

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2733

03/06/2014 Authored by Dill
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

03/17/2014 Adoption of Report: Amended and re-referred to the Committee on Environment, Natural Resources and Agriculture Finance

03/28/2014 Adoption of Report: Amended and Placed on the General Register
Read Second Time

04/08/2014 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to natural resources; modifying all-terrain vehicle and off-highway

1.3 motorcycle provisions; providing for certain regulatory efficiencies; modifying

1.4 invasive species provisions; modifying definition of snowmobile; prohibiting

1.5 tampering with off-road recreational vehicle odometers; modifying use of forest

1.6 trails; modifying outdoor recreation system provisions; modifying Water Law;

1.7 modifying forestry provisions; modifying provision related to environmental

1.8 impact statements; amending Minnesota Statutes 2012, sections 17.4982,

1.9 subdivision 18a; 84.027, subdivisions 13a, 14a; 84.0857; 84.791, subdivision 4;

1.10 84.81, subdivision 3; 84.92, subdivisions 8, 9, 10; 84.925, subdivision 3; 84.926,

1.11 subdivision 4; 84D.01, subdivisions 8, 8b, 13, 15, 17, 18; 84D.03, as amended;

1.12 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 2a; 84D.12; 84D.13,

1.13 subdivision 5; 86A.09; 86A.11; 89A.02; 89A.03, subdivisions 1, 6; 89A.04;

1.14 89A.05, subdivisions 1, 3; 89A.06, subdivisions 1, 2, 4; 89A.07; 89A.08,

1.15 subdivisions 1, 2, 3; 89A.09; 89A.10; 89A.11; 97C.821; 103E.065; 103F.121,

1.16 subdivisions 2, 5; 103F.165, subdivision 3; 103G.245, subdivision 2; 103G.287,

1.17 subdivision 2; 103G.305, subdivision 1; 103G.615, subdivision 3a; 116D.04,

1.18 subdivision 2a; 325E.13, by adding a subdivision; 325E.14, subdivisions 1,

1.19 3, 4, 6; Minnesota Statutes 2013 Supplement, sections 84.027, subdivision

1.20 13; 84.9256, subdivision 1; 84D.10, subdivision 4; 84D.105, subdivision 2;

1.21 103C.311, subdivision 2; 103G.287, subdivision 4; proposing coding for new law

1.22 in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2012, sections

1.23 84.521; 89.01, subdivision 7; 89A.05, subdivisions 2a, 4; 89A.06, subdivision

1.24 2a; 103F.121, subdivisions 3, 4; 103F.165, subdivision 2.

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

1.26 Section 1. Minnesota Statutes 2012, section 17.4982, subdivision 18a, is amended to

1.27 read:

1.28 Subd. 18a. **Nonindigenous species.** "Nonindigenous species" means a species of

1.29 fish or other aquatic life that is:

1.30 (1) not known to have been historically present in the state;

1.31 (2) not known to be naturally occurring in a particular part of the state; or

1.32 (3) ~~designated~~ listed by rule as a prohibited or regulated invasive species.

2.1 Sec. 2. Minnesota Statutes 2013 Supplement, section 84.027, subdivision 13, is
2.2 amended to read:

2.3 Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may
2.4 adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized
2.5 under:

2.6 (1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and
2.7 areas, to select hunters for areas, to provide for tagging and registration of game and fish, to
2.8 prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife
2.9 disease, to open or close bodies of water or portions of bodies of water for night bow
2.10 fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

2.11 (2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng
2.12 roots and wild rice and to restrict or prohibit harvesting in designated areas; and

2.13 (3) section 84D.12 to ~~designate~~ list prohibited invasive species, regulated invasive
2.14 species, unregulated nonnative species, and infested waters.

2.15 (b) If conditions exist that do not allow the commissioner to comply with sections
2.16 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis
2.17 based upon current biological and harvest data, the commissioner may adopt a rule
2.18 under this subdivision by submitting the rule to the attorney general for review under
2.19 section 97A.0455, publishing a notice in the State Register and filing the rule with the
2.20 secretary of state and the Legislative Coordinating Commission, and complying with
2.21 section 97A.0459, and including a statement of the conditions and a copy of the rule in the
2.22 notice. The conditions for opening a water body or portion of a water body for night bow
2.23 fishing under this section may include the need to temporarily open the area to evaluate
2.24 compatibility of the activity on that body of water prior to permanent rulemaking. The
2.25 notice may be published after it is received from the attorney general or five business days
2.26 after it is submitted to the attorney general, whichever is earlier.

2.27 (c) Rules adopted under paragraph (b) are effective upon publishing in the State
2.28 Register and may be effective up to seven days before publishing and filing under
2.29 paragraph (b), if:

2.30 (1) the commissioner of natural resources determines that an emergency exists;

2.31 (2) the attorney general approves the rule; and

2.32 (3) for a rule that affects more than three counties the commissioner publishes the
2.33 rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a
2.34 rule that affects three or fewer counties the commissioner publishes the rule once in a legal
2.35 newspaper in each of the affected counties.

3.1 (d) Except as provided in paragraph (e), a rule published under paragraph (c), clause
3.2 (3), may not be effective earlier than seven days after publication.

3.3 (e) A rule published under paragraph (c), clause (3), may be effective the day the
3.4 rule is published if the commissioner gives notice and holds a public hearing on the rule
3.5 within 15 days before publication.

3.6 (f) The commissioner shall attempt to notify persons or groups of persons affected
3.7 by rules adopted under paragraphs (b) and (c) by public announcements, posting, and
3.8 other appropriate means as determined by the commissioner.

3.9 (g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is
3.10 effective for the period stated in the notice but not longer than 18 months after the rule is
3.11 effective.

3.12 Sec. 3. Minnesota Statutes 2012, section 84.027, subdivision 13a, is amended to read:

3.13 Subd. 13a. **Game and fish expedited permanent rules.** In addition to the authority
3.14 granted in subdivision 13, the commissioner of natural resources may adopt rules under
3.15 section 14.389 that are authorized under:

3.16 (1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to
3.17 designate fish spawning beds or fish preserves, to select hunters or anglers for areas,
3.18 to provide for registration of game or fish, to prevent or control wildlife disease, or to
3.19 correct errors or omissions in rules that do not have a substantive effect on the intent or
3.20 application of the original rule; or

3.21 (2) section 84D.12 to ~~designate~~ list prohibited invasive species, regulated invasive
3.22 species, and unregulated nonnative species.

3.23 Sec. 4. Minnesota Statutes 2012, section 84.027, subdivision 14a, is amended to read:

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

3.28 (b) The commissioner shall prepare ~~semiannual~~ a permitting efficiency ~~reports~~
3.29 report that ~~include~~ includes statistics on meeting the goal in paragraph (a). The ~~reports~~
3.30 are ~~report is~~ due ~~February 1~~ and August 1 each year. For permit applications that have
3.31 not met the goal, the report must state the reasons for not meeting the goal. In stating the
3.32 reasons for not meeting the goal, the commissioner shall separately identify delays caused
3.33 by the responsiveness of the proposer, lack of staff, scientific or technical disagreements,
3.34 or the level of public engagement. The report must specify the number of days from

4.1 initial submission of the application to the day of determination that the application is
4.2 complete. The report for August 1 each year must aggregate the data for the year and
4.3 assess whether program or system changes are necessary to achieve the goal. The report
4.4 must be posted on the department's Web site and submitted to the governor and the chairs
4.5 and ranking minority members of the house of representatives and senate committees
4.6 having jurisdiction over natural resources policy and finance.

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

4.9 (d) Beginning July 1, 2011, within 30 business days of application for a permit subject
4.10 to paragraph (a), the commissioner of natural resources shall notify the project proposer,
4.11 in writing, whether the application is complete or incomplete. If the commissioner
4.12 determines that an application is incomplete, the notice to the applicant must enumerate
4.13 all deficiencies, citing specific provisions of the applicable rules and statutes, and advise
4.14 the applicant on how the deficiencies can be remedied. This paragraph does not apply to
4.15 an application for a permit that is subject to a grant or loan agreement under chapter 446A.

4.16 Sec. 5. Minnesota Statutes 2012, section 84.0857, is amended to read:

4.17 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

4.18 (a) The commissioner of natural resources may bill organizational units within
4.19 the Department of Natural Resources and other governmental units, including tribal
4.20 governments, for the costs of providing them with building and infrastructure facilities.
4.21 Costs billed may include modifications and adaptations to allow for appropriate building
4.22 occupancy, building code compliance, insurance, utility services, maintenance, repair, and
4.23 other direct costs as determined by the commissioner. Receipts shall be credited to a
4.24 special account in the state treasury and are appropriated to the commissioner to pay the
4.25 costs for which the billings were made.

4.26 (b) Money deposited in the special account from the proceeds of a sale under section
4.27 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire
4.28 facilities or renovate existing buildings for administrative use or to acquire land for,
4.29 design, and construct administrative buildings for the Department of Natural Resources.

4.30 (c) The commissioner of natural resources may bill organizational units within
4.31 the Department of Natural Resources and other governmental units, including tribal
4.32 governments, for the costs of operating facilities. Receipts shall be credited to a special
4.33 account in the state treasury and are appropriated to the commissioner to pay the costs
4.34 for which the billings were made.

5.1 Sec. 6. Minnesota Statutes 2012, section 84.791, subdivision 4, is amended to read:

5.2 Subd. 4. **Off-highway motorcycle safety courses; reciprocity with other states;**
5.3 **accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements
5.4 or otherwise certify off-highway motorcycle environment and safety education and
5.5 training courses from other states that are substantially similar to in-state courses. Proof
5.6 of completion of a course subject to a reciprocity agreement or certified as substantially
5.7 similar is adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

5.8 (b) Proof of completion of the Motorcycle Safety Foundation Dirtbike School is
5.9 adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

5.10 Sec. 7. Minnesota Statutes 2012, section 84.81, subdivision 3, is amended to read:

5.11 Subd. 3. **Snowmobile.** "Snowmobile" means a self-propelled vehicle originally
5.12 manufactured and designed for travel on snow or ice steered by skis or runners.

5.13 Snowmobile does not include the following vehicles equipped with aftermarket ski and
5.14 track configurations:

- 5.15 (1) an all-terrain vehicle defined in section 84.92;
5.16 (2) an off-highway motorcycle defined in section 84.787;
5.17 (3) an off-road vehicle defined in section 84.797;
5.18 (4) a mini truck defined in section 169.011;
5.19 (5) a utility task vehicle described in section 169.045; or
5.20 (6) any other vehicle being operated off road.

5.21 Sec. 8. Minnesota Statutes 2012, section 84.92, subdivision 8, is amended to read:

5.22 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a
5.23 motorized ~~floatation-tired~~ vehicle of not less than three ~~low pressure~~ tires, but not more
5.24 than six low pressure or non-pneumatic tires, that is limited in engine displacement of
5.25 less than 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2
5.26 all-terrain vehicle.

5.27 Sec. 9. Minnesota Statutes 2012, section 84.92, subdivision 9, is amended to read:

5.28 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an
5.29 all-terrain vehicle that has a total dry weight of less than ~~1,000~~ 1,200 pounds.

5.30 Sec. 10. Minnesota Statutes 2012, section 84.92, subdivision 10, is amended to read:

5.31 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an
5.32 all-terrain vehicle that has a total dry weight of ~~1,000~~ 1,200 to 1,800 pounds.

6.1 Sec. 11. Minnesota Statutes 2012, section 84.925, subdivision 3, is amended to read:

6.2 Subd. 3. **All-terrain vehicle safety courses; reciprocity with other states;**
6.3 **accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements
6.4 or otherwise certify all-terrain vehicle environmental and safety education and training
6.5 courses from other states that are substantially similar to in-state courses. Proof of
6.6 completion of a course subject to a reciprocity agreement or certified as substantially
6.7 similar is adequate to meet the safety certificate requirements of sections 84.92 to 84.928.

6.8 (b) Proof of completion of training, including the ATV RiderCourse, offered by the
6.9 All-Terrain Vehicle Safety Institute is adequate to meet the safety certificate requirements
6.10 of sections 84.92 to 84.928.

6.11 Sec. 12. Minnesota Statutes 2013 Supplement, section 84.9256, subdivision 1, is
6.12 amended to read:

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

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

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

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

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

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

6.28 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years
6.29 old, but less than ~~18~~ 16 years old, must:

6.30 (1) successfully complete the safety education and training program under section
6.31 84.925, subdivision 1, including a riding component; and

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

7.1 (e) A person at least 11 years of age may take the safety education and training
7.2 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
7.3 the certificate is not valid until the person reaches age 12.

7.4 (f) A person at least ten years of age but under 12 years of age may operate an
7.5 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if
7.6 accompanied by a parent or legal guardian.

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

7.8 (h) A person under the age of 16 may not operate an all-terrain vehicle on public
7.9 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and
7.10 control the handle bars and reach the foot pegs while sitting upright on the seat of the
7.11 all-terrain vehicle.

7.12 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than
7.13 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county
7.14 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters
7.15 or state or grant-in-aid trails if:

7.16 (1) the nonresident youth has in possession evidence of completing an all-terrain
7.17 safety course offered by the ATV Safety Institute or another state as provided in section
7.18 84.925, subdivision 3; and

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

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

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

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

7.27 Sec. 13. Minnesota Statutes 2012, section 84.926, subdivision 4, is amended to read:

7.28 Subd. 4. **Off-road and all-terrain vehicles; limited or managed forests; trails.**

7.29 Notwithstanding section 84.777, but subject to the commissioner's authority under
7.30 subdivision 5, on state forest lands classified as limited or managed, other than the Richard
7.31 J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter
7.32 168 or section 84.798 or 84.922, including class 2 all-terrain vehicles, on forest trails
7.33 designated for off-road vehicle use and on forest trails that are not designated for a
7.34 specific use when:

8.1 (1) hunting big game or transporting or installing hunting stands during October,
8.2 November, and December, when in possession of a valid big game hunting license;

8.3 (2) retrieving big game in September, when in possession of a valid big game
8.4 hunting license;

8.5 (3) tending traps during an open trapping season for protected furbearers, when in
8.6 possession of a valid trapping license; or

8.7 (4) trapping minnows, when in possession of a valid minnow dealer, private fish
8.8 hatchery, or aquatic farm license.

8.9 Sec. 14. Minnesota Statutes 2012, section 84D.01, subdivision 8, is amended to read:

8.10 Subd. 8. **Infested waters.** "Infested waters" means waters of the state ~~designated~~
8.11 listed by the commissioner under sections 84D.03, subdivision 1, and 84D.12.

8.12 Sec. 15. Minnesota Statutes 2012, section 84D.01, subdivision 8b, is amended to read:

8.13 Subd. 8b. **Inspect.** "Inspect" means to examine water-related equipment to determine
8.14 whether aquatic invasive species, aquatic macrophytes, or water is present and includes
8.15 removal, drainage, decontamination, collection and sampling, or treatment to prevent the
8.16 transportation and spread of aquatic invasive species, aquatic macrophytes, and water.

8.17 Sec. 16. Minnesota Statutes 2012, section 84D.01, subdivision 13, is amended to read:

8.18 Subd. 13. **Prohibited invasive species.** "Prohibited invasive species" means a
8.19 nonnative species that has been ~~designated~~ listed as a prohibited invasive species in a rule
8.20 adopted by the commissioner under section 84D.12.

8.21 Sec. 17. Minnesota Statutes 2012, section 84D.01, subdivision 15, is amended to read:

8.22 Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a
8.23 nonnative species that has been ~~designated~~ listed as a regulated invasive species in a rule
8.24 adopted by the commissioner under section 84D.12.

8.25 Sec. 18. Minnesota Statutes 2012, section 84D.01, subdivision 17, is amended to read:

8.26 Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a
8.27 nonnative species that has not been ~~designated~~ listed as a prohibited invasive species, a
8.28 regulated invasive species, or an unregulated nonnative species in a rule adopted by the
8.29 commissioner under section 84D.12.

8.30 Sec. 19. Minnesota Statutes 2012, section 84D.01, subdivision 18, is amended to read:

9.1 Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means
 9.2 a nonnative species that has been ~~designated~~ listed as an unregulated nonnative species in
 9.3 a rule adopted by the commissioner under section 84D.12.

9.4 Sec. 20. Minnesota Statutes 2012, section 84D.03, as amended by Laws 2013, chapter
 9.5 121, section 10, is amended to read:

9.6 **84D.03 INFESTED WATERS; RESTRICTED ACTIVITIES.**

9.7 Subdivision 1. **Infested waters; restricted activities.** (a) The commissioner shall
 9.8 ~~designate~~ list a water of the state as an infested water if the commissioner determines that:

9.9 (1) the water contains a population of an aquatic invasive species that could spread
 9.10 to other waters if use of the water and related activities are not regulated to prevent this; or

9.11 (2) the water is highly likely to be infested by an aquatic invasive species because it
 9.12 is connected to a water that contains a population of an aquatic invasive species.

9.13 (b) When determining which invasive species comprise infested waters, the
 9.14 commissioner shall consider:

9.15 (1) the extent of a species distribution within the state;

9.16 (2) the likely means of spread for a species; and

9.17 (3) whether regulations specific to infested waters containing a specific species
 9.18 will effectively reduce that species' spread.

9.19 (c) The presence of common carp and curly-leaf pondweed shall not be the basis
 9.20 for ~~designating~~ listing a water as infested.

9.21 (d) ~~The designation of infested waters by the commissioner shall be by written~~
 9.22 ~~order published in the State Register~~ maintain a list of infested waters and provide access
 9.23 to a copy of the listed waters. ~~Designations~~ Listings are not subject to the rulemaking
 9.24 provisions of chapter 14 and section 14.386 does not apply.

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

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

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

9.33 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
 9.34 water milfoil, when the infested waters are ~~designated~~ listed solely because they contain

10.1 Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow
10.2 traps not exceeding 16 inches in diameter and 32 inches in length; and

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

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

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

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

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

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

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

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

10.18 **Subd. 4. Commercial fishing and turtle, frog, and crayfish harvesting**

10.19 **restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors,
10.20 stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an
10.21 infested water that is ~~designated~~ listed because it contains invasive fish, invertebrates, or
10.22 certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If
10.23 a commercial licensee operates in an infested water ~~designated~~ listed because it contains
10.24 invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, all nets,
10.25 traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or
10.26 crayfish harvesting in waters ~~designated~~ listed as infested with invasive fish, invertebrates,
10.27 or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by
10.28 the commissioner, as specified in the commercial licensee's license or permit. This tagging
10.29 requirement does not apply to commercial fishing equipment used in Lake Superior.

10.30 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or
10.31 turtle, frog, or crayfish harvesting in an infested water that is ~~designated~~ listed solely
10.32 because it contains Eurasian water milfoil must be dried for a minimum of ten days or
10.33 frozen for a minimum of two days before they are used in any other waters, except as
10.34 provided in this paragraph. Commercial licensees must notify the department's regional
10.35 or area fisheries office or a conservation officer before removing nets or equipment from
10.36 an infested water ~~designated~~ listed solely because it contains Eurasian water milfoil and

11.1 before resetting those nets or equipment in any other waters. Upon notification, the
11.2 commissioner may authorize a commercial licensee to move nets or equipment to another
11.3 water without freezing or drying, if that water is ~~designated~~ listed as infested solely
11.4 because it contains Eurasian water milfoil.

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

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

11.9 Sec. 21. Minnesota Statutes 2012, section 84D.06, is amended to read:

11.10 **84D.06 UNLISTED NONNATIVE SPECIES.**

11.11 Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic
11.12 plant or wild animal species unless:

11.13 (1) the person has notified the commissioner in a manner and form prescribed by
11.14 the commissioner;

11.15 (2) the commissioner has made the classification determination required in
11.16 subdivision 2 and ~~designated~~ listed the species as appropriate; and

11.17 (3) the introduction is allowed under the applicable provisions of this chapter.

11.18 Subd. 2. **Classification.** (a) If the commissioner determines that a species for which
11.19 a notification is received under subdivision 1 should be classified as a prohibited invasive
11.20 species, the commissioner shall:

11.21 (1) adopt a rule under section 84D.12, subdivision 3, ~~designating~~ listing the species
11.22 as a prohibited invasive species; and

11.23 (2) notify the person from which the notification was received that the species is
11.24 subject to section 84D.04.

11.25 (b) If the commissioner determines that a species for which a notification is
11.26 received under subdivision 1 should be classified as an unregulated nonnative species,
11.27 the commissioner shall:

11.28 (1) adopt a rule under section 84D.12, subdivision 3, ~~designating~~ listing the species
11.29 as an unregulated nonnative species; and

11.30 (2) notify the person from which the notification was received that the species is not
11.31 subject to regulation under this chapter.

11.32 (c) If the commissioner determines that a species for which a notification is received
11.33 under subdivision 1 should be classified as a regulated invasive species, the commissioner
11.34 shall notify the applicant that the species is subject to the requirements in section 84D.07.

12.1 Sec. 22. Minnesota Statutes 2012, section 84D.10, subdivision 3, is amended to read:

12.2 Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed
12.3 peace officer may order:

12.4 (1) the removal of aquatic macrophytes or prohibited invasive species from
12.5 water-related equipment before it is placed into waters of the state;

12.6 (2) confinement of the water-related equipment at a mooring, dock, or other location
12.7 until the water-related equipment is removed from the water;

12.8 (3) removal of water-related equipment from waters of the state to remove prohibited
12.9 invasive species if the water has not been ~~designated~~ listed by the commissioner as being
12.10 infested with that species; and

12.11 (4) a prohibition on placing water-related equipment into waters of the state when
12.12 the water-related equipment has aquatic macrophytes or prohibited invasive species
12.13 attached in violation of subdivision 1 or when water has not been drained or the drain plug
12.14 has not been removed in violation of subdivision 4.

12.15 (b) An inspector who is not a licensed peace officer may issue orders under
12.16 paragraph (a), clauses (1), (3), and (4).

12.17 Sec. 23. Minnesota Statutes 2013 Supplement, section 84D.10, subdivision 4, is
12.18 amended to read:

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

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

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

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

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

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

13.1 (g) A person who transports water that is appropriated from noninfested surface
13.2 water bodies and that is transported by a commercial vehicle, excluding watercraft, or
13.3 commercial trailer, which vehicle or trailer is specifically designed and used for water
13.4 hauling, is exempt from paragraphs (a) and (b), provided that the person does not discharge
13.5 the transported water to other surface waters or within 100 feet of a surface water body.

13.6 (h) A person transporting water from noninfested surface water bodies for
13.7 firefighting or emergencies that threaten human safety or property is exempt from
13.8 paragraphs (a) and (b).

13.9 Sec. 24. Minnesota Statutes 2013 Supplement, section 84D.105, subdivision 2, is
13.10 amended to read:

13.11 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize
13.12 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive
13.13 species, and water. The commissioner may enter into a delegation agreement with a tribal
13.14 or local government where inspection authority as provided under paragraphs (b), (g), and
13.15 (h) is delegated to tribal and local governments ~~that assume all~~. The delegation agreements
13.16 may provide for the assumption of legal, financial, and administrative responsibilities for
13.17 inspection programs on some or all public waters within their jurisdiction.

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

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

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

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

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

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

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

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

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

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

14.16 (g) The commissioner may authorize tribal and local governments that enter into
14.17 a delegation agreement with the commissioner to conduct mandatory inspections of
14.18 water-related equipment at specified locations within a defined area before a person
14.19 places or removes water-related equipment into or out of a water body. Tribal and local
14.20 governments that are authorized to conduct inspections under this paragraph must:

14.21 (1) to the extent called for in the delegation agreement, assume all legal, financial,
14.22 and administrative responsibilities for implementing the mandatory inspections, alone or
14.23 in agreement with other tribal or local governments;

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

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

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

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

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

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

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

14.36 (2) reasonable travel times between public accesses and inspection stations;

15.1 (3) adequate staffing to minimize wait times and provide adequate hours of operation
 15.2 at inspection stations and public accesses;

15.3 (4) adequate enforcement capacity;

15.4 (5) measures to address inspections of water-related equipment at public water
 15.5 accesses for commercial entities and private riparian land owners; and

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

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

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

15.18 Sec. 25. Minnesota Statutes 2012, section 84D.11, subdivision 2a, is amended to read:

15.19 Subd. 2a. **Harvest of bait from infested waters.** (a) The commissioner may issue a
 15.20 permit to allow the harvest of bait:

15.21 (1) from waters that are ~~designated~~ listed as infested waters, except those ~~designated~~
 15.22 listed because they contain prohibited invasive species of fish or certifiable diseases of fish
 15.23 as defined in section 17.4982, subdivision 6; and

15.24 (2) from infested waters as allowed under section 97C.341, paragraph (c).

15.25 The permit shall include conditions necessary to avoid spreading aquatic invasive
 15.26 species.

15.27 (b) Before receiving a permit, or working for a permittee, a person annually
 15.28 must satisfactorily complete aquatic invasive species-related training provided by the
 15.29 commissioner.

15.30 Sec. 26. Minnesota Statutes 2012, section 84D.12, is amended to read:

15.31 **84D.12 RULES.**

15.32 Subdivision 1. **Required rules.** The commissioner shall adopt rules:

15.33 (1) ~~designating~~ listing prohibited invasive species, regulated invasive species, and
 15.34 unregulated nonnative species of aquatic plants and wild animals;

16.1 (2) governing the application for and issuance of permits under this chapter, which
16.2 rules may include a fee schedule; and

16.3 (3) governing notification under section 84D.08.

16.4 Subd. 2. **Authorized rules.** The commissioner may adopt rules:

16.5 (1) regulating the possession, importation, purchase, sale, propagation, transport,
16.6 and introduction of invasive species of aquatic plants and wild animals; and

16.7 (2) regulating the appropriation, use, and transportation of water from listed infested
16.8 waters.

16.9 Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027,
16.10 subdivision 13, that ~~designate~~ list:

16.11 (1) prohibited invasive species of aquatic plants and wild animals;

16.12 (2) regulated invasive species of aquatic plants and wild animals; and

16.13 (3) unregulated nonnative species of aquatic plants and wild animals.

16.14 Sec. 27. Minnesota Statutes 2012, section 84D.13, subdivision 5, is amended to read:

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

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

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

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

16.22 (4) for placing or attempting to place into waters of the state water-related equipment
16.23 that has prohibited invasive species attached when the waters are not ~~designated~~ listed by
16.24 the commissioner as being infested with that invasive species, \$500;

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

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

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

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

17.1 Sec. 28. Minnesota Statutes 2012, section 86A.09, is amended to read:

17.2 **86A.09 DEVELOPMENT AND ESTABLISHMENT OF UNITS.**

17.3 Subdivision 1. **Master plan required.** No construction of new facilities or other
 17.4 development of an authorized unit, other than repairs and maintenance, shall commence
 17.5 until the managing agency has prepared ~~and submitted to the commissioner of natural~~
 17.6 ~~resources and the commissioner has reviewed, pursuant to this section,~~ a master plan for
 17.7 administration of the unit in conformity with this section. No master plan is required for
 17.8 wildlife management areas that do not have resident managers, for scientific and natural
 17.9 areas, for water access sites, for aquatic management areas, for rest areas, or for boater
 17.10 waysides.

17.11 Subd. 2. **Master plan; preparation and content public review.** The managing
 17.12 agency shall supervise preparation of the master plan and shall utilize the professional
 17.13 staffs of any agency of the state when the expertise of the staff of such agency is necessary
 17.14 to adequately prepare the master plan; the master plan shall present the information in
 17.15 a format and detail that is appropriate to the size and complexity of the authorized unit.
 17.16 When the master plan has been completed the managing agency shall announce to the
 17.17 public in a manner reasonably designed to inform interested persons that the master plan is
 17.18 available for public review and in the case of any major unit shall hold at least one public
 17.19 hearing meeting on the plan in the vicinity of the unit. The managing agency shall make
 17.20 the master plan available for review and comment by the public and other state agencies
 17.21 for at least 15 days prior to the public meeting and shall accept comments on the plan for
 17.22 at least 30 days following the announcement and before submitting the master plan to the
 17.23 ~~commissioner of natural resources. Copies of the plan shall be provided to members of~~
 17.24 ~~the Outdoor Recreation Advisory Council and to any other person on request approval.~~
 17.25 The managing agency shall prepare a record of the public meeting and any comments
 17.26 received during the comment period.

17.27 Subd. 3. **Master plan; ~~review and approval~~ content.** All master plans required
 17.28 by this section shall ~~be submitted to the commissioner of natural resources for review~~
 17.29 ~~pursuant to this subdivision. The commissioner of natural resources shall review the~~
 17.30 ~~master plan to determine whether the plan:~~ (a) provides:

17.31 (1) provide for administration of the unit in a manner that is consistent with the
 17.32 purposes for which the unit was authorized and with the principles governing the
 17.33 administration of the unit, as specified in section 86A.05 and the statutes relating to each
 17.34 type of unit; and

17.35 ~~(b) recognizes~~ (2) recognize values and resources within the unit that are primarily
 17.36 the responsibility of another managing agency to protect or develop; and ~~provides~~ provide

18.1 for their protection or development either through a cooperative agreement with the other
18.2 managing agency or through designation of the appropriate area as a secondary unit. ~~In~~
18.3 ~~reviewing any master plan, the commissioner of natural resources shall consult with~~
18.4 ~~other state agencies. Within 60 days after receiving the master plan, the commissioner of~~
18.5 ~~natural resources shall notify the managing agency that the plan has been reviewed and~~
18.6 ~~forward its recommendations for any changes it might suggest. The managing agency~~
18.7 ~~shall review the recommendations and notify the commissioner of natural resources of the~~
18.8 ~~disposition made of them. Failure to comment on a master plan within the time specified~~
18.9 ~~shall be considered approval of the plan by the commissioner of natural resources. If the~~
18.10 ~~commissioner of natural resources feels that the master plan still fails significantly to~~
18.11 ~~comply with this subdivision, the commissioner may request review of the master plan by~~
18.12 ~~the governor. In that event review shall not be deemed completed until after the master~~
18.13 ~~plan has been approved by the governor or 60 days have elapsed without action by the~~
18.14 ~~governor to approve or reject the plan, whichever occurs first.~~

18.15 Subd. 4. **Development.** Construction of necessary facilities and other development
18.16 of the unit shall commence as soon as practicable ~~after review of the master plan by the~~
18.17 ~~commissioner of natural resources, and the governor if requested, and shall be carried out~~
18.18 in conformity with the master plan.

18.19 Subd. 5. **Establishment.** When, in the opinion of the managing agency,
18.20 acquisition and development of the unit are sufficiently complete to permit operation and
18.21 administration of the unit in substantial conformity with the master plan as approved, the
18.22 managing agency shall declare the unit established and ready for use.

18.23 Subd. 6. **Master plan amendment.** The managing agency shall prepare an
18.24 amendment to a master plan to address changes proposed for a unit that would vary
18.25 from the approved master plan. The master plan amendment shall address the impacts
18.26 of the proposed changes to the natural and cultural resources, interpretive services,
18.27 recreational opportunities, and administrative activities at the unit. The master plan
18.28 amendment supersedes the master plan for those areas addressed by the amendment. The
18.29 managing agency shall hold a public meeting for master plan amendments that constitute a
18.30 significant change in public use or access to the unit or that may be controversial. Public
18.31 notice and approval of the master plan amendment shall follow the process described in
18.32 subdivision 2. Construction of necessary facilities and other development of the unit shall
18.33 commence as soon as practicable after the master plan amendment is adopted.

18.34 Sec. 29. Minnesota Statutes 2012, section 86A.11, is amended to read:

18.35 **86A.11 REGISTRY OF UNITS.**

19.1 The commissioner of natural resources and the director of the Minnesota Historical
19.2 Society shall each compile and maintain a current registry of the name, location, size,
19.3 and description of all units of the outdoor recreation system under ~~the commissioner's~~
19.4 ~~jurisdiction and under the jurisdiction of the Minnesota Historical Society and the~~
19.5 ~~commissioner of transportation. The commissioner of natural resources~~ their respective
19.6 jurisdictions, and shall publish and distribute the information contained in the registry in
19.7 a form and manner suitable to assist persons wishing to use these units. ~~The Minnesota~~
19.8 ~~Historical Society and the commissioner of transportation shall cooperate with and assist~~
19.9 ~~the commissioner of natural resources in preparing and distributing the registry.~~

19.10 Sec. 30. Minnesota Statutes 2012, section 89A.02, is amended to read:

19.11 **89A.02 POLICY.**

19.12 It is the policy of the state to:

19.13 (1) pursue the sustainable management, use, and protection of the state's forest
19.14 resources to achieve the state's economic, environmental, and social goals;

19.15 (2) encourage cooperation and collaboration between public and private sectors in
19.16 the management of the state's forest resources;

19.17 (3) recognize and consider forest resource issues, concerns, and impacts at the
19.18 site level and landscape ~~levels~~ level; and

19.19 (4) recognize the broad array of perspectives regarding the management, use,
19.20 and protection of the state's forest resources, and establish and maintain processes and
19.21 mechanisms that seek and incorporate these perspectives in the planning and management
19.22 of the state's forest resources.

19.23 Nothing in this chapter abolishes, repeals, or negates any existing authorities related
19.24 to managing and protecting the state's forest resources.

19.25 Sec. 31. Minnesota Statutes 2012, section 89A.03, subdivision 1, is amended to read:

19.26 Subdivision 1. **Membership.** The governor must appoint a chair and 15 other
19.27 members to the Minnesota Forest Resources Council. The Indian Affairs Council will
19.28 appoint one additional member. When making appointments to the council, the governor
19.29 must appoint knowledgeable individuals with an understanding of state forest resource
19.30 issues who ~~fairly~~ reflect a balance of the various interests in the sustainable management,
19.31 use, and protection of the state's forest resources in order to achieve the purpose and
19.32 policies specified in subdivision 2 and section 89A.02. The council membership ~~appointed~~
19.33 ~~by the governor~~ must include the following individuals:

- 20.1 (1) two representatives from organizations representing environmental interests
 20.2 within the state;
- 20.3 (2) a representative from an organization representing the interests of management
 20.4 of game species;
- 20.5 (3) a representative from a conservation organization;
- 20.6 (4) a representative from an association representing forest products industry within
 20.7 the state;
- 20.8 (5) a commercial logging contractor active in a forest product association;
- 20.9 (6) a representative from a statewide association representing the resort and tourism
 20.10 industry;
- 20.11 (7) a faculty or researcher of a Minnesota research or higher educational institution;
- 20.12 (8) a representative from an association representing family forest woodlands who is
 20.13 an owner of nonindustrial, private forest land of 40 acres or more;
- 20.14 (9) an owner of nonindustrial, private forest land;
- 20.15 (10) a representative from the department;
- 20.16 (11) a county land commissioner who is a member of the Minnesota Association
 20.17 of County Land Commissioners;
- 20.18 (12) a representative from the United States Department of Agriculture Forest
 20.19 Service unit with land management responsibility in Minnesota;
- 20.20 (13) a representative from a labor organization with membership having an interest
 20.21 in forest resource issues;
- 20.22 (14) an individual representing a secondary wood products manufacturing
 20.23 organization; ~~and~~
- 20.24 (15) a chair; and
- 20.25 (16) an individual representing the Minnesota Indian Affairs Council.

20.26 Sec. 32. Minnesota Statutes 2012, section 89A.03, subdivision 6, is amended to read:

20.27 Subd. 6. **Biennial report.** The council must report to the governor and to the
 20.28 legislative committees and divisions with jurisdiction over environment and natural
 20.29 resource policy and finance by February 1 of each odd-numbered year. The report must
 20.30 describe the progress and accomplishments made by the council during the preceding
 20.31 ~~year~~ two years.

20.32 Sec. 33. Minnesota Statutes 2012, section 89A.04, is amended to read:

20.33 **89A.04 PARTNERSHIP.**

21.1 It is the policy of the state to encourage forest landowners, forest managers, and
21.2 loggers to ~~establish~~ maintain a partnership in which the implementation of council
21.3 recommendations can occur in a timely and coordinated manner across ownerships. The
21.4 partnership shall serve as a forum for discussing operational implementation issues
21.5 and problem solving related to forest resources management and planning concerns,
21.6 and be responsive to the recommendations of the council. This partnership shall also
21.7 actively foster collaboration and coordination among forest managers, landowners, and
21.8 ~~landowners~~ loggers in addressing landscape-level operations and concerns. In fulfilling
21.9 its responsibilities as identified in this chapter, the partnership may advise the council.
21.10 Nothing in this section shall imply extra rights or influence for the partnership.

21.11 Sec. 34. Minnesota Statutes 2012, section 89A.05, subdivision 1, is amended to read:

21.12 Subdivision 1. **Development and revision.** The council shall coordinate the
21.13 development and periodic revision of comprehensive timber harvesting and forest
21.14 management guidelines based on the information derived from forest resources, practices,
21.15 implementation, and effectiveness monitoring programs, and other information deemed
21.16 appropriate by the council. The guidelines must address the water, air, soil, biotic,
21.17 recreational, cultural, and aesthetic resources found in forest ecosystems by focusing
21.18 on those impacts commonly associated with applying site-level forestry practices. The
21.19 guidelines must reflect a range of practical and sound practices based on the best available
21.20 scientific information, and be integrated to minimize conflicting recommendations while
21.21 being easy to understand and implement. ~~By June 30, 2003, the council shall review the~~
21.22 ~~guidelines and identify potential revisions. If deemed necessary, the council shall update~~
21.23 ~~the guidelines by June 30, 2005.~~ Changes to the guidelines shall be peer reviewed prior
21.24 to final adoption by the council. ~~By December 1999, the council must undertake a peer~~
21.25 ~~review of the recommendations in the forest management guidelines adopted in December~~
21.26 ~~1998 for protecting forest riparian areas and seasonal ponds.~~

21.27 Sec. 35. Minnesota Statutes 2012, section 89A.05, subdivision 3, is amended to read:

21.28 Subd. 3. **Application.** The timber harvesting and forest management guidelines
21.29 are voluntary. ~~Prior to their actual use,~~ The council must develop and periodically assess
21.30 guideline implementation goals for each major forest land ownership category that will
21.31 sustain forest resources. If the information developed as a result of forest resources,
21.32 practices, ~~compliance~~ implementation, and effectiveness monitoring programs conducted
21.33 by the department or other information obtained by the council indicates the implementation
21.34 goals for the guidelines are not being met and the council determines significant adverse

22.1 impacts are occurring, the council shall recommend to the governor additional measures to
 22.2 address those impacts. The council must incorporate the recommendations as part of the
 22.3 council's biennial report required by section 89A.03, subdivision 6.

22.4 Sec. 36. Minnesota Statutes 2012, section 89A.06, subdivision 1, is amended to read:

22.5 Subdivision 1. **Framework.** The council must ~~establish~~ maintain a framework that
 22.6 will enable long-range strategic planning and ~~landscape~~ coordination to occur, to the
 22.7 extent possible, across all forested regions of the state and across all ownerships. The
 22.8 framework must include:

22.9 (1) identification of the landscapes within which long-range strategic planning of
 22.10 forest resources can occur, provided that the landscapes must be delineated based on
 22.11 broadly defined ecological units and existing classification systems, yet recognize existing
 22.12 political and administrative boundaries and planning processes;

22.13 (2) a statement of principles and goals for landscape-based forest resource planning;
 22.14 and

22.15 (3) identification of a general process by which landscape-based forest resource
 22.16 planning occurs, provided that the process must give considerable latitude to design
 22.17 planning processes that fit the unique needs and resources of each landscape; reflect a
 22.18 balanced consideration of the economic, social, and environmental conditions and needs
 22.19 of each landscape; and interface and establish formats that are compatible with other
 22.20 landscape-based forest resource plans.

22.21 Sec. 37. Minnesota Statutes 2012, section 89A.06, subdivision 2, is amended to read:

22.22 Subd. 2. **Regional forest resource committees.** To foster landscape-based
 22.23 forest resource planning, the council must ~~establish~~ maintain regional forest resource
 22.24 committees. Each regional committee shall:

22.25 (1) include representative interests in a particular region that are committed to and
 22.26 involved in landscape planning and coordination activities;

22.27 (2) serve as a forum for landowners, managers, and representative interests to
 22.28 discuss landscape forest resource issues;

22.29 (3) ~~identify and~~ implement an open and public process whereby landscape-based
 22.30 strategic planning of forest resources can occur;

22.31 (4) integrate its ~~report~~ landscape planning efforts with existing public and private
 22.32 landscape land management planning efforts in the region;

22.33 (5) facilitate landscape coordination between ~~existing regional landscape planning~~
 22.34 efforts of land managers in the region, both public and private;

23.1 (6) identify and facilitate opportunities for public participation in ~~existing~~ landscape
 23.2 planning and coordination efforts in this the region;

23.3 (7) identify sustainable forest resource goals for the landscape and ~~strategies~~
 23.4 objectives to achieve those goals; ~~and~~

23.5 (8) periodically recommend that the council undertake revisions of the region's
 23.6 landscape plan; and

23.7 ~~(8)~~ (9) provide a regional ~~perspective~~ perspectives to the council with respect
 23.8 to council activities.

23.9 Sec. 38. Minnesota Statutes 2012, section 89A.06, subdivision 4, is amended to read:

23.10 Subd. 4. **Report.** By November 1 of each even-numbered year, each regional
 23.11 committee must report to the council its work activities and accomplishments.

23.12 Sec. 39. Minnesota Statutes 2012, section 89A.07, is amended to read:

23.13 **89A.07 MONITORING.**

23.14 Subdivision 1. **Forest resource monitoring.** The commissioner shall ~~establish~~
 23.15 maintain a program for monitoring broad trends and conditions in the state's forest
 23.16 resources at statewide, landscape, and site levels. The council shall provide oversight and
 23.17 program direction for the ~~development and~~ implementation of the monitoring program.
 23.18 To the extent possible, the information generated under the monitoring program must
 23.19 be reported in formats consistent with the landscape regions used to accomplish the
 23.20 planning and coordination activities specified in section 89A.06. To the extent possible,
 23.21 the program must incorporate data generated by existing resource monitoring programs.
 23.22 ~~The commissioner shall report to the council information on current conditions and recent~~
 23.23 ~~trends in the state's forest resources.~~

23.24 Subd. 2. ~~Practices and compliance~~ **Implementation monitoring.** The
 23.25 commissioner shall ~~establish~~ maintain a program for monitoring ~~silvicultural practices~~
 23.26 ~~and~~ application of the timber harvesting and forest management guidelines at statewide,
 23.27 landscape, and site levels. The council shall provide oversight and program direction for
 23.28 the ~~development and~~ implementation of the monitoring program. To the extent possible,
 23.29 the information generated by the monitoring program must be reported in formats
 23.30 consistent with the landscape regions used to accomplish the planning and coordination
 23.31 activities specified in section 89A.06. The commissioner shall report to the council on the
 23.32 nature and extent of ~~silvicultural practices used, and compliance with the~~ implementation
 23.33 of the timber harvesting and forest management guidelines.

24.1 Subd. 3. **Effectiveness ~~monitoring~~ evaluation**. The ~~commissioner~~ council, in
 24.2 cooperation with ~~other~~ research and land management organizations, shall evaluate the
 24.3 effectiveness of practices to mitigate impacts of timber harvesting and forest management
 24.4 activities on the state's forest resources. ~~The council shall provide oversight and program~~
 24.5 ~~direction for the development and implementation of this monitoring program. The~~
 24.6 ~~commissioner shall report to the council on the effectiveness of these practices.~~

24.7 ~~Subd. 4. **Other studies and programs**. The council shall monitor the~~
 24.8 ~~implementation of other programs, formal studies, and initiatives affecting Minnesota's~~
 24.9 ~~forest resources.~~

24.10 Subd. 5. **Citizen concerns**. The council shall ~~facilitate the establishment of~~
 24.11 administer a public concerns registration process to accept comments from the public on
 24.12 ~~negligent~~ timber harvesting or forest management practices.

24.13 Sec. 40. Minnesota Statutes 2012, section 89A.08, subdivision 1, is amended to read:

24.14 Subdivision 1. **Establishment**. The council chair shall appoint a Forest Resources
 24.15 Research Advisory Committee and a chair of that committee. ~~Notwithstanding section~~
 24.16 ~~15.059, the council does not expire~~. The committee must consist of representatives of:

24.17 (1) the College of ~~Natural Resources~~ Food, Agricultural and Natural Resource
 24.18 Sciences, University of Minnesota;

24.19 (2) the Natural Resources Research Institute, University of Minnesota, Duluth;

24.20 (3) the department;

24.21 (4) the ~~North Central Forest Experiment~~ Northern Research Station, United States
 24.22 Department of Agriculture Forest Service; and

24.23 (5) other organizations as deemed appropriate by the council.

24.24 Sec. 41. Minnesota Statutes 2012, section 89A.08, subdivision 2, is amended to read:

24.25 Subd. 2. **Purpose**. The purpose of the advisory committee is to ~~foster the~~
 24.26 ~~identification~~ identify and ~~undertaking of~~ initiate priority forest resources research
 24.27 activities by encouraging:

24.28 (1) collaboration between organizations with responsibilities for conducting forest
 24.29 resources research;

24.30 (2) linkages between researchers in different disciplines in conducting forest
 24.31 resources research; ~~and~~

24.32 (3) interaction and communication between researchers and practitioners in the
 24.33 development and use of forest resources research; and

25.1 (4) communication with the legislature on funding the council's priority forest
 25.2 resources research activities.

25.3 Sec. 42. Minnesota Statutes 2012, section 89A.08, subdivision 3, is amended to read:

25.4 Subd. 3. **Research assessment.** The advisory committee shall periodically
 25.5 undertake an assessment of strategic directions in forest resources research. The
 25.6 assessment must be based on input provided by administrators, researchers, practitioners,
 25.7 and the general public, and include:

25.8 (1) an assessment of the current status of ~~forestry~~ forest resources research in the state;

25.9 (2) an identification of important forest resource issues in need of research;

25.10 (3) an identification of priority forest research activities whose results will enable
 25.11 a better understanding of site-level and landscape-level impacts resulting from timber
 25.12 harvesting and forest management activities; and

25.13 (4) an assessment of the progress toward addressing the priority forest resources
 25.14 research needs identified.

25.15 The forest resources research assessment must be made widely available to the
 25.16 research community, forest managers and users, and the public.

25.17 Sec. 43. Minnesota Statutes 2012, section 89A.09, is amended to read:

25.18 **89A.09 INTERAGENCY INFORMATION COOPERATIVE.**

25.19 Subdivision 1. **Establishment.** The dean of the ~~University of Minnesota,~~ College of
 25.20 Food, Agricultural and Natural Resources Resource Sciences, University of Minnesota,
 25.21 ~~shall be~~ is encouraged to ~~coordinate the establishment of~~ maintain an Interagency
 25.22 Information Cooperative. ~~Members of the cooperative that~~ must include members from:

25.23 (1) the ~~University of Minnesota,~~ College of Food, Agricultural and Natural
 25.24 Resources Resource Sciences, University of Minnesota;

25.25 (2) the ~~University of Minnesota,~~ Natural Resources Research Institute, University of
 25.26 Minnesota, Duluth;

25.27 (3) the department;

25.28 (4) the Minnesota Geospatial Information Office;

25.29 (5) the Minnesota Association of County Land Commissioners;

25.30 (6) the United States Department of Agriculture Forest Service; and

25.31 (7) other organizations as deemed appropriate by the members of the cooperative.

25.32 Subd. 2. **Purpose.** The purposes of the cooperative are to:

25.33 (1) coordinate the development and use of forest resources data in the state;

26.1 (2) promote the development of statewide guidelines and common language to
 26.2 enhance the ability of public and private organizations and institutions to share forest
 26.3 resources data;

26.4 (3) promote the development of information systems that support access to important
 26.5 forest resources data;

26.6 (4) promote improvement in the accuracy, reliability, and statistical soundness of
 26.7 fundamental forest resources data;

26.8 (5) promote linkages and integration of forest resources data to other natural
 26.9 resource information;

26.10 (6) promote access and use of forest resources data and information systems in
 26.11 decision-making by a variety of public and private organizations; and

26.12 (7) promote expanding the capacity and reliability of forest growth, succession,
 26.13 and other types of ecological models; and

26.14 ~~(8) conduct a needs assessment for improving the quality and quantity of information~~
 26.15 ~~systems.~~

26.16 Subd. 3. **Report.** By November 1 of each even-numbered year, the information
 26.17 cooperative shall report to the council its accomplishments in fulfilling the responsibilities
 26.18 identified in this section.

26.19 Sec. 44. Minnesota Statutes 2012, section 89A.10, is amended to read:

26.20 **89A.10 CONTINUING EDUCATION; ~~CERTIFICATION.~~**

26.21 It is the policy of the state to encourage timber harvesters and forest resource
 26.22 professionals to ~~establish~~ maintain continuing education programs within their respective
 26.23 professions that promote sustainable forest management, including the Minnesota Logger
 26.24 Education Program and the University of Minnesota Sustainable Forests Education
 26.25 Cooperative, respectively. ~~The council shall, where appropriate, facilitate the development~~
 26.26 ~~of these programs.~~

26.27 Sec. 45. **89A.105] IMPLEMENTATION.**

26.28 Implementation of this chapter is subject to biennial appropriations of the legislature.

26.29 Sec. 46. Minnesota Statutes 2012, section 89A.11, is amended to read:

26.30 **89A.11 REPEALER SUNSET.**

26.31 Sections 89A.01; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07; 89A.08;
 26.32 89A.09; 89A.10; 89A.105; and 89A.11, are repealed June 30, ~~2017~~ 2021.

27.1 Sec. 47. Minnesota Statutes 2012, section 97C.821, is amended to read:

27.2 **97C.821 POSSESSION, SALE, AND TRANSPORTATION OF**
27.3 **COMMERCIAL FISH.**

27.4 Subject to the applicable provisions of the game and fish laws, fish taken under
27.5 commercial fishing licenses may be possessed in any quantity, bought, sold, and
27.6 transported at any time. Commercial fishing licensees may transport their catch live to
27.7 holding facilities, if the licensee has exclusive control of the facilities. Commercial fishing
27.8 licensees may harvest fish from their holding facilities at any time with their licensed gear.
27.9 The commissioner may prohibit the transport of live fish taken under a commercial fishing
27.10 license from waters that contain nonnative species, are ~~designated~~ listed as infested waters,
27.11 or are infected with any certifiable disease.

27.12 Sec. 48. Minnesota Statutes 2013 Supplement, section 103C.311, subdivision 2,
27.13 is amended to read:

27.14 Subd. 2. **Supervisors elected by districts.** (a) The A district board in the
27.15 seven-county metropolitan area shall by resolution provide that supervisors will be elected
27.16 by supervisor districts as provided in this subdivision.

27.17 (b) A district board outside of the seven-county metropolitan area, with the approval
27.18 of the state board, may by resolution provide that supervisors will be elected by supervisor
27.19 districts as provided in this subdivision.

27.20 ~~(b)~~ (c) The supervisor districts must be composed of precincts established by
27.21 county and municipal governing bodies under section 204B.14. The districts must be
27.22 compact, include only contiguous territory, and be substantially equal in population.
27.23 The districts must be numbered in a regular series. The districts must be drawn by the
27.24 county board of the county containing the largest area of the soil and water conservation
27.25 district, in consultation with the district board and with the approval of the state board.
27.26 The boundaries of the districts must be redrawn after each decennial federal census as
27.27 provided in section 204B.135. A certified copy of the resolution establishing supervisor
27.28 districts must be filed by the chair of the district board with the county auditor of the
27.29 counties where the soil and water conservation district is located, with the state board, and
27.30 with the secretary of state, and the filings must occur within 80 days of the time when the
27.31 legislature has been redistricted or at least 15 weeks before the state primary election in a
27.32 year ending in two, whichever comes first.

27.33 ~~(c)~~ (d) Each supervisor district is entitled to elect one supervisor. A supervisor must
27.34 be a resident of the district from which elected.

28.1 (d) (e) The district board shall provide staggered terms for supervisors elected by
28.2 district. After each redistricting, there shall be a new election of supervisors in all the
28.3 districts at the next general election, except that if the change made in the boundaries of a
28.4 district is less than five percent of the average population of all the districts, the supervisor
28.5 in office at the time of the redistricting shall serve for the full term for which elected. The
28.6 district board shall determine by lot the seats to be filled for a two-year term, a four-year
28.7 term, and a six-year term.

28.8 **EFFECTIVE DATE.** This section is effective January 1, 2015, and applies to
28.9 elections conducted on or after that date.

28.10 Sec. 49. Minnesota Statutes 2012, section 103E.065, is amended to read:

28.11 **103E.065 DRAINAGE INSPECTORS.**

28.12 In counties or watershed districts having drainage systems constructed in accordance
28.13 with this chapter, the drainage authority shall appoint a competent person as drainage
28.14 inspector. The inspector must not be a county commissioner. The inspector may be the
28.15 county highway engineer. The inspector shall examine the drainage systems designated
28.16 by the drainage authority. The drainage authority shall specify the appointment period
28.17 and compensation.

28.18 Sec. 50. Minnesota Statutes 2012, section 103F.121, subdivision 2, is amended to read:

28.19 Subd. 2. **Adoption procedure.** (a) The commissioner, upon determining that
28.20 sufficient technical information is available for the delineation of floodplains and
28.21 floodways on a watercourse, ~~shall~~ may notify affected local governmental units that
28.22 technical information is available. ~~Within six months after receiving this notice,~~ The local
28.23 governmental units shall prepare or amend their floodplain management ordinances in
28.24 conformance with the provisions of sections 103F.101 to 103F.155 and shall submit the
28.25 ordinance to the commissioner for review and approval before adoption.

28.26 (b) The commissioner shall approve or disapprove the proposed ordinance within
28.27 120 days after receiving it.

28.28 (c) If the proposed ordinance is disapproved, the commissioner shall return it to the
28.29 local governmental unit with a written statement of reasons for disapproval. Within 90
28.30 days after disapproval, the local governmental unit shall resubmit an amended proposed
28.31 ordinance for further review and approval before adoption. The local governmental unit
28.32 shall adopt a floodplain management ordinance within 90 days after approval by the
28.33 commissioner.

29.1 (d) A floodplain management ordinance adopted by a local governmental unit is
 29.2 invalid unless it is approved by the commissioner.

29.3 (e) A local governmental unit may adopt a floodplain management ordinance in the
 29.4 absence of notification by the commissioner that the required technical data is available,
 29.5 provided that any such ordinance is submitted to the commissioner prior to its adoption
 29.6 for approval.

29.7 (f) A local governmental unit may adopt a floodplain management ordinance that is
 29.8 more restrictive than required under sections 103F.101 to 103F.155.

29.9 (g) Floodplain management ordinances may be amended by a local governmental
 29.10 unit upon the approval of the commissioner.

29.11 Sec. 51. Minnesota Statutes 2012, section 103F.121, subdivision 5, is amended to read:

29.12 Subd. 5. **Major Alterations and hazardous uses prohibited.** (a) If a floodplain
 29.13 has been delineated by a floodplain management ordinance under sections 103F.101
 29.14 to 103F.155, a major alteration to a structure in existence on the effective date of the
 29.15 ordinance or a new fill, structure, deposit, or other floodplain use that is ~~unreasonably~~
 29.16 ~~hazardous to the public or that unduly restricts the capacity of the floodplain to carry and~~
 29.17 ~~discharge a regional flood~~ not in accordance with the local governmental unit's adopted
 29.18 floodplain management ordinance may not be permitted after the effective date of the
 29.19 ordinance delineating the floodplain.

29.20 ~~(b) As used in this subdivision, major alterations of existing structures do not include~~
 29.21 ~~repair or maintenance and do not include repairs, maintenance, or alterations to structures~~
 29.22 ~~made under the authority of another authorized agency of the state or federal government.~~

29.23 ~~(e)~~ (b) This subdivision does not apply to alterations, repair, or maintenance
 29.24 reasonably done under emergency circumstances to preserve or protect life ~~or property.~~

29.25 ~~(d)~~ (c) This subdivision applies to alterations to existing structures and to new fill,
 29.26 structures, deposits, or other floodplain uses by the state and state agencies.

29.27 Sec. 52. Minnesota Statutes 2012, section 103F.165, subdivision 3, is amended to read:

29.28 Subd. 3. **Application for flood insurance.** ~~Within 120 days~~ After receiving notice
 29.29 ~~of inclusion on the amended list,~~ from the commissioner or the Federal Emergency
 29.30 Management Agency that flood hazard areas have been identified, each local governmental
 29.31 unit ~~shall~~ is encouraged to apply for participation in the national flood insurance program
 29.32 in the manner prescribed by federal laws and regulations.

29.33 Sec. 53. Minnesota Statutes 2012, section 103G.245, subdivision 2, is amended to read:

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

30.2 (1) work in altered natural watercourses that are part of drainage systems established
30.3 under chapter 103D or 103E if the work in the waters is undertaken according to chapter
30.4 103D or 103E; or

30.5 (2) a drainage project for a drainage system established under chapter 103E that does
30.6 not substantially affect public waters; or.

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

30.10 Sec. 54. Minnesota Statutes 2012, section 103G.287, subdivision 2, is amended to read:

30.11 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations
30.12 that will have ~~potential~~ negative impacts to surface waters are subject to applicable
30.13 provisions in section 103G.285.

30.14 Sec. 55. Minnesota Statutes 2013 Supplement, section 103G.287, subdivision 4,
30.15 is amended to read:

30.16 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate
30.17 groundwater management areas and limit total annual water appropriations and uses within
30.18 a designated area to ensure sustainable use of groundwater that protects ecosystems, water
30.19 quality, and the ability of future generations to meet their own needs. Water appropriations
30.20 and uses within a designated management area must be consistent with a groundwater
30.21 management area plan approved by the commissioner that addresses water conservation
30.22 requirements and water allocation priorities established in section 103G.261. Before the
30.23 commissioner implements, modifies, or updates a groundwater management area plan
30.24 under this subdivision, all components of the plan, modification, or update must have been
30.25 presented to and discussed by the advisory team established in paragraph (c).

30.26 (b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota
30.27 Rules, within designated groundwater management areas, the commissioner may require
30.28 general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water
30.29 users using less than 10,000 gallons per day or 1,000,000 gallons per year and water
30.30 suppliers serving less than 25 persons for domestic purposes. The commissioner may
30.31 waive the requirements under section 103G.281 for general permits issued under this
30.32 paragraph, and the fee specified in section 103G.301, subdivision 2, paragraph (c), does
30.33 not apply to general permits issued under this paragraph.

31.1 (c) When designating a groundwater management area, the commissioner shall
31.2 assemble an advisory team to assist in developing a groundwater management area plan
31.3 for the area. At least a majority of the advisory team members must be selected from
31.4 public and private entities that hold water appropriation permits with a priority on making
31.5 appointments in approximate proportion to the amount of water appropriated based on the
31.6 types of permits issued in the groundwater management area. The commissioner shall
31.7 consult with the League of Minnesota Cities, the Association of Minnesota Counties, and
31.8 the Minnesota Association of Townships on which local government representatives to
31.9 appoint. The advisory team may also include nonvoting members from the University of
31.10 Minnesota, the Minnesota State Colleges and Universities, and federal agencies.

31.11 Sec. 56. Minnesota Statutes 2012, section 103G.305, subdivision 1, is amended to read:

31.12 Subdivision 1. **General ~~30-day~~ 150-day limit.** (a) Except as provided in subdivision
31.13 2, the commissioner must act on a water use permit within ~~30~~ 150 days after the completed
31.14 application for the permit and the required data are filed in the commissioner's office
31.15 has been submitted. Within 30 business days of application for a water use permit, the
31.16 commissioner shall notify the applicant, in writing, whether the application is complete
31.17 or incomplete.

31.18 (b) The commissioner must direct a hearing to be held on a water use permit
31.19 application or make an order issuing a permit or denying a permit.

31.20 Sec. 57. Minnesota Statutes 2012, section 103G.615, subdivision 3a, is amended to read:

31.21 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant
31.22 management permit" means an aquatic plant management permit as defined in rules of the
31.23 Department of Natural Resources that authorizes the selective control of invasive aquatic
31.24 plants ~~at a scale to cause a significant lakewide or baywide~~ reduction in the abundance of
31.25 the invasive aquatic plant.

31.26 (b) The commissioner may waive the dated signature of approval requirement in rules
31.27 of the Department of Natural Resources for invasive aquatic plant management permits if
31.28 obtaining signatures would create an undue burden on the permittee or if the commissioner
31.29 determines that aquatic plant control is necessary to protect natural resources.

31.30 (c) If the signature requirement is waived under paragraph (b) because obtaining
31.31 signatures would create an undue burden on the permittee, the commissioner shall require
31.32 an alternate form of landowner notification, including news releases or public notices in
31.33 a local newspaper, a public meeting, or a mailing to the most recent permanent address
31.34 of affected landowners. The notification must be given annually and must include: the

32.1 proposed date of treatment, the target species, the method of control or product being
32.2 used, and instructions on how the landowner may request that control not occur adjacent
32.3 to the landowner's property.

32.4 (d) The commissioner may allow dated signatures of approval obtained for an
32.5 invasive aquatic plant management permit to satisfy rules of the Department of Natural
32.6 Resources to remain valid for three years if property ownership remains unchanged.

32.7 Sec. 58. Minnesota Statutes 2012, section 116D.04, subdivision 2a, is amended to read:

32.8 Subd. 2a. **When prepared.** Where there is potential for significant environmental
32.9 effects resulting from any major governmental action, the action shall be preceded by a
32.10 detailed environmental impact statement prepared by the responsible governmental unit.
32.11 The environmental impact statement shall be an analytical rather than an encyclopedic
32.12 document which describes the proposed action in detail, analyzes its significant
32.13 environmental impacts, discusses appropriate alternatives to the proposed action and
32.14 their impacts, and explores methods by which adverse environmental impacts of an
32.15 action could be mitigated. The environmental impact statement shall also analyze those
32.16 economic, employment, and sociological effects that cannot be avoided should the action
32.17 be implemented. To ensure its use in the decision-making process, the environmental
32.18 impact statement shall be prepared as early as practical in the formulation of an action.

32.19 (a) The board shall by rule establish categories of actions for which environmental
32.20 impact statements and for which environmental assessment worksheets shall be prepared
32.21 as well as categories of actions for which no environmental review is required under this
32.22 section. A mandatory environmental assessment worksheet shall not be required for the
32.23 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph
32.24 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a
32.25 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity
32.26 of the expanded or converted facility to produce alcohol fuel, but must be required if
32.27 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories
32.28 of actions for which environmental assessment worksheets must be prepared. The
32.29 responsible governmental unit for an ethanol plant or biobutanol facility project for which
32.30 an environmental assessment worksheet is prepared shall be the state agency with the
32.31 greatest responsibility for supervising or approving the project as a whole.

32.32 A mandatory environmental impact statement shall not be required for a facility
32.33 or plant located outside the seven-county metropolitan area that produces less than
32.34 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less
32.35 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as

33.1 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined
33.2 in section 41A.105, subdivision 1a, clause (1); or a cellulosic biofuel facility, as defined in
33.3 section 41A.10, subdivision 1, paragraph (d). A facility or plant that only uses a cellulosic
33.4 feedstock to produce chemical products for use by another facility as a feedstock shall not
33.5 be considered a fuel conversion facility as used in rules adopted under this chapter.

33.6 (b) The responsible governmental unit shall promptly publish notice of the
33.7 completion of an environmental assessment worksheet by publishing the notice in at least
33.8 one newspaper of general circulation in the geographic area where the project is proposed,
33.9 by posting the notice on a Web site that has been designated as the official publication site
33.10 for publication of proceedings, public notices, and summaries of a political subdivision in
33.11 which the project is proposed, or in any other manner determined by the board and shall
33.12 provide copies of the environmental assessment worksheet to the board and its member
33.13 agencies. Comments on the need for an environmental impact statement may be submitted
33.14 to the responsible governmental unit during a 30-day period following publication of the
33.15 notice that an environmental assessment worksheet has been completed. The responsible
33.16 governmental unit's decision on the need for an environmental impact statement shall be
33.17 based on the environmental assessment worksheet and the comments received during the
33.18 comment period, and shall be made within 15 days after the close of the comment period.
33.19 The board's chair may extend the 15-day period by not more than 15 additional days upon
33.20 the request of the responsible governmental unit.

33.21 (c) An environmental assessment worksheet shall also be prepared for a proposed
33.22 action whenever material evidence accompanying a petition by not less than 100
33.23 individuals who reside or own property in the state, submitted before the proposed
33.24 project has received final approval by the appropriate governmental units, demonstrates
33.25 that, because of the nature or location of a proposed action, there may be potential for
33.26 significant environmental effects. Petitions requesting the preparation of an environmental
33.27 assessment worksheet shall be submitted to the board. The chair of the board shall
33.28 determine the appropriate responsible governmental unit and forward the petition to it.
33.29 A decision on the need for an environmental assessment worksheet shall be made by
33.30 the responsible governmental unit within 15 days after the petition is received by the
33.31 responsible governmental unit. The board's chair may extend the 15-day period by not
33.32 more than 15 additional days upon request of the responsible governmental unit.

33.33 (d) Except in an environmentally sensitive location where Minnesota Rules, part
33.34 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
33.35 review under this chapter and rules of the board, if:

33.36 (1) the proposed action is:

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

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

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

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

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

34.16 (f) An early and open process shall be utilized to limit the scope of the environmental
34.17 impact statement to a discussion of those impacts, which, because of the nature or location
34.18 of the project, have the potential for significant environmental effects. The same process
34.19 shall be utilized to determine the form, content and level of detail of the statement as well
34.20 as the alternatives which are appropriate for consideration in the statement. In addition,
34.21 the permits which will be required for the proposed action shall be identified during the
34.22 scoping process. Further, the process shall identify those permits for which information
34.23 will be developed concurrently with the environmental impact statement. The board
34.24 shall provide in its rules for the expeditious completion of the scoping process. The
34.25 determinations reached in the process shall be incorporated into the order requiring the
34.26 preparation of an environmental impact statement.

34.27 (g) The responsible governmental unit shall, to the extent practicable, avoid
34.28 duplication and ensure coordination between state and federal environmental review
34.29 and between environmental review and environmental permitting. Whenever practical,
34.30 information needed by a governmental unit for making final decisions on permits
34.31 or other actions required for a proposed project shall be developed in conjunction
34.32 with the preparation of an environmental impact statement. When an environmental
34.33 impact statement is prepared for a project requiring multiple permits for which two or
34.34 more agencies' decision processes include either mandatory or discretionary hearings
34.35 before a hearing officer prior to the agencies' decision on the permit, the agencies
34.36 may, notwithstanding any law or rule to the contrary, conduct the hearings in a single

35.1 consolidated hearing process if requested by the proposer. All agencies having jurisdiction
35.2 over a permit that is included in the consolidated hearing shall participate. The responsible
35.3 governmental unit shall establish appropriate procedures for the consolidated hearing
35.4 process, including procedures to ensure that the consolidated hearing process is consistent
35.5 with the applicable requirements for each permit regarding the rights and duties of parties to
35.6 the hearing, and shall utilize the earliest applicable hearing procedure to initiate the hearing.
35.7 The procedures of section 116C.28, subdivision 2, apply to the consolidated hearing.

35.8 (h) An environmental impact statement shall be prepared and its adequacy
35.9 determined within 280 days after notice of its preparation unless the time is extended by
35.10 consent of the parties or by the governor for good cause. The responsible governmental
35.11 unit shall determine the adequacy of an environmental impact statement, unless within 60
35.12 days after notice is published that an environmental impact statement will be prepared,
35.13 the board chooses to determine the adequacy of an environmental impact statement. If an
35.14 environmental impact statement is found to be inadequate, the responsible governmental
35.15 unit shall have 60 days to prepare an adequate environmental impact statement.

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

35.27 Sec. 59. Minnesota Statutes 2012, section 325E.13, is amended by adding a subdivision
35.28 to read:

35.29 Subd. 5. **Off-road recreational vehicle.** "Off-road recreational vehicle" means a
35.30 snowmobile as defined in section 84.81, subdivision 3, and an off-highway vehicle, as
35.31 defined in section 84.771.

35.32 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
35.33 committed on or after that date.

35.34 Sec. 60. Minnesota Statutes 2012, section 325E.14, subdivision 1, is amended to read:

36.1 Subdivision 1. **Tampering.** No person shall knowingly tamper with, adjust, alter,
36.2 change, set back, disconnect or, with intent to defraud, fail to connect the odometer of any
36.3 motor vehicle or off-road recreational vehicle, or cause any of the foregoing to occur to
36.4 an odometer of a motor vehicle or off-road recreational vehicle, so as to reflect a lower
36.5 mileage than has actually been driven by the motor vehicle or off-road recreational vehicle.

36.6 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
36.7 committed on or after that date.

36.8 Sec. 61. Minnesota Statutes 2012, section 325E.14, subdivision 3, is amended to read:

36.9 Subd. 3. **Sales and use restrictions.** No person shall advertise for sale, sell, use or
36.10 install on any part of a motor vehicle or off-road recreational vehicle, or on any odometer
36.11 in a motor vehicle or off-road recreational vehicle, any device ~~which~~ that causes the
36.12 odometer to register any mileage other than the true mileage.

36.13 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
36.14 committed on or after that date.

36.15 Sec. 62. Minnesota Statutes 2012, section 325E.14, subdivision 4, is amended to read:

36.16 Subd. 4. **Sales restriction.** No person shall sell or offer for sale any motor vehicle
36.17 or off-road recreational vehicle with knowledge that the mileage registered on the
36.18 odometer has been altered so as to reflect a lower mileage than has actually been driven
36.19 by the motor vehicle or off-road recreational vehicle without disclosing ~~such~~ the fact to
36.20 prospective purchasers.

36.21 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
36.22 committed on or after that date.

36.23 Sec. 63. Minnesota Statutes 2012, section 325E.14, subdivision 6, is amended to read:

36.24 Subd. 6. **Repair or replacement restriction.** Nothing in this section shall prevent
36.25 the service, repair, or replacement of an odometer, provided the mileage indicated
36.26 thereon remains the same as before the service, repair, or replacement. Where the
36.27 odometer is incapable of registering the same mileage as before ~~such~~ the service, repair,
36.28 or replacement, the odometer shall be adjusted to read zero and a written notice shall be
36.29 attached to the left door frame of the motor vehicle by the owner or an agent specifying
36.30 the mileage prior to repair or replacement of the odometer and the date on which it was
36.31 repaired or replaced. No person shall remove or alter ~~such~~ a notice so affixed.

37.1 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
 37.2 committed on or after that date.

37.3 Sec. 64. **REVISOR'S INSTRUCTION.**

37.4 The revisor of statutes shall delete the term in column A and insert the term in
 37.5 column B in Minnesota Rules, parts 6216.0100, 6216.0250, 6216.0260, 6216.0270,
 37.6 6216.0290, 6216.0300, 6216.0400, 6216.0500, and 6260.0300.

	<u>Column A</u>	<u>Column B</u>
37.7	<u>designate</u>	<u>list</u>
37.8	<u>designated</u>	<u>listed</u>
37.9	<u>designation</u>	<u>listing</u>
37.10	<u>designating</u>	<u>listing</u>

37.12 Sec. 65. **REPEALER.**

37.13 Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 89A.05,
 37.14 subdivisions 2a and 4; 89A.06, subdivision 2a; 103F.121, subdivisions 3 and 4; and
 37.15 103F.165, subdivision 2, are repealed.

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.

89.01 COMMISSIONER, POWERS AND DUTIES.

Subd. 7. **Forest road coordination committees.** The commissioner shall establish a forest road coordination committee in each forestry administrative area in which a state or county forest road is located. The commissioner shall appoint as members representatives from among the following: road authorities, county land commissioners, local governments, the forest products industry, and forest recreation interests. Each committee must meet at least once annually. The committees shall assist in providing a transportation system to facilitate the protection, management, and use of this state's forest resources. The purpose of the committees includes coordination of the planning, construction, maintenance, and use of forest roads, and of restrictions on their use.

89A.05 TIMBER HARVESTING AND FOREST MANAGEMENT GUIDELINES.

Subd. 2a. **Review.** In reviewing the guidelines, the council must consider information from forest resources, practices, compliance, and effectiveness monitoring programs of the department. The council's recommendations relating to revisions to the forest management guidelines must be subject to peer reviewers appointed by the council. The council must consider recommendations of peer reviewers prior to final adoption of revisions to the guidelines.

Subd. 4. **Monitoring riparian forests.** The commissioner, with program advice from the council, shall accelerate monitoring the extent and condition of riparian forests, the extent to which harvesting occurs within riparian management zones and seasonal ponds, and the use and effectiveness of timber harvesting and forest management guidelines applied in riparian management zones and seasonal ponds. This information shall, to the extent possible, be consistent with the monitoring programs identified in section 89A.07. Information gathered on riparian forests and timber harvesting in riparian management zones and seasonal ponds as specified in this subdivision shall be presented to the legislature by February 2001 and in subsequent reports required in section 89A.03, subdivision 6.

89A.06 LANDSCAPE-LEVEL FOREST RESOURCE PLANNING AND COORDINATION.

Subd. 2a. **Regional forest committee reporting.** The council must report annually on the activities and progress made by the regional forest committees established under subdivision 2, including the following:

(1) by December 1, 1999, the regional committee for the council's northeast landscape will complete the identification of draft desired future outcomes, key issues, and strategies for the landscape;

(2) by July 1, 2000, the council will complete assessments for the council's north central and southeast landscape regions;

(3) by July 1, 2001, the regional committees for the north central and southeast landscapes will complete draft desired future outcomes, key issues, and strategies for their respective landscapes; and

(4) by June 30, 2002, all remaining landscape regions must complete assessments and by June 30, 2003, desired future outcomes and strategies for all remaining regions except the northern, east central, metropolitan, and prairie regions. By June 30, 2004, the northern region must complete desired future outcomes and strategies, and by June 30, 2005, the east central region must complete desired future outcomes and strategies.

103F.121 FLOODPLAIN MANAGEMENT ORDINANCES.

Subd. 3. **Commissioner's adoption of ordinance.** (a) If a local governmental unit fails to adopt a floodplain management ordinance, the commissioner shall adopt an ordinance that meets the minimum standards established under section 103F.141 for the local governmental unit.

APPENDIX

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(b) The commissioner shall hold at least one public hearing on the proposed ordinance in the manner provided in section 394.26 or 462.357, as applicable, after giving notice as provided in section 394.26 or 462.357.

(c) The ordinance is effective for the local governmental unit on the date and in accordance with rules prescribed by the commissioner.

(d) The ordinance shall be enforced as provided in section 394.37 or 462.362, as applicable. The penalties provided in section 394.37 or 462.362 apply to violations of an ordinance adopted by the commissioner.

Subd. 4. Cost of commissioner's ordinance. (a) The cost incurred by the commissioner in adopting a floodplain management ordinance for the local governmental unit shall be paid by the local governmental unit upon submission to the local governmental unit of an itemized statement of these costs by the commissioner.

(b) If the local governmental unit fails to pay the costs within 90 days after the commissioner's statement is received, the commissioner shall file a copy of the statement of the costs for collection by special tax levy with the county auditor of the county where the local governmental unit is located. The county auditor, upon receiving a statement from the commissioner, shall include the amount of the state's claim in the tax levy for general revenue purposes of the local governmental unit. Upon completion of the tax settlement following this levy, the county treasurer shall remit the amount due to the state to the commissioner for deposit in the state treasury.

103F.165 FLOOD INSURANCE.

Subd. 2. List of recurrent flooding areas. The commissioner shall prepare a list of local governmental units having areas subject to recurrent flooding and shall notify each local governmental unit included on the list of the findings. If a local governmental unit objects to the commissioner's findings, it shall submit evidence supporting its objections within 45 days after receiving the commissioner's notification. The commissioner shall accept or reject the findings of each local governmental unit submitting evidence, shall prepare an amended list of local governmental units having areas subject to recurrent flooding, and shall notify each local governmental unit of its inclusion on the amended list.