8 sources of pollution where applicable, and promote the development and use of effective
 44.9 nonregulatory measures to address pollution sources for which regulations are not applicable;

44.10 (5) use restoration methods that have a demonstrated effectiveness in reducing
 44.11 impairments and provide the greatest long-term positive impact on water quality protection
 44.12 and improvement and related conservation benefits while incorporating innovative approaches
 44.13 on a case-by-case basis;

44.14 (6) identify for the legislature any innovative approaches that may strengthen or
 44.15 complement existing programs;

44.16 (7) identify and encourage implementation of measures to prevent surface waters from
 44.17 becoming impaired and to improve the quality of waters that are listed as impaired but have
 44.18 no approved TMDL addressing the impairment using the best available data and technology,
 44.19 and establish and report outcome-based performance measures that monitor the progress
 44.20 and effectiveness of protection and restoration measures;

44.21 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an
 44.22 amount up to 150 percent of the financial assistance received for failure to comply; and

44.23 (9) identify and encourage implementation of measures to prevent groundwater from
 44.24 becoming degraded and measures that restore groundwater resources.

44.25 Sec. 56. Minnesota Statutes 2016, section 114D.20, subdivision 5, is amended to read:

44.26 Subd. 5. **Priorities for preparing WRAPSs AND TMDL's.** In consultation with the
 44.27 Clean Water Council shall recommend, the commissioner of the Pollution Control Agency
 44.28 must coordinate with the commissioners of natural resources, health, and agriculture and
 44.29 with the Board of Water and Soil Resources to establish priorities for scheduling and
 44.30 preparing WRAPSs and TMDL's and TMDL implementation plans, taking into account,
 44.31 considering the severity and causes of the impairment impairments, the designated uses of
 44.32 ~~those the~~ waters, and other applicable federal TMDL requirements. In recommending
 44.33 priorities, the council shall also give Consideration to, groundwater and high-quality waters

45.1 and ~~watersheds~~ watershed protection, waters and watersheds with declining water quality
 45.2 trends, and waters and watersheds:

45.3 (1) with impairments that pose the greatest potential risk to human health;

45.4 (2) with impairments that pose the greatest potential risk to threatened or endangered
 45.5 species;

45.6 (3) with impairments that pose the greatest potential risk to aquatic health;

45.7 (4) where other public agencies and participating organizations and individuals, especially
 45.8 local, ~~basinwide~~ basin-wide, watershed, or regional agencies or organizations, have
 45.9 demonstrated readiness to assist in carrying out the responsibilities, including availability
 45.10 and organization of human, technical, and financial resources necessary to undertake the
 45.11 work; and

45.12 (5) where there is demonstrated coordination and cooperation among cities, counties,
 45.13 watershed districts, and soil and water conservation districts in planning and implementation
 45.14 of activities that will assist in carrying out the responsibilities.

45.15 Sec. 57. Minnesota Statutes 2016, section 114D.20, subdivision 7, is amended to read:

45.16 Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall
 45.17 apply the priorities applicable under subdivision 6, as far as practicable, when recommending
 45.18 priorities for funding actions to prevent groundwater and surface waters from becoming
 45.19 degraded or impaired and to improve the quality of surface waters that are listed as impaired
 45.20 ~~but do not have an approved TMDL.~~

45.21 Sec. 58. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision
 45.22 to read:

45.23 Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the
 45.24 commissioner of the Pollution Control Agency determines that a comprehensive watershed
 45.25 management plan or comprehensive local water management plan contains information that
 45.26 is sufficient and consistent with guidance from the United States Environmental Protection
 45.27 Agency, including the recommended structure for category 4b demonstrations or its
 45.28 replacement under section 303(d) of the federal Clean Water Act, the commissioner may
 45.29 submit the plan to the Environmental Protection Agency according to federal TMDL
 45.30 requirements as an alternative to developing a TMDL.

45.31 (b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for
 45.32 waters or watersheds when the commissioner of the Pollution Control Agency determines

46.1 that a comprehensive watershed management plan, a comprehensive local water management
 46.2 plan, or a statewide or regional strategy published by the Pollution Control Agency meets
 46.3 the definitions in section 114D.15, subdivisions 11 or 13.

46.4 (c) The commissioner of the Pollution Control Agency may request that the Board of
 46.5 Water and Soil Resources conduct an evaluation of the implementation efforts under a
 46.6 comprehensive watershed management plan or comprehensive local water management
 46.7 plan when the commissioner makes a determination under paragraph (b). The board must
 46.8 conduct the evaluation in accordance with section 103B.102.

46.9 (d) The commissioner of the Pollution Control Agency may amend or revoke a
 46.10 determination made under paragraph (a) or (b) after considering the evaluation conducted
 46.11 under paragraph (c).

46.12 Sec. 59. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision
 46.13 to read:

46.14 Subd. 9. **Coordinating of municipal and local water quality activities.** A project,
 46.15 practice, or program for water quality improvement or protection that is conducted by a
 46.16 watershed management organization or a local government unit with a comprehensive
 46.17 watershed management plan or other water management plan approved according to chapter
 46.18 103B, 103C, or 103D may be considered as contributing to the requirements of a storm
 46.19 water pollution prevention plan (SWPPP) for a municipal separate storm sewer systems
 46.20 (MS4) permit unless the project, practice, or program was previously documented as
 46.21 contributing to a different SWPPP for an MS4 permit.

46.22 Sec. 60. Minnesota Statutes 2016, section 114D.26, is amended to read:

46.23 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

46.24 Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall
 46.25 must develop watershed restoration and protection strategies; for:

46.26 (1) quantifying impairments and risks to water quality;

46.27 (2) describing the causes of impairments and pollution sources;

46.28 (3) consolidating TMDLs in a major watershed; and

46.29 (4) informing comprehensive local water management plans and comprehensive
 46.30 watershed management plans.

47.1 (b) To ensure effectiveness, efficiency, and accountability in meeting the goals of this
 47.2 chapter, the commissioner of the Pollution Control Agency and the Board of Water and
 47.3 Soil Resources must coordinate the schedule, budget, scope, and use of a WRAPS and
 47.4 related documents and processes in consultation with local government units and in
 47.5 consideration of section 114D.20, subdivision 8. Each WRAPS shall ~~shall~~ must:

47.6 (1) identify impaired waters and waters in need of protection;

47.7 (2) identify biotic stressors causing impairments or threats to water quality;

47.8 (3) summarize watershed modeling outputs and resulting pollution load allocations; and
 47.9 wasteload allocations, and priority areas for targeting actions to improve water quality and
 47.10 identify areas with high pollutant-loading rates;

47.11 (4) identify point sources of pollution for which a national pollutant discharge elimination
 47.12 system permit is required under section 115.03;

47.13 (5) identify nonpoint sources of pollution for which a national pollutant discharge
 47.14 elimination system permit is not required under section 115.03, with sufficient specificity
 47.15 to ~~prioritize and geographically locate~~ inform watershed restoration and protection ~~actions~~
 47.16 strategies;

47.17 (6) describe the current pollution loading and load reduction needed for each source or
 47.18 source category to meet water quality standards and goals, including wasteload and load
 47.19 allocations from TMDL's;

47.20 (7) ~~contain a plan for ongoing~~ identify water quality monitoring needed to fill data gaps,
 47.21 determine changing conditions, ~~and~~ or gauge implementation effectiveness; and

47.22 (8) ~~contain an implementation table of strategies and actions~~ that are capable of
 47.23 cumulatively achieving needed pollution load reductions for point and nonpoint sources,
 47.24 including identifying:

47.25 (i) water quality parameters of concern;

47.26 (ii) current water quality conditions;

47.27 (iii) water quality goals and targets by parameter of concern; and

47.28 (iv) ~~strategies and actions by parameter of concern~~ and an example of the scale of
 47.29 adoptions needed for each; with a timeline to meet the water quality restoration or protection
 47.30 goals of this chapter.

47.31 (v) ~~a timeline for achievement of water quality targets;~~

48.1 ~~(vi) the governmental units with primary responsibility for implementing each watershed~~
 48.2 ~~restoration or protection strategy; and~~

48.3 ~~(vii) a timeline and interim milestones for achievement of watershed restoration or~~
 48.4 ~~protection implementation actions within ten years of strategy adoption.~~

48.5 Subd. 2. **Reporting.** ~~Beginning July 1, 2016, and every other year thereafter, The~~
 48.6 ~~commissioner of the Pollution Control Agency must periodically report on its the agency's~~
 48.7 ~~Web site the progress toward implementation milestones and water quality goals for all~~
 48.8 ~~adopted TMDL's and, where available, WRAPS's.~~

48.9 Subd. 3. **Timelines; administration.** ~~Each year, (a) The commissioner of the Pollution~~
 48.10 ~~Control Agency must complete WRAPS's for at least ten percent of watershed restoration~~
 48.11 ~~and protection strategies for the state's major watersheds. WRAPS shall be by June 30,~~
 48.12 ~~2023, unless the commissioner determines that a comprehensive watershed management~~
 48.13 ~~plan or comprehensive local water management plan, in whole or part, meets the definition~~
 48.14 ~~in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the~~
 48.15 ~~strategies, in whole or part, after consultation with the Board of Water and Soil Resources~~
 48.16 ~~and local government units.~~

48.17 ~~(b) Watershed restoration and protection strategies are governed by the procedures for~~
 48.18 ~~approval and notice in section 114D.25, subdivisions 2 and 4, except that WRAPS the~~
 48.19 ~~strategies need not be submitted to the United States Environmental Protection Agency.~~

48.20 Sec. 61. Minnesota Statutes 2016, section 114D.35, subdivision 1, is amended to read:

48.21 Subdivision 1. **Public and stakeholder participation.** ~~(a) Public agencies and private~~
 48.22 ~~entities involved in the implementation of implementing this chapter shall must encourage~~
 48.23 ~~participation by the public and stakeholders, including local citizens, landowners and, land~~
 48.24 ~~managers, and public and private organizations, in identifying impaired waters, in developing~~
 48.25 ~~TMDL's, in planning, priority setting, and implementing restoration of impaired waters, in~~
 48.26 ~~identifying degraded groundwater, and in protecting and restoring groundwater resources.~~

48.27 ~~(b) In particular, the commissioner of the Pollution Control Agency shall must make~~
 48.28 ~~reasonable efforts to provide timely information to the public and to stakeholders about~~
 48.29 ~~impaired waters that have been identified by the agency. The agency shall seek broad and~~
 48.30 ~~early public and stakeholder participation in scoping the activities necessary to develop a~~
 48.31 ~~TMDL, including the scientific models, methods, and approaches to be used in TMDL~~
 48.32 ~~development, and to implement restoration pursuant to section 114D.15, subdivision 7. and~~
 48.33 ~~to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.~~

49.1 (c) Public agencies and private entities involved in implementing restoration and
 49.2 protection identified in a comprehensive watershed management plan or comprehensive
 49.3 local water management plan must make efforts to inform, consult, and involve the public
 49.4 and stakeholders.

49.5 (d) The commissioner of the Pollution Control Agency and the Board of Water and Soil
 49.6 Resources must coordinate public and stakeholder participation in consultation with local
 49.7 government units. To the extent practicable, implementation of this chapter shall be
 49.8 accomplished in cooperation with local, state, federal, and tribal governments and private
 49.9 sector organizations.

49.10 Sec. 62. Minnesota Statutes 2016, section 114D.35, subdivision 3, is amended to read:

49.11 Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing,
 49.12 educating, and encouraging the participation of citizens, stakeholders, and others regarding
 49.13 ~~the identification of impaired waters, development of TMDL's, development of TMDL~~
 49.14 ~~implementation plans, implementation of restoration for impaired waters, identification of~~
 49.15 ~~degraded groundwater, and protection and restoration of groundwater resources~~ this chapter.
 49.16 Public agencies ~~shall be~~ are responsible for implementing the strategies.

49.17 Sec. 63. Minnesota Statutes 2016, section 115.03, subdivision 5, is amended to read:

49.18 Subd. 5. **Agency authority; national pollutant discharge elimination system.** (a)
 49.19 Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with
 49.20 respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall
 49.21 have the authority to perform any and all acts minimally necessary including, but not limited
 49.22 to, the establishment and application of standards, procedures, rules, orders, variances,
 49.23 stipulation agreements, schedules of compliance, and permit conditions, consistent with
 49.24 and, therefore not less stringent than the provisions of the Federal Water Pollution Control
 49.25 Act, as amended, applicable to the participation by the state of Minnesota in the national
 49.26 pollutant discharge elimination system (NPDES); provided that this provision shall not be
 49.27 construed as a limitation on any powers or duties otherwise residing with the agency pursuant
 49.28 to any provision of law.

49.29 (b) An activity that conveys or connects waters of the state without subjecting the
 49.30 transferred water to intervening industrial, municipal, or commercial use does not require
 49.31 a national pollutant discharge elimination system permit. This exemption does not apply to
 49.32 pollutants introduced by the activity itself to the water being transferred.

50.1 Sec. 64. Minnesota Statutes 2016, section 115.03, is amended by adding a subdivision to
50.2 read:

50.3 Subd. 5d. **Sugar beet storage.** Notwithstanding any other law to the contrary, the
50.4 commissioner shall not require a permittee who owns and operates a remote sugar beet
50.5 storage facility to install sedimentation pond liners as part of a national pollutant discharge
50.6 elimination system or state disposal system permit. For purposes of this subdivision, "remote
50.7 sugar beet storage facility" means an area where sugar beets are temporarily stored prior to
50.8 delivery to a sugar beet processing facility that is not located on land adjacent to the
50.9 processing facility.

50.10 Sec. 65. Minnesota Statutes 2016, section 115.035, is amended to read:

50.11 **115.035 EXTERNAL PEER REVIEW OF WATER QUALITY STANDARDS.**

50.12 ~~(a) When the commissioner convenes an external peer review panel during the~~
50.13 ~~promulgation or amendment of water quality standards, the commissioner must provide~~
50.14 ~~notice and take public comment on the charge questions for the external peer review panel~~
50.15 ~~and must allow written and oral public comment as part of the external peer review panel~~
50.16 ~~process. Every new or revised numeric water quality standard must be supported by a~~
50.17 ~~technical support document that provides the scientific basis for the proposed standard and~~
50.18 ~~that has undergone external, scientific peer review. Numeric water quality standards in~~
50.19 ~~which the agency is adopting, without change, a United States Environmental Protection~~
50.20 ~~Agency criterion that has been through peer review are not subject to this paragraph.~~
50.21 ~~Documentation of the external peer review panel, including the name or names of the peer~~
50.22 ~~reviewer or reviewers, must be included in the statement of need and reasonableness for~~
50.23 ~~the water quality standard. If the commissioner does not convene an external peer review~~
50.24 ~~panel during the promulgation or amendment of water quality standards, the commissioner~~
50.25 ~~must state the reason an external peer review panel will not be convened in the statement~~
50.26 ~~of need and reasonableness.~~

50.27 (b) Every technical support document developed by the agency must be released in draft
50.28 form for public comment before peer review and before finalizing the technical support
50.29 document.

50.30 (c) The commissioner must provide public notice and information about the external
50.31 peer review through the request for comments published at the beginning of the rulemaking
50.32 process for the numeric water quality standard, and:

51.1 (1) the request for comments must identify the draft technical support document and
51.2 where the document can be found;

51.3 (2) the request for comments must include a proposed charge for the external peer review
51.4 and request comments on the charge;

51.5 (3) all comments received during the public comment period must be made available to
51.6 the external peer reviewers; and

51.7 (4) if the agency is not soliciting external peer review because the agency is adopting a
51.8 United States Environmental Protection Agency criterion without change, that must be
51.9 noted in the request for comments.

51.10 (d) The purpose of the external peer review is to evaluate whether the technical support
51.11 document and proposed standard are based on sound scientific knowledge, methods, and
51.12 practices. The external peer review must be conducted according to the guidance in the
51.13 most recent edition of the United States Environmental Protection Agency's Peer Review
51.14 Handbook. Peer reviewers must not have participated in developing the scientific basis of
51.15 the standard. Peer reviewers must disclose any activities or circumstances that could pose
51.16 a conflict of interest or create an appearance of a loss of impartiality that could interfere
51.17 with an objective review.

51.18 (e) The type of review and the number of peer reviewers depends on the nature of the
51.19 science underlying the standard. When the agency is developing significant new science or
51.20 science that expands significantly beyond current documented scientific practices or
51.21 principles, a panel review must be used.

51.22 (f) In response to the findings of the external peer review, the draft technical support
51.23 document must be revised as appropriate. The findings of the external peer review must be
51.24 documented and attached to the final technical support document, which must be an exhibit
51.25 as part of the statement of need and reasonableness in the rulemaking to adopt the new or
51.26 revised water quality standard. The final technical support document must note changes
51.27 made in response to the external peer review.

51.28 ~~(b)~~ (g) By December 15 each year, the commissioner shall post on the agency's Web
51.29 site a report identifying the water quality standards development work in progress or
51.30 completed in the past year, the lead agency scientist for each development effort, and
51.31 opportunities for public input.

52.1 Sec. 66. [115.455] EFFLUENT LIMITATION COMPLIANCE.

52.2 To the extent allowable under federal law, for a municipality that constructs a publicly
 52.3 owned treatment works facility or for an industrial national pollutant discharge elimination
 52.4 system and state disposal system permit holder that constructs a treatment works facility to
 52.5 comply with a new or modified effluent limitation, compliance with any new or modified
 52.6 effluent limitation adopted after construction begins that would require additional capital
 52.7 investment is required no sooner than 16 years after the date the facility begins operating.

52.8 Sec. 67. Minnesota Statutes 2016, section 115A.51, is amended to read:

52.9 **115A.51 APPLICATION REQUIREMENTS.**

52.10 (a) Applications for assistance under the program shall demonstrate:

52.11 ~~(a)~~ (1) that the project is conceptually and technically feasible;

52.12 ~~(b)~~ (2) that affected political subdivisions are committed to implement the project, to
 52.13 provide necessary local financing, and to accept and exercise the government powers
 52.14 necessary to the project;

52.15 ~~(c)~~ (3) that operating revenues from the project, considering the availability and security
 52.16 of sources of solid waste and of markets for recovered resources, together with any proposed
 52.17 federal, state, or local financial assistance, will be sufficient to pay all costs over the projected
 52.18 life of the project;

52.19 ~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,
 52.20 including the use of existing solid waste management facilities with reasonably available
 52.21 capacity sufficient to accomplish the goals of the proposed project, and has compared and
 52.22 evaluated the costs of the alternatives, including capital and operating costs, and the effects
 52.23 of the alternatives on the cost to generators;

52.24 (5) that the applicant has identified waste management objectives in applicable county
 52.25 and regional solid waste management plans consistent with sections 115A.46, subdivision
 52.26 2, and 473.149, subdivision 1, and other solid waste facilities identified in the county and
 52.27 regional plan; and

52.28 (6) that the applicant has conducted a comparative analysis of the project against existing
 52.29 public and private solid waste facilities, including an analysis of potential displacement of
 52.30 facilities to determine whether the project is the most appropriate alternative to achieve the
 52.31 identified waste management objectives, which considers:

52.32 (i) conformity with approved county or regional solid waste management plans;

53.1 (ii) consistency with the state's solid waste hierarchy and sections 115A.46, subdivision
 53.2 2, paragraphs (e) and (f), and 473.149, subdivision 1; and

53.3 (iii) environmental standards related to public health, air, surface water, and groundwater.

53.4 (b) The commissioner may require completion of a comprehensive solid waste
 53.5 management plan conforming to the requirements of section 115A.46, before accepting an
 53.6 application. Within five days of filing an application with the agency, the applicant must
 53.7 submit a copy of the application to each solid waste management facility mentioned in the
 53.8 portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).

53.9 Sec. 68. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

53.10 Subd. 2. **Local authority.** A city or town may organize collection, after public notification
 53.11 and hearing as required in subdivisions 4a to ~~4d~~ 4f. A county may organize collection as
 53.12 provided in subdivision 5. A city or town that has organized collection as of May 1, 2013,
 53.13 is exempt from subdivisions 4a to ~~4d~~ 4f.

53.14 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
 53.15 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
 53.16 that date.

53.17 Sec. 69. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

53.18 Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise,
 53.19 license, contract, or other means of organizing collection, a city or town, by resolution of
 53.20 the governing body, must establish ~~an organized~~ a solid waste collection options committee
 53.21 to identify, examine, and evaluate various methods of ~~organized~~ solid waste collection. The
 53.22 governing body shall appoint the committee members.

53.23 (b) The ~~organized~~ solid waste collection options committee is subject to chapter 13D.

53.24 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
 53.25 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
 53.26 that date.

53.27 Sec. 70. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

53.28 Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

53.29 (1) determine which methods of ~~organized~~ solid waste collection to examine, which
 53.30 must include:

54.1 (i) the existing system of collection;

54.2 ~~(i)~~ (ii) a system in which a single collector collects solid waste from all sections of a
54.3 city or town; and

54.4 ~~(ii)~~ (iii) a system in which multiple collectors, either singly or as members of an
54.5 organization of collectors, collect solid waste from different sections of a city or town;

54.6 (2) establish a list of criteria on which the ~~organized~~ solid waste collection methods
54.7 selected for examination will be evaluated, which may include: costs to residential
54.8 subscribers, impacts on residential subscribers' ability to choose a provider of solid waste
54.9 service based on the desired level of service, costs and other factors, the impact of miles
54.10 driven by ~~collection vehicles~~ on city streets and alleys and the incremental impact of miles
54.11 driven by collection vehicles, initial and operating costs to the city of implementing the
54.12 ~~organized~~ solid waste collection system, providing incentives for waste reduction, impacts
54.13 on solid waste collectors, and other physical, economic, fiscal, social, environmental, and
54.14 aesthetic impacts;

54.15 (3) collect information regarding the operation and efficacy of existing methods of
54.16 ~~organized~~ solid waste collection in other cities and towns;

54.17 (4) seek input from, at a minimum:

54.18 (i) the governing body of the city or town;

54.19 (ii) the local official of the city or town responsible for solid waste issues;

54.20 (iii) persons currently licensed to operate solid waste collection and recycling services
54.21 in the city or town; and

54.22 (iv) residents of the city or town who currently pay for residential solid waste collection
54.23 services; and

54.24 (5) issue a report on the committee's research, findings, and any recommendations to
54.25 the governing body of the city or town.

54.26 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
54.27 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
54.28 that date.

54.29 Sec. 71. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

54.30 Subd. 4c. **Governing body; implementation.** The governing body of the city or town
54.31 shall consider the report and recommendations of the ~~organized~~ solid waste collection

55.1 options committee. The governing body must provide public notice and hold at least one
55.2 public hearing before deciding whether to implement organized collection. Organized
55.3 collection may begin no sooner than six months after the effective date of the decision of
55.4 the governing body of the city or town to implement organized collection.

55.5 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
55.6 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
55.7 that date.

55.8 Sec. 72. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

55.9 Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing
55.10 a committee under subdivision 4a to consider organizing residential solid waste collection,
55.11 a city or town with more than one licensed collector must notify the public and all licensed
55.12 collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60
55.13 days in which meetings and negotiations shall occur exclusively between licensed collectors
55.14 and the city or town to develop a proposal in which interested licensed collectors, as members
55.15 of an organization of collectors, collect solid waste from designated sections of the city or
55.16 town. The proposal shall include identified city or town priorities, including issues related
55.17 to zone creation, traffic, safety, environmental performance, service provided, and price,
55.18 and shall reflect existing haulers maintaining their respective market share of business as
55.19 determined by each hauler's average customer count during the six months prior to the
55.20 commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be
55.21 excluded from the proposal, the city may allocate their customers proportionally based on
55.22 market share to the participating collectors who choose to negotiate. The initial organized
55.23 collection agreement executed under this subdivision must be for ~~a period of three to seven~~
55.24 years. Upon execution of an agreement between the participating licensed collectors and
55.25 city or town, the city or town shall establish organized collection through appropriate local
55.26 controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except
55.27 that the governing body must provide the public notification and hearing required under
55.28 subdivision 4c.

55.29 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
55.30 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
55.31 that date.

56.1 Sec. 73. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision
56.2 to read:

56.3 Subd. 4e. **Parties to meet and confer.** Before the exclusive meetings and negotiations
56.4 under subdivision 4d, participating licensed collectors and elected officials of the city or
56.5 town must meet and confer regarding waste collection issues, including but not limited to
56.6 road deterioration, public safety, pricing mechanisms, and contractual considerations unique
56.7 to organized collection.

56.8 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
56.9 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
56.10 that date.

56.11 Sec. 74. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision
56.12 to read:

56.13 Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection
56.14 agreement must not obligate a participating licensed collector for damages to third parties
56.15 solely caused by another participating licensed collector. The organized collection agreement
56.16 may include joint obligations for actions that are undertaken by all the participating licensed
56.17 collectors under this section.

56.18 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
56.19 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
56.20 that date.

56.21 Sec. 75. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

56.22 Subd. 5. **County organized collection.** (a) A county may by ordinance require cities
56.23 and towns within the county to organize collection. Organized collection ordinances of
56.24 counties may:

56.25 (1) require cities and towns to require the separation and separate collection of recyclable
56.26 materials;

56.27 (2) specify the material to be separated; and

56.28 (3) require cities and towns to meet any performance standards for source separation
56.29 that are contained in the county solid waste plan.

56.30 (b) A county may itself organize collection under subdivisions 4a to ~~4d~~ 4f in any city
56.31 or town that does not comply with a county organized collection ordinance adopted under

57.1 this subdivision, and the county may implement, as part of its organized collection, the
 57.2 source separation program and performance standards required by its organized collection
 57.3 ordinance.

57.4 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized
 57.5 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after
 57.6 that date.

57.7 **Sec. 76. [115B.52] WATER QUALITY AND SUSTAINABILITY ACCOUNT.**

57.8 Subdivision 1. **Definition.** For purposes of this section and section 115B.53, the term
 57.9 "settlement" means the agreement and order entered on February 20, 2018, settling litigation
 57.10 commenced by the state against the 3M Company under section 115B.17, subdivision 7.

57.11 Subd. 2. **Establishment.** The water quality and sustainability account is established as
 57.12 an account in the remediation fund. The account consists of revenue deposited in the account
 57.13 under the terms of the settlement and earnings on the investment of money in the account.

57.14 Subd. 3. **Expenditures.** Money in the account is appropriated to the commissioner of
 57.15 the Pollution Control Agency and to the commissioner of natural resources for the purposes
 57.16 authorized under the settlement.

57.17 Subd. 4. **Reporting.** The commissioner of the Pollution Control Agency and the
 57.18 commissioner of natural resources must jointly submit:

57.19 (1) a biannual report to the chairs and ranking minority members of the legislative policy
 57.20 and finance committees with jurisdiction over environment and natural resources on
 57.21 expenditures from the water quality and sustainability account during the previous six
 57.22 months; and

57.23 (2) by November 1 each year, a report to the legislature on expenditures from the water
 57.24 quality and sustainability account during the previous fiscal year and a spending plan for
 57.25 anticipated expenditures from the account during the current fiscal year.

57.26 **Sec. 77. [115B.53] WATER QUALITY AND SUSTAINABILITY STAKEHOLDERS.**

57.27 The commissioner of the Pollution Control Agency and the commissioner of natural
 57.28 resources must work with stakeholders to identify and recommend projects to receive funding
 57.29 from the water quality and sustainability account under the settlement. Stakeholders include,
 57.30 at a minimum, representatives of the agency, the Department of Natural Resources, east
 57.31 metropolitan area municipalities, and the 3M Company.

58.1 Sec. 78. Minnesota Statutes 2016, section 116.07, subdivision 2, is amended to read:

58.2 Subd. 2. **Adopting standards.** (a) The Pollution Control Agency shall improve air
58.3 quality by promoting, in the most practicable way possible, the use of energy sources and
58.4 waste disposal methods which produce or emit the least air contaminants consistent with
58.5 the agency's overall goal of reducing all forms of pollution. The agency shall also adopt
58.6 standards of air quality, including maximum allowable standards of emission of air
58.7 contaminants from motor vehicles, recognizing that due to variable factors, no single standard
58.8 of purity of air is applicable to all areas of the state. In adopting standards the Pollution
58.9 Control Agency shall give due recognition to the fact that the quantity or characteristics of
58.10 air contaminants or the duration of their presence in the atmosphere, which may cause air
58.11 pollution in one area of the state, may cause less or not cause any air pollution in another
58.12 area of the state, and it shall take into consideration in this connection such factors, including
58.13 others which it may deem proper, as existing physical conditions, zoning classifications,
58.14 topography, prevailing wind directions and velocities, and the fact that a standard of air
58.15 quality which may be proper as to an essentially residential area of the state, may not be
58.16 proper as to a highly developed industrial area of the state. Such standards of air quality
58.17 shall be premised upon scientific knowledge of causes as well as effects based on technically
58.18 substantiated criteria and commonly accepted practices. No local government unit shall set
58.19 standards of air quality which are more stringent than those set by the Pollution Control
58.20 Agency. Consistent with this recognition of the variability of air contamination levels and
58.21 conditions across the state, the agency must not apply or enforce a national or state ambient
58.22 air quality standard as an applicable standard for an individual source under an individual
58.23 facility permit issued pursuant to Code of Federal Regulations, title 40, part 70, unless the
58.24 permittee is a temporary source issued a permit under United States Code, title 42, section
58.25 7661c, paragraph (e).

58.26 (b) The Pollution Control Agency shall promote solid waste disposal control by
58.27 encouraging the updating of collection systems, elimination of open dumps, and
58.28 improvements in incinerator practices. The agency shall also adopt standards for the control
58.29 of the collection, transportation, storage, processing, and disposal of solid waste and sewage
58.30 sludge for the prevention and abatement of water, air, and land pollution, recognizing that
58.31 due to variable factors, no single standard of control is applicable to all areas of the state.
58.32 In adopting standards, the Pollution Control Agency shall give due recognition to the fact
58.33 that elements of control which may be reasonable and proper in densely populated areas of
58.34 the state may be unreasonable and improper in sparsely populated or remote areas of the
58.35 state, and it shall take into consideration in this connection such factors, including others

59.1 which it may deem proper, as existing physical conditions, topography, soils and geology,
59.2 climate, transportation, and land use. Such standards of control shall be premised on technical
59.3 criteria and commonly accepted practices.

59.4 (c) The Pollution Control Agency shall also adopt standards describing the maximum
59.5 levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere,
59.6 recognizing that due to variable factors no single standard of sound pressure is applicable
59.7 to all areas of the state. Such standards shall give due consideration to such factors as the
59.8 intensity of noises, the types of noises, the frequency with which noises recur, the time
59.9 period for which noises continue, the times of day during which noises occur, and such
59.10 other factors as could affect the extent to which noises may be injurious to human health
59.11 or welfare, animal or plant life, or property, or could interfere unreasonably with the
59.12 enjoyment of life or property. In adopting standards, the Pollution Control Agency shall
59.13 give due recognition to the fact that the quantity or characteristics of noise or the duration
59.14 of its presence in the outdoor atmosphere, which may cause noise pollution in one area of
59.15 the state, may cause less or not cause any noise pollution in another area of the state, and
59.16 it shall take into consideration in this connection such factors, including others which it
59.17 may deem proper, as existing physical conditions, zoning classifications, topography,
59.18 meteorological conditions and the fact that a standard which may be proper in an essentially
59.19 residential area of the state, may not be proper as to a highly developed industrial area of
59.20 the state. Such noise standards shall be premised upon scientific knowledge as well as effects
59.21 based on technically substantiated criteria and commonly accepted practices. No local
59.22 governing unit shall set standards describing the maximum levels of sound pressure which
59.23 are more stringent than those set by the Pollution Control Agency.

59.24 (d) The Pollution Control Agency shall adopt standards for the identification of hazardous
59.25 waste and for the management, identification, labeling, classification, storage, collection,
59.26 transportation, processing, and disposal of hazardous waste, recognizing that due to variable
59.27 factors, a single standard of hazardous waste control may not be applicable to all areas of
59.28 the state. In adopting standards, the Pollution Control Agency shall recognize that elements
59.29 of control which may be reasonable and proper in densely populated areas of the state may
59.30 be unreasonable and improper in sparsely populated or remote areas of the state. The agency
59.31 shall consider existing physical conditions, topography, soils, and geology, climate,
59.32 transportation and land use. Standards of hazardous waste control shall be premised on
59.33 technical knowledge, and commonly accepted practices. Hazardous waste generator licenses
59.34 may be issued for a term not to exceed five years. No local government unit shall set

60.1 standards of hazardous waste control which are in conflict or inconsistent with those set by
60.2 the Pollution Control Agency.

60.3 (e) A person who generates less than 100 kilograms of hazardous waste per month is
60.4 exempt from the following agency hazardous waste rules:

60.5 (1) rules relating to transportation, manifesting, storage, and labeling for photographic
60.6 fixer and x-ray negative wastes that are hazardous solely because of silver content; and

60.7 (2) any rule requiring the generator to send to the agency or commissioner a copy of
60.8 each manifest for the transportation of hazardous waste for off-site treatment, storage, or
60.9 disposal, except that counties within the metropolitan area may require generators to provide
60.10 manifests.

60.11 Nothing in this paragraph exempts the generator from the agency's rules relating to on-site
60.12 accumulation or outdoor storage. A political subdivision or other local unit of government
60.13 may not adopt management requirements that are more restrictive than this paragraph.

60.14 (f) In any rulemaking proceeding under chapter 14 to adopt standards for air quality,
60.15 solid waste, or hazardous waste under this chapter, or standards for water quality under
60.16 chapter 115, the statement of need and reasonableness must include:

60.17 (1) an assessment of any differences between the proposed rule and:

60.18 (i) existing federal standards adopted under the Clean Air Act, United States Code, title
60.19 42, section 7412(b)(2); the Clean Water Act, United States Code, title 33, sections 1312(a)
60.20 and 1313(c)(4); and the Resource Conservation and Recovery Act, United States Code, title
60.21 42, section 6921(b)(1);

60.22 (ii) similar standards in states bordering Minnesota; and

60.23 (iii) similar standards in states within the Environmental Protection Agency Region 5;
60.24 and

60.25 (2) a specific analysis of the need and reasonableness of each difference.

60.26 If the proposed standards in a rulemaking subject to this paragraph are more stringent than
60.27 comparable federal standards, the statement of need and reasonableness must, in addition
60.28 to the requirements of this paragraph, include documentation that the federal standard does
60.29 not provide adequate protection for public health and the environment.

61.1 Sec. 79. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to
61.2 read:

61.3 Subd. 2c. Exemption from standards for temporary storage facilities subject to
61.4 control. (a) A temporary storage facility located at a commodity facility that is required to
61.5 be controlled under Minnesota Rules, part 7011.1005, subpart 3, is not subject to Minnesota
61.6 Rules, parts 7011.1000 to 7011.1015. For all portable equipment and fugitive dust emissions
61.7 directly associated with the temporary storage facility, it is determined that there is no
61.8 applicable specific standard of performance.

61.9 (b) For the purposes of this subdivision, the following terms have the meanings given
61.10 to them:

61.11 (1) "temporary storage facility" means a facility storing grain that:

61.12 (i) uses an asphalt, concrete, or comparable base material;

61.13 (ii) has rigid, self-supporting sidewalls;

61.14 (iii) provides adequate aeration; and

61.15 (iv) provides an acceptable covering; and

61.16 (2) "portable equipment" means equipment that is not fixed at any one spot and can be
61.17 moved, including but not limited to portable receiving pits, portable augers and conveyors,
61.18 and portable reclaim equipment directly associated with the temporary storage facility.

61.19 Sec. 80. Minnesota Statutes 2017 Supplement, section 116.0714, is amended to read:

61.20 **116.0714 NEW OPEN-AIR SWINE BASINS.**

61.21 (a) The commissioner of the Pollution Control Agency or a county board shall not
61.22 approve any permits for the construction of new open-air swine basins, except that existing
61.23 facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste
61.24 treatment program for resolving pollution problems or to allow conversion of an existing
61.25 basin of less than 1,000,000 gallons to a different animal type, provided all standards are
61.26 met. This section expires June 30, 2022.

61.27 (b) This section does not apply to basins used solely for wastewater from truck-washing
61.28 facilities.

62.1 Sec. 81. Minnesota Statutes 2016, section 116.155, subdivision 1, is amended to read:

62.2 Subdivision 1. **Creation.** The remediation fund is created as a special revenue fund in
 62.3 the state treasury to provide a reliable source of public money for response and corrective
 62.4 actions to address releases of hazardous substances, pollutants or contaminants, agricultural
 62.5 chemicals, and petroleum, and for environmental response actions at qualified landfill
 62.6 facilities for which the agency has assumed such responsibility, including perpetual care of
 62.7 such facilities. The specific purposes for which the general portion of the fund may be spent
 62.8 are provided in subdivision 2. In addition to the general portion of the fund, the fund contains
 62.9 ~~two~~ three accounts described in subdivisions 4 ~~and 5~~ to 5a.

62.10 Sec. 82. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision
 62.11 to read:

62.12 Subd. 5a. **Water quality and sustainability account.** The water quality and sustainability
 62.13 account is as described in section 115B.52.

62.14 Sec. 83. Minnesota Statutes 2016, section 116.993, subdivision 2, is amended to read:

62.15 Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower
 62.16 must:

62.17 (1) be a small business corporation, sole proprietorship, partnership, or association;

62.18 (2) be a potential emitter of pollutants to the air, ground, or water;

62.19 (3) need capital for equipment purchases that will meet or exceed environmental
 62.20 regulations or need capital for site investigation and cleanup;

62.21 (4) have ~~less~~ fewer than ~~50~~ 100 full-time equivalent employees; and

62.22 (5) have an ~~after-tax~~ after-tax profit of less than \$500,000; ~~and~~ .

62.23 ~~(6) have a net worth of less than \$1,000,000.~~

62.24 Sec. 84. Minnesota Statutes 2016, section 116.993, subdivision 6, is amended to read:

62.25 Subd. 6. **Loan conditions.** A loan made under this section must include:

62.26 (1) an interest rate that is ~~four percent or~~ at or below one-half the prime rate, ~~whichever~~
 62.27 ~~is greater~~ not to exceed five percent;

62.28 (2) a term of payment of not more than seven years; and

62.29 (3) an amount not less than \$1,000 or exceeding ~~\$50,000~~ \$75,000.

63.1 Sec. 85. Minnesota Statutes 2016, section 216G.01, subdivision 3, is amended to read:

63.2 Subd. 3. **Pipeline.** "Pipeline" means a pipeline owned or operated by a condemning
 63.3 authority, as defined in section 117.025, subdivision 4, located in this state which is used
 63.4 to transport natural or synthetic gas at a pressure of more than 90 pounds per square inch,
 63.5 or to transport crude petroleum or petroleum fuels or oil or their derivatives, coal, anhydrous
 63.6 ammonia or any mineral slurry to a distribution center or storage facility which is located
 63.7 within or outside of this state. "Pipeline" does not include a pipeline owned or operated by
 63.8 a natural gas public utility as defined in section 216B.02, subdivision 4.

63.9 Sec. 86. Minnesota Statutes 2016, section 349A.05, is amended to read:

63.10 **349A.05 RULES.**

63.11 The director may adopt rules under chapter 14 governing the following elements of the
 63.12 lottery:

- 63.13 (1) the number and types of lottery retailers' locations;
- 63.14 (2) qualifications of lottery retailers and application procedures for lottery retailer
 63.15 contracts;
- 63.16 (3) investigation of lottery retailer applicants;
- 63.17 (4) appeal procedures for denial, suspension, or cancellation of lottery retailer contracts;
- 63.18 (5) compensation of lottery retailers consistent with section 349A.17;
- 63.19 (6) accounting for and deposit of lottery revenues by lottery retailers;
- 63.20 (7) procedures for issuing lottery procurement contracts and for the investigation of
 63.21 bidders on those contracts;
- 63.22 (8) payment of prizes;
- 63.23 (9) procedures needed to ensure the integrity and security of the lottery; and
- 63.24 (10) other rules the director considers necessary for the efficient operation and
 63.25 administration of the lottery.

63.26 **EFFECTIVE DATE.** This section is effective August 1, 2018.

63.27 Sec. 87. **[349A.17] LOTTERY RETAILER COMMISSIONS.**

63.28 (a) The director of the State Lottery shall pay a lottery retailer at least the following
 63.29 amounts:

64.1 (1) 5.5 percent on the price of a ticket sold by the retailer for a lottery game for which
 64.2 the winner is determined by a drawing;

64.3 (2) six percent on the price of a ticket sold by the retailer for a lottery game in which
 64.4 the winner is determined without a drawing; and

64.5 (3) 1.5 percent of the amount of a winning ticket cashed by the retailer.

64.6 (b) The director of the State Lottery may adopt rules for retailer compensation or
 64.7 commission that exceeds the amounts specified in this section. The director of the State
 64.8 Lottery shall periodically review lottery ticket sales and make adjustments to lottery retailer
 64.9 commission rates, consistent with this section, as deemed necessary to maintain appropriate
 64.10 return to the state.

64.11 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to tickets
 64.12 sold on or after that date.

64.13 Sec. 88. **[383A.606] DISCONTINUANCE OF RAMSEY SOIL AND WATER**
 64.14 **CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

64.15 Subdivision 1. **Discontinuance.** Notwithstanding section 103C.225, the Ramsey Soil
 64.16 and Water Conservation District is discontinued effective July 1, 2018, and its duties and
 64.17 authorities are transferred to the Ramsey County Board of Commissioners.

64.18 Subd. 2. **Transfer of duties and authorities.** The Ramsey County Board of
 64.19 Commissioners has the duties and authorities of a soil and water conservation district. All
 64.20 contracts in effect on the date of the discontinuance of the district to which Ramsey Soil
 64.21 and Water Conservation District is a party remain in force and effect for the period provided
 64.22 in the contracts. The Ramsey County Board of Commissioners shall be substituted for the
 64.23 Ramsey Soil and Water Conservation District as party to the contracts and succeed to the
 64.24 district's rights and duties.

64.25 Subd. 3. **Transfer of assets.** The Ramsey Soil and Water Conservation District Board
 64.26 of Supervisors shall transfer the assets of the district to the Ramsey County Board of
 64.27 Commissioners. The Ramsey County Board of Commissioners shall use the transferred
 64.28 assets for the purposes of implementing the transferred duties and authorities.

64.29 Subd. 4. **Reestablishment.** The Ramsey County Board of Commissioners may petition
 64.30 the Minnesota Board of Water and Soil Resources to reestablish the Ramsey Soil and Water
 64.31 Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources
 64.32 under its authority in section 103C.201, and after giving notice of corrective actions and
 64.33 time to implement the corrective actions, may reestablish the Ramsey Soil and Water

65.1 Conservation District if it determines the goals established in section 103C.005 are not
 65.2 being achieved. The Minnesota Board of Water and Soil Resources may reestablish the
 65.3 Ramsey Soil and Water Conservation District under this subdivision without a referendum.

65.4 **EFFECTIVE DATE.** This section is effective the day after the Ramsey County Board
 65.5 of Commissioners and its chief clerical officer timely complete their compliance with
 65.6 Minnesota Statutes, section 645.021, subdivisions 2 and 3, but not before July 1, 2018.

65.7 Sec. 89. Minnesota Statutes 2016, section 473.8441, subdivision 4, is amended to read:

65.8 Subd. 4. **Grant conditions.** The commissioner shall administer grants so that the
 65.9 following conditions are met:

65.10 (a) A county must apply for a grant in the manner determined by the commissioner. The
 65.11 application must describe the activities for which the grant will be used.

65.12 (b) The activities funded must be consistent with the metropolitan policy plan and the
 65.13 county master plan.

65.14 (c) A grant must be matched by equal ~~county~~ local expenditures for the activities for
 65.15 which the grant is made. A local expenditure may include but is not limited to an expenditure
 65.16 by a local unit of government, tribal government, or private sector or nonprofit organization.

65.17 (d) All grant funds must be used for new activities or to enhance or increase the
 65.18 effectiveness of existing activities in the county. Grant funds shall not be used for research
 65.19 or development of a product that would be patented, copyrighted, or a subject of trade
 65.20 secrets.

65.21 (e) Counties shall provide support to maintain effective municipal recycling where it is
 65.22 already established.

65.23 Sec. 90. Laws 2015, First Special Session chapter 4, article 4, section 146, as amended
 65.24 by Laws 2017, chapter 93, article 2, section 150, is amended to read:

65.25 Sec. 146. **INITIAL IMPLEMENTATION; WAIVERS.**

65.26 A soil and water conservation district must grant a conditional compliance waiver under
 65.27 Minnesota Statutes, section 103F.48, to landowners or authorized agents who have applied
 65.28 for and maintained eligibility for financial or technical assistance within one year of the
 65.29 dates listed in Minnesota Statutes, section 103F.48, subdivision 3, paragraph (e), according
 65.30 to Minnesota Statutes, section 103F.48. A conditional compliance waiver also must be
 65.31 granted to landowners who are subject to a drainage proceeding commenced under Minnesota

66.1 Statutes, sections 103E.011, subdivision 5; 103E.021, subdivision 6; and 103E.715. The
 66.2 conditional compliance waiver is valid until financial or technical assistance is available
 66.3 for buffer or alternative practices installation, but not later than November 1, 2018. A
 66.4 landowner or authorized agent that has filed a parcel-specific public water riparian protection
 66.5 compliance plan with the soil and water conservation district by November 1, 2017, shall
 66.6 be granted a conditional compliance waiver until July 1, 2018 2019. A landowner or
 66.7 authorized agent that has filed a parcel-specific public drainage system riparian protection
 66.8 compliance plan with the soil and water conservation district by November 1, 2018, shall
 66.9 be granted a conditional compliance waiver until July 1, 2019.

66.10 Sec. 91. Laws 2016, chapter 189, article 3, section 48, is amended to read:

66.11 Sec. 48. **LAKE SERVICE PROVIDER FEASIBILITY REPORT.**

66.12 The commissioner of natural resources shall report to the chairs of the house of
 66.13 representatives and senate committees with jurisdiction over natural resources by January
 66.14 15, ~~2019~~ 2020, regarding the feasibility of expanding permitting to service providers as
 66.15 described in Minnesota Statutes, section 84D.108, subdivision 2a, to other water bodies in
 66.16 the state. The report must:

66.17 (1) include recommendations for state and local resources needed to implement the
 66.18 program;

66.19 (2) assess local government inspection roles under Minnesota Statutes, section 84D.105,
 66.20 subdivision 2, paragraph (g); and

66.21 (3) assess whether mechanisms to ensure that water-related equipment placed back into
 66.22 the same body of water from which it was removed can adequately protect other water
 66.23 bodies.

66.24 Sec. 92. **ADDITIONS TO STATE PARKS.**

66.25 Subdivision 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The
 66.26 following area is added to Frontenac State Park, Goodhue County:

66.27 That part of the Northeast Quarter of Section 10, that part of the Southeast Quarter of
 66.28 Section 10, that part of the Northwest Quarter of Section 11, and that part of the Southwest
 66.29 Quarter of Section 11, all in Township 112 North, Range 13 West, Goodhue County,
 66.30 Minnesota, described as follows:

66.31 Commencing at the east quarter corner of said Section 10; thence on an assumed bearing
 66.32 South 00 degrees 25 minutes 27 seconds East, along the east line of the Southeast Quarter

67.1 of said Section 10, a distance of 1,654.63 feet; thence South 89 degrees 34 minutes 33
 67.2 seconds West, a distance of 2,219.43 feet to the point of beginning of the land to be described;
 67.3 thence North 19 degrees 04 minutes 33 seconds East, a distance of 3,905.90 feet to the
 67.4 centerline of Hill Avenue; thence southeasterly, along said centerline, to the northwesterly
 67.5 right-of-way boundary of County Road Number 2, as designated on Goodhue County
 67.6 Highway Right-Of-Way Plat No. 25, as recorded in the Goodhue County Recorder's Office;
 67.7 thence southwesterly along said northwesterly right-of-way boundary and along the
 67.8 northwesterly right-of-way boundary of County Road Number 2, as designated in Goodhue
 67.9 County Highway Right-Of-Way Plat No. 24, and along the northwesterly right-of-way
 67.10 boundary of County Road Number 2, as designated in Goodhue County Highway
 67.11 Right-of-Way Plat No. 23, to the intersection with a line bearing South 76 degrees 25 minutes
 67.12 27 seconds East from the point of beginning; thence North 76 degrees 25 minutes 27 seconds
 67.13 West, a distance of 907.89 feet to the point of beginning.

67.14 EXCEPT that part lying within the boundaries of the following described parcel:

67.15 That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West,
 67.16 and that part of the Southwest Quarter of Section 11, Township 112 North, Range 13 West,
 67.17 Goodhue County, Minnesota, described as follows:

67.18 Commencing at the northeast corner of the Southeast Quarter of said Section 10; thence
 67.19 southerly on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along
 67.20 the east line of the Southeast Quarter of said Section 10, a distance of 1,100.31 feet; thence
 67.21 westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point
 67.22 of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds
 67.23 azimuth, a distance of 300.00 feet; thence easterly 100 degrees 22 minutes 46 seconds
 67.24 azimuth, a distance of 286.97 feet to the centerline of County Road Number 2, as now
 67.25 located and established; thence southerly and southwesterly, along said centerline, to the
 67.26 intersection with a line drawn southerly 160 degrees 42 minutes 19 seconds azimuth from
 67.27 the point of beginning; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a
 67.28 distance of 51.66 feet to the point of beginning.

67.29 EXCEPT that part lying within the boundaries of the following described parcel:

67.30 That part of the Southeast Quarter of Section 10, Township 112, Range 13, Goodhue
 67.31 County, Minnesota, described as follows:

67.32 Commencing at the northeast corner of said Southeast Quarter; thence southerly, on an
 67.33 assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along the east line of
 67.34 said Southeast Quarter; a distance of 1,491.88 feet; thence westerly 269 degrees 34 minutes

68.1 33 seconds azimuth, a distance of 870.79 feet to an iron pipe on the centerline of County
 68.2 Road Number 2, as now located and established, being the point of beginning of the land
 68.3 to be described; thence northerly 24 degrees 07 minutes 23 seconds azimuth, a distance of
 68.4 132.28 feet to an iron pipe; thence northwesterly 301 degrees 14 minutes 43 seconds azimuth,
 68.5 a distance of 524.46 feet to an iron pipe; thence southerly 180 degrees 51 minutes 58 seconds
 68.6 azimuth a distance of 342.82 feet to an iron pipe; thence southeasterly 118 degrees 29
 68.7 minutes 28 seconds azimuth, a distance of 273.01 feet to an iron pipe on the centerline of
 68.8 said County Road Number 2, as now located and established; thence northeasterly along
 68.9 said centerline to the point of beginning.

68.10 EXCEPT that part described as follows:

68.11 That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West,
 68.12 Goodhue County, Minnesota, described as follows:

68.13 Commencing at the northeast corner of said Southeast Quarter of Section 10; thence
 68.14 southerly, on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along
 68.15 the east line of said Southeast Quarter of Section 10, a distance of 1,100.31 feet; thence
 68.16 westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point
 68.17 of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds
 68.18 azimuth, a distance of 300.00 feet; thence westerly 250 degrees 42 minutes 19 seconds
 68.19 azimuth, a distance of 300.00 feet; thence southerly 160 degrees 42 minutes 19 seconds
 68.20 azimuth, a distance of 384.25 feet, to the northwesterly right-of-way boundary of County
 68.21 Road Number 2, as designated in Goodhue County Highway Right-of-Way Plat No. 23, as
 68.22 recorded in the Goodhue County Recorder's Office; thence northeasterly, along said
 68.23 northwesterly right-of-way boundary, to the intersection with a line drawn southerly 160
 68.24 degrees 42 minutes 19 seconds azimuth from the point of beginning; thence northerly 340
 68.25 degrees 42 minutes 19 seconds azimuth, a distance of 10.01 feet to the point of beginning.

68.26 Subd. 2. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The following
 68.27 areas are added to the Frontenac State Park, Goodhue County:

68.28 (1) all that part of Sections 31 and 32, Township 113 North, Range 13 West, in the
 68.29 County of Goodhue and State of Minnesota, described as follows:

68.30 All of Block 7, Wacouta Beach, in said Section 32 lying on the south side of and adjoining
 68.31 Lake View Drive and adjoining the south and west lines of said Section 32. Also that part
 68.32 of said Section 31 described as follows:

68.33 Beginning at the southeast corner of said Section 31; thence run North along the east
 68.34 line of said Section 31 a distance of 961.0 feet more or less to the southerly right-of-way

69.1 line of Lake View Drive; thence run North 61 degrees 30 minutes West along the southerly
 69.2 right-of-way of Lake View Drive a distance of 170.0 feet; thence run South 34 degrees West
 69.3 320.0 feet; thence run North 77 degrees East 125.0 feet; thence run South 13 degrees West
 69.4 610.0 feet; thence run South 76 degrees West 600.0 feet; thence run South 88 degrees 30
 69.5 minutes West 1,100.0 feet; thence run North 54 degrees 45 minutes West 1,140.0 feet;
 69.6 thence run North 37 degrees 15 minutes West 400.0 feet; thence run North 72 degrees West
 69.7 1,000.0 feet; thence run South 89 degrees 45 minutes West 200.0 feet; thence run North 70
 69.8 degrees 45 minutes West 250.0 feet to a point on or near the east right-of-way line of public
 69.9 road; thence run South 15 degrees 45 minutes West 720.0 feet along or near said east
 69.10 right-of-way line of public road to a point at or near the northerly right-of-way line of State
 69.11 Trunk Highway 61; thence run easterly along said northerly right-of-way line of State Trunk
 69.12 Highway 61 a distance of 2,050.0 feet more or less to the south line of said Section 31;
 69.13 thence run East 2,925.0 feet more or less along said south line of Section 31 to the point of
 69.14 beginning;

69.15 (2) the West Half of the Northeast Quarter of Section 6, Township 112 North, Range
 69.16 13 West, EXCEPT THE FOLLOWING:

69.17 All that part of the West Half of the Northeast Quarter of Section 6, Township 112 North,
 69.18 Range 13 West, in Goodhue County and State of Minnesota, described as follows:

69.19 Beginning at the center of said Section 6; thence North 1,970 feet to the centerline of
 69.20 State Trunk Highway 61; thence southeasterly along the centerline of said highway for 335
 69.21 feet; thence North 66 degrees 31 minutes East 380 feet; thence deflect to the left on a six
 69.22 degree curve for 570 feet to the south line of Borrow Pit No. 225; (Borrow Pit No. 225
 69.23 being described in that certain Notice of Lis Pendens dated May 19, 1952, and recorded
 69.24 May 20, 1952, in Book 115 of Mortgages, page 77); thence East 430 feet to the east line of
 69.25 the West Half of said Northeast Quarter; thence South 2,250 feet to the southeast corner of
 69.26 said West Half of the Northeast Quarter; thence West 1,320 feet to the place of beginning.
 69.27 EXCEPTING from the above all rights-of-way of state highway and excepting the
 69.28 right-of-way of the railroad company.

69.29 ALSO an easement for right-of way purposes on a strip of land 50 feet in width adjoining
 69.30 and northwesterly of the northwesterly line of the above conveyed tract;

69.31 (3) that part of the Northwest Quarter of Section 6, Township 112 North, Range 13 West,
 69.32 Goodhue County, Minnesota, lying northeasterly of the northeasterly right-of-way line of
 69.33 the Canadian Pacific Railroad (formerly the Chicago, Milwaukee and St. Paul Railway Co.);
 69.34 and

70.1 (4) Block 8 and Block 9, Wacouta Beach, according to the plat thereof, on file and of
 70.2 record in the Goodhue County Recorder's Office.

70.3 Subd. 3. [85.012] [Subd. 43.] Minneopa State Park, Blue Earth County. The following
 70.4 area is added to Minneopa State Park, Blue Earth County: the East Half of Government Lot
 70.5 5, Section 2, Township 108 North, Range 28 West, together with an easement 33 feet in
 70.6 width for access to said property, as now located, extending from the southwest corner of
 70.7 the East Half of Government Lot 5 in said Section 2, Township 108, Range 28, to Minnesota
 70.8 Highway 68.

70.9 Subd. 4. [85.012] [Subd. 49.] St. Croix State Park, Pine County. The following area
 70.10 is added to the St. Croix State Park, Pine County: the Northwest Quarter of the Northwest
 70.11 Quarter, Section 30, Township 41 North, Range 17 West.

70.12 Sec. 93. DELETION FROM STATE PARK.

70.13 [85.012] [Subd. 49.] St. Croix State Park, Pine County. The following area is deleted
 70.14 from St. Croix State Park, Pine County: all that part of the Southeast Quarter of the Southeast
 70.15 Quarter, Section 21, and that part of the Southwest Quarter of the Southwest Quarter, Section
 70.16 22, Township 41 North, Range 18 West, bounded by the following described lines: beginning
 70.17 at the southeast corner of Section 21; thence West 1,025 feet along the south section line;
 70.18 thence North 515 feet; thence East 350 feet; thence northeasterly 1,070 feet to a point on
 70.19 the centerline of County State-Aid Highway 22 a distance of 1,130 feet northerly of the
 70.20 southeast corner of Section 21 as measured along said County State-Aid Highway 22; thence
 70.21 southerly 1,130 feet along the centerline of County State-Aid Highway 22 to the point of
 70.22 beginning.

70.23 Sec. 94. ADDITIONS TO STATE FORESTS.

70.24 Subdivision 1. [89.021] [Subd. 2.] Badoura State Forest. The following areas are added
 70.25 to Badoura State Forest, Hubbard County:

70.26 (1) the Southwest Quarter, Section 35, Township 140 North, Range 32 West;

70.27 (2) the Northeast Quarter of the Northeast Quarter and the Northwest Quarter of the
 70.28 Northeast Quarter, Section 11, Township 139 North, Range 33 West;

70.29 (3) the South Half of the Northeast Quarter, the West Half, and the Southeast Quarter,
 70.30 Section 26, Township 140 North, Range 33 West; and

70.31 (4) the North Half, Section 26, Township 139 North, Range 33 West.

71.1 Subd. 2. [89.021] [Subd. 48a.] Snake River State Forest. The following areas are
 71.2 added to Snake River State Forest, Kanabec County:

71.3 (1) the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, Section
 71.4 8, Township 42 North, Range 22 West;

71.5 (2) Section 17, Township 42 North, Range 22 West;

71.6 (3) Section 20, Township 42 North, Range 22 West;

71.7 (4) the West Half of the Northwest Quarter and the West Half of the Southwest Quarter,
 71.8 Section 21, Township 42 North, Range 22 West;

71.9 (5) the Northeast Quarter and the East Half of the Southeast Quarter, Section 8, Township
 71.10 42 North, Range 23 West;

71.11 (6) Section 9, Township 42 North, Range 23 West;

71.12 (7) the South Half of the Southwest Quarter, Section 10, Township 42 North, Range 23
 71.13 West;

71.14 (8) the Northwest Quarter, the North Half of the Southwest Quarter, and the Southwest
 71.15 Quarter of the Southwest Quarter, Section 15, Township 42 North, Range 23 West;

71.16 (9) Section 16, Township 42 North, Range 23 West;

71.17 (10) the Northeast Quarter and the East Half of the Northwest Quarter, Section 17,
 71.18 Township 42 North, Range 23 West; and

71.19 (11) Section 23, Township 42 North, Range 23 West.

71.20 Sec. 95. TEMPORARY ENFORCEMENT OF GROUNDWATER APPROPRIATION
 71.21 PERMIT REQUIREMENTS.

71.22 (a) Until July 1, 2019, the commissioner of natural resources must not expend funds to
 71.23 suspend or revoke a water appropriation permit, issue an order requiring a violation to be
 71.24 corrected, assess monetary penalties, or otherwise take enforcement action against a water
 71.25 appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement
 71.26 action is based solely on a violation of a permit requirement added as a result of a court
 71.27 order issued in 2017.

71.28 (b) The commissioner of natural resources may continue to use all the authorities granted
 71.29 to the commissioner under Minnesota Statutes, section 103G.287, to manage groundwater
 71.30 resources within the north and east groundwater management area.

72.1 Sec. 96. **GROUNDWATER MANAGEMENT AREA PERMIT REQUIREMENTS.**

72.2 (a) Notwithstanding water appropriation permit requirements added by the commissioner
 72.3 of natural resources as a result of a court order issued in 2017, a public water supplier located
 72.4 in the seven-county metropolitan area within a designated groundwater management area:

72.5 (1) is not required to revise a water supply plan to include contingency plans to fully or
 72.6 partially convert its water supplies to surface water;

72.7 (2) may prepare, enact, and enforce commercial or residential irrigation bans or alternative
 72.8 measures that achieve similar water use reductions when notified by the commissioner of
 72.9 natural resources that lake levels have fallen below court-ordered levels; and

72.10 (3) is not required to use per capita residential water use as a measure for purposes of
 72.11 water use reduction goals, plans, and implementation and may submit water use plans and
 72.12 reports that use a measure other than per capita residential water use.

72.13 (b) This section expires July 1, 2019.

72.14 Sec. 97. **VOLKSWAGEN SETTLEMENT; LIMITATION ON ADMINISTRATIVE**
 72.15 **EXPENSES; PROHIBITION ON HIRING.**

72.16 Subdivision 1. **Definition.** For purposes of this section, "settlement money" means
 72.17 money awarded to the state under the Environmental Mitigation Trust Agreement for State
 72.18 Beneficiaries described in Attachment A to the United States' Notice of Filing of Trust
 72.19 Agreements in the case of United States v. Volkswagen AG et al., Case No. 16-cv-295
 72.20 (N.D. Cal.).

72.21 Subd. 2. **Limitation on administrative expenses.** The commissioner of the Pollution
 72.22 Control Agency must use no more than three percent of any settlement money for
 72.23 administering grant programs, delivering technical services, providing fiscal oversight, and
 72.24 ensuring accountability.

72.25 Subd. 3. **Prohibition on hiring.** The commissioner of the Pollution Control Agency
 72.26 must not hire additional staff using settlement money or to administer settlement money.

72.27 Sec. 98. **RULEMAKING; DISPOSAL FACILITY CERTIFICATES.**

72.28 (a) The commissioner of the Pollution Control Agency must amend Minnesota Rules,
 72.29 part 7048.1000, subpart 4, item D, to require six contact hours of required training to renew
 72.30 a type IV disposal facility certificate, by April 30, 2019, or nine months after enactment of
 72.31 this section, whichever is earlier.

73.1 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
73.2 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
73.3 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,
73.4 section 14.388.

73.5 Sec. 99. **APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

73.6 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part
73.7 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of the city or township
73.8 that are designated as urbanized under Code of Federal Regulations, title 40, section
73.9 122.26(a)(9)(i)(A) and other platted areas within that jurisdiction.

73.10 Sec. 100. **RULE CHANGE; TRANSITION.**

73.11 (a) The director of the State Lottery shall amend Minnesota Rules, part 7856.4030, so
73.12 that the director compensates retailers consistent with Minnesota Statutes, section 349A.17.

73.13 (b) For tickets sold prior to August 1, 2018, the director of the State Lottery shall
73.14 compensate lottery retailers as provided by law or rule in effect on the date the ticket was
73.15 sold.

73.16 **EFFECTIVE DATE.** This section is effective August 1, 2018.

73.17 Sec. 101. **FOREST INVENTORY RECOMMENDATIONS.**

73.18 The Minnesota Forest Resources Council shall work in cooperation with the Interagency
73.19 Information Cooperative and the University of Minnesota Department of Forest Resources
73.20 to make recommendations for improving stand-level forest inventories. Recommendations
73.21 shall include the frequency and scope of forest inventory and design and technological
73.22 improvements and efficiencies that may be utilized in forest inventory data collection and
73.23 analysis. The recommendations shall address forest inventories of state- and
73.24 county-administered forest lands and other interested land managers. Recommendations
73.25 shall be reported to the house of representatives Environment and Natural Resources Policy
73.26 and Finance Committee, the senate Environment and Natural Resources Finance Committee,
73.27 and the senate Environment and Natural Resources Policy and Legacy Finance Committee
73.28 by February 1, 2019.

74.1 Sec. 102. **LAKE WINONA MANAGEMENT; USING OFFSET, ADAPTIVE**
74.2 **PLANNING.**

74.3 (a) To facilitate implementation of the Lake Winona total maximum daily load, the
74.4 Alexandria Lake Area Sanitary District may fund or perform lake management activities
74.5 in Lake Winona and in Lake Agnes. Lake management activities may include but are not
74.6 limited to carp removal and alum treatment. If the district agrees to fund or perform lake
74.7 management activities in Lake Winona and in Lake Agnes, the commissioner of the Pollution
74.8 Control Agency shall do one of the following unless the district chooses another path to
74.9 compliance that conforms to state and federal law, such as facility construction:

74.10 (1) approve an offset of the phosphorous loading proportional to the reduction achievable
74.11 through lake management activities in Lake Winona and Lake Agnes creditable to the
74.12 Alexandria Lake Area Sanitary District's wastewater treatment facility and issue or amend
74.13 the district's NPDES permit MN004738 to include the offset. The approved offset may be
74.14 related to the lake eutrophication response variable chlorophyll-a, but shall ensure the district
74.15 can achieve compliance with phosphorus effluent limits through wastewater optimization
74.16 techniques without performing capital upgrades to the wastewater treatment facility. The
74.17 lake management activities contemplated under this paragraph need not be completed before
74.18 the commissioner approves the offset and related discharge limits or issues the permit, but
74.19 the permit may include a schedule of compliance outlining the required lake management
74.20 activities and requiring that lake management activities in Lake Winona and Lake Agnes
74.21 begin immediately upon permit issuance. The approved offset and related permit language
74.22 must be consistent with Clean Water Act requirements and Minnesota Statutes, section
74.23 115.03, subdivision 10; or

74.24 (2) amend the district's NPDES permit MN004738 in a manner consistent with state and
74.25 federal law to include an integrated and adaptive lake management plan and to extend the
74.26 final compliance deadline for the final phosphorus concentration effluent limit related to
74.27 the site specific standard for Lake Winona contained in the district's permit until such time
74.28 that carp removal in Lake Winona can be completed and the lake can be reassessed. The
74.29 permit may include a schedule of compliance outlining the required lake management
74.30 activities and requiring that lake management activities in Lake Winona and Lake Agnes
74.31 begin immediately upon permit issuance.

74.32 (b) If the district agrees to fund or perform the lake management activities identified in
74.33 paragraph (a), the district may cooperate with the city of Alexandria in those efforts. The
74.34 district's responsibility for lake management activities in Lake Winona and Lake Agnes

75.1 terminates upon completion of the lake management activities identified in the schedule of
75.2 compliance contemplated under paragraph (a).

75.3 **EFFECTIVE DATE.** This section is effective the day after the governing body of the
75.4 Alexandria Lake Area Sanitary District and its chief clerical officer timely complete their
75.5 compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3, but not before
75.6 July 1, 2018.

75.7 Sec. 103. **MORATORIUM ON MUSKELLUNGE STOCKING IN OTTER TAIL**
75.8 **COUNTY.**

75.9 (a) Until August 1, 2023, the commissioner of natural resources must not stock
75.10 muskellunge in waters wholly located in Otter Tail County. Any savings realized as a result
75.11 must be used for walleye stocking.

75.12 (b) The commissioner of natural resources must convene a stakeholder group to examine
75.13 the effect of muskellunge on the environment, waters, and native fish of Otter Tail County.
75.14 The stakeholder group must include an Otter Tail County commissioner, a representative
75.15 of the Minnesota Chamber of Commerce, and a representative of an Otter Tail County lake
75.16 association. The stakeholder group must examine existing scientific research and must
75.17 determine whether additional research is necessary. If the stakeholder group determines
75.18 that muskellunge do not pose a threat to the environment, waters, or native fish of Otter
75.19 Tail County, the stakeholder group may recommend that the legislature repeal or adjust the
75.20 moratorium imposed under paragraph (a).

75.21 **EFFECTIVE DATE.** This section is effective the day after the Otter Tail County Board
75.22 of Commissioners and its chief clerical officer timely complete their compliance with
75.23 Minnesota Statutes, section 645.021, subdivisions 2 and 3, but not before July 1, 2018.

75.24 Sec. 104. **NATURAL RESOURCES YOUTH SAFETY EDUCATION PROGRAMS**
75.25 **DELIVERY.**

75.26 The commissioner of natural resources shall review and research options for delivering
75.27 online safety training programs for youth and adult students, including off-highway vehicles
75.28 and hunter education, that are maintained and delivered by the state that functions
75.29 independently from an outside contract vendor. By March 1, 2019, the commissioner shall
75.30 report to the chairs of the senate and house of representatives environment and natural
75.31 resources policy and finance committees on options identified under this section.

76.1 Sec. 105. **NONPOINT PRIORITY FUNDING PLAN WORKGROUP.**

76.2 The Board of Water and Soil Resources must convene a workgroup consisting of
 76.3 representatives of state agencies, local governments, tribal governments, private and nonprofit
 76.4 organizations, and others to review the nonpoint priority funding plan under Minnesota
 76.5 Statutes, section 114D.50, subdivision 3a. By January 31, 2019, the board must submit a
 76.6 report to the chairs and ranking minority members of the house of representatives and senate
 76.7 committees with jurisdiction over environment and natural resources that contains
 76.8 recommendations to improve the effectiveness of nonpoint priority funding plans to meet
 76.9 the requirements in Minnesota Statutes, section 114D.50, subdivision 3a, the purposes in
 76.10 Minnesota Statutes, section 114D.50, subdivision 3, and the watershed and groundwater
 76.11 restoration and protection goals of Minnesota Statutes, chapters 103B and 114D.

76.12 Sec. 106. **REPEALER.**

76.13 (a) Minnesota Statutes 2016, section 349A.16, is repealed.

76.14 (b) Laws 2008, chapter 368, article 1, section 21, subdivision 2, is repealed.

76.15 **ARTICLE 3**

76.16 **ACCELERATED BUFFER STRIP IMPLEMENTATION**

76.17 Section 1. Minnesota Statutes 2016, section 17.117, subdivision 1, is amended to read:

76.18 Subdivision 1. **Purpose.** The purpose of the agriculture best management practices loan
 76.19 program is to provide low or no interest financing to farmers, agriculture supply businesses,
 76.20 ~~rural~~ landowners, and ~~water-quality cooperatives~~ approved environmental service providers
 76.21 for the implementation of agriculture and other best management practices that reduce
 76.22 environmental pollution.

76.23 Sec. 2. Minnesota Statutes 2016, section 17.117, subdivision 4, is amended to read:

76.24 Subd. 4. **Definitions.** (a) For the purposes of this section, the terms defined in this
 76.25 subdivision have the meanings given them.

76.26 (b) "Agricultural and environmental revolving accounts" means accounts in the
 76.27 agricultural fund, controlled by the commissioner, which hold funds available to the program.

76.28 (c) "Agriculture supply business" means a person, partnership, joint venture, corporation,
 76.29 limited liability company, association, firm, public service company, or cooperative that
 76.30 provides materials, equipment, or services to farmers or agriculture-related enterprises.

77.1 (d) "Allocation" means the funds awarded to an applicant for implementation of best
77.2 management practices through a competitive or noncompetitive application process.

77.3 (e) "Applicant" means a local unit of government eligible to participate in this program
77.4 that requests an allocation of funds as provided in subdivision 6b.

77.5 (f) "Best management practices" has the meaning given in sections 103F.711, subdivision
77.6 3, and 103H.151, subdivision 2. Best management practices also means other practices,
77.7 techniques, and measures that have been demonstrated to the satisfaction of the
77.8 commissioner: (1) to prevent or reduce adverse environmental impacts by using the most
77.9 effective and practicable means of achieving environmental goals; or (2) to achieve drinking
77.10 water quality standards under chapter 103H or under Code of Federal Regulations, title 40,
77.11 parts 141 and 143, as amended.

77.12 (g) "Borrower" means a farmer, an agriculture supply business, ~~or a rural~~ a landowner,
77.13 or an approved environmental service provider applying for a low-interest loan.

77.14 (h) "Commissioner" means the commissioner of agriculture, including when the
77.15 commissioner is acting in the capacity of chair of the Rural Finance Authority, or the designee
77.16 of the commissioner.

77.17 (i) "Committed project" means an eligible project scheduled to be implemented at a
77.18 future date:

77.19 ~~(1) that has been approved and certified by the local government unit; and~~

77.20 ~~(2) for which a local lender has obligated itself to offer a loan.~~

77.21 (j) "Comprehensive water management plan" means a state-approved and locally adopted
77.22 plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or
77.23 103D.405.

77.24 (k) "Cost incurred" means expenses for implementation of a project accrued because
77.25 the borrower has agreed to purchase equipment or is obligated to pay for services or materials
77.26 already provided as a result of implementing an approved eligible project.

77.27 (l) "Environmental service providers" means public or private organizations and
77.28 businesses approved by the commissioner that provide services or materials for
77.29 implementation of eligible best management practices for, or on behalf of, eligible individuals
77.30 or multiple individuals, including but not limited to drainage authorities, watershed districts,
77.31 municipalities, counties, water-quality cooperatives, or private businesses providing
77.32 environment-related services or materials, except as expressly limited in this section.

78.1 ~~(h)~~ (m) "Farmer" means a person, partnership, joint venture, corporation, limited liability
 78.2 company, association, firm, public service company, or cooperative that regularly participates
 78.3 in physical labor or operations management of farming and files a Schedule F as part of
 78.4 filing United States Internal Revenue Service Form 1040 or indicates farming as the primary
 78.5 business activity under Schedule C, K, or S, or any other applicable report to the United
 78.6 States Internal Revenue Service.

78.7 (n) "Landowner" means the owner of record of Minnesota real estate on which the project
 78.8 is located.

78.9 ~~(m)~~ (o) "Lender agreement" means an agreement entered into between the commissioner
 78.10 and a local lender which contains terms and conditions of participation in the program.

78.11 ~~(n)~~ (p) "Local government unit" means a county, soil and water conservation district, or
 78.12 an organization formed for the joint exercise of powers under section 471.59 with the
 78.13 authority to participate in the program.

78.14 ~~(o)~~ (q) "Local lender" means a local government unit as defined in paragraph ~~(n)~~ (p), a
 78.15 local municipality or county with taxing or special assessment authority, a watershed district,
 78.16 a drainage authority, a township, a state or federally chartered bank, a savings association,
 78.17 a state or federal credit union, Agribank and its affiliated organizations, or a nonprofit
 78.18 economic development organization or other financial lending institution approved by the
 78.19 commissioner.

78.20 ~~(p)~~ (r) "Local revolving loan account" means the account held by a local government
 78.21 unit and a local lender into which principal repayments from borrowers are deposited and
 78.22 new loans are issued in accordance with the requirements of the program and lender
 78.23 agreements.

78.24 ~~(q)~~ (s) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

78.25 ~~(r)~~ (t) "Program" means the agriculture best management practices loan program in this
 78.26 section.

78.27 ~~(s)~~ (u) "Project" means one or more components or activities located within Minnesota
 78.28 that are required by the local government unit to be implemented for satisfactory completion
 78.29 of an eligible best management practice.

78.30 ~~(t)~~ "Rural landowner" means the owner of record of Minnesota real estate located in an
 78.31 area determined by the local government unit to be rural after consideration of local land
 78.32 use patterns, zoning regulations, jurisdictional boundaries, local community definitions,
 78.33 historical uses, and other pertinent local factors.

79.1 ~~(u) "Water quality cooperative" has the meaning given in section 115.58, paragraph (d),~~
79.2 ~~except as expressly limited in this section.~~

79.3 Sec. 3. Minnesota Statutes 2016, section 17.117, subdivision 11, is amended to read:

79.4 Subd. 11. **Loans issued to borrower.** (a) Local lenders may issue loans only for projects
79.5 that are approved and certified by the local government unit as meeting priority needs
79.6 identified in a comprehensive water management plan or other local planning documents,
79.7 are in compliance with accepted practices, standards, specifications, or criteria, and are
79.8 eligible for financing under Environmental Protection Agency or other applicable guidelines.

79.9 (b) The local lender may use any additional criteria considered necessary to determine
79.10 the eligibility of borrowers for loans.

79.11 (c) Local lenders shall set the terms and conditions of loans to borrowers, except that:

79.12 (1) no loan to a borrower may exceed \$200,000;

79.13 (2) no loan for a project may exceed \$200,000; and

79.14 (3) no borrower shall, at any time, have multiple loans from this program with a total
79.15 outstanding loan balance of more than \$200,000.

79.16 (d) The maximum term length for projects in this paragraph is ten years.

79.17 (e) Fees charged at the time of closing must:

79.18 (1) be in compliance with normal and customary practices of the local lender;

79.19 (2) be in accordance with published fee schedules issued by the local lender;

79.20 (3) not be based on participation program; and

79.21 (4) be consistent with fees charged other similar types of loans offered by the local
79.22 lender.

79.23 (f) The interest rate assessed to an outstanding loan balance by the local lender must not
79.24 exceed three percent per year.

79.25 (g) Environmental service providers may request loans to finance projects implemented
79.26 on behalf of multiple eligible individuals in excess of the limits in paragraph (c), not to
79.27 exceed the total of the number of represented landowners multiplied by the limit in paragraph
79.28 (c), clause (1).

80.1 Sec. 4. Minnesota Statutes 2016, section 103E.021, subdivision 6, is amended to read:

80.2 Subd. 6. **Incremental ~~implementation~~ establishment of vegetated ditch buffer strips**
80.3 **and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring
80.4 appointment of viewers and redetermination of benefits and damages, a drainage authority
80.5 may ~~implement~~ make findings and order the establishment of permanent buffer strips of
80.6 perennial vegetation approved by the drainage authority or side inlet controls, or both,
80.7 adjacent to a public drainage ditch, where necessary to control erosion and sedimentation,
80.8 improve water quality, or maintain the efficiency of the drainage system. The drainage
80.9 authority's finding that the establishment of permanent buffer strips of perennial vegetation
80.10 or side inlet controls is necessary to control erosion and sedimentation, improve water
80.11 quality, or maintain the efficiency of the drainage system is sufficient to confer jurisdiction
80.12 under this subdivision. Preference should be given to planting native species of a local
80.13 ecotype. The approved perennial vegetation shall not impede future maintenance of the
80.14 ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured
80.15 outward from the top edge of the existing constructed channel. Drainage system rights-of-way
80.16 for the acreage and additional property required for the permanent strips must be acquired
80.17 by the authority having jurisdiction.

80.18 (b) A project under this subdivision shall be implemented as a repair according to section
80.19 103E.705, except that the drainage authority may appoint an engineer to examine the drainage
80.20 system and prepare an engineer's repair report for the project.

80.21 (c) Damages shall be determined by the drainage authority, or viewers, appointed by
80.22 the drainage authority, according to section 103E.315, subdivision 8. A damages statement
80.23 shall be prepared, including an explanation of how the damages were determined for each
80.24 property affected by the project, and filed with the auditor or watershed district. Within 30
80.25 days after the damages statement is filed, the auditor or watershed district shall prepare
80.26 property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6),
80.27 (7), and (8), and mail a copy of the property owner's report and damages statement to each
80.28 owner of property affected by the proposed project.

80.29 (d) After a damages statement is filed, the drainage authority shall set a time, by order,
80.30 not more than 30 days after the date of the order, for a hearing on the project. At least ten
80.31 days before the hearing, the auditor or watershed district shall give notice by mail of the
80.32 time and location of the hearing to the owners of property and political subdivisions likely
80.33 to be affected by the project.

81.1 (e) The drainage authority shall make findings and order the repairs to be made if the
81.2 drainage authority determines from the evidence presented at the hearing and by the viewers
81.3 and engineer, if appointed, that the repairs are necessary for the drainage system and the
81.4 costs of the repairs are within the limitations of section 103E.705.

81.5 Sec. 5. Minnesota Statutes 2016, section 103E.071, is amended to read:

81.6 **103E.071 COUNTY ATTORNEY.**

81.7 The county attorney shall represent the county in all drainage proceedings and related
81.8 matters without special compensation, except as provided in section 388.09, subdivision 1.
81.9 A county attorney, the county attorney's assistant, or any attorney associated with the county
81.10 attorney in business, may not otherwise appear in any drainage proceeding for any interested
81.11 person.

81.12 Sec. 6. Minnesota Statutes 2016, section 103E.351, subdivision 1, is amended to read:

81.13 Subdivision 1. **Conditions to redetermine benefits and damages; appointment of**
81.14 **viewers.** If the drainage authority determines that the ~~original~~ benefits or damages of record
81.15 determined in a drainage proceeding do not reflect reasonable present day land values or
81.16 that the benefited or damaged areas have changed, or if more than ~~50~~ 26 percent of the
81.17 owners of property, or owners of 26 percent of the property, benefited or damaged by a
81.18 drainage system petition for ~~correction of an error that was made at the time of the~~
81.19 ~~proceedings that established the drainage system~~ a redetermination of benefits and damages,
81.20 the drainage authority may appoint three viewers to redetermine and report the benefits and
81.21 damages and the benefited and damaged areas.

81.22 Sec. 7. **PUBLIC DRAINAGE DITCH BUFFER STRIP; PLANTING AND**
81.23 **MAINTENANCE.**

81.24 With the consent of the property owner where the drainage ditch buffer will be located,
81.25 a drainage authority, as defined in Minnesota Statutes, section 103E.005, subdivision 9,
81.26 may plant and maintain 16-1/2-foot ditch buffer strips that meet the width and vegetation
81.27 requirements of Minnesota Statutes, section 103E.021, before acquiring and compensating
81.28 for the buffer strip land rights according to Minnesota Statutes, chapter 103E. Planting and
81.29 maintenance costs may be paid in accordance with Minnesota Statutes, chapter 103E. This
81.30 section expires June 30, 2019.

82.1

ARTICLE 4

82.2

RUNOFF AND SEDIMENT DELIVERY OPTION

82.3 Section 1. Minnesota Statutes 2016, section 103E.005, is amended by adding a subdivision
82.4 to read:

82.5 Subd. 27a. **Relative runoff.** "Relative runoff" includes the surface and subsurface runoff
82.6 potential from a specific property compared on an equitable basis to all other properties
82.7 contributing runoff to the drainage system.

82.8 Sec. 2. Minnesota Statutes 2016, section 103E.005, is amended by adding a subdivision
82.9 to read:

82.10 Subd. 27b. **Relative sediment delivery.** "Relative sediment delivery" means the sediment
82.11 delivery potential from a specific property compared on an equitable basis to all other
82.12 properties contributing runoff to the drainage system.

82.13 Sec. 3. Minnesota Statutes 2016, section 103E.095, is amended to read:

82.14 **103E.095 APPEAL FROM ORDERS OF AN ORDER DISMISSING OR**
82.15 **ESTABLISHING A DRAINAGE SYSTEMS PROJECT, OR OF A REPAIR COST**
82.16 **APPORTIONMENT REPORT.**

82.17 Subdivision 1. **Notice of appeal.** A party may appeal an order made by the board that
82.18 dismisses drainage project proceedings ~~or~~₂ establishes ~~or refuses to establish~~ a drainage
82.19 project, or approves a repair cost apportionment report to the district court of the county
82.20 where the drainage proceedings or drainage system repair are pending. The appellant must
82.21 serve notice of the appeal to the auditor or secretary within 30 days after the order is filed.
82.22 ~~After notice of the appeal is served, the appeal may be brought to trial by the appellant or~~
82.23 ~~the drainage authority after notifying the other party at least ten days before the trial date.~~

82.24 Subd. 2. **Trial.** The appeal must be tried by the court without a jury. The court shall
82.25 examine the entire drainage proceeding and related matters and receive evidence to determine
82.26 whether the findings made by the board can be sustained. At the trial the findings made by
82.27 the board are prima facie evidence of the matters stated in the findings, and the board's order
82.28 is prima facie reasonable. If the court finds that the order appealed is lawful and reasonable,
82.29 it shall be affirmed. If the court finds that the order appealed is arbitrary, unlawful, or not
82.30 supported by the evidence, it shall make an order, justified by the court record, to take the
82.31 place of the appealed order or repair cost apportionment report, or remand the order or report

83.1 to the board for further proceedings. After the appeal has been determined by the court, the
83.2 board shall proceed in conformity with the court order.

83.3 Subd. 3. **Determination of benefits and damages after court order.** If the order
83.4 establishing a drainage project is appealed, the trial of appeals related to benefits or damages
83.5 in the drainage proceeding must be stayed until the establishment appeal is determined. If
83.6 the order establishing the drainage project is affirmed, appeals related to benefits and damages
83.7 must then be tried.

83.8 Subd. 4. **Procedure if appeal order establishes drainage project.** If an order refusing
83.9 to establish a drainage project is appealed, and the court, by order, establishes the drainage
83.10 project, the auditor shall give notice by publication of the filed order. The notice is sufficient
83.11 if it refers to the drainage project or system by number or other descriptive designation,
83.12 states the meaning of the order, and states the date the court order was filed. A person may
83.13 appeal the establishment order to the district court as provided in this section.

83.14 Subd. 5. **Appeal of appellate order.** A party aggrieved by a final order or judgment
83.15 rendered on appeal to the district court may appeal as in other civil cases. The appeal must
83.16 be made and perfected within 30 days after the filing of the order or entry of judgment.

83.17 Sec. 4. Minnesota Statutes 2016, section 103E.215, subdivision 5, is amended to read:

83.18 Subd. 5. **Subsequent proceedings.** When a petition and the bond required by section
83.19 103E.202 are filed, the auditor shall present the petition to the board at its next meeting or,
83.20 for a joint county drainage system, to the joint county drainage authority within ten days
83.21 after the petition is filed. The drainage authority shall appoint an engineer to examine the
83.22 drainage system and make an improvement report. The improvement proceedings must be
83.23 conducted under this chapter as provided for the original proceedings for the establishment
83.24 of a drainage project. The benefits and damages determined must be as a result of the
83.25 proposed improvement. ~~Assessments for the repair of the improvement must be based on~~
83.26 ~~the benefits determined for the improvement.~~

83.27 Sec. 5. Minnesota Statutes 2016, section 103E.401, subdivision 4, is amended to read:

83.28 Subd. 4. **Hearing.** At the hearing the drainage authority shall consider the capacity of
83.29 the outlet drainage system. If express authority is given to use the drainage system as an
83.30 outlet, the drainage authority shall state, by order, the terms and conditions for use of the
83.31 established drainage system as an outlet and shall set the amount to be paid as an outlet fee.
83.32 The order must describe the property to be benefited by the drainage system and must state
83.33 the amount of benefits to the property for the outlet. The property benefited is liable for

84.1 repair assessments levied after that time in the drainage system, ~~on the basis of the benefits~~
 84.2 ~~as if the benefits had been determined in the order establishing the drainage system in~~
 84.3 accordance with section 103E.728.

84.4 Sec. 6. Minnesota Statutes 2016, section 103E.411, subdivision 5, is amended to read:

84.5 Subd. 5. **Benefits and assessments if drainage system established.** If the drainage
 84.6 system is established, the drainage authority must determine the amount the municipality
 84.7 must pay for the privilege of using the drainage system as an outlet. The amount must be
 84.8 paid to the ~~affected counties~~ drainage authority and credited to the account of the drainage
 84.9 system used as an outlet. The municipality is liable for all subsequent liens and assessments
 84.10 for the repair and maintenance of the drainage system in ~~proportion to the benefits, as though~~
 84.11 ~~the benefits were determined in the order establishing the drainage system~~ accordance with
 84.12 section 103E.728.

84.13 Sec. 7. Minnesota Statutes 2016, section 103E.615, subdivision 1, is amended to read:

84.14 Subdivision 1. **Municipalities.** Assessments filed ~~for benefits~~ to a municipality are a
 84.15 liability of the municipality and are due and payable with interest in installments on
 84.16 November 1 of each year as provided in section 103E.611. If the installments and interest
 84.17 are not paid on or before November 1, the amount due with interest added as provided in
 84.18 section 103E.611 must be extended by the county auditor against all property in the
 84.19 municipality that is liable to taxation. A levy must be made and the amount due must be
 84.20 paid and collected in the same manner and time as other taxes.

84.21 Sec. 8. Minnesota Statutes 2016, section 103E.615, subdivision 2, is amended to read:

84.22 Subd. 2. **County or state-aid road.** If a public road ~~benefited~~ assessed is a county or
 84.23 state-aid road, the assessment filed is against the county and must be paid out of the road
 84.24 and bridge fund of the county.

84.25 Sec. 9. Minnesota Statutes 2016, section 103E.615, subdivision 3, is amended to read:

84.26 Subd. 3. **State trunk highway.** An assessment against the state ~~for benefits~~ to trunk
 84.27 highways is chargeable to and payable out of the trunk highway fund. The commissioner
 84.28 of transportation shall pay assessments from the trunk highway fund after receipt of a
 84.29 certified copy of the assessment against the state ~~for benefits~~ to a trunk highway.

85.1 Sec. 10. Minnesota Statutes 2016, section 103E.615, subdivision 5, is amended to read:

85.2 Subd. 5. **State property.** State property, including rural credit property, is assessable
 85.3 for benefits received, or repair costs in accordance with section 103E.728. The assessment
 85.4 must be paid by the state from funds appropriated and available for drainage assessments
 85.5 after the state officer having jurisdiction over the assessed property certifies the assessment
 85.6 to the commissioner of management and budget.

85.7 Sec. 11. Minnesota Statutes 2016, section 103E.615, subdivision 7, is amended to read:

85.8 Subd. 7. **Railroad and utility property.** Property owned by a railroad or other utility
 85.9 corporation benefited by a drainage project is liable for the assessments ~~of~~ for benefits on
 85.10 the property, and for repair costs apportioned in accordance with section 103E.728, as other
 85.11 taxable property. From the date the drainage lien is recorded, the amount of the assessment
 85.12 with interest is a lien against all property of the corporation within the county. Upon default
 85.13 the assessment may be collected by civil action or the drainage lien may be foreclosed by
 85.14 action in the same manner as provided by law for the foreclosure of mortgage liens. The
 85.15 county where the drainage lien is filed has the right of action against the corporation to
 85.16 enforce and collect the assessment.

85.17 Sec. 12. Minnesota Statutes 2016, section 103E.711, subdivision 1, is amended to read:

85.18 Subdivision 1. **Repair cost statement.** For a joint county drainage system the auditor
 85.19 of a county that has made repairs may present a repair cost statement at the end of each
 85.20 year, or other convenient period after completion, to each affected county. The repair cost
 85.21 statement must show the nature and cost of the repairs to the drainage system and must be
 85.22 ~~based on the original apportionment of cost following the establishment of the drainage~~
 85.23 ~~system~~ apportioned in accordance with section 103E.728. If a board approves the repair
 85.24 costs, the amount of the statement must be paid to the county submitting the statement.

85.25 Sec. 13. Minnesota Statutes 2016, section 103E.715, subdivision 4, is amended to read:

85.26 Subd. 4. **Hearing on repair report.** (a) The drainage authority shall make findings and
 85.27 order the repair to be made if:

85.28 (1) the drainage authority determines from the repair report and the evidence presented
 85.29 that the repairs recommended are necessary for the best interests of the affected property
 85.30 owners; or

85.31 (2) the repair petition is signed by the owners of at least 26 percent of the property area
 85.32 affected by and assessed for ~~the original construction~~ benefits of the drainage system, and

86.1 the drainage authority determines that the drainage system is in need of repair so that it no
 86.2 longer serves its ~~original~~ purpose and the cost of the repair will not exceed the total benefits
 86.3 ~~determined in the original drainage system proceeding~~ of record for the drainage system.

86.4 (b) The order must direct the auditor and the chair of the board or, for a joint county
 86.5 drainage system, the auditors of the affected counties to proceed and prepare and award a
 86.6 contract for the repair of the drainage system. The contract must be for the repair described
 86.7 in the repair report and as determined necessary by the drainage authority, and be prepared
 86.8 in the manner provided in this chapter ~~for the original drainage system construction.~~

86.9 Sec. 14. Minnesota Statutes 2016, section 103E.715, subdivision 5, is amended to read:

86.10 Subd. 5. **Apportionment of repair cost for joint county drainage system.** For the
 86.11 repair of a joint county drainage system, the drainage authority shall, by order, apportion
 86.12 the repair cost among affected counties in ~~the same manner required in the original~~
 86.13 ~~construction of the drainage system~~ accordance with section 103E.728.

86.14 Sec. 15. Minnesota Statutes 2016, section 103E.725, is amended to read:

86.15 **103E.725 COST OF REPAIR.**

86.16 All fees and costs incurred for proceedings relating to the repair of a drainage system,
 86.17 including inspections, engineering, viewing, determination and administration of repair cost
 86.18 apportionment, hearings, and publications, as applicable, are costs of the repair ~~and must~~
 86.19 ~~be assessed against the property and entities benefited.~~

86.20 Sec. 16. Minnesota Statutes 2016, section 103E.728, subdivision 1, is amended to read:

86.21 Subdivision 1. **Generally.** Except as otherwise provided in this section, the cost of
 86.22 repairing a drainage system shall be apportioned:

86.23 (1) pro rata on all property and entities that have been assessed benefits for the drainage
 86.24 system ~~except as provided in this section~~ based on an applicable confirmed viewers' report
 86.25 of benefits and damages; or

86.26 (2) on all property contributing runoff to the drainage system, based on relative runoff
 86.27 and relative sediment delivery in an approved repair cost apportionment report, in accordance
 86.28 with subdivision 1a.

86.29 Repair costs apportioned using the method in clause (2) are charges for property contributing
 86.30 runoff to the drainage system that shall be considered repair cost assessments in this chapter.

87.1 Sec. 17. Minnesota Statutes 2016, section 103E.728, is amended by adding a subdivision
87.2 to read:

87.3 Subd. 1a. **Relative runoff and relative sediment delivery method for repair cost**
87.4 **apportionment.** (a) When the drainage authority has determined that a drainage system
87.5 repair is necessary, the drainage authority may apportion costs for the repair of a drainage
87.6 system based on relative runoff and relative sediment delivery from any property, public
87.7 road, street, railway, or other utility contributing runoff to the drainage system as provided
87.8 in this subdivision. If this cost apportionment method is used, costs must be determined
87.9 prior to ordering the repair of all or any part of a drainage system as provided in section
87.10 103E.705, subdivision 3, or 103E.715, subdivision 4, or prior to levying a repair fund
87.11 assessment as provided in section 103E.735, subdivision 1.

87.12 (b) The drainage authority shall appoint one or more persons qualified to use geographic
87.13 information system technology and applicable digital information, including but not limited
87.14 to conditioned topographic data, soils and land use data, and property, road, and utility
87.15 corridor identification data, together with appropriate on-site verification, to equitably
87.16 apportion repair costs.

87.17 (c) The person or persons conducting the cost apportionment shall file a repair cost
87.18 apportionment report with the drainage authority explaining in nontechnical language the
87.19 method, data, and interpretations used, and the cost apportionment results. The report shall
87.20 present data and results in a format so that individual property owners, political subdivisions,
87.21 and utilities can clearly examine the information applicable to their property, public road,
87.22 street, railway, or other utility, including for each parcel having a separate property
87.23 identification number.

87.24 (d) When a repair cost apportionment report is filed, the drainage authority, in consultation
87.25 with the auditor or secretary, shall set a time, by order, for a hearing on the report not more
87.26 than 30 days after the date of the order. At least 20 days before the hearing, the auditor or
87.27 secretary shall give notice by mail of the time and location of the hearing to the owners of
87.28 property, political subdivisions, and utilities proposed to be assessed in the report. The
87.29 notice of hearing must include a copy of the portion of the report explaining in nontechnical
87.30 language the method, data, and interpretations used, the cost apportionment results applicable
87.31 to the property owner, political subdivision, or utility receiving notice, and a statement of
87.32 the location where the entire repair cost apportionment report has been filed for public
87.33 inspection.

88.1 (e) At the hearing, the drainage authority shall hear and consider the testimony presented
88.2 by all interested parties. At least one person responsible for preparing the repair cost
88.3 apportionment report shall be present at the initial hearing.

88.4 (f) If the drainage authority determines that the apportionment of costs is not equitable,
88.5 the drainage authority may amend the repair cost apportionment report and shall make
88.6 necessary and proper findings and an order in relation to the report, or resubmit matters to
88.7 the preparer of the repair cost apportionment report for further consideration. If matters are
88.8 resubmitted, the hearing may be continued as necessary to make and hear an amended report.
88.9 The report preparer shall proceed promptly to reconsider resubmitted matters and shall make
88.10 and file an amended report. The drainage authority may replace the original report with the
88.11 amended report for apportionment of repair costs and make necessary and proper findings
88.12 and an order to approve the amended report. The jurisdiction of the drainage authority
88.13 continues in the property given proper notice, and new or additional notice is not required
88.14 for that property.

88.15 (g) After consideration of the repair cost apportionment report, any amended report, and
88.16 all evidence presented, the drainage authority shall make findings, approve the report, and
88.17 apportion repair costs consistent with the values in the repair cost apportionment report if
88.18 it finds that the cost apportionment is equitable based on:

88.19 (1) the weighting of relative runoff and relative sediment delivery is appropriate for the
88.20 type of repair;

88.21 (2) the data inputs are reliable; and

88.22 (3) the computation method is reliable.

88.23 (h) The drainage authority may continue to apportion repair costs consistent with the
88.24 values in the repair cost apportionment report of record. After a repair cost apportionment
88.25 report has been approved under this subdivision, an owner of property, a political subdivision,
88.26 or a utility assessed in the repair cost apportionment report of record may request in writing
88.27 that the drainage authority update the report based on changed land use. The request shall
88.28 be filed with the auditor of the county where the property is located or the secretary. Prior
88.29 to the next approval by the drainage authority of a repair cost assessment for the drainage
88.30 system, the drainage authority shall determine if the repair cost apportionment report of
88.31 record reasonably reflects current land use, relative runoff, and relative sediment delivery.
88.32 If it does not, the drainage authority shall make findings and shall appoint one or more
88.33 persons to prepare and file an updated repair cost apportionment report for the drainage
88.34 system in accordance with paragraphs (c), (d), (e), (f), and (g).

89.1 (i) Proper consideration must be given to property that is used for conservation that
 89.2 prohibits development or land use change by ownership, deed restriction, or conservation
 89.3 easement, or is enrolled in a program that prohibits agricultural crop production.

89.4 (j) The owner of any property subject to cost apportionment listed in the adopted repair
 89.5 cost apportionment report may appeal findings of the drainage authority under paragraph
 89.6 (g) as provided in section 103E.095.

89.7 Sec. 18. Minnesota Statutes 2016, section 103E.728, subdivision 2, is amended to read:

89.8 Subd. 2. **Additional assessment for agricultural practices on permanent strip of**
 89.9 **perennial vegetation.** (a) The drainage authority may, after notice and hearing, charge an
 89.10 additional assessment on property that has agricultural practices on or otherwise violates
 89.11 provisions related to the permanent strip of perennial vegetation acquired under section
 89.12 103E.021.

89.13 (b) The drainage authority may determine the cost of the repair per mile of open ditch
 89.14 on the ditch system. Property that is in violation of the ~~grass~~ section 103E.021 perennial
 89.15 buffer strip requirement shall be assessed ~~a~~ an additional cost of 20 percent of the repair
 89.16 cost per open ditch mile multiplied by the length of open ditch in miles on the property in
 89.17 violation.

89.18 (c) After the amount of the additional assessment is determined and applied to the repair
 89.19 cost, the balance of the repair cost may be apportioned ~~pro-rata~~ as provided in subdivision
 89.20 1.

89.21 Sec. 19. Minnesota Statutes 2016, section 103E.731, subdivision 1, is amended to read:

89.22 Subdivision 1. **Repair cost of assessments.** If there is not enough money in the drainage
 89.23 system account to make a repair, the board shall assess the costs of the repairs ~~on all property~~
 89.24 ~~and entities that have been assessed benefits for the drainage system~~ in accordance with
 89.25 section 103E.728.

89.26 Sec. 20. Minnesota Statutes 2016, section 103E.731, subdivision 2, is amended to read:

89.27 Subd. 2. **Number of installments.** The assessments may be paid in up to 15 annual
 89.28 installments specified in the assessment order. ~~If the assessments are not more than 50~~
 89.29 ~~percent of the original cost of the drainage system, the installments may not exceed ten. If~~
 89.30 ~~the assessments are greater than 50 percent of the original cost of the drainage system, the~~
 89.31 ~~board may order the assessments to be paid in 15 or less installments.~~

90.1 Sec. 21. Minnesota Statutes 2016, section 103E.731, subdivision 6, is amended to read:

90.2 Subd. 6. **Repair of state drainage system when no benefits assessed.** For the repair
90.3 of a drainage system established by the state where benefits were not assessed to the property,
90.4 the drainage authority shall ~~proceed to appoint viewers to determine the benefits resulting~~
90.5 ~~from the repair~~ apportion repair costs in accordance with section 103E.728, and collect
90.6 assessments for the repair as provided in this chapter.

90.7 Sec. 22. Minnesota Statutes 2016, section 103E.735, subdivision 1, is amended to read:

90.8 Subdivision 1. **Authority and limits of fund.** To create or maintain a repair fund for a
90.9 drainage system to be used only for repairs, the drainage authority may apportion and assess
90.10 an amount ~~against all property and entities assessed for benefits in proceedings for~~
90.11 ~~establishment of the drainage system, including property not originally assessed and~~
90.12 ~~subsequently found to be benefited according to law~~ in accordance with section 103E.728.
90.13 The fund may not exceed 20 percent of the assessed benefits of the drainage system or
90.14 \$100,000, whichever is greater. If the account in a fund for a drainage system exceeds the
90.15 larger of 20 percent of the assessed benefits of the drainage system or \$100,000, assessments
90.16 for the fund may not be made until the account is less than the larger of 20 percent of the
90.17 assessed benefits or \$100,000. ~~Assessments must be made pro rata according to the~~
90.18 ~~determined benefits.~~ Assessments may be made payable, by order, in equal annual
90.19 installments. The auditor shall file a tabular statement as provided in section 103E.731,
90.20 subdivision 4, with the county recorder. Assessments must be collected as provided in
90.21 section 103E.731.

APPENDIX
Article locations in SF3141-2

ARTICLE 1	ENVIRONMENT AND NATURAL RESOURCES.....	Page.Ln 2.1
ARTICLE 2	ENVIRONMENT AND NATURAL RESOURCES POLICY.....	Page.Ln 12.9
ARTICLE 3	ACCELERATED BUFFER STRIP IMPLEMENTATION.....	Page.Ln 76.15
ARTICLE 4	RUNOFF AND SEDIMENT DELIVERY OPTION.....	Page.Ln 82.1

349A.16 LOTTERY RETAILER COMMISSIONS.

The director of the State Lottery shall: (1) increase commissions paid to lottery retailers in effect on January 1, 1998, by one-half percent on the price of each ticket sold by each retailer; and (2) provide that each lottery retailer receive a commission of at least one percent on the amount of each winning ticket cashed by that retailer. The director of the State Lottery shall periodically review lottery ticket sales and make such adjustments to lottery retailer commission rates as are deemed necessary to maintain appropriate return to the state.