

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2715

03/04/2014 Authored by Dill

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

03/20/2014 Adoption of Report: Amended and re-referred to the Committee on Government Operations

03/26/2014 Adoption of Report: Amended and Placed on the General Register

Read Second Time

A bill for an act

1.1 relating to natural resources; modifying and repealing certain obsolete laws;
 1.2 providing for certain regulatory efficiencies; modifying requirements for drainage
 1.3 inspectors; amending Minnesota Statutes 2012, sections 13.7411, subdivision
 1.4 8; 84.025, subdivision 10; 84.028, subdivision 3; 84.081, subdivision 1;
 1.5 84.781; 88.6435, subdivision 1; 103C.211; 103C.311, subdivision 1; 103C.401,
 1.6 subdivision 1; 103E.065; 103F.135, subdivision 1; 103G.005, subdivisions 9,
 1.7 9a; 103G.315, subdivision 12; 115.06, subdivision 4; 115A.54, subdivision 4;
 1.8 repealing Minnesota Statutes 2012, sections 14.04; 84.083, subdivisions 3,
 1.9 4; 84.163; 84.361; 84.43; 84.44; 84.45; 84.46; 84.47; 84.48; 84.49; 84.50;
 1.10 84.51; 84.52; 84.521; 84.53; 84.55; 84.965; 85.015, subdivision 3; 103B.701;
 1.11 103B.702; 103F.131; 103F.155; 103F.378; 103F.381; 103F.383, subdivision
 1.12 3; 103F.387; 103F.389, subdivisions 1, 2; 103F.391; 115.445; 115B.412,
 1.13 subdivision 10; 116.181; 116.182, subdivision 3a; 116.195, subdivision 5;
 1.14 116.54; 116.90; 116C.712; 116C.833, subdivision 2; 173.0845; Laws 2013,
 1.15 chapter 114, article 4, section 100.
 1.16

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

1.18 Section 1. Minnesota Statutes 2012, section 13.7411, subdivision 8, is amended to read:

1.19 Subd. 8. **Pollution Control Agency.** ~~(a) Hazardous waste generators.~~

1.20 Information provided by hazardous waste generators under section 473.151 and for which
 1.21 confidentiality is claimed is governed by section 116.075, subdivision 2.

1.22 ~~(b) Tests. Trade secret information made available by applicants for certain projects
 1.23 of the Pollution Control Agency is classified under section 116.54.~~

1.24 Sec. 2. Minnesota Statutes 2012, section 84.025, subdivision 10, is amended to read:

1.25 Subd. 10. **Recreational vehicles and boats used for public purposes.** ~~All
 1.26 snowmobiles and outboard motors that are purchased by the commissioner of natural
 1.27 resources must be of the four-stroke engine model, except that the commissioner may
 1.28 purchase models with two-stroke engines if the commissioner determines that they are~~

2.1 ~~as environmentally efficient or that four-stroke engines are not practical for the intended~~
2.2 ~~natural resource management purpose.~~ The commissioner shall give preference to engine
2.3 models manufactured in the United States. All all-terrain vehicles purchased by the
2.4 commissioner must be manufactured in the state of Minnesota.

2.5 Sec. 3. Minnesota Statutes 2012, section 84.028, subdivision 3, is amended to read:

2.6 Subd. 3. **Game warden duties; conservation officers.** The operation of the Game
2.7 Warden Service in the Division of Game and Fish as constituted before July 1, 1967 is
2.8 under the direct control and supervision of the commissioner. The name of the personnel
2.9 in such Game Warden Service is changed to conservation officers. Conservation officers
2.10 shall continue to have the powers and duties of game wardens as they existed before July 1,
2.11 1967 and may be assigned to public relations, conservation instructional activities, and the
2.12 enforcement of laws relating to resources management which the commissioner shall direct.
2.13 The commissioner shall create a separate division entitled the Division of Enforcement
2.14 ~~and Field Service~~, to be composed of conservation officers and shall appoint a director
2.15 of the division. The commissioner may place the director's position in the unclassified
2.16 service if the position meets the criteria established in section 43A.08, subdivision 1a.

2.17 Sec. 4. Minnesota Statutes 2012, section 84.081, subdivision 1, is amended to read:

2.18 Subdivision 1. **Directors.** ~~Subject to the commissioner's authority to revise or~~
2.19 ~~abolish existing divisions and to establish new divisions, all as prescribed in section~~
2.20 ~~84.083, subdivision 1,~~ The Department of Natural Resources shall be organized ~~with the~~
2.21 ~~following into~~ divisions: a Division of Lands and Forestry, a Division of Waters, Soils,
2.22 and Minerals, a Division of Game and Fish, a Division of Parks and Recreation, and a
2.23 Division of Enforcement and Field Service subject to the commissioner's authority to
2.24 revise or abolish existing divisions and to establish new divisions as prescribed under
2.25 section 84.083, subdivision 1. Each division shall be under the immediate charge of a
2.26 director, subject to the supervision and control of the commissioner. The commissioner
2.27 may place a director's position in the unclassified service if the position meets the criteria
2.28 established in section 43A.08, subdivision 1a. They shall be chosen with regard to
2.29 knowledge, training, experience, ability in administering the work of their respective
2.30 divisions, and with consideration given to applicable professional registration.

2.31 Sec. 5. Minnesota Statutes 2012, section 84.781, is amended to read:

2.32 **84.781 USE OF DEPARTMENT RESOURCES.**

3.1 The commissioner of natural resources may permit Department of Natural Resources
3.2 personnel and equipment ~~from the Division of Trails and Waterways~~ to be used to assist
3.3 local units of government in developing and maintaining off-highway vehicle grant-in-aid
3.4 trails located on property owned by or under the control of the local unit of government.

3.5 Sec. 6. Minnesota Statutes 2012, section 88.6435, subdivision 1, is amended to read:

3.6 Subdivision 1. **Permits.** A person may not buy more than 100 pounds of decorative
3.7 boughs in any calendar year without a bough buyer's permit issued by the commissioner of
3.8 natural resources. The annual fee for a permit for a resident or nonresident to buy decorative
3.9 boughs is \$25. ~~The annual fee may be reduced to \$10 if the buyer attends an approved~~
3.10 ~~annual workshop or other orientation session for balsam bough harvesters and buyers.~~

3.11 Sec. 7. Minnesota Statutes 2012, section 103C.211, is amended to read:

3.12 **103C.211 CONSOLIDATION AND DIVISION OF DISTRICTS.**

3.13 (a) ~~A One or more districts may petition to consolidate two or more districts~~
3.14 ~~or to separate a district into two or more districts may be filed with the state board~~
3.15 ~~for a consolidation. The petition must be signed by the majority of each board of the~~
3.16 ~~affected districts or by at least 100 resident owners within the affected districts. It is not~~
3.17 ~~necessary to obtain the consent of fee owners in an established district before districts~~
3.18 ~~are consolidated or an existing district is divided. Proceedings provided for petitions to~~
3.19 ~~organize a district shall be followed as far as they are applicable. The state board shall~~
3.20 ~~prescribe the form for a petition, which shall be as nearly as possible in the form for~~
3.21 ~~petitions to organize a district. The state board shall take action on the petition if signed~~
3.22 ~~by a majority of the supervisors of each of the affected districts.~~

3.23 (b) ~~The eligible voters within the affected districts may vote in the referendum. The~~
3.24 ~~state board may not determine the administrative feasibility of consolidating or separating~~
3.25 ~~districts unless a majority of the votes cast in the referendum within each separate district~~
3.26 ~~affected, or within each separate area sought to be made a separate district, is in favor of~~
3.27 ~~the consolidation or separation.~~

3.28 (c) ~~When districts are consolidated or separated, the corporate existence and terms~~
3.29 ~~of office of the officers of the old districts expire upon the issuance and recording by the~~
3.30 ~~secretary of state of a certificate of organization of the new districts. Upon consolidation,~~
3.31 ~~the rights and liabilities of the consolidating districts shall be assumed by the consolidated~~
3.32 ~~district. Upon separation, the rights and liabilities of the original district shall be vested~~
3.33 ~~in and assumed by the new districts in an equitable proportion determined by the state~~
3.34 ~~board. A separation does not affect the term of office for which a supervisor was elected~~

4.1 ~~or appointed. The supervisor shall continue to represent the district where the supervisor~~
4.2 ~~resides for that full term.~~

4.3 (b) The petition must:

4.4 (1) describe with particularity the change requested, the territory affected, and the
4.5 reasons for the change;

4.6 (2) illustrate that the change is consistent with the purpose and requirements of
4.7 sections 103C.201 to 103C.335;

4.8 (3) identify the proposed name for the consolidated district;

4.9 (4) identify the location of the principal office of the consolidated district;

4.10 (5) identify potential changes to supervisor districts;

4.11 (6) identify changes in supervisors that would result from the proposed consolidation;

4.12 (7) provide a list of nominees for vacant supervisor positions; and

4.13 (8) be accompanied by resolutions of support signed by each district board affected
4.14 by the change.

4.15 (c) Upon the filing of a valid petition, the state board shall give notice that the
4.16 petition has been filed. The notice must:

4.17 (1) be made by publication in a legal newspaper in each county affected by the
4.18 petition;

4.19 (2) be made by mail to the auditor of each county affected by the petition;

4.20 (3) describe the actions proposed by the petition;

4.21 (4) invite written comments on the petition for the consideration by the state board;

4.22 (5) state that a person who objects to the actions proposed in the petition may submit
4.23 a written request for hearing to the state board within 30 days of the last publication of the
4.24 notice under this paragraph. The request must contain 25 or more signatures from resident
4.25 owners residing in the affected districts; and

4.26 (6) state that if a timely request for hearing is not received, the state board may make
4.27 a decision on the petition at a future meeting of the state board.

4.28 (d) If one or more timely requests for hearing are received, the state board must hold
4.29 a hearing on the petition.

4.30 (e) The state board must establish the proposed consolidation, by order, if the
4.31 board determines the consolidation promotes public health and welfare and the proposed
4.32 consolidation would advance the purposes of this chapter.

4.33 (f) When districts are consolidated, the corporate existence and terms of office of the
4.34 officers of the old districts expire upon the issuance and recording by the secretary of state
4.35 of a certificate of organization of the new district. Upon consolidation, the rights, assets,
4.36 and liabilities of the consolidating districts shall be assumed by the consolidated district.

5.1 (g) If nomination districts are changed, the state board shall appoint supervisors to
5.2 fill vacancies resulting from the consolidation within 30 days after the action is taken. A
5.3 majority of the supervisors' terms must expire after the next general election following
5.4 their appointments and the remaining supervisors' terms must expire after the second
5.5 general election following their appointments.

5.6 (h) No sooner than two years after the date of consolidation, the affected districts
5.7 may petition the state board to have the action reversed through the same procedure
5.8 outlined in paragraphs (a) to (f). When a consolidation is reversed, the state board shall
5.9 order the appointments and distribution or transfer of assets and liabilities.

5.10 Sec. 8. Minnesota Statutes 2012, section 103C.311, subdivision 1, is amended to read:

5.11 Subdivision 1. **Supervisors elected at large.** (a) The district board shall, with
5.12 the approval of the state board, divide a district into supervisor districts for purposes of
5.13 nomination for election. At each election after the division, one or more supervisors
5.14 shall be nominated from each supervisor district. A supervisor must be a resident of the
5.15 supervisor district to be elected.

5.16 (b) If the boundary of a soil and water conservation district has been substantially
5.17 changed by a division of the district, the district shall be divided into supervisor districts
5.18 for nomination purposes.

5.19 (c) Except for consolidation under section 103C.211, this subdivision does not
5.20 disqualify a supervisor during the term for which the supervisor was elected or nominated
5.21 for election. Supervisors nominated from the supervisor districts shall be included on the
5.22 ballot for election from the entire area included in the soil and water conservation district.

5.23 (d) A certified copy of the minutes or the resolution of the supervisors establishing
5.24 supervisor districts must be promptly filed by the chair of the district board with the
5.25 county auditor of the counties where the district is located and with the state board.

5.26 Sec. 9. Minnesota Statutes 2012, section 103C.401, subdivision 1, is amended to read:

5.27 Subdivision 1. **Powers and duties.** In addition to the powers and duties of the state
5.28 board provided by other law, the state board shall:

5.29 (1) offer to assist the district boards to implement their programs;

5.30 (2) keep the district boards of the state informed of the activities and experience of
5.31 other districts and facilitate cooperation and an interchange of advice and experience
5.32 among the districts;

5.33 (3) coordinate the programs and activities of the districts with appropriate agencies
5.34 by advice and consultation;

6.1 (4) approve or disapprove the plans or programs of districts relating to the use of
6.2 state funds administered by the state board;

6.3 (5) secure the cooperation and assistance of agencies in the work of the districts
6.4 and develop a program to advise and assist appropriate agencies in obtaining state and
6.5 federal funds for erosion, sedimentation, flooding, and agriculturally related pollution
6.6 control programs;

6.7 (6) develop and implement a public information program concerning the districts'
6.8 activities and programs, the problems and preventive practices relating to erosion control,
6.9 sedimentation, agriculturally related pollution, flood prevention, and the advantages of
6.10 formation of districts in areas where their organization is desirable;

6.11 (7) ~~divide and consolidate districts without a hearing or a referendum to confine~~
6.12 ~~districts within county limits, without allowing a district, if feasible and practicable, to~~
6.13 ~~contain less than four full or fractional congressional townships;~~

6.14 (8) assist the statewide program to inventory and classify the types of soils in the
6.15 state as determined by the Minnesota Cooperative Soil Survey;

6.16 (9) identify research needs and cooperate with other public agencies in research
6.17 concerning the nature and extent of erosion, sedimentation, flooding and agriculturally
6.18 related pollution, the amounts and sources of sediment and pollutants delivered to the
6.19 waters of the state, and long-term soil productivity;

6.20 (10) develop structural, land use management practice, and other programs to reduce
6.21 or prevent soil erosion, sedimentation, flooding, and agriculturally related pollution;

6.22 (11) develop a system of priorities to identify the erosion, flooding, sediment, and
6.23 agriculturally related pollution problem areas that most need control systems;

6.24 (12) ensure compliance with statewide programs and policies established by the state
6.25 board by advice, consultation, and approval of grant agreements with the districts; and

6.26 (13) service requests from districts to consolidate districts across county boundaries
6.27 and facilitate other agreed-to reorganizations of districts with other districts or other local
6.28 units of government, including making grants, within the limits of available funds, to
6.29 offset the cost of consolidation or reorganization.

6.30 Sec. 10. Minnesota Statutes 2012, section 103E.065, is amended to read:

6.31 **103E.065 DRAINAGE INSPECTORS.**

6.32 In counties or watershed districts having drainage systems constructed in accordance
6.33 with this chapter, the drainage authority shall appoint a competent person as drainage
6.34 inspector. The inspector must not be a county commissioner. The inspector may be the
6.35 county highway engineer. The inspector shall examine the drainage systems designated

7.1 by the drainage authority. The drainage authority shall specify the appointment period
7.2 and compensation.

7.3 Sec. 11. Minnesota Statutes 2012, section 103F.135, subdivision 1, is amended to read:

7.4 Subdivision 1. **Commissioner's duties.** The commissioner shall:

7.5 (1) collect and distribute information relating to flooding and floodplain management;

7.6 (2) coordinate local, state, and federal floodplain management activities to the
7.7 greatest extent possible, and encourage the United States Army Corps of Engineers and
7.8 the United States ~~Soil Conservation Service~~ Department of Agriculture to make their
7.9 flood control planning data available to local governmental units for planning purposes,
7.10 to allow adequate local participation in the planning process and in the selection of
7.11 desirable alternatives;

7.12 (3) assist local governmental units in their floodplain management activities; and

7.13 (4) do all other things, within lawful authority, that are necessary or desirable to
7.14 manage the floodplain for beneficial uses compatible with the preservation of the capacity
7.15 of the floodplain to carry and discharge the regional flood.

7.16 Sec. 12. Minnesota Statutes 2012, section 103G.005, subdivision 9, is amended to read:

7.17 Subd. 9. **Director.** "Director" means the director of the Division of ~~Waters~~
7.18 Ecological and Water Resources of the Department of Natural Resources.

7.19 Sec. 13. Minnesota Statutes 2012, section 103G.005, subdivision 9a, is amended to read:

7.20 Subd. 9a. **Division.** "Division" means the Division of ~~Waters~~ Ecological and Water
7.21 Resources of the Department of Natural Resources.

7.22 Sec. 14. Minnesota Statutes 2012, section 103G.315, subdivision 12, is amended to
7.23 read:

7.24 Subd. 12. **Permit not issued until fees are paid.** Except for field inspection fees
7.25 related to monitoring, the commissioner may not issue a permit until all fees required by
7.26 section 103G.301 relating to the issuance of a permit have been paid. ~~The time limits~~
7.27 ~~prescribed by section 103G.305, subdivision 1, do not apply to an application for which~~
7.28 ~~the appropriate fee has not been paid.~~ Field inspection fees relating to monitoring of an
7.29 activity authorized by a permit may be charged and collected as necessary at any time
7.30 after the issuance of the permit.

7.31 Sec. 15. Minnesota Statutes 2012, section 115.06, subdivision 4, is amended to read:

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

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

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

8.8 (3) seeking public and private funds to:

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

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

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

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

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

8.19 ~~(c) By January 15, 2017, and every four years thereafter, the commissioner shall~~
8.20 ~~report to the senate and house of representatives committees with jurisdiction over~~
8.21 ~~environmental policy and finance on activities under this section.~~

8.22 Sec. 16. Minnesota Statutes 2012, section 115A.54, subdivision 4, is amended to read:

8.23 Subd. 4. **Termination of obligations; good faith effort.** Notwithstanding the
8.24 provisions of section 16A.695, the commissioner may terminate the obligations of a grant
8.25 or loan recipient under this section, if the commissioner finds that the recipient has made a
8.26 good faith effort to exhaust all options in trying to comply with the terms and conditions
8.27 of the grant or loan. In lieu of declaring a default on a grant or a loan under this section,
8.28 the commissioner may identify additional measures a recipient should take in order to
8.29 meet the good faith test required for terminating the recipient's obligations under this
8.30 section. ~~By December 15 of each year, the commissioner shall report to the legislature~~
8.31 ~~the defaults and terminations the commissioner has ordered in the previous year, if any.~~
8.32 ~~No decision on termination under this section is effective until the end of the legislative~~
8.33 ~~session following the commissioner's report.~~

8.34 Sec. 17. **REVISOR'S INSTRUCTION.**

9.1 The revisor of statutes shall delete the range reference "103F.101 to 103F.155" and
9.2 insert "103F.101 to 103F.151" and delete the range reference "103F.105 to 103F.155"
9.3 and insert "103F.105 to 103F.151" wherever the range references appear in Minnesota
9.4 Statutes and Minnesota Rules.

9.5 Sec. 18. **REPEALER.**

9.6 Minnesota Statutes 2012, sections 14.04; 84.083, subdivisions 3 and 4; 84.163;
9.7 84.361; 84.43; 84.44; 84.45; 84.46; 84.47; 84.48; 84.49; 84.50; 84.51; 84.52; 84.521;
9.8 84.53; 84.55; 84.965; 85.015, subdivision 3; 103B.701; 103B.702; 103F.131; 103F.155;
9.9 103F.378; 103F.381; 103F.383, subdivision 3; 103F.387; 103F.389, subdivisions 1 and 2;
9.10 103F.391; 115.445; 115B.412, subdivision 10; 116.181; 116.182, subdivision 3a; 116.195,
9.11 subdivision 5; 116.54; 116.90; 116C.712; 116C.833, subdivision 2; and 173.0845, and
9.12 Laws 2013, chapter 114, article 4, section 100, are repealed.

14.04 AGENCY ORGANIZATION; GUIDEBOOK.

To assist interested persons dealing with it, each agency must, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the general course and method of its operations and where and how the public may obtain information or make submissions or requests. The commissioner of administration must publish these descriptions at least once every four years commencing in 1981 in a guidebook of state agencies. Notice of the publication of the guidebook must be published in the State Register and given in newsletters, newspapers, or other publications, or through other means of communication. The commissioner must make an electronic version of the guidebook available on the Internet free of charge through the North Star information service.

84.083 ASSIGNMENT AND DELEGATION OF DUTIES.

Subd. 3. **Purchasing.** The director of the Division of Waters may purchase technical and scientific equipment needed for the functions and duties of the director's office.

Subd. 4. **Appropriations available.** Money appropriated to the commissioner of natural resources for the Division of Waters or its director to conduct hydrologic studies remains available until spent.

84.163 BATTLE POINT; CONVEYANCE TO TODD COUNTY.

The governor, upon the recommendation of the commissioner of natural resources is hereby granted power to quitclaim and convey to the county of Todd the state's interests in the lands described below, and any state structures located thereon, on the condition that the county agree to improve and maintain for the benefit of the public for the purposes of fishing, hunting, picnicking, camping, playing of athletic games, access to the lake, and general recreational purposes, the following described lands located in Todd County: Commencing at the westerly corner of a triangular tract of land in Section 5, Township 128, Range 35, designated as tract "A" of Michael's Subdivision of a portion of Government Lot 1, Section 4, Township 128, Range 35, according to the recorded plat thereof, thence southwesterly, westerly and northwesterly, curving to the right along the shore of Lake Osakis, to the tip of Battle Point; thence southeasterly along the shore of Lake Osakis, to a point where the shore line intersects the north-south section line between Sections 4 and 5 of Township 128, Range 35; thence north along said section line, between said Sections 4 and 5 of Township 128, Range 35; to the southerly corner of the hereinbefore mentioned tract "A" of said Michael's Subdivision; thence northwesterly to the point of beginning known as Battle Point. The lands and structures shall be conveyed in such form as the attorney general shall prescribe and the conveyance shall contain a provision that the lands and structures shall revert to the state in the event that the county of Todd fails to operate and maintain the same as prescribed by this section.

84.361 TAXES CANCELED IN CERTAIN CASES.

After forfeiture to the state of any parcel of land lying within the Red Lake Game Preserve, as provided by Laws 1935, chapter 278, the county auditor shall cancel all taxes and tax liens appearing upon the records, both delinquent and current, and all special assessments, delinquent or otherwise.

84.43 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions given in this section shall govern for the purposes of sections 84.43 to 84.52 unless a different meaning is clearly indicated by the language or context.

Subd. 2. **Wilderness area.** "Wilderness area" shall mean any of the following areas or parts thereof:

(1) all those portions of the Superior National Forest described in section 2 of Public Law 733, 80th Congress, approved June 22, 1948, and all public waters included therein or bordering thereon except the following: Crane Lake, Moose Lake in Township 64 North, Range 9 West, Snow Bank Lake, Sawbill Lake, Brule Lake, Big Lake in Townships 64 and 65 North, Range 13 West, Saganaga Lake, Seagull Lake, Clearwater Lake in Township 65 North, Range 1 East, and East Bearskin Lake in Township 64 North, Range 1 East and Range 1 West;

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(2) such other areas as may be designated by the commissioner of natural resources as hereinafter provided within the present boundaries of the Superior National Forest and the Kabetogama and Pigeon River purchase units thereof as heretofore established by federal authority and not less than five miles from any public highway.

Subd. 3. **Public waters.** "Public waters" shall mean all waters lying wholly within the state and all portions of boundary waters within the jurisdiction of the state contained within any wilderness areas designated hereunder and which the public have a right to use for navigation, fishing, hunting or any other beneficial public use.

Subd. 4. **Aircraft.** "Aircraft" shall mean any contrivance now known or hereafter invented and used or designed for navigation or flight in the air.

84.44 DECLARATION OF POLICY.

It is hereby declared that regulation and control of the operation of aircraft and watercraft upon or over any wilderness area and public waters therein is necessary for the protection and promotion of public health, safety and welfare and other interests of the public therein and for the protection and conservation of natural wilderness conditions and other natural resources therein for the public benefit.

84.45 COMMISSIONER DUTIES; WILDERNESS AREAS.

The commissioner of natural resources shall designate such wilderness areas within the limits hereinbefore authorized as the commissioner shall determine after investigation to be necessary for the purposes of sections 84.43 to 84.52, and to add to, withdraw from, or otherwise modify such designations from time to time as the fulfillment of such purposes may require. Such designations shall be made by rules adopted as provided by and subject to the laws relating to rules of administrative agencies of the state, and may be modified or rescinded in like manner; provided, that in addition to or in connection with the proceedings required under said laws, the commissioner of natural resources or an authorized agent shall hold a public hearing on any proposal for a designation or a change therein hereunder at a place designated by the commissioner in a county containing lands affected thereby, of which at least two weeks' published notice shall be given in each county affected, and at least 30 days' notice shall be given by mail to the county auditor of each such county.

84.46 COMMISSIONER OF TRANSPORTATION; AIRCRAFT CHECKING STATIONS.

Subdivision 1. **Establishment of checking stations.** The commissioner of transportation shall as soon as practicable after the passage of Laws 1949, chapter 630, to designate as aircraft checking stations at least three airports having suitable facilities for the landing of aircraft equipped for flying and landing in wilderness areas. Such checking stations shall be located so as to cover the commonly used approaches to such wilderness areas by air from all sides, as far as practicable, and each such station shall be within 100 miles of the nearest point on the boundary of such wilderness areas. The designation of such checking stations shall be made by rules adopted as provided by and subject to the laws relating to rules of the commissioner of transportation, and may be modified or rescinded in like manner from time to time as may be necessary for the purposes of sections 84.43 to 84.52. The commissioner of natural resources shall appoint attendants for such checking stations and shall prescribe their powers and duties, subject to the provisions hereof. Officers or employees of other state departments or governmental subdivisions of the state may be appointed as such attendants with the approval of their appointing authorities.

Subd. 2. **Report required.** The provisions of this subdivision shall apply to all aircraft and pilots thereof except as otherwise provided herein. From and after the designation of not less than three checking stations as hereinbefore provided, no such aircraft pilot shall fly an aircraft into or over any wilderness area at a height less than 2,000 feet from the ground, except as may be necessary for safety, without first landing at a checking station designated hereunder and making a written report to the attendant, on a form prescribed by the commissioner of natural resources, containing the following information: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of the passengers; purpose of flight; proposed line of flight and destination within the wilderness areas; proposed period of stay therein, and proposed checking station for reporting on departure therefrom. The attendant shall deliver to the pilot a countersigned copy of the report, which the pilot shall retain in possession at all times while in the wilderness areas on the trip covered thereby. During the period of such trip as stated in the report, the aircraft shall not be operated, landed, or kept at any place within the wilderness

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areas except as specified in the report, and shall not remain within such areas after the expiration of such period. Upon leaving such areas at any time after entering the same, the pilot, before landing the aircraft at any other place, shall immediately proceed to and land at the checking station designated for checking out in the pilot's report, and shall check out by submitting a copy of the report to the attendant, who shall endorse the same to show such checking-out and return the same to the pilot; provided, that if by reason of weather conditions or otherwise it is impracticable for the pilot to check out at the station designated in the report, the pilot may check out at any other checking station established hereunder, submitting a written statement of reasons therefor. All records made hereunder shall be kept on file at the checking stations, and shall be subject to inspection by the commissioner of transportation, the commissioner of natural resources, or their authorized agents, and by any conservation officer or other law enforcement officer.

Subd. 3. **Exemption.** The provisions of sections 84.43 to 84.52 shall not apply to the use of aircraft by any officer or agency of the state or of the United States for any authorized public purpose.

Subd. 4. **Emergency operation permitted.** The provisions of sections 84.43 to 84.52 shall not prohibit or prevent the operation or landing of any aircraft within any such area so far as may be necessary to save life or property or prevent substantial injury thereto in an emergency.

84.47 PERMITS TO PRIVATE PROPERTY OWNERS; AIRCRAFT FOR HIRE.

Subdivision 1. **Permit issuance; requirements.** In case there shall be any private property situated within any such area and such private property, at the time such area is designated, is improved and used for purposes for which air transportation is essential, written permits shall be issued by the commissioner of transportation which shall authorize the operation of aircraft without check in or check out for the transportation of persons, their lawful possessions and materials to such extent as is necessary for the continuation of the use of the property affected existing at the time of the designation of the area, such permits to be issued upon the following conditions:

(a) The owner, lessee or operator of such private property shall have a licensed seaplane base on or adjacent to the property.

(b) Such permits shall thereupon be issued to the owner or operator of any aircraft to fly to, from, and between such bases and such other points as may be designated in the permit, provided such aircraft owner or operator has first complied with reasonable standards as to safety, equipment, and insurance to be established by the commissioner of transportation as provided by law.

(c) If the private property affected is situated in a wilderness area designated by the commissioner of natural resources as hereinbefore provided, a permit shall be issued for such aircraft operation as may be necessary for the continuation of any lawful use of the property; whether existing at the time of the designation of such area or thereafter developed.

(d) A permit shall be effective until the end of the calendar year in which it is issued, and shall be renewable annually upon the continued existence of the conditions authorizing its original issue. Every permit shall be subject to suspension or revocation, as the commissioner of transportation shall determine, upon conviction of the permittee of any violation of the provisions of sections 84.43 to 84.52.

(e) Every holder of a permit hereunder shall keep daily written records in duplicate, on forms prescribed by the commissioner of natural resources, of all aircraft operations under the permit, containing the following information as to each flight, in addition to such other information as may be required by law or by rules of the commissioner of natural resources: type and federal registration number of the aircraft; name, address, and license number of the pilot; names and addresses of passengers; purposes of flight, place, date, and time of beginning and termination of flight, line of flight and destinations. On or before the fifth of each month the permittee shall mail one of the duplicates of such records for all flights during the preceding calendar month to the commissioner of natural resources, who shall keep the same on file and subject to inspection in like manner as hereinbefore provided for inspection of copies of reports at checking stations.

Subd. 2. **Aircraft for hire.** Any aircraft owner or operator carrying passengers for hire from a licensed seaplane base outside of the wilderness areas may obtain a permit in like manner as hereinbefore provided for operating between such base or other points outside of such areas, to be designated in the permit, and any points within such areas, subject to compliance with the

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requirements for keeping and mailing records and all other conditions pertaining to permits as hereinbefore prescribed, so far as applicable.

84.48 TWO-WAY RADIO SYSTEM.

No aircraft shall fly into or over any such area except at the altitudes authorized in section 84.46, without being equipped with a two-way radio system, provided that this requirement shall not become effective until prescribed by order of the commissioner of transportation and provided further that when it has been so prescribed, the operator of each such aircraft shall report the operator's presence and location by radio to such station as may be designated by the commissioner of transportation and at such times during the operator's stay within the area as the commissioner of transportation may prescribe. Orders of the commissioner of transportation under this section shall be prescribed by rules adopted, modified, or rescinded as may be necessary for the purposes of sections 84.43 to 84.52 in accordance with the laws relating to the commissioner's rules in other cases.

84.49 WATERCRAFT, LIMITATION OF OPERATION.

No aircraft pilot, owner or operator shall keep or maintain within any wilderness area designated hereunder, any boat, canoe or other watercraft at any point within such area except at private property encumbered with a structure or structures suitable for human occupancy, or unless in the immediate possession and control of a person authorized by the owner to so possess and control it. Any boat, canoe or other watercraft not so maintained, possessed or controlled shall be deemed contraband and be subject to confiscation in the name of the state by any state conservation officer or peace officer and shall be disposed of in the same manner as other property confiscated by the director of game and fish.

84.50 VIOLATIONS AND PENALTIES.

Violation of any provision of sections 84.43 to 84.52 shall be a misdemeanor, and any court imposing sentence shall be authorized upon recommendation of the commissioner of transportation to prohibit the pilot so convicted from operating an aircraft within the state for a period not exceeding one year.

84.51 INSPECTION.

Every aircraft while landed at a checking station to report as herein provided shall be subject to inspection by the commissioner of natural resources or an authorized agent, or by any conservation officer, any of whom may, without a warrant, examine and search such aircraft for wild animals illegally taken or possessed or for other things declared contraband by the laws relating to wild animals, and may seize and confiscate in the name of the state any such contraband which may thereupon be found.

84.52 CERTAIN ZONING RULES APPLICABLE.

Nothing herein contained shall authorize interference or conflict with the operation of any airport or other aeronautics facilities authorized, constructed, or maintained under any law, nor so as to interfere or conflict with any zoning rules or any other rules relating to aeronautics prescribed by or adopted pursuant to any other law.

84.521 SUSPENSION OF SECTIONS 84.43 TO 84.52.

The operation of Minnesota Statutes 1949, sections 84.43 to 84.52, is hereby temporarily suspended, which suspension shall be effective during such time as Executive Order 10092, issued December 20, 1949, by the President of the United States remains in effect.

84.53 TOPOGRAPHIC SURVEY.

The commissioner of natural resources is authorized to make or provide for a topographic survey of the state and maps thereof, including preliminary aerial surveys incidental thereto, so far as funds may be made available therefor, and subject to the provisions hereof. For that purpose the commissioner may cooperate with the United States Geological Survey or any other federal, state, or local public agency or governmental subdivision, or with any private agency, under conditions mutually agreed upon. The commissioner may accept gifts or grants of money or

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property for the purposes hereof, and the same are hereby appropriated therefor. All surveys and maps made hereunder shall conform with standards prescribed or approved by the United States Geological Survey or other federal authority.

84.55 COOPERATION OF COUNTY OR MUNICIPALITY.

The county board of any county or the governing body of any municipality may cooperate with or through the commissioner of natural resources and may provide facilities or equipment and expend money in furtherance of the provisions of sections 84.53 to 84.55 in consideration of benefits derived therefrom. Such expenditures may be made by direct payment for specified projects or operations or by contributions to the commissioner of natural resources for disposal in accordance with any agreement made hereunder.

84.965 APPROVAL OF PROJECT BY GOVERNOR.

Subdivision 1. **Project coordination.** The commissioner of natural resources shall develop a plan that establishes: a priority for unemployed youths who are economically, socially, physically, or educationally disadvantaged; the ways in which participants will be assisted in gaining ongoing employment or training upon completing the projects; the ways in which exclusive bargaining representatives are to be consulted in regard to the positions and job duties of persons employed in projects; and how the projects are coordinated with other publicly authorized or subsidized programs.

Subd. 2. **Corps member status; fees.** All camp staff except camp directors in the young adult program are corps members. Corps members are not covered for unemployment benefits if their services are excluded under section 268.035, subdivision 20, and they are not eligible for other benefits except workers' compensation. The corps members are not employees of the state of Minnesota within the meaning of section 43A.02, subdivision 21. The commissioner may charge a fee for any service performed by the corps.

85.015 STATE TRAILS.

Subd. 3. **Countryview Bicycle Trail, Ramsey and Washington Counties.** (a) The trail shall originate at Phalen Park in St. Paul and thence extend easterly through Oakdale and Lake Elmo to a point near South Twin Lake, and thence extend to Stillwater in Washington County and there terminate.

(b) The trail shall be developed primarily for the use of bicycles.

The commissioner may contract and enter into other agreements with state and local road authorities and with local governments in regard to the establishment, development, maintenance, and operation of the trail, including but not limited to speed regulation and signing of the trail.

103B.701 STAR LAKES.

Subdivision 1. **Definition.** For the purposes of this section, the term "lake association" means an association organized for the purpose of addressing issues on a specific lake or river, a lake improvement district, or a lake conservation district.

Subd. 2. **Application.** (a) A lake association may apply to the Star Lake Board for designation as a star lake or river. The applicant must include a copy of a star lake or river management plan for the lake or river.

(b) After review of the application, the Star Lake Board shall determine whether designation as a star lake or river will be granted. The designation as a star lake or river becomes effective the day following designation by the board. The board shall publish the decision on a star lake or river designation in the State Register, including the effective date of the designation.

(c) The star lake or river designation is effective until the earlier of:

(1) five years after the date of designation; or

(2) when the Star Lake Board finds that the lake association is not fulfilling the requirements of this section or of the star lake or river management plan submitted.

(d) Within six months before the expiration date of the designation as a star lake or river, a lake association may apply to continue the star lake or river designation under this section.

Subd. 3. **Eligibility.** A lake association applying for designation as a star lake or river must:

(1) develop and update a star lake or river management plan as provided in subdivision 4;

(2) maintain a membership or participation of at least 50 percent of the private shoreland owners;

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(3) participate in a water quality monitoring program under section 115.06, subdivision 4, or other programs meeting Pollution Control Agency standards; and

(4) meet at least annually to review the plan and notify appropriate state agencies and local government units in the development and monitoring of the star lake or river management plan.

Subd. 4. **Star lake or river management plan.** (a) A star lake or river management plan must contain a baseline of the current condition of the lake or river based on scientific information and plans for addressing the following issues:

(1) increases in native vegetation in the littoral area of the lake or river, where appropriate;

(2) increases in native vegetation on the shoreline areas of the lake or river, where appropriate;

(3) prevention, reduction, or elimination of aquatic invasive species in the lake or river;

(4) increasing or maintaining a healthy diverse fishery that is appropriate for the lake or river;

(5) how the association will work with state agencies and local government units to identify water pollution sources and impairments;

(6) how the association will assist state and local programs to generate data needed by state agencies and local government units in an appropriate format;

(7) promoting compliance with adopted shoreland zoning standards and shoreland best management practices;

(8) how the lake association will ensure its involvement in public input opportunities for various local comprehensive and project-specific planning and zoning processes;

(9) education and recognition opportunities for shoreland owners and other entities that conduct activities affecting the quality of the lake or river; and

(10) other activities that will coordinate with or enhance other state and local water management efforts.

(b) The star lake or river management plan shall be updated within five years of adoption by the lake association.

Subd. 5. **State resources.** State agencies may consider star lake or river designation in determining the allocation of financial and staff resources.

103B.702 STAR LAKE BOARD.

Subdivision 1. **Establishment.** (a) The Star Lake Board shall be established as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Star Lake Board shall promote and designate star lakes and rivers in Minnesota under section 103B.701.

(b) The board must work with private and public entities to leverage the resources available to achieve and sustain the designation of Minnesota star lakes or rivers. The board may assist lake associations with finding appropriate technical and financial assistance and make recommendations to state agencies and local government units regarding the manner in which technical or financial assistance can be most effectively delivered. To the extent that money is available, the board may secure, provide, or recommend financial assistance to meet specific needs of lake associations for:

(1) completing a star lake or river management plan when the lake association does not have an existing management plan and the association is committed to the goals of a plan, as specified in section 103B.701, subdivision 4; and

(2) addressing specific issues of the lake or river to achieve or maintain the goals of the lake or river management plan for lake associations that have achieved a star lake or river designation.

(c) The board shall consist of:

(1) three public members appointed by the speaker of the house, with one member representing county governments, one member representing city governments, and one member representing an organization that promotes clean lakes and rivers;

(2) three public members appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration, with one member representing county governments, one member representing city governments, and one member representing an organization that promotes clean lakes and rivers;

(3) five members, chosen by the other board members with regard to obtaining representation from a variety of types of lakes and rivers within the state, who are from lake associations representing designated star lakes or rivers, or until July 1, 2011, are eligible to achieve star lake or river designation;

(4) one member designated by the commissioner of natural resources;

(5) one member designated by the commissioner of the Pollution Control Agency;

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(6) one member designated by the chair of the Board of Water and Soil Resources; and

(7) one member designated by the Indian Affairs Council.

(d) By January 15 of each odd-numbered year, the board shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment policy and finance on the activities for which money has been or will be spent for the current biennium, the applications for designation, and the star lakes or rivers designated by the board.

(e) Public members appointed by the speaker of the house and the senate Subcommittee on Committees of the Committee on Rules and Administration serve at the pleasure of the appointing authority.

Subd. 2. **Conflict of interest.** A board member may not participate in or vote on a decision of the board relating to an organization in which the member has either a direct or indirect personal financial interest. While serving on the Star Lake Board, a member shall avoid any potential conflict of interest.

Subd. 3. **Staff; contracts.** The board may hire staff or enter into contracts to carry out the activities of the board.

Subd. 4. **Bylaws.** The board shall adopt bylaws necessary for the conduct of the business of the board consistent with this section. The corporation must publish bylaws and amendments to the bylaws in the State Register.

Subd. 5. **Place of business.** The board shall locate and maintain the board's place of business within the state.

Subd. 6. **Chair.** The board shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 7. **Meetings.** The board shall meet at least twice each year and may hold additional meetings upon giving notice in accordance with the bylaws of the board. Board meetings are subject to chapter 13D.

Subd. 8. **Funds.** The board may accept and use gifts, grants, or contributions from any source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of and invest or reinvest the money, securities, or other property given or bequeathed to it. The principal of these funds, the income from them, and all other revenues received by the board from any nonstate source must be placed in the depositories the board determines and are subject to expenditure for the board's purposes.

Subd. 9. **Accounts; audits.** The board may establish funds and accounts necessary to carry out its responsibilities. The board shall provide for and pay the cost of an independent audit of its official books and records by the legislative auditor subject to sections 3.971 and 3.972. A copy of this audit shall be filed with the secretary of state.

Subd. 10. **Decisions; review and approval.** Decisions of the Star Lake Board regarding the criteria used to designate a lake or river as a "Minnesota Star Lake" or "Minnesota Star River," as well as a decision to award grants, are subject to the review and approval of the Board of Water and Soil Resources.

103F.131 AMUSEMENT PARK EXEMPTION.

(a) An amusement park that exists before a floodplain is delineated by a floodplain management ordinance is exempt from the requirements of sections 103F.101 to 103F.155 if the amusement park continues to be used as an amusement park within the amusement park boundaries.

(b) Notwithstanding any other law, the state is not liable for any damage from flooding to an amusement park operating in a floodplain under this subdivision.

103F.155 FLOOD PROTECTION PLANS.

Subdivision 1. **Construction of flood protection measures.** If emergency flood protection measures are undertaken, the affected local governmental unit shall submit to the commissioner a plan outlining their use as a part of a future comprehensive flood emergency program. The plan shall be submitted within 120 days after construction.

Subd. 2. **Commissioner's review.** (a) The commissioner shall review the plan and consult with the state Office of Civil Defense and other appropriate state and federal agencies. Following the review, the commissioner shall accept, require modification, or reject the plan.

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(b) If required modifications are not made, or if the plan is rejected, the commissioner shall order the removal of the emergency protection measures and shall not provide grant money under section 103F.161 until the plan is approved or the required modifications are made.

103F.378 MINNESOTA RIVER BOARD.

Subdivision 1. **Duties.** The Minnesota River Board, established under section 471.59 for the purpose of coordinating efforts to improve water quality in the Minnesota River Basin and achieving the goal of making the Minnesota River suitable for fishing and swimming by providing leadership, building partnerships, and supporting watershed programs in collaboration with the Water Resources Center at Minnesota State University, Mankato, has the following duties:

(1) compiling and submitting to the governor, the legislature, the Board of Water and Soil Resources, and all watershed partners:

(i) comprehensive water quality improvement and watershed management cleanup goals for the Minnesota River Basin, prepared by reviewing and summarizing the work plans of the 12 major watersheds, basin counties, state agencies, and other partners active in water quality programming;

(ii) a biennial report highlighting the results and progress of projects in the 12 major watersheds of the Minnesota River Basin; and

(iii) periodic basinwide water quality improvement plans;

(2) advising on water quality and watershed management projects, including implementation and coordination of TMDLs under the Clean Water Legacy Act as provided in chapter 114D, and promotion of data incorporation into the planning processes associated with county water plans, watershed plans, and, as appropriate, planning and zoning decisions in the Minnesota River Basin;

(3) conducting public meetings of the board on at least a quarterly basis at locations within the Minnesota River Basin;

(4) conducting an ongoing information and education program concerning the status of the Minnesota River Basin and sponsoring and coordinating continuing education opportunities in cooperation with watershed partners in the basin;

(5) providing periodic reports and budget requests to the governor's office, appropriate committees of the legislature, and the Board of Water and Soil Resources regarding progress on meeting river water quality management goals, future funding required for this effort, and biennial legislative requests to provide funding for the effort;

(6) coordinating and promoting, in partnership with and on behalf of water quality and watershed management stakeholders, policy development and implementation of projects that affect multiple major watersheds and target reduction of pollutant inputs into the Minnesota River;

(7) facilitating the identification of and application for water quality improvement implementation and research funding for projects that affect multiple major watersheds and benefit local watershed efforts and providing assistance to local project managers, partners, state agencies, the legislature, or the governor's office;

(8) advocating to promote and advance basin issues identified by county and watershed partners at the legislature, among the state agencies, and with the governor;

(9) promoting cooperation among the numerous water quality and watershed management units in the basin;

(10) providing conflict resolution and meeting facilitation services as requested; and

(11) striving to advance basinwide water quality improvements while promoting both local projects and managing regional initiatives.

Subd. 2. **Membership; advisory committee.** (a) Upon acceptance of the joint powers agreement and payment of annual dues, each member county shall appoint one county commissioner as its delegate to the board and one county commissioner as an alternate. Delegates and alternates shall serve at the pleasure of the county board that appointed them. The delegates shall elect a chair and other officers as determined by the board.

(b) An advisory committee, appointed by the chair of the Minnesota River Board, shall be established to provide input on policy development, technical advances, continuing education programs, and other areas of concern identified by the delegates to the board or the advisory committee. Members of the advisory committee shall serve three-year terms. Members shall serve until the end of their terms or until a successor has been appointed, whichever is later. The advisory committee may consist of representatives from county water planning entities, county planning and zoning, county environmental services, drainage authorities, soil and water conservation districts, watershed districts, watershed projects, watershed management organizations, municipalities, special interest groups, citizens, agricultural organizations, state

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agencies, sporting organizations, and other entities as identified by the advisory committee or the delegates. The advisory committee serves as a forum to raise concerns that the Minnesota River Board should address.

103F.381 FINDINGS.

The legislature finds that the Minnesota River from the city of Franklin in Renville County to Le Sueur in Le Sueur County possesses outstanding scenic, recreational, natural, historical, scientific, and similar values. Because it is in the interest of present and future generations to retain these values, the legislature finds that the adoption and implementation of a comprehensive land use plan is necessary.

103F.383 DEFINITION.

Subd. 3. **Counties.** "Counties" means the counties of Renville, Redwood, Brown, Nicollet, Blue Earth, and Le Sueur, except as otherwise provided in Laws 1982, chapter 627, section 7.

103F.387 COMPREHENSIVE PLAN.

The comprehensive plan known as "Project Riverbend Fifth Draft, June 1981" shall be implemented by the counties. The counties shall adopt land use ordinances consistent with the plan. The standards set forth in the plan are the minimum standards that may be adopted by the counties. The counties may amend the comprehensive land use plan in any way that does not reduce the minimum standards set forth in the plan.

103F.389 REVIEW AND CERTIFICATION OF LAND USE ACTIONS.

Subdivision 1. **Land use actions covered.** To ensure that the comprehensive land use plan is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by the counties and directly or indirectly affecting land use within the area covered by the plan:

- (1) the adoption or amendment of an ordinance regulating the use of land, including rezoning of a particular tract of land;
- (2) the granting of a variance from provisions of the land use ordinances; and
- (3) the approval of a plat which is inconsistent with the land use ordinance.

Subd. 2. **Land use actions must be consistent with plan.** (a) Notwithstanding any contrary provision of chapter 394, an action of a type specified in subdivision 1, clauses (1) to (3), is not effective until the county board has reviewed the action and certified that it is consistent with the comprehensive land use plan.

(b) In determining consistency of ordinances and ordinance amendments, the provisions of the comprehensive land use plan shall be considered minimum standards. An aggrieved person may appeal a decision of the type specified in subdivision 1, clauses (1) to (3), which is reviewed by the county board under this section in the manner provided for review of a decision of a board of adjustment under section 394.27, subdivision 9.

103F.391 RESTRICTIONS ON LAND INCORPORATED OR ANNEXED.

(a) If land subject to the comprehensive land use plan is annexed, incorporated, or otherwise subjected to the land use planning authority of a home rule charter or statutory city, a moratorium shall exist on all subdivision platting and building permits on that land until zoning regulations are adopted for the land that comply with the provisions of the comprehensive land use plan.

(b) The moratorium shall also apply to construction, grading and filling, and vegetative cutting as those activities are defined in the comprehensive plan.

(c) This section does not apply to work done pursuant to lawful permits issued before the land became subject to the land use planning authority of the city.

115.445 NOTIFICATION REQUIREMENTS.

Before the Pollution Control Agency may issue a permit for a new wastewater treatment system that requires a national pollutant discharge elimination system permit or a state disposal

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system permit, and before construction of the system may begin, the following requirements must be met:

(1) the project proposer must provide notice to other political subdivisions as required by section 116.182, subdivision 3a, unless section 116.182, subdivision 3a, does not apply to the project; and

(2) the agency shall evaluate wastewater treatment alternatives to the proposed project that are included in the facilities plan, and any comments received on the facilities plan, considering environmental and cost factors, and shall make the information available to the public and may make written findings regarding its evaluation.

115B.412 PROGRAM OPERATION.

Subd. 10. **Report.** By December 1 of each year, the commissioner shall report to the environment and natural resources committees and to the appropriate finance committees of the senate and the house of representatives on the commissioner's activities under sections 115B.39 to 115B.43 and the commissioner's anticipated activities during future fiscal years.

116.181 CORRECTIVE ACTION GRANTS.

Subdivision 1. **Definitions.** (a) The definitions in section 116.16, subdivision 2, apply to this section.

(b) "Corrective action" means action taken to upgrade or correct wastewater treatment facilities, funded under the Federal Water Pollution Control Act or the independent state grants program, that have failed to meet performance standards, and includes engineering, design, construction, legal assistance, and other action as the agency may allow.

Subd. 2. **Set aside.** In any fiscal year, up to ten percent of the money available for independent state grants, up to a maximum of \$1,000,000, may be set aside for the award of grants to municipalities for corrective action.

Subd. 3. **Grant limitations.** The amount of a corrective action grant awarded to a municipality shall not exceed \$500,000. In no event shall the grant amount exceed the cost of the corrective action. Construction costs that were not eligible under the original grant are not eligible under a corrective action grant.

Subd. 4. **Repayment.** Any municipality that is awarded a corrective action grant shall seek recovery from any person who is responsible for the failure of the facility to perform. The municipality shall reimburse the state in the event the municipality recovers any funds from responsible persons. Any repayments must be deposited in the Minnesota state water pollution control fund.

Subd. 5. **Award of grants.** Until June 30, 1988, the agency shall award corrective action grants. On July 1, 1988, the authority shall award corrective action grants to municipalities selected by the state pollution control commissioner upon certification by the state pollution control commissioner that the municipalities' projects and applications have been reviewed and approved in accordance with this section and agency rules adopted under subdivision 6.

Subd. 6. **Agency rules.** The agency shall promulgate permanent rules for the administration of the corrective action grant program. The rules must contain at a minimum:

- (1) the method for determining the amount of the corrective action grant;
- (2) application requirements;
- (3) criteria for determining which municipalities will be awarded grants when there are more applicants than money;
- (4) conditions for use of the grant funds;
- (5) identification of eligible costs;
- (6) the amount that must be reimbursed to the authority in the event funds are recovered by the municipality from the responsible person; and
- (7) other matters that the agency finds necessary for proper administration of the program.

Subd. 7. **Authority rules.** The commissioner of employment and economic development may adopt rules containing procedures for administration of the authority's duties as set forth in subdivision 5.

116.182 FINANCIAL ASSISTANCE PROGRAM.

Subd. 3a. **Notification of other government units.** In addition to other applicable statutes or rules that are required to receive financial assistance consistent with this subdivision, the commissioner may not approve or certify a project to the Public Facilities Authority for wastewater financial assistance unless the following requirements are met:

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(1) prior to the initiation of the public facilities planning process for a new wastewater treatment system, the project proposer gives written notice to all municipalities within ten miles of the proposed project service area, including the county in which the project is located, the Office of Strategic and Long-Range Planning, and the Pollution Control Agency. The notice shall state the proposer's intent to begin the facilities planning process and provide a description of the need for the proposed project. The notice also shall request a response within 30 days of the notice date from all government units who wish to receive and comment on the future facilities plan for the proposed project;

(2) during development of the facility plan's analysis of service alternatives, the project proposer must request information from all municipalities and sanitary districts which have existing systems that have current capacity to meet the proposer's needs or can be upgraded to meet those needs. At a minimum, the proposer must notify in writing those municipalities and sanitary districts whose corporate limits or boundaries are within three miles of the proposed project's service area;

(3) 60 days prior to the municipality's public hearing on the facilities plan, a copy of the draft facilities plan and notice of the public hearing on the facilities plan must be given to the local government units who previously expressed interest in the proposed project under clause (1);

(4) for a proposed project located or proposed to be located outside the corporate limits of a city, the affected county has certified to the agency that the proposed project is consistent with the applicable county comprehensive plan and zoning and subdivision regulations; and

(5) copies of the notifications required under clauses (1) and (2), as well as the certification from the county and a summary of the comments received, must be included by the municipality in the submission of its facilities plan to the Pollution Control Agency, along with other required items as specified in the agency's rules.

This subdivision does not apply to the Western Lake Superior Sanitary District or the Metropolitan Council.

116.195 BENEFICIAL USE OF WASTEWATER AND STORM WATER; CAPITAL GRANTS FOR DEMONSTRATION PROJECTS.

Subd. 5. **Reports.** The agency shall report by February 1 of each year to the chairs of the house of representatives and senate committees with jurisdiction over environment policy and finance and capital investment on the grants made and projects funded under this section. For each demonstration project funded, the report must include information on the scale of water constraints for the area, the volume of treated wastewater supplied or storm water available, the quality of the storm water or treated wastewater supplied and treatment implications for the industrial user, impacts to stream flow and downstream users, and any considerations related to water appropriation and discharge permits.

116.54 INJECTION OF CERTAIN MATERIALS.

The Pollution Control Agency shall authorize and may monitor not less than one or more than five projects to test the controlled injection of oxygen-bearing materials and appropriate microbiological systems into sites of water or soil contamination. An applicant for authority to conduct one of the tests shall describe to the agency plans for the test injection project including at least the following:

- (1) the quantity and type of chemicals and microbes to be used in the injection project;
- (2) the frequency and planned duration of the injections;
- (3) test monitoring and evaluation equipment that will be maintained at the site; and
- (4) procedures for recording, analyzing, and maintaining information on the injection project.

The applicant shall make available to the agency all significant test results from the injection project. Trade secret information, as defined in section 13.37, made available by an applicant is classified as nonpublic data, pursuant to section 13.02, subdivision 9, or private data on individuals, pursuant to section 13.02, subdivision 12.

116.90 REFUSE-DERIVED FUEL.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Agency" means the Pollution Control Agency.

(c) "Minor modification" means a physical or operational change that does not increase the rated energy production capacity of a solid fuel fired boiler and which does not involve capital costs in excess of 20 percent of a new solid fuel fired boiler having the same rated capacity.

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(d) "Refuse-derived fuel" means a product resulting from the processing of mixed municipal solid waste in a manner that reduces the quantity of noncombustible material present in the waste, reduces the size of waste components through shredding or other mechanical means, and produces a fuel suitable for combustion in existing or new solid fuel fired boilers.

(e) "Solid fuel fired boiler" means a device that is designed to combust solid fuel, including but not limited to: wood, coal, biomass, or lignite to produce steam or heat water.

Subd. 2. **Use of refuse-derived fuel.** (a) Existing or new solid fuel fired boilers may utilize refuse-derived fuel in an amount up to 30 percent by weight of the fuel feed stream under the following conditions:

(1) utilization of refuse-derived fuel involves no modification or only minor modification to the solid fuel fired boiler;

(2) utilization of refuse-derived fuel does not cause a violation of emissions limitations or ambient air quality standards applicable to the solid fuel fired boiler;

(3) the solid fuel fired boiler has a valid permit to operate;

(4) the refuse-derived fuel is manufactured and sold in compliance with permits issued by the agency and:

(i) is produced by a facility for which a permit was issued by the agency before June 1, 1991; or

(ii) is produced by an agency-permitted facility designed as part of a regional waste management system at which facility the waste is mechanically and hand sorted to avoid inclusion of items containing mercury or other heavy metals in the waste that is processed into refuse-derived fuel, and the refuse-derived fuel producer has contracted with an end user to combust the fuel; and

(5) the owner or operator of the solid fuel fired boiler gives prior written notice to the commissioner of the agency of the amount of refuse-derived fuel expected to be used and the date on which the use is expected to begin.

(b) A facility that produces refuse-derived fuel that is sold for use in a solid fuel fired boiler may accept waste for processing only from counties that provide for the removal of household hazardous waste from the waste.

(c) The agency may not require, as a condition of using refuse-derived fuel under this section, any additional monitoring or testing of a solid fuel fired boiler's air emissions beyond the monitoring or testing required by state or federal law or by the terms of the solid fuel fired boiler's permit issued by the agency.

116C.712 POWERS AND DUTIES.

Subdivision 1. **Duty.** The council's duty is to monitor the federal high-level radioactive waste disposal program under the Nuclear Waste Policy Act, Public Law 97-425 and advise the governor and the legislature on all policy issues relating to the federal high-level radioactive waste disposal program.

Subd. 2. **Expiration date.** The council terminates when the Department of Energy eliminates Minnesota from further siting consideration for disposal of high-level radioactive waste.

Subd. 3. **Council staff.** Staff support for council activities must be provided by the Office of Strategic and Long-Range Planning. State departments and agencies must cooperate with the council in the performance of its duties. Upon the request of the chair of the council, the governor may, by order, require a state department or agency to furnish assistance necessary to carry out the council's functions under this chapter.

Subd. 4. **Federal and other funds.** The chair of the council may apply for, receive, and expend money made available from federal sources or other sources for the purpose of carrying out the council's responsibilities under this chapter.

Subd. 5. **Assessment.** (a) A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant in this state shall pay an assessment to cover the cost of:

(1) monitoring the federal high-level radioactive waste program under the Nuclear Waste Policy Act, United States Code, title 42, sections 10101 to 10226;

(2) advising the governor and the legislature on policy issues relating to the federal high-level radioactive waste disposal program;

(3) surveying existing literature and activity relating to radioactive waste management, including storage, transportation, and disposal, in the state;

(4) an advisory task force on low-level radioactive waste deregulation, created by a law enacted in 1990 until July 1, 1996; and

(5) other general studies necessary to carry out the purposes of this subdivision.

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The assessment must not be more than the appropriation to the Office of Strategic and Long-Range Planning for these purposes.

(b) The office shall bill the owner or operator of the plant for the assessment at least 30 days before the start of each quarter. The assessment for the second quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the office for the preceding year were more or less than the estimated expenditures previously assessed. The billing may be made as an addition to the assessments made under section 216E.18. The owner or operator of the plant must pay the assessment within 30 days after receipt of the bill. The assessment must be deposited in the state treasury and credited to the special revenue fund.

(c) The authority for this assessment terminates when the Department of Energy eliminates Minnesota from further siting consideration for high-level radioactive waste by starting construction of a high-level radioactive waste disposal site in another state. The assessment required for any quarter must be reduced by the amount of federal grant money received by the Office of Strategic and Long-Range Planning for the purposes listed in this section.

(d) The director of the Office of Strategic and Long-Range Planning must report annually by July 1 to the environment and natural resources committees of the senate and house of representatives, the Finance Division of the senate Committee on Environment and Natural Resources, and the house of representatives Committee on Environment and Natural Resources Finance on activities assessed under paragraph (a).

116C.833 COMPACT COMMISSION MEMBER.

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

173.0845 STAR LAKE OR RIVER SIGNS.

Subdivision 1. **Authority to erect.** (a) A county, statutory or home rule charter city, or town of Minnesota that contains a star lake or river designated under section 103B.701 may request the Department of Transportation to erect star lake or river signs pursuant to section 161.139. One sign may be erected at each approach to a lake or river within the right-of-way of an interstate or other highway that passes over a lake or river in the Department of Transportation's eight-county metropolitan district or near or over a lake or river in greater Minnesota.

(b) An official lake or river sign on the right-of-way of an interstate or other highway may be replaced with a star lake or river sign by the Department of Transportation pursuant to section 161.139.

Subd. 2. **Sign standards.** The Department of Transportation shall design and manufacture the star lake and river signs to specifications not contrary to other federal and state highway sign standards.

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Laws 2013, chapter 114, article 4, section 100

Sec. 100. WASTEWATER TREATMENT SYSTEMS; BENEFICIAL USE.

The Pollution Control Agency shall apply the following criteria to wastewater treatment system projects: at least 30 points shall be assigned if a project will result in an agency-approved beneficial use of treated wastewater that results in reducing or replacing the use of groundwater, surface water, or potable water, provided that the project component resulting in the beneficial use of wastewater accounts for at least 20 percent of the total eligible cost of the project. Projects receiving points for land discharge beneficial use shall not receive an additional 30 points.

EFFECTIVE DATE. This section is effective August 1, 2013.