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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SEVENTH SESSION

**H. F. No. 2164**

02/09/2012 Authored by McNamara and Schomacker  
The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance  
03/12/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations and Elections  
03/15/2012 Adoption of Report: Pass and re-referred to the Committee on Ways and Means  
03/30/2012 Adoption of Report: Pass as Amended and Read Second Time  
04/05/2012 Fiscal Calendar, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments  
04/27/2012 Read Third Time as Amended by Conference and repassed by the House  
04/28/2012 Read Third Time as Amended by Conference and repassed by the Senate

A bill for an act

1.1 relating to natural resources; providing for certain advisory inspections;  
1.2 providing for apprentice riders; modifying aquatic invasive species provisions;  
1.3 modifying local government trail authority; modifying enforcement provisions;  
1.4 providing for public grazing program; modifying prior appropriations; modifying  
1.5 and eliminating certain reporting, plan, and meeting requirements; eliminating  
1.6 loan program; modifying La Salle Lake State Recreation Area administration;  
1.7 modifying Water Law; modifying disposition of certain receipts; modifying local  
1.8 standard provisions for subsurface sewage treatment systems; modifying waste  
1.9 management provisions; modifying certain environmental review requirements;  
1.10 modifying certain environmental law; extending prohibition on new open air  
1.11 swine basins; authorizing and clarifying the use of general permits; modifying  
1.12 state park permit provisions; requiring reports and studies; providing civil  
1.13 penalties; authorizing rulemaking; appropriating money; amending Minnesota  
1.14 Statutes 2010, sections 84.0895, subdivision 7; 84.67; 84.91, subdivision 1;  
1.15 84D.05, subdivision 1; 85.018, subdivision 2; 85.052, subdivision 3; 85.053,  
1.16 subdivision 7; 85.20, subdivision 1; 85.46, subdivision 1; 86B.331, subdivision 1;  
1.17 93.2236; 97A.401, subdivision 1; 97A.421, subdivision 4a; 103A.43; 103B.101,  
1.18 subdivisions 2, 7, 10, by adding subdivisions; 103B.311, subdivision 4;  
1.19 103B.3363, by adding a subdivision; 103B.3369; 103B.355; 103F.211, by adding  
1.20 a subdivision; 103F.321, by adding a subdivision; 103G.2241, subdivisions 1, 9;  
1.21 103G.2242, subdivision 3; 103G.245, subdivisions 2, 3; 103G.261; 103G.265,  
1.22 by adding a subdivision; 103G.271, subdivision 1; 103G.282, subdivision  
1.23 1; 103G.301, subdivisions 2, 4, 5, 5a; 103G.611, by adding a subdivision;  
1.24 103H.175, subdivision 3; 115.06, subdivision 4; 115.42; 115.55, subdivision 7;  
1.25 115A.15, subdivision 5; 115A.411; 115A.551, subdivisions 2a, 4; 115A.557,  
1.26 subdivision 4; 115A.904; 115D.08; 116.011; 116.0714; 116.10; 116C.833,  
1.27 subdivision 2; 116D.04, by adding a subdivision; 116J.035, subdivision 8, as  
1.28 added; 216C.055; 216H.07, subdivision 3; 473.149, subdivisions 1, 6; 473.846;  
1.29 Minnesota Statutes 2011 Supplement, sections 84D.01, subdivision 15a; 84D.03,  
1.30 subdivision 3; 84D.09, subdivision 2; 84D.10, subdivisions 1, 4; 84D.105,  
1.31 subdivision 2; 84D.108, subdivision 1; 84D.13, subdivision 5; 97C.341;  
1.32 103G.222, subdivision 1; 103G.615, subdivisions 1, 2; 115A.1320, subdivision  
1.33 1; 116D.04, subdivision 2a, as amended; Laws 2007, chapter 57, article 1, section  
1.34 4, subdivision 2, as amended; Laws 2010, chapter 362, section 2, subdivision  
1.35 7; Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision  
1.36 3; proposing coding for new law in Minnesota Statutes, chapters 15; 84; 86B;  
1.37 103B; 103G; 115A; repealing Minnesota Statutes 2010, sections 84.946,  
1.38 subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4;  
1.39

2.1 103G.705; 115.447; 115A.07, subdivision 2; 115A.965, subdivision 7; 216H.07,  
2.2 subdivision 4; Minnesota Statutes 2011 Supplement, sections 86B.508; 86B.811,  
2.3 subdivision 1a; Laws 2011, chapter 107, section 105; Minnesota Rules, parts  
2.4 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts  
2.5 1, 2, 3; 7041.0500, subparts 5, 6, 7.

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

2.7 Section 1. [15.985] ADVISORY INSPECTIONS.

2.8 (a) Upon the voluntary request of a person to a state agency for an advisory  
2.9 inspection for the purpose of complying with state law, the agency must, except as  
2.10 provided in paragraphs (f) and (g), conduct an advisory inspection. An agency is not  
2.11 required to conduct an advisory inspection if the agency has a regularly scheduled  
2.12 inspection that would occur within 90 days after the request for the advisory inspection,  
2.13 or if before an advisory inspection is requested, the agency has notified the person that  
2.14 it will be conducting an inspection within 45 days. If an advisory inspection results in  
2.15 findings that potentially could make a person subject to a fine or other penalty imposed  
2.16 by the agency, the agency must notify the person in writing of those findings within ten  
2.17 days of the inspection.

2.18 (1) Except as provided in clause (2), if within 60 days of receiving notice, the person  
2.19 notifies the agency that it has corrected the situation that made the person potentially  
2.20 subject to the fine or penalty, and the agency later determines that the situation is  
2.21 corrected, the agency may not impose a fine or penalty as a result of the findings in the  
2.22 advisory inspection.

2.23 (2) For violations of chapter 177, if the person notifies the agency within the time  
2.24 period for remedying violations required under the applicable section of chapter 177 that it  
2.25 has corrected the situation that made the person potentially subject to the fine or penalty,  
2.26 and the agency later determines that the situation is corrected, the agency may not impose  
2.27 a fine or penalty as a result of the finding in the advisory inspection.

2.28 (3) A person may not request more than one advisory inspection from the same  
2.29 agency in a calendar year. A person may not request an advisory inspection after an  
2.30 inspection resulting in a fine or other penalty has been determined and the violator notified  
2.31 of the amount to be paid, until fines or penalties have been paid or settled.

2.32 (b) For purposes of this section:

2.33 (1) "inspection" includes an examination of real or personal property or an audit or  
2.34 other examination of financial or other documents;

2.35 (2) "penalty" includes a civil or administrative fine or other financial sanction;

2.36 (3) "person" includes a real person and businesses, including corporations,  
2.37 partnerships, limited liability companies, and unincorporated associations; and

3.1 (4) "state agency" means a department, agency, board, commission, constitutional  
3.2 office, or other group in the executive branch of state government.

3.3 (c) If an agency revises, amends, extends, or adds additional violations to a notice,  
3.4 the person has 60 days from the date of those changes to correct the situation without fine  
3.5 or penalty. For violations of chapter 177, the person has the time period for remedying  
3.6 violations under the applicable section of chapter 177 to correct the situation without  
3.7 fine or penalty.

3.8 (d) An agency conducting an inspection under this section may impose and collect  
3.9 from the person requesting the inspection a fee equal to the costs incurred by the agency  
3.10 related to the inspection. Fees under this section shall be considered charges for goods  
3.11 and services provided for the direct and primary use of a private individual, business, or  
3.12 other entity under section 16A.1283, paragraph (b), clause (3). Fee revenue collected  
3.13 under this section must be deposited in an appropriate fund other than the general fund  
3.14 and is appropriated from that fund to the agency collecting the fee for the purpose of  
3.15 conducting inspections under this section.

3.16 (e) Nothing in this section shall prohibit or interfere with an agency offering similar  
3.17 programs that allow independent audits or inspections, including the environmental  
3.18 improvement program under chapter 114C. If a person conducts a self-audit under chapter  
3.19 114C, the terms and conditions of this section do not apply. For advisory inspections  
3.20 conducted by the Pollution Control Agency, terms and conditions of sections 114C.20 to  
3.21 144C.28 shall be used instead of those in paragraphs (a) to (c) and (g).

3.22 (f) If agency staff resources are limited, an agency must give higher priority to  
3.23 the agency's regular inspections over advisory inspections under this section. Insofar as  
3.24 conducting advisory inspections reduces an agency's costs, the savings must be reflected  
3.25 in the charges for advisory inspections. Before hiring additional staff complement for  
3.26 purposes of this section, an agency must report to the chairs and ranking minority members  
3.27 of the legislative budget committees with jurisdiction over the agency documenting: (1)  
3.28 the demand for advisory inspections and why additional staff complement is needed to  
3.29 meet the demand; and (2) that the revenue generated by advisory inspections will cover the  
3.30 expenses of the additional staff complement. If a person requests an advisory inspection,  
3.31 but the agency does not have staff resources necessary to conduct the advisory inspection  
3.32 before a regular inspection is conducted, and the regular inspection results in findings that  
3.33 could make a person subject to a fine or penalty, the agency must take into account the  
3.34 person's request for an advisory inspection and the person's desire to take corrective action  
3.35 before taking any enforcement action against the person.

3.36 (g) This section does not apply to:

- 4.1 (1) criminal penalties;
- 4.2 (2) situations in which implementation of this section is prohibited by federal
- 4.3 law or would result in loss of federal funding or in other federal sanctions or in which
- 4.4 implementation would interfere with multistate agreements, international agreements, or
- 4.5 agreements between state and federal regulatory agencies;
- 4.6 (3) conduct constituting fraud;
- 4.7 (4) violations in a manner that endangers human life or presents significant risk of
- 4.8 major injury or severe emotional harm to humans;
- 4.9 (5) violations that are part of a pattern that has occurred repeatedly and shows
- 4.10 willful intent;
- 4.11 (6) violations for which it may be demonstrated that the alternative inspections
- 4.12 process is being used to avoid enforcement;
- 4.13 (7) violations that occur within three years of violating an applicable law;
- 4.14 (8) the Department of Revenue;
- 4.15 (9) the Workers' Compensation Division at the Department of Labor and Industry;
- 4.16 (10) violations of vehicle size weight limits under sections 169.80 to 169.88;
- 4.17 (11) commercial motor vehicle inspections under section 169.781 and motor carrier
- 4.18 regulations under chapter 221;
- 4.19 (12) the Dairy and Food Inspection Division of the Department of Agriculture, if the
- 4.20 division provides free inspections similar to those under this section;
- 4.21 (13) state inspections or surveys of hospitals, nursing homes, outpatient surgical
- 4.22 centers, supervised living facilities, board and lodging with special services, home care,
- 4.23 housing with services and assisted living settings, hospice, and supplemental nursing
- 4.24 services agencies;
- 4.25 (14) examinations of health maintenance organizations or county-based purchasing
- 4.26 entities regulated under chapter 62D;
- 4.27 (15) special transportation services under section 174.30; and
- 4.28 (16) entities regulated by the Department of Commerce's Financial Institutions and
- 4.29 Insurance Divisions for purposes of regulatory requirements of those divisions.
- 4.30 If an agency determines that this section does not apply due to situations specified in
- 4.31 clause (2), the agency must report the basis for that determination to the chairs and ranking
- 4.32 minority members of the legislative committees with jurisdiction over the agency.
- 4.33 (h) An agency may terminate an advisory inspection and proceed as if an inspection
- 4.34 were a regular inspection if, in the process of conducting an advisory inspection, the
- 4.35 agency finds a situation that the agency determines: could lead to criminal penalties;
- 4.36 endangers human life or presents significant risk of major injury or severe emotional

5.1 harm to humans; presents a severe and imminent threat to animals, food, feed, crops,  
 5.2 commodities, or the environment; or evidences a pattern of willful violations.

5.3 **EFFECTIVE DATE.** This section is effective July 1, 2012.

5.4 Sec. 2. Minnesota Statutes 2010, section 84.0895, subdivision 7, is amended to read:

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

5.7 (1) the act is for the purpose of zoological, educational, or scientific study;

5.8 (2) the act enhances the propagation or survival of the affected species;

5.9 (3) the act prevents injury to persons or property; or

5.10 (4) the social and economic benefits of the act outweigh the harm caused by it.

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

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

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

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

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

5.22 **84.67 FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

5.23 A forests for the future revolving account is created in the natural resources fund.

5.24 Money in the account is appropriated to the commissioner of natural resources for the

5.25 acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4.

5.26 The commissioner shall sell the lands acquired under this section, subject to an easement

5.27 as provided in section 84.66. Money received from the sale of forest lands acquired

5.28 under this section and interest earned on the account shall be deposited into the account.

5.29 ~~The commissioner must file a report to the house of representatives Ways and Means~~

5.30 ~~and the senate Finance Committees and the environment and natural resources finance~~

5.31 ~~committees or divisions of the senate and house of representatives by October 1 of each~~

5.32 ~~year indicating all purchases of forest land using money from this account and sales of~~

5.33 ~~forest land for which revenue is deposited into this account.~~

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

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

6.5 Subd. 2. **Apprentice rider requirements.** Notwithstanding sections 84.793,  
6.6 84.862, 84.925, and 84.9256, a person who is age 12 or over and who does not possess a  
6.7 required safety certificate may participate in up to two trail-riding events sponsored by the  
6.8 commissioner in state parks, state trails, state recreation areas, and state forests that are  
6.9 designed to involve apprentice riders. The person must be accompanied by an adult with a  
6.10 valid safety certificate. All vehicles must be properly registered for use in Minnesota.

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

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

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

6.22 (c) A person who operates or is in physical control of a snowmobile or all-terrain  
6.23 vehicle anywhere in this state or on the ice of any boundary water of this state is subject  
6.24 to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person  
6.25 who is convicted of violating section 169A.20 or an ordinance in conformity with it  
6.26 while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a  
6.27 lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance  
6.28 in conformity with it, shall be prohibited from operating ~~the~~ a snowmobile or all-terrain  
6.29 vehicle for a period of one year. The commissioner shall notify the person of the time  
6.30 period during which the person is prohibited from operating a snowmobile or all-terrain  
6.31 vehicle.

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

7.1 Otherwise, administrative and judicial review of the prohibition is governed by section  
7.2 169A.53.

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

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

7.10 **Sec. 6. [84.972] PRAIRIE AND GRASSLANDS PUBLIC GRAZING PROGRAM.**

7.11 The commissioner of natural resources shall establish a prairie and grasslands public  
7.12 grazing program. The commissioner shall enter into cooperative farming agreements  
7.13 or lease agreements with livestock owners to annually graze prairie and grasslands  
7.14 administered by the commissioner where grazing will enhance wildlife habitat. The  
7.15 commissioner shall maintain a list of lands grazed under the program describing the  
7.16 location, acreage, and years grazed. The program shall have a goal of being financially  
7.17 self-sufficient. Unless otherwise provided by law, revenues received under this section  
7.18 shall be deposited in the game and fish fund and are appropriated to the commissioner for  
7.19 purposes of the program.

7.20 Sec. 7. Minnesota Statutes 2011 Supplement, section 84D.01, subdivision 15a, is  
7.21 amended to read:

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

7.28 Sec. 8. Minnesota Statutes 2011 Supplement, section 84D.03, subdivision 3, is  
7.29 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

8.26 Sec. 9. Minnesota Statutes 2010, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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



9.1 (5) when being transported for disposal as part of a harvest or control activity  
 9.2 when specifically authorized under a permit issued by the commissioner according to  
 9.3 section 103G.615, when being transported for disposal as specified under a commercial  
 9.4 fishing license issued by the commissioner according to section 97A.418, 97C.801,  
 9.5 97C.811, 97C.825, 97C.831, or 97C.835, or when being transported as specified by the  
 9.6 commissioner;

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

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

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

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

9.13 Sec. 10. Minnesota Statutes 2011 Supplement, section 84D.09, subdivision 2, is  
 9.14 amended to read:

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

9.17 (1) that are duckweeds in the family Lemnaceae;

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

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

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

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

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

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

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

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

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

10.3 Sec. 11. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 1, is  
10.4 amended to read:

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

10.9 Sec. 12. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is  
10.10 amended to read:

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

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

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

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

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

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

10.28 Sec. 13. Minnesota Statutes 2011 Supplement, section 84D.105, subdivision 2, is  
10.29 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

12.1 water-related equipment at specified locations within a defined area before a person  
12.2 places or removes water-related equipment into or out of a water body. Tribal and local  
12.3 governments that are authorized to conduct inspections under this paragraph must:

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

12.6 (2) employ inspectors that have been trained and authorized by the commissioner;  
12.7 (3) conduct inspections and decontamination measures in accordance with guidelines  
12.8 approved by the commissioner;

12.9 (4) have decontamination equipment available at inspection stations or identify  
12.10 alternative decontamination equipment locations within a reasonable distance of the  
12.11 inspection station that can bring water-related equipment into compliance;

12.12 (5) provide for inspection station locations that do not create traffic delays or public  
12.13 safety issues; and

12.14 (6) submit a plan approved by the commissioner according to paragraph (h).

12.15 (h) Plans required under paragraph (g) must address:

12.16 (1) no reduction in capacity or hours of operation of public accesses and fees that  
12.17 do not discourage or limit use;

12.18 (2) reasonable travel times between public accesses and inspection stations;  
12.19 (3) adequate staffing to minimize wait times and provide adequate hours of operation  
12.20 at inspection stations and public accesses;

12.21 (4) adequate enforcement capacity;  
12.22 (5) measures to address inspections of water-related equipment at public water  
12.23 accesses for commercial entities and private riparian land owners; and

12.24 (6) other elements as required by the commissioner to ensure statewide consistency,  
12.25 appropriate inspection and decontamination protocols, and protection of the state's  
12.26 resources, public safety, and access to public waters.

12.27 (i) A government unit authorized to conduct inspections under this subdivision must  
12.28 submit an annual report to the commissioner summarizing the results and issues related  
12.29 to implementing the inspection program.

12.30 (j) The commissioner may waive the plan requirement in paragraph (g) for inspection  
12.31 programs where authorized inspectors are placed directly at one or more water access  
12.32 sites, with no requirement for a person to travel from the water access for inspection  
12.33 or decontamination, and no local ordinance or other regulation requiring a mandatory  
12.34 inspection before placing watercraft or water-related equipment into a water body or after  
12.35 watercraft or water-related equipment are removed from a water body.

13.1 Sec. 14. Minnesota Statutes 2011 Supplement, section 84D.108, subdivision 1, is  
13.2 amended to read:

13.3 Subdivision 1. **Service provider permit required.** (a) Service providers must apply  
13.4 for and obtain a permit from the commissioner before providing any services described in  
13.5 section 84D.01, subdivision 15a.

13.6 (b) Service providers must have a valid permit in possession while providing  
13.7 services described in section 84D.01, subdivision 15a.

13.8 (c) Service providers must display the service provider permit decal issued with  
13.9 their permit. The decal must be completely affixed by its own adhesive on the inside of  
13.10 the extreme lower corner of the driver's windshield of the vehicle being operated while  
13.11 providing services described in section 84D.01, subdivision 15a.

13.12 Sec. 15. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 5, is  
13.13 amended to read:

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

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

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

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

13.21 (4) for placing or attempting to place into waters of the state water-related equipment  
13.22 that has prohibited invasive species attached when the waters are not designated by the  
13.23 commissioner as being infested with that invasive species, \$500 ~~for the first offense and~~  
13.24 ~~\$1,000 for each subsequent offense~~;

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

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

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

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

14.1 Sec. 16. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

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

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

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

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

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

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

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

14.19 Sec. 17. Minnesota Statutes 2010, section 85.052, subdivision 3, is amended to read:

14.20 Subd. 3. **Fee for certain parking and campsite use.** (a) An individual using spaces  
14.21 in state parks under subdivision 1, clause (2), shall be charged daily rates determined and  
14.22 set by the commissioner in a manner and amount consistent with the type of facility  
14.23 provided for the accommodation of guests in a particular park and with similar facilities  
14.24 offered for tourist camping and similar use in the area.

14.25 (b) The fee for special parking spurs, campgrounds for automobiles, sites for tent  
14.26 camping, and special auto trailer coach parking spaces is one-half of the fee set in  
14.27 paragraph (a) on Sunday through Thursday of each week for a physically disabled person:

14.28 (1) with a motor vehicle that has disability plates issued under section 168.021,  
14.29 subdivision 1; ~~or~~

14.30 (2) who possesses a certificate issued under section 169.345; or

14.31 (3) who possesses an interagency access pass for state residents with permanent  
14.32 disabilities, issued by the federal government under the Federal Lands Recreation  
14.33 Enhancement Act.

14.34 Sec. 18. Minnesota Statutes 2010, section 85.053, subdivision 7, is amended to read:

15.1 Subd. 7. **Disabled persons.** (a) The commissioner shall prescribe and issue special  
15.2 state park permits for:

15.3 (1) a physically disabled person with a motor vehicle (i) that has disability plates  
15.4 issued under section 168.021, subdivision 1, or (ii) who has a permanent disability  
15.5 certificate issued under section 169.345 and who can demonstrate proof of ownership of  
15.6 the vehicle for which the state park permit is being purchased or proof of a leasehold  
15.7 interest in the vehicle for a term at least as long as the term of the permit; ~~and~~

15.8 (2) a physically disabled person who: (i) does not own or operate a motor vehicle;  
15.9 (ii) possesses a statement certified under section 169.345, subdivision 2a; and (iii) applies  
15.10 to the commissioner in writing; and

15.11 (3) a permanently disabled person who possesses an interagency access pass for  
15.12 people with permanent disabilities, issued by the federal government under the Federal  
15.13 Lands Recreation Enhancement Act.

15.14 (b) ~~Except~~ For vehicles permitted under paragraph (a), clause ~~(2)~~ (1), the permit or  
15.15 the decal issued under this subdivision is valid only when displayed on a vehicle owned  
15.16 and occupied by the person to whom the permit is issued.

15.17 Sec. 19. Minnesota Statutes 2010, section 85.20, subdivision 1, is amended to read:

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

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

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

16.1 Sec. 20. Minnesota Statutes 2010, section 85.46, subdivision 1, is amended to read:

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

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

16.11 Sec. 21. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

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

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

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

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

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

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

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

16.32 (e) Violation of this section shall not result in a penalty, but is punishable only  
16.33 by a warning.

16.34 **EFFECTIVE DATE.** Subdivision 4 is effective July 1, 2015.



17.1 Sec. 22. Minnesota Statutes 2010, section 86B.331, subdivision 1, is amended to read:

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

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

17.10 (c) A person who operates or is in physical control of a motorboat on the waters  
17.11 of this state is subject to chapter 169A. In addition to the applicable sanctions under  
17.12 chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance  
17.13 in conformity with it while operating a motorboat, shall be prohibited from operating  
17.14 ~~the~~ a motorboat on the waters of this state for a period of 90 days between May 1 and  
17.15 October 31, extending over two consecutive years if necessary. If the person operating the  
17.16 motorboat refuses to comply with a lawful demand to submit to testing under sections  
17.17 169A.50 to 169A.53 or an ordinance in conformity with it, the person shall be prohibited  
17.18 from operating ~~the~~ a motorboat for a period of one year. The commissioner shall notify  
17.19 the person of the period during which the person is prohibited from operating a motorboat.

17.20 (d) Administrative and judicial review of the operating privileges prohibition is  
17.21 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior  
17.22 impaired driving conviction or prior license revocation, as defined in section 169A.03.  
17.23 Otherwise, administrative and judicial review of the prohibition is governed by section  
17.24 169A.53.

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

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

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

17.33 Sec. 23. Minnesota Statutes 2010, section 93.2236, is amended to read:

17.34 **93.2236 MINERALS MANAGEMENT ACCOUNT.**

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

18.4 (b) If the balance in the minerals management account exceeds \$3,000,000 on June  
18.5 30, the amount exceeding \$3,000,000 must be distributed to the permanent school fund  
18.6 ~~and~~ the permanent university fund, and taxing districts as provided in section 93.22,  
18.7 subdivision 1, paragraph (c). The amount distributed to each fund must be in the same  
18.8 proportion as the total mineral lease revenue received in the previous biennium from school  
18.9 trust lands ~~and~~ university lands, and lands held by the state in trust for taxing districts.

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

18.14 Sec. 24. Minnesota Statutes 2010, section 97A.401, subdivision 1, is amended to read:

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

18.19 Sec. 25. Minnesota Statutes 2010, section 97A.421, subdivision 4a, is amended to read:

18.20 Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**  
18.21 When a court reports to the commissioner that a person: (1) has failed to appear in court  
18.22 ~~under the summons issued~~ in response to a notice to appear or fails to comply with other  
18.23 orders of the court regarding the appearance or proceedings for a violation of the game  
18.24 and fish laws; or (2) has been convicted of violating a provision of the game and fish  
18.25 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,  
18.26 and refused or failed to comply with that sentence or to pay the fine or surcharge, the  
18.27 commissioner shall suspend the game and fish license and permit privileges of the person  
18.28 until notified by the court that the person has appeared in court under clause (1) or that any  
18.29 fine or surcharge due the court has been paid under clause (2).

18.30 Sec. 26. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

18.31 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

18.32 (a) A person may not use live minnows imported from outside of the state, game  
18.33 fish, goldfish, or carp for bait. The commissioner may, by written order published in

19.1 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on  
19.2 their use. The order is exempt from the rulemaking provisions of chapter 14 and section  
19.3 14.386 does not apply.

19.4 (b) A person may not import or possess live, frozen, or processed bait from known  
19.5 waters where viral hemorrhagic septicemia has been identified as being present; (1)  
19.6 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner  
19.7 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph  
19.8 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,  
19.9 invertebrates, and insects used for taking wild animals in waters of the state.

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

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

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

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

19.20 (1) water body source;

19.21 (2) lot number;

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

19.23 (4) date of packaging and labeling; and

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

19.25 Sec. 27. Minnesota Statutes 2010, section 103A.43, is amended to read:

19.26 **103A.43 WATER ASSESSMENTS AND REPORTS.**

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

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

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

20.4 Sec. 28. Minnesota Statutes 2010, section 103B.101, subdivision 2, is amended to read:

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

20.6 (1) three county commissioners;

20.7 (2) three soil and water conservation district supervisors;

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

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

20.11 (5) one township officer;

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

20.14 (7) the commissioner of agriculture;

20.15 (8) the commissioner of health;

20.16 (9) the commissioner of natural resources;

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

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

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

20.23 (c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor.

20.24 In making the appointments, the governor may consider persons recommended by  
20.25 the Association of Minnesota Counties, the Minnesota Association of Townships, the  
20.26 League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation  
20.27 Districts, and the Minnesota Association of Watershed Districts. The list submitted by an  
20.28 association must contain at least three nominees for each position to be filled.

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

20.32 Sec. 29. Minnesota Statutes 2010, section 103B.101, subdivision 7, is amended to read:

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

21.1 Sec. 30. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
21.2 subdivision to read:

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

21.5 Sec. 31. Minnesota Statutes 2010, section 103B.101, subdivision 10, is amended to  
21.6 read:

21.7 Subd. 10. **Committee for dispute resolution.** A committee of the board is  
21.8 established to hear and resolve disputes, appeals, and interventions under sections  
21.9 103A.301 to 103A.341; 103B.101; 103B.231; 103B.345; 103D.535; 103D.537; and  
21.10 103G.2242, subdivision 9. ~~The committee consists of two of the three citizen members;~~  
21.11 ~~one county commissioner member; one soil and water conservation district supervisor~~  
21.12 ~~member; and one watershed district or watershed management organization representative~~  
21.13 ~~member.~~ The committee is appointed by the board chair. The board shall adopt bylaws  
21.14 governing committee membership and duties.

21.15 Sec. 32. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
21.16 subdivision to read:

21.17 Subd. 14. **Local water management coordination.** (a) The board may adopt  
21.18 resolutions, policies, or orders that allow a comprehensive plan, local water management  
21.19 plan, or watershed management plan, developed or amended, approved and adopted,  
21.20 according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be  
21.21 replaced with a comprehensive watershed management plan. The board may also develop  
21.22 criteria for incorporating or coordinating the elements of metropolitan county groundwater  
21.23 plans in accordance with section 103B.255. The board shall, to the extent practicable,  
21.24 incorporate a watershed approach when adopting the resolutions, policies, or orders, and  
21.25 shall establish a suggested watershed boundary framework for development, approval,  
21.26 adoption, and coordination of plans.

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

22.1 Sec. 33. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
22.2 subdivision to read:

22.3 Subd. 15. **Local water management boundary and plan determinations and**  
22.4 **appeals.** (a) Local government units may either submit a request for a plan boundary  
22.5 determination as part of a plan approval request or apply separately for a plan boundary  
22.6 determination from the board before requesting plan approval. Local government units  
22.7 must provide written documentation of the rationale and justification for the proposed  
22.8 boundary. The board may request additional information needed to make a plan boundary  
22.9 determination.

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

22.16 Sec. 34. Minnesota Statutes 2010, section 103B.311, subdivision 4, is amended to read:

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

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

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

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

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

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

22.33 (b) Existing water and related land resources plans, including plans related to  
22.34 agricultural land preservation programs developed pursuant to chapter 40A, must be

23.1 fully utilized in preparing the local water management plan. Duplication of the existing  
 23.2 plans is not required.

23.3 Sec. 35. Minnesota Statutes 2010, section 103B.3363, is amended by adding a  
 23.4 subdivision to read:

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

23.12 Sec. 36. **[103B.3367] WATER PLAN EXTENSIONS.**

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

23.16 Sec. 37. Minnesota Statutes 2010, section 103B.3369, is amended to read:

23.17 **103B.3369 LOCAL WATER RESOURCES RESTORATION, PROTECTION,**  
 23.18 **AND MANAGEMENT PROGRAM.**

23.19 Subdivision 1. **Assistance priorities.** State agencies may give priority to local  
 23.20 government unit requests that are part of or responsive to a comprehensive plan, local  
 23.21 water management plan, watershed management plan, or comprehensive watershed  
 23.22 management plan, developed or amended, approved and adopted, according to chapter  
 23.23 103B, 103C, 103D, or 114D, when administering programs for water-related financial  
 23.24 and technical assistance.

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

23.32 Subd. 4. **Contracts.** A local unit of government may contract to implement  
 23.33 programs. An explanation of the program responsibilities proposed to be contracted must

24.1 accompany grant requests. A local unit of government that contracts is responsible for  
24.2 ensuring that state funds are properly expended and for providing an annual report to the  
24.3 board describing expenditures of funds and program accomplishments.

24.4 Subd. 5. **Financial assistance.** A base grant may be awarded to a county that  
24.5 provides a match utilizing a water implementation tax or other local source. A water  
24.6 implementation tax that a county intends to use as a match to the base grant must be levied  
24.7 at a rate determined by the board. ~~The minimum amount of the water implementation tax~~  
24.8 ~~shall be a tax rate times the adjusted net tax capacity of the county for the preceding year.~~  
24.9 ~~The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied~~  
24.10 ~~to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The~~  
24.11 ~~base grant will be in an amount equal to \$37,500 less the amount raised by the local~~  
24.12 ~~match. If the amount necessary to implement the local water plan for the county is less~~  
24.13 ~~than \$37,500, the amount of the base grant shall be the amount that, when added to the~~  
24.14 ~~match amount, equals the amount required to implement the plan. For counties where~~  
24.15 ~~the tax rate generates an amount equal to or greater than \$18,750, the base grant shall~~  
24.16 ~~be in an amount equal to \$18,750.~~ The board may award performance-based grants to  
24.17 local units of government that are responsible for implementing elements of applicable  
24.18 portions of watershed management plans, comprehensive plans, local water management  
24.19 plans, or comprehensive watershed management plans, developed or amended, adopted  
24.20 and approved, according to chapter 103B, 103C, or 103D. Upon request by a local  
24.21 government unit, the board may also award performance-based grants to local units of  
24.22 government to carry out TMDL implementation plans as provided in chapter 114D, if the  
24.23 TMDL implementation plan has been incorporated into the local water management plan  
24.24 according to the procedures for approving comprehensive plans, watershed management  
24.25 plans, local water management plans, or comprehensive watershed management plans  
24.26 under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone  
24.27 a public review process. Notwithstanding section 16A.41, the board may award  
24.28 performance-based grants on an advanced basis.

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

24.34 (b) Grants may be provided to develop or revise, amend, or implement local water  
24.35 management plans ~~may not be awarded for a time longer than two years, comprehensive~~



25.1 plans, watershed management plans, or comprehensive watershed management plans,  
25.2 approved and adopted, according to chapter 103B, 103C, 103D, or 114D.

25.3 (c) A local unit of government may not request or be awarded grants for project  
25.4 implementation unless a comprehensive plan, local water management ~~water~~ plan has  
25.5 been adopted, watershed management plan, or comprehensive watershed management  
25.6 plan has been developed or amended, adopted and approved, according to chapter 103B,  
25.7 103C, or 103D.

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

25.14 Sec. 38. Minnesota Statutes 2010, section 103B.355, is amended to read:

25.15 **103B.355 APPLICATION.**

25.16 Sections 103B.301 to 103B.335 and 103B.341 to 103B.355 do not apply in areas  
25.17 subject to the requirements of sections 103B.201 to 103B.255 under section 103B.231,  
25.18 subdivision 1, and in areas covered by an agreement under section 103B.231, subdivision  
25.19 2, except as otherwise provided in section 103B.311, subdivision 4, clause (4).

25.20 Sec. 39. Minnesota Statutes 2010, section 103F.211, is amended by adding a  
25.21 subdivision to read:

25.22 Subd. 4. **Removal of logs; dead trees and branches.** The removal of logs and dead  
25.23 trees and branches from the shoreland is exempt from any permit requirements, unless  
25.24 required by a local government unit. Before a person removes logs or dead trees and  
25.25 branches from publicly owned land or land owned by another, the person must obtain  
25.26 permission from the land owner or manager. Public entities are encouraged to allow for  
25.27 the removal of logs and dead trees and branches that present a safety hazard on land  
25.28 managed by the public entity.

25.29 Sec. 40. Minnesota Statutes 2010, section 103F.321, is amended by adding a  
25.30 subdivision to read:

25.31 Subd. 4. **Removal of logs; dead trees and branches.** The removal of logs and dead  
25.32 trees and branches from the shoreland is exempt from any permit requirements when  
25.33 the logs or dead trees and branches present safety hazards, unless required by a local

26.1 government unit. Before a person removes logs or dead trees and branches from publicly  
26.2 owned land or land owned by another, the person must obtain permission from the land  
26.3 owner or manager. Public entities are encouraged to allow for the removal of logs and  
26.4 dead trees and branches that present a safety hazard on land managed by the public entity.

26.5 Sec. 41. Minnesota Statutes 2011 Supplement, section 103G.222, subdivision 1,  
26.6 is amended to read:

26.7 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
26.8 partially, unless replaced by restoring or creating wetland areas of at least equal public  
26.9 value under a replacement plan approved as provided in section 103G.2242, a replacement  
26.10 plan under a local governmental unit's comprehensive wetland protection and management  
26.11 plan approved by the board under section 103G.2243, or, if a permit to mine is required  
26.12 under section 93.481, under a mining reclamation plan approved by the commissioner  
26.13 under the permit to mine. For project-specific wetland replacement completed prior to  
26.14 wetland impacts authorized or conducted under a permit to mine within the Great Lakes  
26.15 and Rainy River watershed basins, those basins shall be considered a single watershed  
26.16 for purposes of determining wetland replacement ratios. Mining reclamation plans shall  
26.17 apply the same principles and standards for replacing wetlands by restoration or creation  
26.18 of wetland areas that are applicable to mitigation plans approved as provided in section  
26.19 103G.2242. Public value must be determined in accordance with section 103B.3355 or  
26.20 a comprehensive wetland protection and management plan established under section  
26.21 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently  
26.22 and semipermanently flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

27.1 For a project involving the draining or filling of wetlands in an amount not exceeding  
27.2 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
27.3 paragraph (a), the local government unit may make an on-site sequencing determination  
27.4 without a written alternatives analysis from the applicant.

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

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

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

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

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

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

27.30 (i) Except in a greater than 80 percent area, only wetlands that have been restored  
27.31 from previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
27.32 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
27.33 created by dikes or dams associated with the restoration of previously drained or filled  
27.34 wetlands may be used in a statewide banking program established in rules adopted under  
27.35 section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally

28.1 occurring wetlands from one type to another are not eligible for enrollment in a statewide  
28.2 wetlands bank.

28.3 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
28.4 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
28.5 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
28.6 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
28.7 to believe that the wetland characteristics may change substantially, the panel shall  
28.8 postpone its recommendation until the wetland has stabilized.

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

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

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

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

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

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

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

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

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

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

29.24 (o) A local government unit may request the board to reclassify a county or  
29.25 watershed on the basis of its percentage of presettlement wetlands remaining. After  
29.26 receipt of satisfactory documentation from the local government, the board shall change  
29.27 the classification of a county or watershed. If requested by the local government unit,  
29.28 the board must assist in developing the documentation. Within 30 days of its action to  
29.29 approve a change of wetland classifications, the board shall publish a notice of the change  
29.30 in the Environmental Quality Board Monitor.

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

30.1 Sec. 42. Minnesota Statutes 2010, section 103G.2241, subdivision 1, is amended to  
30.2 read:

30.3 Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not  
30.4 required for:

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

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

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

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

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

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

30.28 (7) agricultural activities on agricultural land that is subject to the swampbuster  
30.29 provisions of the federal farm program restrictions that meet minimum state standards  
30.30 under this chapter and sections 103A.202 and 103B.3355 and that have been approved  
30.31 by the Board of Water and Soil Resources, the commissioners of natural resources  
30.32 and agriculture, and the Pollution Control Agency consistent with a memorandum of  
30.33 understanding and related agreements between the board and the United States Department  
30.34 of Agriculture, Natural Resources Conservation Service.

31.1 Sec. 43. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to  
31.2 read:

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

31.7 (1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
31.8 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a greater than  
31.9 80 percent area;

31.10 (2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
31.11 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a 50 to 80 percent  
31.12 area, except within the 11-county metropolitan area;

31.13 (3) 2,000 square feet of type 1, 2, ~~or 6, or 7~~ wetland, ~~outside of the shoreland wetland~~  
31.14 ~~protection zone~~ excluding white cedar and tamarack wetlands, in a less than 50 percent  
31.15 area, except within the 11-county metropolitan area; or

31.16 (4) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland  
31.17 ~~types not listed in clauses (1) to (3) outside of the building setback zone of the shoreland~~  
31.18 ~~wetland protection zones in all counties;~~

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

31.23 ~~(5) (1) 400 square feet of type 1, 2, 6, or 7 wetland types listed in clauses (1) to~~  
31.24 ~~(3), beyond the building setback zone, as defined in the local shoreland management~~  
31.25 ~~ordinance, but within the shoreland wetland protection zone;~~ or

31.26 (2) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.

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

31.32 (c) Except as provided in paragraphs (e), (f), (g), (h), and (i), a replacement plan  
31.33 for wetlands is not required for draining or filling up to 20 square feet of wetland as part  
31.34 of a project within the shoreland building setback zone, as defined in the local shoreland  
31.35 management ordinance. The amount in this paragraph may be increased to 100 square feet

32.1 if permanent water runoff retention or infiltration measures are established in proximity as  
 32.2 approved by the shoreland management authority.

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

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

32.6 (d) Except as provided in paragraphs (b), (c), (e), (f), (g), (h), and (i), a replacement  
 32.7 plan is not required for draining or filling amounts of wetlands as part of a project:

32.8 ~~(7)~~ (1) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
 32.9 tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent  
 32.10 area within the 11-county metropolitan area; or

32.11 ~~(8)~~ (2) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland  
 32.12 protection zone in a less than 50 percent area within the 11-county metropolitan area.

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

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

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

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

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

32.24 (3) 400 square feet.

32.25 ~~(d)~~ (g) This exemption may not be combined with another exemption in this section  
 32.26 on a project.

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

32.28 (i) If a local ordinance or similar local control is more restrictive than this  
 32.29 subdivision, the local standard applies.

32.30 Sec. 44. Minnesota Statutes 2010, section 103G.2242, subdivision 3, is amended to  
 32.31 read:

32.32 Subd. 3. **Replacement completion.** Replacement of wetland values must be  
 32.33 completed prior to or concurrent with the actual draining or filling of a wetland, ~~or unless~~  
 32.34 an irrevocable bank letter of credit or other security acceptable to the local government  
 32.35 unit ~~must be~~ or the board is given to the local government unit or the board to guarantee



33.1 the successful completion of the replacement. The board may establish, sponsor, or  
 33.2 administer a wetland banking program, which may include provisions allowing monetary  
 33.3 payment to the wetland bank for impacts to wetlands on agricultural land, for impacts  
 33.4 that occur in greater than 80 percent areas, and for public road projects. The board shall  
 33.5 coordinate the establishment and operation of a wetland bank with the United States  
 33.6 Army Corps of Engineers, the Natural Resources Conservation Service of the United  
 33.7 States Department of Agriculture, and the commissioners of natural resources, agriculture,  
 33.8 and the Pollution Control Agency.

33.9 Sec. 45. **[103G.2375] ASSUMPTION OF SECTION 404 OF FEDERAL CLEAN**  
 33.10 **WATER ACT.**

33.11 Notwithstanding any other law to the contrary, the Board of Water and Soil  
 33.12 Resources, in consultation with the commissioners of natural resources, agriculture,  
 33.13 and the Pollution Control Agency, may adopt or amend rules establishing a program  
 33.14 for regulating the discharge of dredged and fill material into the waters of the state as  
 33.15 necessary to obtain approval from the United States Environmental Protection Agency to  
 33.16 administer, in whole or part, the permitting and wetland banking programs under section  
 33.17 404 of the federal Clean Water Act, United States Code, title 33, section 1344. The rules  
 33.18 may not be more restrictive than the program under section 404 or state law.

33.19 Sec. 46. Minnesota Statutes 2010, section 103G.245, subdivision 2, is amended to read:

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

33.21 (1) work in altered natural watercourses that are part of drainage systems established  
 33.22 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
 33.23 103D or 103E; ~~or~~

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

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

33.29 Sec. 47. Minnesota Statutes 2010, section 103G.245, subdivision 3, is amended to read:

33.30 Subd. 3. **Permit application.** Application for a public waters work permit must  
 33.31 be in writing to the commissioner on forms prescribed by the commissioner. The  
 33.32 commissioner may issue a state general permit to a governmental subdivision or to the

34.1 general public ~~for classes of activities having minimal impact upon public waters~~ under  
34.2 which more than one project may be conducted under a single permit.

34.3 Sec. 48. Minnesota Statutes 2010, section 103G.261, is amended to read:

34.4 **103G.261 WATER ALLOCATION PRIORITIES.**

34.5 (a) The commissioner shall adopt rules for allocation of waters based on the  
34.6 following priorities for the consumptive appropriation and use of water:

34.7 (1) first priority, domestic water supply, excluding industrial and commercial uses of  
34.8 municipal water supply, and use for power production that meets the contingency planning  
34.9 provisions of section 103G.285, subdivision 6;

34.10 (2) second priority, a use of water that involves consumption of less than 10,000  
34.11 gallons of water per day;

34.12 (3) third priority, agricultural irrigation, and processing of agricultural products  
34.13 involving consumption in excess of 10,000 gallons per day;

34.14 (4) fourth priority, power production in excess of the use provided for in the  
34.15 contingency plan developed under section 103G.285, subdivision 6;

34.16 (5) fifth priority, uses, other than agricultural irrigation, processing of agricultural  
34.17 products, and power production, involving consumption in excess of 10,000 gallons per  
34.18 day; and

34.19 (6) sixth priority, nonessential uses.

34.20 (b) For the purposes of this section, "consumption" means water withdrawn from a  
34.21 supply that is lost for immediate further use in the area.

34.22 (c) Appropriation and use of surface water from streams during periods of flood  
34.23 flows and high water levels must be encouraged subject to consideration of the purposes  
34.24 for use, quantities to be used, and the number of persons appropriating water.

34.25 (d) Appropriation and use of surface water from lakes of less than 500 acres in  
34.26 surface area must be discouraged.

34.27 (e) The treatment and reuse of water for nonconsumptive uses shall be encouraged.

34.28 ~~(f) Diversions of water from the state for use in other states or regions of the United~~  
34.29 ~~States or Canada must be discouraged.~~

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

34.31 Sec. 49. Minnesota Statutes 2010, section 103G.265, is amended by adding a  
34.32 subdivision to read:

35.1 Subd. 2a. **Legislative approval for diversion.** Legislative approval required in  
 35.2 subdivision 2, clause (2), shall be based on the following considerations:

35.3 (1) the requested diversion of waters of the state is reasonable;

35.4 (2) the diversion is not contrary to the conservation and use of waters of the state; and

35.5 (3) the diversion is not otherwise detrimental to the public welfare.

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

35.7 Sec. 50. Minnesota Statutes 2010, section 103G.271, subdivision 1, is amended to read:

35.8 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state,  
 35.9 a person, partnership, or association, private or public corporation, county, municipality,  
 35.10 or other political subdivision of the state may not appropriate or use waters of the state  
 35.11 without a water use permit from the commissioner.

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

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

35.22 Sec. 51. Minnesota Statutes 2010, section 103G.282, subdivision 1, is amended to read:

35.23 Subdivision 1. **Monitoring equipment.** The commissioner may require the  
 35.24 installation and maintenance of monitoring equipment to evaluate water resource impacts  
 35.25 from permitted appropriations and proposed projects that require a permit. Monitoring for  
 35.26 water resources that supply more than one appropriator must be designed to minimize  
 35.27 costs to individual appropriators. The cost of drilling additional monitoring wells must  
 35.28 be shared proportionally by all permit holders that are directly affecting a particular  
 35.29 water resources feature.

35.30 Sec. 52. Minnesota Statutes 2010, section 103G.301, subdivision 2, is amended to read:

35.31 Subd. 2. **Permit application and notification fees.** (a) A ~~permit application~~ fee  
 35.32 to defray the costs of receiving, recording, and processing ~~the application~~ must be paid  
 35.33 for a permit application authorized under this chapter ~~and~~, except for a general permit

36.1 application, for each request to amend or transfer an existing permit, and for a notification  
36.2 to request authorization to conduct a project under a general permit. Fees established  
36.3 under this subdivision, unless specified in paragraph (c), shall be compliant with section  
36.4 16A.1285.

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

36.9 (c) The fee to apply for a permit to appropriate water, in addition to any fee under  
36.10 paragraph (b); and for a permit to construct or repair a dam that is subject to dam safety  
36.11 inspection; or a state general permit is \$150. The application fee for a permit to work in  
36.12 public waters or to divert waters for mining must be at least \$150, but not more than  
36.13 \$1,000. The fee for a notification to request authorization to conduct a project under a  
36.14 general permit is \$100.

36.15 Sec. 53. Minnesota Statutes 2010, section 103G.301, subdivision 4, is amended to read:

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

36.19 Sec. 54. Minnesota Statutes 2010, section 103G.301, subdivision 5, is amended to read:

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

36.23 Sec. 55. Minnesota Statutes 2010, section 103G.301, subdivision 5a, is amended to  
36.24 read:

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

36.29 Sec. 56. Minnesota Statutes 2010, section 103G.611, is amended by adding a  
36.30 subdivision to read:

36.31 Subd. 1a. **General permits.** The commissioner may issue a general permit to  
36.32 a governmental subdivision or to the general public to conduct one or more projects

37.1 described in subdivision 1. A fee of \$100 may be charged for each aeration system used  
37.2 under a general permit.

37.3 Sec. 57. Minnesota Statutes 2011 Supplement, section 103G.615, subdivision 1,  
37.4 is amended to read:

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

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

37.11 (2) transplant aquatic plants into public waters;

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

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

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

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

37.21 Sec. 58. Minnesota Statutes 2011 Supplement, section 103G.615, subdivision 2,  
37.22 is amended to read:

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

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

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

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

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

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

38.11 Sec. 59. Minnesota Statutes 2010, section 103H.175, subdivision 3, is amended to read:

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

38.18 Sec. 60. Minnesota Statutes 2010, section 115.06, subdivision 4, is amended to read:

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

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

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

38.26 (3) seeking public and private funds to:

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

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

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

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

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

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

39.6 Sec. 61. Minnesota Statutes 2010, section 115.42, is amended to read:

39.7 **115.42 POLICY; LONG-RANGE PLAN; PURPOSE.**

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

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

39.19 Sec. 62. Minnesota Statutes 2010, section 115.55, subdivision 7, is amended to read:

39.20 Subd. 7. **Local standards.** (a) **Existing systems.** Counties may adopt by ordinance  
39.21 local standards that are less restrictive than the agency's rules in order to define an  
39.22 acceptable existing system. The local standards may include soil separation, soil  
39.23 classification, vegetation, system use, localized well placement and construction, localized  
39.24 density of systems and wells, extent of area to be covered by local standards, groundwater  
39.25 flow patterns, and existing natural or artificial drainage systems. The local standards  
39.26 and criteria shall be submitted to the commissioner for comment prior to adoption to  
39.27 demonstrate that, based on local circumstances in that jurisdiction, they adequately protect  
39.28 public health and the environment.

39.29 (b) **New or replacement systems.** Counties, after providing documentation of  
39.30 conditions listed in this paragraph to the commissioner, may adopt by ordinance local  
39.31 standards that are less restrictive than the agency's rules for new system construction or  
39.32 replacement in areas of sustained and projected low population density where conditions  
39.33 render conformance to applicable requirements difficult or otherwise inappropriate.  
39.34 Documentation may include a map delineating the area of the county to be served by the

40.1 local standards, a description of the hardship that would result from strict adherence to the  
40.2 agency's rules, and evidence of sustained and projected low population density. The local  
40.3 standards must protect human health and the environment and be based on considerations  
40.4 that may include, but need not be limited to, soil separation, soil classification, vegetation,  
40.5 system use, localized well placement and construction, localized density of systems  
40.6 and wells, extent of area to be covered by local standards, groundwater flow patterns,  
40.7 and existing natural or artificial drainage systems. The local standards must provide  
40.8 cost-effective and long-term treatment alternatives. The draft ordinance incorporating the  
40.9 local standards must be submitted with justification to the commissioner 30 days before  
40.10 adoption for review and comment.

40.11 (c) **New or replacement systems; local ordinances.** A local unit of government  
40.12 may adopt and enforce ordinances or rules affecting new or replacement subsurface  
40.13 sewage treatment systems that are more restrictive than the agency's rules. A local unit  
40.14 of government may not adopt or enforce an ordinance or rule if its effect is to prevent or  
40.15 delay recording with the county recorder or registrar of titles of a deed or other instrument  
40.16 that is otherwise entitled to be recorded.

40.17 (d) **Local standards; conflict with state law.** Local standards adopted under  
40.18 paragraph (a) or (b) must not conflict with any requirements under other state laws or rules  
40.19 or local ordinances, including, but not limited to, requirements for:

- 40.20 (1) systems in shoreland areas, regulated under sections 103F.201 to 103F.221;  
40.21 (2) well construction and location, regulated under chapter 103I; and  
40.22 (3) systems used in connection with food, beverage, and lodging establishments,  
40.23 regulated under chapter 157.

40.24 Alternative local standards for new or replacement residential systems with flow of  
40.25 2,500 gallons per day or less may be applied to systems listed in clause (1), provided the  
40.26 alternative standards are no less stringent than provisions of Minnesota Rules, chapter  
40.27 7080, that went into effect on April 3, 2006. In addition, alternative local standards for  
40.28 new or replacement systems with flow of 2,500 gallons per day or less may be applied to  
40.29 systems listed in clause (3), provided the alternative standards are no less stringent than  
40.30 provisions of Minnesota Rules, chapter 7080, that went into effect on April 3, 2006,  
40.31 except that the waste strength must meet the standards established in Minnesota Rules,  
40.32 part 7080.2150, subpart 3, item K. If additional treatment of waste is needed to meet this  
40.33 standard, the treatment must be in accordance with Minnesota Rules, part 7080.2150,  
40.34 subpart 3, item A. The local standards must include references to applicable requirements  
40.35 under other state laws or rules or local ordinances. Nothing in this paragraph prevents



41.1 a local subsurface sewage treatment system ordinance from including provisions of the  
41.2 current rule as part of the alternative local standards.

41.3 **Sec. 63. [115A.121] TOXICS AND POLLUTION PREVENTION EVALUATION;**  
41.4 **CONSOLIDATED REPORT.**

41.5 The commissioner shall prepare and adopt a report on pollution prevention activities  
41.6 required in chapters 115A, 115D, and 325E. The report must include activities required  
41.7 under section 115A.1320. The commissioner must submit the report to the senate and  
41.8 house of representatives committees having jurisdiction over environment and natural  
41.9 resources by December 31, 2013, and every four years thereafter.

41.10 Sec. 64. Minnesota Statutes 2011 Supplement, section 115A.1320, subdivision 1,  
41.11 is amended to read:

41.12 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections  
41.13 115A.1310 to 115A.1330.

41.14 (b) The agency shall establish procedures for:

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

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

41.19 (c) The agency shall annually review the value of the following variables that are  
41.20 part of the formula used to calculate a manufacturer's annual registration fee under section  
41.21 115A.1314, subdivision 1:

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

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

41.26 (3) the base registration fee; and

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

41.33 (d) By January 15 each year, beginning in 2008, the agency shall calculate estimated  
41.34 sales of video display devices sold to households by each manufacturer during the

42.1 preceding program year, based on national sales data, and forward the estimates to the  
42.2 department.

42.3 (e) ~~On or before December 1, 2010, and each year thereafter,~~ The agency shall  
42.4 provide a report to the governor and the legislature on the implementation of sections  
42.5 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight  
42.6 of covered electronic devices recycled and a summary of information in the reports  
42.7 submitted by manufacturers and recyclers under section 115A.1316. The report must  
42.8 also discuss the various collection programs used by manufacturers to collect covered  
42.9 electronic devices; information regarding covered electronic devices that are being  
42.10 collected by persons other than registered manufacturers, collectors, and recyclers; and  
42.11 information about covered electronic devices, if any, being disposed of in landfills in  
42.12 this state. The report must include a description of enforcement actions under sections  
42.13 115A.1310 to 115A.1330. The agency may include in its report other information received  
42.14 by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The  
42.15 report must be done in conjunction with the report required under section 115D.10.

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

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

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

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

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

42.30 Sec. 65. Minnesota Statutes 2010, section 115A.15, subdivision 5, is amended to read:

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

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

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

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

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

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

43.12 Sec. 66. Minnesota Statutes 2010, section 115A.411, is amended to read:

43.13 **115A.411 SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED**  
43.14 **REPORT.**

43.15 Subdivision 1. **Authority; purpose.** The commissioner shall prepare and adopt a  
43.16 report on solid waste management policy and activities under this chapter. The report must  
43.17 be submitted by the commissioner to the senate and house of representatives committees  
43.18 having jurisdiction over environment and natural resources ~~and environment and natural~~  
43.19 ~~resources finance~~ by December 1 ~~of each odd-numbered year~~ 31, 2015, and every four  
43.20 years thereafter and shall include reports required under sections ~~115A.55, subdivision 4,~~  
43.21 ~~paragraph (b),~~ 115A.551, subdivision 4; 115A.557, subdivision 4; 473.149, subdivision  
43.22 6; 473.846; and 473.848, subdivision 4.

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

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

43.28 (2) an evaluation of the extent and effectiveness of implementation ~~and of section~~  
43.29 115A.02, including an assessment of progress in accomplishing state policies, goals, and  
43.30 objectives, including those listed in paragraph (b);

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

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

44.3 ~~(b) (5) a report on progress made toward implementation of the objectives of~~  
44.4 ~~Beginning in 1997, and every sixth year thereafter, the report shall be expanded to include~~  
44.5 the metropolitan area solid waste policy plan as required in section 473.149, subdivision  
44.6 ~~1, and strategies for the agency to advance the goals of this chapter, to manage waste as a~~  
44.7 ~~resource, to further reduce the need for expenditures on resource recovery and disposal~~  
44.8 ~~facilities, and to further reduce long-term environmental and financial liabilities~~ 6.

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

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

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

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

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

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

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

44.28 Sec. 67. Minnesota Statutes 2010, section 115A.551, subdivision 2a, is amended to  
44.29 read:

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

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

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

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

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

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

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

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

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

45.23 Sec. 68. Minnesota Statutes 2010, section 115A.551, subdivision 4, is amended to read:

45.24 Subd. 4. **Interim monitoring.** The commissioner shall monitor the progress of each  
45.25 county toward meeting the recycling goals in subdivisions 2 and 2a. The commissioner  
45.26 shall report to the senate and house of representatives committees having jurisdiction over  
45.27 environment and natural resources ~~and environment and natural resources finance on the~~  
45.28 ~~progress of the counties by July 1 of each odd-numbered year as part of the report required~~  
45.29 ~~under section 115A.411.~~ If the commissioner finds that a county is not progressing toward  
45.30 the goals in subdivisions 2 and 2a, the commissioner shall negotiate with the county to  
45.31 develop and implement solid waste management techniques designed to assist the county  
45.32 in meeting the goals, such as organized collection, curbside collection of source-separated  
45.33 materials, and volume-based pricing.

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

46.1 Sec. 69. Minnesota Statutes 2010, section 115A.557, subdivision 4, is amended to read:

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

46.8 Sec. 70. Minnesota Statutes 2010, section 115A.904, is amended to read:

46.9 **115A.904 LAND DISPOSAL PROHIBITED.**

46.10 The disposal of waste tires in the land is prohibited after July 1, 1985, except for  
46.11 beneficial uses of tire-derived products designated by the commissioner. This does not  
46.12 prohibit the storage of unprocessed waste tires at a collection or processing facility.

46.13 Sec. 71. Minnesota Statutes 2010, section 115D.08, is amended to read:

46.14 **115D.08 PROGRESS REPORTS.**

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

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

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

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

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

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

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

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

47.7 (b) The commissioner of public safety shall be given access to a facility plan  
47.8 required under section 115D.07 if the commissioner of public safety determines that  
47.9 the progress report for that facility does not meet the requirements of subdivision 1.  
47.10 Twenty-five or more persons living within ten miles of the facility may submit a petition  
47.11 to the commissioner of public safety that identifies specific deficiencies in the progress  
47.12 report and requests the commissioner of public safety to review the facility plan. Within  
47.13 30 days after receipt of the petition, the commissioner of public safety shall respond in  
47.14 writing. If the commissioner of public safety agrees that the progress report does not meet  
47.15 requirements of subdivision 1, the commissioner of public safety shall be given access  
47.16 to the facility plan.

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

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

47.26 (e) If the commissioner of public safety determines that a modified progress report  
47.27 still does not meet the requirements of subdivision 1, action may be taken under section  
47.28 115.071 to obtain compliance with sections 115D.01 to 115D.12.

47.29 Sec. 72. Minnesota Statutes 2010, section 116.011, is amended to read:

47.30 **116.011 ~~ANNUAL~~ POLLUTION REPORT.**

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

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

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

48.5 Sec. 73. Minnesota Statutes 2010, section 116.0714, is amended to read:

48.6 **116.0714 NEW OPEN AIR SWINE BASINS.**

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

48.13 Sec. 74. Minnesota Statutes 2010, section 116.10, is amended to read:

48.14 **116.10 POLICY; LONG-RANGE PLAN; PURPOSE.**

48.15 Consistent with the policy announced herein and the purposes of Laws 1963, chapter  
48.16 874, the Pollution Control Agency shall, ~~before November 15 of each even-numbered~~  
48.17 ~~year,~~ prepare a long-range plan and program for the effectuation of said policy, ~~and shall~~  
48.18 ~~make a report also of progress on abatement and control of air and land pollution during~~  
48.19 ~~each biennium to the legislature with recommendations for action in furtherance of the air~~  
48.20 ~~and land pollution and waste programs.~~

48.21 Sec. 75. Minnesota Statutes 2010, section 116C.833, subdivision 2, is amended to read:

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

48.30 Sec. 76. Minnesota Statutes 2011 Supplement, section 116D.04, subdivision 2a, as  
48.31 amended by Laws 2012, chapter 150, article 2, section 2, is amended to read:



49.1 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
49.2 effects resulting from any major governmental action, the action shall be preceded by a  
49.3 detailed environmental impact statement prepared by the responsible governmental unit.  
49.4 The environmental impact statement shall be an analytical rather than an encyclopedic  
49.5 document which describes the proposed action in detail, analyzes its significant  
49.6 environmental impacts, discusses appropriate alternatives to the proposed action and  
49.7 their impacts, and explores methods by which adverse environmental impacts of an  
49.8 action could be mitigated. The environmental impact statement shall also analyze those  
49.9 economic, employment and sociological effects that cannot be avoided should the action  
49.10 be implemented. To ensure its use in the decision-making process, the environmental  
49.11 impact statement shall be prepared as early as practical in the formulation of an action.

49.12 (a) The board shall by rule establish categories of actions for which environmental  
49.13 impact statements and for which environmental assessment worksheets shall be prepared  
49.14 as well as categories of actions for which no environmental review is required under this  
49.15 section. A mandatory environmental assessment worksheet shall not be required for the  
49.16 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
49.17 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a  
49.18 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity  
49.19 of the expanded or converted facility to produce alcohol fuel, but must be required if  
49.20 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories  
49.21 of actions for which environmental assessment worksheets must be prepared. The  
49.22 responsible governmental unit for an ethanol plant or biobutanol facility project for which  
49.23 an environmental assessment worksheet is prepared shall be the state agency with the  
49.24 greatest responsibility for supervising or approving the project as a whole.

49.25 A mandatory environmental impact statement shall not be required for a facility  
49.26 or plant located outside the seven-county metropolitan area that produces less than  
49.27 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, if the facility  
49.28 or plant is: an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
49.29 (b); a biobutanol facility, as defined in section 41A.105, subdivision 1a, clause (1); or a  
49.30 cellulosic biofuel facility, as defined in section 41A.10, subdivision 1, paragraph (d).

49.31 (b) The responsible governmental unit shall promptly publish notice of the  
49.32 completion of an environmental assessment worksheet ~~in a~~ by publishing the notice in  
49.33 at least one newspaper of general circulation in the geographic area where the project is  
49.34 proposed, by posting the notice on a Web site that has been designated as the official  
49.35 publication site for publication of proceedings, public notices, and summaries of a political  
49.36 subdivision in which the project is proposed or in any other manner to be determined by

50.1 the board and shall provide copies of the environmental assessment worksheet to the board  
50.2 and its member agencies. Comments on the need for an environmental impact statement  
50.3 may be submitted to the responsible governmental unit during a 30-day period following  
50.4 publication of the notice that an environmental assessment worksheet has been completed.  
50.5 The responsible governmental unit's decision on the need for an environmental impact  
50.6 statement shall be based on the environmental assessment worksheet and the comments  
50.7 received during the comment period, and shall be made within 15 days after the close of  
50.8 the comment period. The board's chair may extend the 15-day period by not more than 15  
50.9 additional days upon the request of the responsible governmental unit.

50.10 (c) An environmental assessment worksheet shall also be prepared for a proposed  
50.11 action whenever material evidence accompanying a petition by not less than 100  
50.12 individuals who reside or own property in the state, submitted before the proposed  
50.13 project has received final approval by the appropriate governmental units, demonstrates  
50.14 that, because of the nature or location of a proposed action, there may be potential for  
50.15 significant environmental effects. Petitions requesting the preparation of an environmental  
50.16 assessment worksheet shall be submitted to the board. The chair of the board shall  
50.17 determine the appropriate responsible governmental unit and forward the petition to it.  
50.18 A decision on the need for an environmental assessment worksheet shall be made by  
50.19 the responsible governmental unit within 15 days after the petition is received by the  
50.20 responsible governmental unit. The board's chair may extend the 15-day period by not  
50.21 more than 15 additional days upon request of the responsible governmental unit.

50.22 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
50.23 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
50.24 review under this chapter and rules of the board, if:

50.25 (1) the proposed action is:

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

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

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

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

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

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

51.16 (g) The responsible governmental unit shall, to the extent practicable, avoid  
51.17 duplication and ensure coordination between state and federal environmental review  
51.18 and between environmental review and environmental permitting. Whenever practical,  
51.19 information needed by a governmental unit for making final decisions on permits  
51.20 or other actions required for a proposed project shall be developed in conjunction  
51.21 with the preparation of an environmental impact statement. When an environmental  
51.22 impact statement is prepared for a project requiring multiple permits for which two or  
51.23 more agencies' decision processes include either mandatory or discretionary hearings  
51.24 before a hearing officer prior to the agencies' decision on the permit, the agencies  
51.25 may, notwithstanding any law or rule to the contrary, conduct the hearings in a single  
51.26 consolidated hearing process if requested by the proposer. All agencies having jurisdiction  
51.27 over a permit that is included in the consolidated hearing shall participate. The responsible  
51.28 governmental unit shall establish appropriate procedures for the consolidated hearing  
51.29 process, including procedures to ensure that the consolidated hearing process is consistent  
51.30 with the applicable requirements for each permit regarding the rights and duties of parties  
51.31 to the hearing, and shall utilize the earliest applicable hearing procedure to initiate the  
51.32 hearing. The procedures of section 116C.28, subdivision 2, apply to the consolidated  
51.33 hearing.

51.34 (h) An environmental impact statement shall be prepared and its adequacy  
51.35 determined within 280 days after notice of its preparation unless the time is extended by  
51.36 consent of the parties or by the governor for good cause. The responsible governmental

52.1 unit shall determine the adequacy of an environmental impact statement, unless within 60  
52.2 days after notice is published that an environmental impact statement will be prepared,  
52.3 the board chooses to determine the adequacy of an environmental impact statement. If an  
52.4 environmental impact statement is found to be inadequate, the responsible governmental  
52.5 unit shall have 60 days to prepare an adequate environmental impact statement.

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

52.17 Sec. 77. Minnesota Statutes 2010, section 116D.04, is amended by adding a  
52.18 subdivision to read:

52.19 **Subd. 15. Duplicative permit information; environmental assessment**  
52.20 **worksheets.** To the extent practicable and so as not to conflict with other requirements of  
52.21 this section, the board shall not require, unless necessary, information in an environmental  
52.22 assessment worksheet for a proposed action when the information is also required as part  
52.23 of any necessary permitting process for the proposed action.

52.24 Sec. 78. Minnesota Statutes 2010, section 116J.035, subdivision 8, as added by Laws  
52.25 2012, chapter 150, article 1, section 8, is amended to read:

52.26 **Subd. 8. Minnesota Business First Stop.** (a) The commissioner of employment and  
52.27 economic development shall, through the multiagency collaboration called "Minnesota  
52.28 Business First Stop," ensure the coordination, implementation, and administration of  
52.29 state permits, including:

52.30 (1) establishing a mechanism in state government that will coordinate administrative  
52.31 decision-making procedures and related quasijudicial and judicial review pertaining to  
52.32 permits related to the state's air, land, and water resources;

53.1 (2) providing coordination and understanding between federal, state, and local  
53.2 governmental units in the administration of the various programs relating to air, water,  
53.3 and land resources;

53.4 (3) identifying all existing state permits and other approvals, compliance schedules,  
53.5 or other programs that pertain to the use of natural resources and protection of the  
53.6 environment; and

53.7 (4) recommending legislative or administrative modifications to existing permit  
53.8 programs to increase their efficiency and utility.

53.9 (b) A person proposing a project may apply to Minnesota Business First Stop for  
53.10 assistance in obtaining necessary state permits and other approvals. Upon request, the  
53.11 commissioner shall to the extent practicable:

53.12 (1) provide a list of all federal, state, and local permits and other required approvals  
53.13 for the project;

53.14 (2) provide a plan that will coordinate federal, state, and local administrative  
53.15 decision-making practices, including monitoring, analysis and reporting, public comments  
53.16 and hearings, and issuances of permits and approvals;

53.17 (3) provide a timeline for the issuance of all federal, state, and local permits and  
53.18 other approvals required for the project;

53.19 (4) coordinate the execution of any memorandum of understanding between the  
53.20 person proposing a project and any federal, state, or local agency;

53.21 (5) coordinate all federal, state, or local public comment periods and hearings; and

53.22 (6) provide other assistance requested to facilitate final approval and issuance of all  
53.23 federal, state, and local permits and other approvals required for the project.

53.24 (c) Notwithstanding section 16A.1283, as necessary, the commissioner may negotiate  
53.25 a schedule to assess the project proposer for reasonable costs that any state agency incurs  
53.26 in coordinating the implementation and administration of state permits, and the proposer  
53.27 shall pay the assessed costs to the commissioner. Money received by the ~~environmental~~  
53.28 ~~permits coordinator~~ commissioner must be credited to an account in the special revenue  
53.29 fund and is appropriated to the commissioner to cover the assessed costs incurred.

53.30 (d) The coordination of implementation and administration of state permits is not  
53.31 governmental action under section 116D.04.

53.32 Sec. 79. Minnesota Statutes 2010, section 216C.055, is amended to read:

53.33 **216C.055 KEY ROLE OF SOLAR AND BIOMASS RESOURCES IN**  
53.34 **PRODUCING THERMAL ENERGY.**

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

54.12 Sec. 80. Minnesota Statutes 2010, section 216H.07, subdivision 3, is amended to read:

54.13 Subd. 3. **Biennial ~~reduction progress~~ report.** (a) By January 15 of each  
54.14 odd-numbered year, the commissioners of commerce and the Pollution Control Agency  
54.15 shall jointly report to the chairs and ranking minority members of the legislative  
54.16 committees with primary policy jurisdiction over energy and environmental issues the  
54.17 most recent and best available evidence identifying the level of reductions already  
54.18 achieved and the level necessary to achieve the reductions timetable in section 216H.02.

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

54.20 Sec. 81. Minnesota Statutes 2010, section 473.149, subdivision 1, is amended to read:

54.21 Subdivision 1. **Policy plan; general requirements.** The commissioner of the  
54.22 Pollution Control Agency ~~may~~ shall revise the metropolitan long range policy plan for  
54.23 solid waste management adopted ~~and revised by the Metropolitan Council prior to the~~  
54.24 ~~transfer of powers and duties in Laws 1994, chapter 639, article 5, section 2 in 2011 by~~  
54.25 December 31, 2016, and every sixth year thereafter. The plan shall be followed in the  
54.26 metropolitan area. ~~Until the commissioner revises it, the plan adopted and revised by~~  
54.27 ~~the council on September 26, 1991, remains in effect.~~ The plan shall address the state  
54.28 policies and purposes expressed in section 115A.02. In revising the plan the commissioner  
54.29 shall follow the procedures in subdivision 3. The plan shall include goals and policies  
54.30 for solid waste management, including recycling consistent with section 115A.551, and  
54.31 household hazardous waste management consistent with section 115A.96, subdivision 6,  
54.32 in the metropolitan area.

54.33 The plan shall include criteria and standards for solid waste facilities and solid  
54.34 waste facility sites respecting the following matters: general location; capacity; operation;

55.1 processing techniques; environmental impact; effect on existing, planned, or proposed  
 55.2 collection services and waste facilities; and economic viability. The plan shall, to the  
 55.3 extent practicable and consistent with the achievement of other public policies and  
 55.4 purposes, encourage ownership and operation of solid waste facilities by private industry.  
 55.5 For solid waste facilities owned or operated by public agencies or supported primarily by  
 55.6 public funds or obligations issued by a public agency, the plan shall include additional  
 55.7 criteria and standards to protect comparable private and public facilities already existing  
 55.8 in the area from displacement unless the displacement is required in order to achieve the  
 55.9 waste management objectives identified in the plan. In revising the plan, the commissioner  
 55.10 shall consider the orderly and economic development, public and private, of the  
 55.11 metropolitan area; the preservation and best and most economical use of land and water  
 55.12 resources in the metropolitan area; the protection and enhancement of environmental  
 55.13 quality; the conservation and reuse of resources and energy; the preservation and  
 55.14 promotion of conditions conducive to efficient, competitive, and adaptable systems  
 55.15 of waste management; and the orderly resolution of questions concerning changes in  
 55.16 systems of waste management. Criteria and standards for solid waste facilities shall be  
 55.17 consistent with rules adopted by the Pollution Control Agency pursuant to chapter 116 and  
 55.18 shall be at least as stringent as the guidelines, regulations, and standards of the federal  
 55.19 Environmental Protection Agency.

55.20 Sec. 82. Minnesota Statutes 2010, section 473.149, subdivision 6, is amended to read:

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

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

56.6 Sec. 83. Minnesota Statutes 2010, section 473.846, is amended to read:

56.7 **473.846 ~~REPORT~~ REPORTS TO LEGISLATURE.**

56.8 The agency shall submit to the senate ~~Finance Committee, the~~ and house of  
 56.9 representatives ~~Ways and Means Committee, and the Environment and Natural Resources~~  
 56.10 ~~Committees of the senate and house of representatives, the Finance Division of the senate~~  
 56.11 ~~Committee on Environment and Natural Resources, and the house of representatives~~  
 56.12 ~~Committee on~~ committees having jurisdiction over environment and natural resources  
 56.13 ~~finance~~ separate reports describing the activities for which money for landfill abatement  
 56.14 has been spent under sections 473.844 and 473.845. ~~The agency shall report by November~~  
 56.15 ~~1 of each year on expenditures during its previous fiscal year. The commissioner shall~~  
 56.16 ~~report on expenditures during the previous calendar year and must incorporate its report~~  
 56.17 The report for section 473.844 expenditures shall be included in the report required by  
 56.18 ~~section 115A.411, due July 1 of each odd-numbered year. the commissioner shall make~~  
 56.19 and shall include recommendations ~~to the Environment and Natural Resources Committees~~  
 56.20 ~~of the senate and house of representatives, the Finance Division of the senate Committee~~  
 56.21 ~~on Environment and Natural Resources, and the house of representatives Committee on~~  
 56.22 ~~Environment and Natural Resources Finance~~ on the future management and use of the  
 56.23 metropolitan landfill abatement account. By December 31 of each year, the commissioner  
 56.24 shall submit the report for section 473.845 on contingency action trust fund activities.

56.25 Sec. 84. Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by  
 56.26 Laws 2009, chapter 37, article 1, section 60, is amended to read:

56.27 **Subd. 2. Land and Mineral Resources**

56.28 **Management** 11,747,000 11,272,000

56.29 Appropriations by Fund

56.30 General	6,633,000	6,230,000
56.31 Natural Resources	3,551,000	3,447,000
56.32 Game and Fish	1,363,000	1,395,000
56.33 Permanent School	200,000	200,000



57.1 \$475,000 the first year and \$475,000 the  
57.2 second year are for iron ore cooperative  
57.3 research. Of this amount, \$200,000 each year  
57.4 is from the minerals management account in  
57.5 the natural resources fund and \$275,000 each  
57.6 year is from the general fund. \$237,500 the  
57.7 first year and \$237,500 the second year are  
57.8 available only as matched by \$1 of nonstate  
57.9 money for each \$1 of state money. The  
57.10 match may be cash or in-kind.

57.11 \$86,000 the first year and \$86,000 the  
57.12 second year are for minerals cooperative  
57.13 environmental research, of which \$43,000  
57.14 the first year and \$43,000 the second year are  
57.15 available only as matched by \$1 of nonstate  
57.16 money for each \$1 of state money. The  
57.17 match may be cash or in-kind.

57.18 \$2,800,000 the first year and \$2,696,000  
57.19 the second year are from the minerals  
57.20 management account in the natural resources  
57.21 fund for use as provided in Minnesota  
57.22 Statutes, section 93.2236, paragraph (c).

57.23 \$200,000 the first year and \$200,000 the  
57.24 second year are from the state forest suspense  
57.25 account in the permanent school fund to  
57.26 accelerate land exchanges, land sales, and  
57.27 commercial leasing of school trust lands and  
57.28 to identify, evaluate, and lease construction  
57.29 aggregate located on school trust lands. This  
57.30 appropriation is to be used for securing  
57.31 maximum long-term economic return  
57.32 from the school trust lands consistent with  
57.33 fiduciary responsibilities and sound natural  
57.34 resources conservation and management  
57.35 principles.

58.1 \$15,000 the first year is for a report  
 58.2 by February 1, 2008, to the house and  
 58.3 senate committees with jurisdiction over  
 58.4 environment and natural resources on  
 58.5 proposed minimum legal and conservation  
 58.6 standards that could be applied to  
 58.7 conservation easements acquired with public  
 58.8 money.

58.9 \$1,201,000 the first year and \$701,000 the  
 58.10 second year are to support the land records  
 58.11 management system. Of this amount,  
 58.12 \$326,000 the first year and \$326,000 the  
 58.13 second year are from the game and fish fund  
 58.14 and \$375,000 the first year and \$375,000 the  
 58.15 second year are from the natural resources  
 58.16 fund. The unexpended balances are available  
 58.17 until June 30, 2011. ~~The commissioner~~  
 58.18 ~~must report to the legislative chairs on~~  
 58.19 ~~environmental finance on the outcomes of~~  
 58.20 ~~the land records management support.~~

58.21 \$500,000 the first year and \$500,000 the  
 58.22 second year are for land asset management.  
 58.23 This is a onetime appropriation.

58.24 Sec. 85. Laws 2010, chapter 362, section 2, subdivision 7, is amended to read:

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

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

58.27 \$900,000 is from the trust fund to the Board  
 58.28 of Regents of the University of Minnesota  
 58.29 to demonstrate an innovative microalgae  
 58.30 production system utilizing and treating  
 58.31 sanitary wastewater to produce biofuels  
 58.32 from algae. This appropriation is available  
 58.33 until June 30, 2013, by which time the

59.1 project must be completed and final products  
59.2 delivered.

59.3 **(b) Sustainable Biofuels**

59.4 \$221,000 is from the trust fund to the Board  
59.5 of Regents of the University of Minnesota  
59.6 to determine how fertilization and irrigation  
59.7 impact yields of grass monoculture and high  
59.8 diversity prairie biofuel crops, their storage  
59.9 of soil carbon, and susceptibility to invasion  
59.10 by exotic species. This appropriation is  
59.11 available until June 30, 2013, by which time  
59.12 the project must be completed and final  
59.13 products delivered.

59.14 **(c) Linking Habitat Restoration to Bioenergy**  
59.15 **and Local Economies**

59.16 \$600,000 is from the trust fund to the  
59.17 commissioner of natural resources to restore  
59.18 high quality native habitats and expand  
59.19 market opportunities for ~~utilizing postharvest~~  
59.20 ~~restoration as a~~ using the woody by-product  
59.21 material for bioenergy source, or other  
59.22 products. The commissioner may provide  
59.23 grants or otherwise transfer some or all  
59.24 of this money to other public or private  
59.25 entities to accomplish these purposes. The  
59.26 commissioner may sell the material from  
59.27 public or private property to any viable  
59.28 market, provided that all of the proceeds  
59.29 are spent to further the purposes of this  
59.30 appropriation. This appropriation is available  
59.31 until June 30, 2013, by which time the  
59.32 project must be completed and final products  
59.33 delivered.

59.34 **(d) Demonstrating Sustainable Energy**  
59.35 **Practices at Residential Environmental**  
59.36 **Learning Centers (RELCs)**

60.1 \$1,500,000 is from the trust fund to  
60.2 the commissioner of natural resources  
60.3 for agreements as follows: \$206,000  
60.4 with Audubon Center of the North  
60.5 Woods; \$212,000 with Deep Portage  
60.6 Learning Center; \$350,000 with Eagle  
60.7 Bluff Environmental Learning Center;  
60.8 \$258,000 with Laurentian Environmental  
60.9 Learning Center; \$240,000 with Long  
60.10 Lake Conservation Center; and \$234,000  
60.11 with Wolf Ridge Environmental Learning  
60.12 Center to implement renewable energy,  
60.13 energy efficiency, and energy conservation  
60.14 practices at the facilities. Efforts will include  
60.15 dissemination of related energy education.

60.16 Sec. 86. Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3,  
60.17 is amended to read:

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

60.24 Sec. 87. **LEGISLATIVE REPORT ON STATE PARKS, RECREATION AREAS,**  
60.25 **TRAILS, AND STATE FOREST DAY USE AREAS.**

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

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

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

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

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

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

61.7 Sec. 88. **ENVIRONMENT AND NATURAL RESOURCES TRUST FUND;**  
61.8 **APPROPRIATION EXTENSION.**

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

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

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

61.14 (b) The availability of the appropriation is extended to June 30, 2014, for Laws  
61.15 2009, chapter 143, section 2, subdivision 4, paragraph (c), metropolitan regional park  
61.16 system acquisition.

61.17 (c) The availability of the appropriation is extended to June 30, 2015, for Laws  
61.18 2011, First Special Session chapter 2, article 3, section 2, subdivision 9, paragraph (a),  
61.19 Minnesota Conservation Apprenticeship Academy.

61.20 Sec. 89. **BENEFICIAL USE OF WASTEWATER; GRANTS IN FISCAL YEARS**  
61.21 **2010 AND 2011.**

61.22 Notwithstanding Minnesota Statutes, section 116.195, grants issued during fiscal  
61.23 years 2010 and 2011 may be amended to replace surface water with wastewater effluent  
61.24 that increases the reuse of wastewater effluent and reduces the use of surface water.

61.25 Sec. 90. **RULEMAKING; NOTICE OF ENVIRONMENTAL ASSESSMENT**  
61.26 **WORKSHEET.**

61.27 The Environmental Quality Board may use the good cause exemption under  
61.28 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend Minnesota Rules  
61.29 to conform with the amendments to Minnesota Statutes, section 116D.04, subdivision  
61.30 2a, contained in this act. Minnesota Statutes, section 14.386, does not apply except as  
61.31 provided under Minnesota Statutes, section 14.388.

61.32 Sec. 91. **2009 LOTTERY-IN-LIEU APPROPRIATION EXTENSION.**

62.1 The appropriation in Laws 2009, chapter 37, article 1, section 4, subdivision 5, from  
62.2 the natural resources fund from the revenue deposited under Minnesota Statutes, section  
62.3 297A.94, paragraph (e), clause (4), for local grants is available until June 30, 2013.

62.4 Sec. 92. **FOREST RESOURCES COUNCIL STUDY.**

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

62.13 Sec. 93. **METROPOLITAN WASTE DISPOSAL RESTRICTIONS REPORT.**

62.14 By August 1, 2012, the commissioner of the Pollution Control Agency shall prepare  
62.15 a report on how compliance with Minnesota Statutes, section 473.848, may be achieved.  
62.16 The commissioner must allow interested parties at least 30 days to review and comment  
62.17 on the report. Written comments received from interested parties and the commissioner's  
62.18 responses to the comments must be included in the report. By October 1, 2012, the report,  
62.19 comments, and responses shall be submitted to the chairs and ranking minority members  
62.20 of the senate and house of representatives committees with jurisdiction over environmental  
62.21 policy and finance. The agency may not require compliance with Minnesota Statutes,  
62.22 section 473.848, before February 15, 2013.

62.23 Sec. 94. **PROTECT AQUATIC HABITAT FROM ASIAN CARP.**

62.24 Prior to entering into a contract pursuant to the appropriation in S.F. No. 2493,  
62.25 article 1, section 2, subdivision 5, paragraph (h), if enacted, the commissioner shall consult  
62.26 with the chairs and ranking minority members of the legislative committees and divisions  
62.27 with jurisdiction over natural resources and energy.

62.28 Sec. 95. **MINNESOTA POLLUTION CONTROL AGENCY CITIZEN'S BOARD**  
62.29 **REVIEW.**

62.30 The evaluation of environmental governance under Executive Order 11-32 must  
62.31 include a review of the Minnesota Pollution Control Agency Citizen's Board's role in  
62.32 reviewing permits, environmental assessment worksheets, and environmental impact

63.1 statements. The evaluation should include, but is not limited to, an examination of the  
63.2 benefits and drawbacks of the board versus the agency's commissioner making final  
63.3 decisions on all or various subsets of permits and environmental reviews, along with how  
63.4 these matters are referred to the board versus the commissioner. Any recommendations  
63.5 must be reported to the chairs and ranking minority members of the senate and house of  
63.6 representatives committees having jurisdiction over the environment and natural resources.

63.7 Sec. 96. **RULEMAKING.**

63.8 The commissioner of the Pollution Control Agency must amend Minnesota Rules  
63.9 to conform to section 62. The commissioner may use the good cause exemption under  
63.10 Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota Statutes,  
63.11 section 14.386, does not apply, except as provided in Minnesota Statutes, section 14.388.

63.12 Sec. 97. **CONTINGENT AMENDMENT AND REPEAL; 2012 LAW.**

63.13 If H.F. 2171 or its equivalent is not enacted in 2012 and S.F. 2493 or its equivalent is  
63.14 enacted in 2012, then S.F. 2493, article 4, section 2, or its equivalent is repealed and the  
63.15 appropriation in article 4, section 3, of that act is reduced by \$1,000,000.

63.16 Sec. 98. **REPEALER.**

63.17 (a) Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision  
63.18 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705; 115.447; 115A.07, subdivision 2;  
63.19 115A.965, subdivision 7; and 216H.07, subdivision 4, Laws 2011, chapter 107, section  
63.20 105, and Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3;  
63.21 7021.0050, subparts 1, 2, and 3; and 7041.0500, subparts 5, 6, and 7, are repealed.

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

**84.946 NATURAL RESOURCES ASSET PRESERVATION AND REPLACEMENT (NRAPR).**

Subd. 3. **Reporting priorities.** The commissioner of natural resources must establish priorities within its natural resource asset preservation and replacement projects. By January 15 of each year, the commissioner must submit to the commissioner of management and budget and to the chairs of the house of representatives and senate committees with jurisdiction over environment and natural resources finance and capital investment a list of the projects that have been paid for with money from a natural resource asset preservation and replacement appropriation during the preceding calendar year as well as a list of those priority projects for which natural resource asset preservation and replacement appropriations will be sought in that year's legislative session.

**86A.12 NATURAL RESOURCES CAPITAL IMPROVEMENT PROGRAM.**

Subd. 5. **Report.** By January 15 of each year, the commissioner of natural resources shall submit to the commissioner of management and budget, the chairs of the legislative committees or divisions that currently oversee the appropriations to the Department of Natural Resources, and to the chairs of the senate and the house of representatives Capital Investment Committees, a list of the projects that have been funded with money under this program during the preceding calendar year, as well as a list of those priority projects for which state bond proceeds fund appropriations will be sought under this program during that year's legislative session.

**86B.508 AQUATIC INVASIVE SPECIES RULES DECAL.**

(a) A watercraft owner or operator must obtain and display an aquatic invasive species rules decal issued by the commissioner on the owner or operator's watercraft prior to launching on, entering into, or operating on any waters of the state.

(b) The aquatic invasive species rules decal must be attached to the watercraft.

**86B.811 CRIMINAL PENALTIES.**

Subd. 1a. **Petty misdemeanor.** A watercraft owner who fails to obtain or display an aquatic invasive species rules decal or a person who operates a watercraft that does not display an aquatic invasive species rules decal in violation of section 86B.508 is guilty of a petty misdemeanor.

**89.06 NURSERY AND TREE IMPROVEMENT PLAN.**

By February 1, 1983, the commissioner, with the assistance of the agricultural experiment station of the University of Minnesota, shall submit a plan to the legislature on the benefits and costs of making the nursery and tree improvement program in this chapter self-supporting. The plan shall include, but not be limited to, at least the following elements:

- (a) tree species and stand improvement;
- (b) adoption of a seed certification system;
- (c) development of specialized seed tree orchards;
- (d) implementation of modern nursery techniques;
- (e) contractual arrangements with users of tree seedlings; and
- (f) an economic analysis of surcharges and user fees that would make the nursery and tree improvement program self-supporting.

**90.042 PUBLIC INVOLVEMENT PROCESS.**

Subdivision 1. **Report to legislature.** By July 1 each year, the commissioner must provide a complete description of the public involvement process for timber harvest plans to the chairs of the legislative committees with jurisdiction over natural resources policy and finance. The process must provide public notice and public input in affected areas of proposed annual harvest plans.

Subd. 2. **Public meetings.** By May 1 each year, the commissioner shall hold one or more public meetings in the forested area of the state to inform the public of the manner in which the proposed annual harvest plan for the next fiscal year is proposed to be allocated between informal,



APPENDIX

Repealed Minnesota Statutes: H2164-4

intermediate, and regular auction sales. The public shall be afforded an opportunity to provide written and oral comments concerning the proposed allocation.

**97A.4742 LIFETIME FISH AND WILDLIFE TRUST FUND.**

Subd. 4. **Annual report.** By December 15 each year, the commissioner shall submit a report to the legislative committees having jurisdiction over environment and natural resources appropriations and environment and natural resources policy. The report shall state the amount of revenue received in and expenditures made from revenue transferred from the lifetime fish and wildlife trust fund to the game and fish fund. The report may be included in the game and fish fund report required by section 97A.055, subdivision 4. The commissioner shall make the annual report available to the public.

**103G.705 STREAM PROTECTION AND IMPROVEMENT LOAN PROGRAM.**

Subdivision 1. **Loan program.** (a) A political subdivision may apply to the commissioner on forms provided by the commissioner for a loan for up to 90 percent of the total local cost of a project to protect or improve a stream. The commissioner shall apportion loans according to the potential for prevention of immediate harm to the stream, the relative need for maintenance or improvements, the date of the application for the loan, and the availability of funds.

(b) By January 15 of each year, the commissioner must provide the legislature with a list of all applications received by the commissioner, the loan amounts requested, and a listing and explanation of the disposition of the applications.

(c) The commissioner must make the loan to the political subdivision in the amount determined by the commissioner and under the terms specified in this section. Loans made under this section do not require the approval of the electors of the political subdivision as provided in section 475.58 and do not constitute net debt for purposes of section 475.53 or any debt limitation provision of any special law or city charter.

(d) A loan made under this section must be repaid without interest over a period not to exceed ten years. The commissioner may charge an annual administrative fee to the political subdivision.

(e) A political subdivision receiving a loan made under this section must levy for the loan repayment beginning in the year the loan proceeds are received and succeeding years until the loan and the associated administrative costs are repaid. The levy must be for:

- (1) the amount of the annual loan repayment and the associated administrative costs; or
- (2) the amount of the annual loan repayment and administrative costs less the amount the political subdivision certifies it has received from other sources for the loan repayment.

**115.447 TRACKING REPORT FOR NEW WASTEWATER FACILITIES.**

Subdivision 1. **Annual report required.** The Pollution Control Agency shall annually prepare a report tracking the location and capacity of each new wastewater treatment system requiring a national pollutant discharge elimination system or state disposal system permit built after May 1, 2000. The report shall also include the name of the owner, primary engineering firm that designed the facilities, the primary contractor that constructed the facilities, and any management company, other than the owner, that manages the facilities.

The annual report must also provide the total number of new systems built after that date. The commissioner shall submit the report to the legislative committees with jurisdiction over environmental policy and finance, and publish the report on the agency's Web site, by February 1 of each year.

Subd. 2. **New facilities not meeting permit requirements.** (a) The report required under subdivision 1 shall include the information required in paragraphs (b) and (c) for the first five years of operation of a new facility.

(b) For national pollutant discharge elimination system permitted facilities, provide a list of reported effluent violations that occurred during each calendar year. This list should include the effluent parameter violated; the violation date; and, if available, any known information regarding the causes of the reported limit violations.

(c) For state disposal system permitted facilities, provide a summary of conditions at the facilities which pose an imminent threat to public health and safety as defined in rules of the Pollution Control Agency, or a list of reported limit violations that occurred during each calendar

APPENDIX

Repealed Minnesota Statutes: H2164-4

year. This list should include the parameter violated; violation date; and, if available, any known information regarding the causes of the reported public health risk or limit violations.

**115A.07 DUTIES; GENERAL.**

Subd. 2. **Biennial report.** Before November 15 of each even-numbered year the commissioner shall prepare and submit to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance a report of the agency's operations and activities pursuant to sections 115A.01 to 115A.72 and any recommendations for legislative action. The report shall include a proposed work plan for the following biennium.

**115A.965 PROHIBITIONS ON SELECTED TOXICS IN PACKAGING.**

Subd. 7. **Report.** By September 1 of each odd-numbered year, the commissioner shall prepare and submit to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance a report to include:

- (1) enforcement actions taken by the commissioner under this section for the reporting period; and
- (2) for each exemption granted, the identity of the party requesting the exemption, a brief description of the packaging, and the basis for granting the exemption.

**216H.07 EMISSIONS-REDUCTION ATTAINMENT; POLICY DEVELOPMENT PROCESS.**

Subd. 4. **Annual legislative proposal.** The commissioners of commerce and the Pollution Control Agency shall annually by January 15 provide to the chairs of the legislative committees with primary policy jurisdiction over energy and environmental issues proposed legislation the commissioners determine appropriate to achieve the reductions. The legislation must be based on the principles in subdivision 5. If the commissioners determine no legislation is appropriate, they shall report that determination to the chairs along with an explanation of the determination.

APPENDIX  
Repealed Minnesota Session Laws: H2164-4

*Laws 2011, chapter 107, section 105*

**Sec. 105. TEMPORARY WARNING REQUIREMENTS; AQUATIC INVASIVE SPECIES RULES DECAL.**

A violation of Minnesota Statutes, section 86B.508, prior to August 1, 2014, shall not result in a penalty, but is punishable only by a warning.

**7002.0025 ANNUAL EMISSION FEE RATES.**

Subp. 2a. **Newly permitted facilities.**

A. Newly permitted emission reporting facilities that have not submitted one or more emission inventories under part 7019.3000, subpart 1, shall be assessed a fee of \$X times the estimated actual emissions as stated in the facility's permit application. The fee assessed under this item shall not exceed \$10,000. The most recently determined \$X shall be used in determining the fee.

B. Newly permitted facilities issued an option B registration permit under part 7007.1120 shall be assessed a fee under subpart 1, item C, subitem (2), based on the estimated normal annual quantity of VOC-containing materials to be purchased or used (whichever was stated in the facility's permit application).

C. A bill for the newly permitted facility fee under item A or B shall be sent upon issuance of the permit. Newly permitted facilities that are issued permits in 1995 shall be assessed a fee according to the method described in this subpart.

**7011.7030 GENERIC MACT.**

Code of Federal Regulations, title 40, part 63, subpart YY, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT)," is adopted and incorporated by reference, except that the decisions made by the administrator in section 63.1113 are not delegated to the commissioner and are retained by the administrator.

**7021.0010 DEFINITIONS.**

Subp. 3. **Offsets.** "Offsets" means any documented reductions in actual emissions of sulfur dioxide that are legally enforceable.

**7021.0050 ACID DEPOSITION CONTROL REQUIREMENTS IN MINNESOTA.**

Subpart 1. **Emission limitations.** Any electric utility whose electric generating facilities located in Minnesota have a total combined net generating capacity greater than 1,000 megawatts may not emit from the emission facilities which it owns, operates, maintains, or controls in Minnesota total emissions of sulfur dioxide in excess of 130 percent of the number of tons of sulfur dioxide emitted from the electric utility's emissions facilities in 1984. This limitation shall apply beginning January 1, 1990. The determination as to the number of tons emitted by an electric utility's emission facilities shall be made by the commissioner based on emission information obtained from the electric utility pursuant to part 7017.1110.

**7021.0050 ACID DEPOSITION CONTROL REQUIREMENTS IN MINNESOTA.**

Subp. 2. **Offsets required.** In the event that an electric utility described in subpart 1 intends to increase emissions of sulfur dioxide from its emission facilities in Minnesota after January 1, 1990, beyond the limitations specified in subpart 1, the electric utility shall obtain sulfur dioxide emission offsets equal to the amount to be emitted in excess of the limitation specified.

**7021.0050 ACID DEPOSITION CONTROL REQUIREMENTS IN MINNESOTA.**

Subp. 3. **Transfer requiring reduced emissions.** If any emission facility owned by an electric utility described in subpart 1 on July 1, 1985, is sold or transferred to any person other than another electric utility described in subpart 1, and if the transfer results in the operation of the transferred emission facility by a person other than the seller, the amount of sulfur dioxide emissions allowed by the seller under subpart 1 shall be reduced by the amount of sulfur dioxide emissions emitted by the transferred emission facility in 1984 or the maximum SO<sub>2</sub> emissions allowed under the permit issued to the new owner or operator whichever is greater. If any emission facility owned by an electric utility described in subpart 1 on July 1, 1985, is sold or transferred to another electric utility described in subpart 1, and if the transfer results in the operation of the transferred emission facility by a person other than the seller, the amount of sulfur dioxide emissions allowed by the seller under subpart 1 shall be reduced by the maximum amount of sulfur dioxide emissions allowed under the permit issued to the new operator, and the amount of emissions allowed by the buyer under subpart 1 shall be increased by the maximum amount of sulfur dioxide emissions allowed under the permit issued to the new operator.

**7041.0500 BASIC PROVISIONS.**

## APPENDIX

### Repealed Minnesota Rule: H2164-4

Subp. 5. **Land application approvals.** Permits, including expired permits, and approvals, which expire after May 19, 1997, issued by procedures under chapter 7040 before its repeal for the application of sewage sludge, remain effective for the land described in them for 180 days from May 19, 1997, or their expiration date, whichever is later, provided the requirements of this chapter are met and the permit or approval is not revoked according to part 7001.0170. After that time, these areas of land must be reapproved according to the procedures in part 7041.0600, subpart 3, before sewage sludge is applied.

#### **7041.0500 BASIC PROVISIONS.**

Subp. 6. **Treatment works not regulated under chapter 7040 before its repeal.** Persons who prepare sewage sludge at treatment works previously not regulated under chapter 7040 before its repeal but regulated under this chapter may continue to apply sewage sludge on sites not approved by the commissioner for up to 12 months from May 19, 1997, after which time they must have approved sites.

#### **7041.0500 BASIC PROVISIONS.**

Subp. 7. **Compliance with change of management practices.** Preparers and appliers of bulk sewage sludge may continue to apply sewage sludge to frozen or snow covered ground and on approved sites with highly permeable soils and soils with greater than 400 pounds extractable phosphorus as allowed under chapter 7040 before its repeal for up to 12 months from May 19, 1997. After that time they must be in compliance with part 7041.1200, subparts 2, item B; 3, item A, subitem (3); and 5, unless construction is necessary for compliance, in which case compliance must occur within 24 months of May 19, 1997.