

A bill for an act

1.1 relating to environment and natural resources; modifying certain administrative
1.2 accounts; modifying electronic transaction provisions; providing for certain
1.3 registration and licensing exemptions; modifying off-highway vehicle and
1.4 snowmobile provisions; modifying state trails and canoe and boating routes;
1.5 modifying fees and disposition of certain receipts; delaying local ordinance
1.6 adoption requirements and establishing a task force; modifying certain
1.7 competitive bidding exemptions; modifying horse trail pass provisions;
1.8 modifying master plan requirements; expanding eligibility for free state park
1.9 permit; modifying cross-country ski trail provisions; providing for general
1.10 burning permits; modifying authority to establish forestry services fees;
1.11 modifying authority to issue leases and permits; modifying timber sales
1.12 provisions; eliminating certain pilot projects and reports; modifying the Water
1.13 Law; modifying utility license provisions; modifying rulemaking authority;
1.14 providing for certain permitting and review efficiencies; modifying certain
1.15 state land sale requirements; modifying nongame wildlife checkoffs; requiring
1.16 long-range land management budgeting; appropriating money; amending
1.17 Minnesota Statutes 2008, sections 84.025, subdivision 9; 84.027, subdivision
1.18 15; 84.0856; 84.0857; 84.415, by adding a subdivision; 84.777, subdivision
1.19 2; 84.788, subdivision 2; 84.798, subdivision 2; 84.82, subdivisions 3, 6,
1.20 by adding a subdivision; 84.8205, subdivision 1; 84.92, subdivisions 9, 10;
1.21 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 84.9256,
1.22 subdivision 1; 84.928, subdivision 5; 85.015, subdivision 14; 85.052, subdivision
1.23 4; 85.22, subdivision 5; 85.32, subdivision 1; 85.41, subdivision 3; 85.42; 85.43;
1.24 85.46, as amended; 86B.301, subdivision 2; 88.17, subdivisions 1, 3; 88.79,
1.25 subdivision 2; 89.17; 90.041, by adding a subdivision; 90.121; 90.14; 103A.305;
1.26 103F.325, by adding a subdivision; 103F.335, subdivision 1; 103G.271,
1.27 subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305,
1.28 subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 115.55, by
1.29 adding a subdivision; 116.07, subdivisions 4, 4h; 116D.04, subdivision 2a, by
1.30 adding a subdivision; 290.431; 290.432; Minnesota Statutes 2009 Supplement,
1.31 sections 84.793, subdivision 1; 84.922, subdivision 1a; 84.9275, subdivision 1;
1.32 84.928, subdivision 1; 85.015, subdivision 13; 85.053, subdivision 10; 86A.09,
1.33 subdivision 1; 103G.201; Laws 2005, chapter 156, article 2, section 45, as
1.34 amended; proposing coding for new law in Minnesota Statutes, chapter 103G;
1.35 repealing Minnesota Statutes 2008, sections 90.172; 103G.295; 103G.650;
1.36 Minnesota Statutes 2009 Supplement, section 88.795.
1.37

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

2.1 Section 1. Minnesota Statutes 2008, section 84.025, subdivision 9, is amended to read:

2.2 Subd. 9. **Professional services support account.** The commissioner of natural
2.3 resources may bill other governmental units, including tribal governments, and the
2.4 various programs carried out by the commissioner for the costs of providing them with
2.5 professional support services. Except as provided under section 89.421, receipts must be
2.6 credited to a special account in the state treasury and are appropriated to the commissioner
2.7 to pay the costs for which the billings were made.

2.8 The commissioner of natural resources shall submit to the commissioner of
2.9 management and budget before the start of each fiscal year a work plan showing the
2.10 estimated work to be done during the coming year, the estimated cost of doing the work,
2.11 and the positions and fees that will be necessary. This account is exempted from statewide
2.12 and agency indirect cost payments.

2.13 Sec. 2. Minnesota Statutes 2008, section 84.027, subdivision 15, is amended to read:

2.14 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an
2.15 application for, sell, and issue any license, stamp, permit, pass, sticker, ~~duplicate gift~~
2.16 card, safety training certification, registration, or transfer under the jurisdiction of the
2.17 commissioner by electronic means, including by telephone. Notwithstanding section
2.18 97A.472, electronic and telephone transactions may be made outside of the state. The
2.19 commissioner may:

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

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

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

2.29 (4) charge and permit agents to charge a convenience fee not to exceed three percent
2.30 of the cost of the license to individuals who use electronic bank cards for payment. An
2.31 electronic licensing system agent charging a fee of individuals making an electronic
2.32 bank card transaction in person must post a sign informing individuals of the fee. The
2.33 sign must be near the point of payment, clearly visible, include the amount of the fee, and
2.34 state: "License agents are allowed by state law to charge a fee not to exceed three percent

3.1 of the cost of state licenses to persons who use electronic bank cards for payment. The
3.2 fee is not required by state law.";

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

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

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

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

3.15 Sec. 3. Minnesota Statutes 2008, section 84.0856, is amended to read:

3.16 **84.0856 FLEET MANAGEMENT ACCOUNT.**

3.17 The commissioner of natural resources may bill organizational units within
3.18 the Department of Natural Resources and other governmental units, including tribal
3.19 governments, for the costs of providing them with equipment. Costs billed may include
3.20 acquisition, licensing, insurance, maintenance, repair, and other direct costs as determined
3.21 by the commissioner. Receipts and interest earned on the receipts shall be credited to a
3.22 special account in the state treasury and are appropriated to the commissioner to pay the
3.23 costs for which the billings were made.

3.24 Sec. 4. Minnesota Statutes 2008, section 84.0857, is amended to read:

3.25 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

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

4.1 (b) Money deposited in the special account from the proceeds of a sale under section
4.2 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire
4.3 facilities or renovate existing buildings for administrative use or to acquire land for,
4.4 design, and construct administrative buildings for the Department of Natural Resources.

4.5 Sec. 5. Minnesota Statutes 2008, section 84.415, is amended by adding a subdivision
4.6 to read:

4.7 Subd. 3a. **Joint applications for residential use.** An application for a utility
4.8 license may cover more than one type of utility if the utility lines are being installed for
4.9 residential use only. Separate applications submitted by utilities for the same crossing
4.10 shall be joined together and processed as one application, provided that the applications
4.11 are submitted within one year of each other and the utility lines are for residential use only.
4.12 The application fees for a joint application or separate applications subsequently joined
4.13 together shall be as if only one application was submitted.

4.14 Sec. 6. Minnesota Statutes 2008, section 84.777, subdivision 2, is amended to read:

4.15 Subd. 2. **Off-highway vehicle ~~seasons~~ seasonal restrictions.** (a) ~~The commissioner~~
4.16 ~~shall prescribe seasons for off-highway vehicle use on state forest lands.~~ Except for
4.17 designated forest roads, a person must not operate an off-highway vehicle on state forest
4.18 lands ~~outside of the seasons prescribed under this paragraph.~~ during the firearms deer
4.19 hunting season in areas of the state where deer may be taken by rifle. This paragraph
4.20 does not apply to a person in possession of a valid deer hunting license operating an
4.21 off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

4.22 (b) The commissioner may designate and post winter trails on state forest lands
4.23 for use by off-highway vehicles.

4.24 (c) For the purposes of this subdivision, "state forest lands" means forest lands under
4.25 the authority of the commissioner as defined in section 89.001, subdivision 13, and lands
4.26 managed by the commissioner under section 282.011.

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

4.28 Sec. 7. Minnesota Statutes 2008, section 84.788, subdivision 2, is amended to read:

4.29 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

4.30 (1) owned and used by the United States, an Indian tribal government, the state,
4.31 another state, or a political subdivision;

4.32 (2) registered in another state or country that have not been within this state for
4.33 more than 30 consecutive days; or

5.1 (3) registered under chapter 168, when operated on forest roads to gain access to a
5.2 state forest campground.

5.3 Sec. 8. Minnesota Statutes 2009 Supplement, section 84.793, subdivision 1, is
5.4 amended to read:

5.5 Subdivision 1. **Prohibitions on youthful operators.** (a) ~~After January 1, 1995,~~ A
5.6 person less than 16 years of age operating an off-highway motorcycle on public lands
5.7 or waters must possess a valid off-highway motorcycle safety certificate issued by the
5.8 commissioner.

5.9 (b) Except for operation on public road rights-of-way that is permitted under section
5.10 84.795, subdivision 1, a driver's license issued by the state or another state is required to
5.11 operate an off-highway motorcycle along or on a public road right-of-way.

5.12 (c) A person under 12 years of age may not:

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

5.14 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

5.15 (3) operate an off-highway motorcycle on public lands or waters unless accompanied
5.16 by a person 18 years of age or older or participating in an event for which the
5.17 commissioner has issued a special use permit.

5.18 (d) Except for public road rights-of-way of interstate highways, a person less than 16
5.19 years of age may make a direct crossing of a public road right-of-way of a trunk, county
5.20 state-aid, or county highway only if that person is accompanied by a person 18 years of
5.21 age or older who holds a valid driver's license.

5.22 (e) A person less than 16 years of age may operate an off-highway motorcycle on
5.23 public road rights-of-way in accordance with section 84.795, subdivision 1, paragraph
5.24 (a), only if that person is accompanied by a person 18 years of age or older who holds a
5.25 valid driver's license.

5.26 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may
5.27 operate an off-highway motorcycle on public lands or waters if the nonresident youth has
5.28 in possession evidence of completing an off-road safety course offered by the Motorcycle
5.29 Safety Foundation or another state as provided in section 84.791, subdivision 4.

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

5.31 Sec. 9. Minnesota Statutes 2008, section 84.798, subdivision 2, is amended to read:

5.32 Subd. 2. **Exemptions.** Registration is not required for an off-road vehicle that is:

5.33 (1) owned and used by the United States, an Indian tribal government, the state,
5.34 another state, or a political subdivision; or

6.1 (2) registered in another state or country and has not been in this state for more
6.2 than 30 consecutive days.

6.3 Sec. 10. Minnesota Statutes 2008, section 84.82, subdivision 3, is amended to read:

6.4 Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile,
6.5 other than those used for an agricultural purpose, as defined in section 84.92, subdivision
6.6 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as
6.7 follows: \$45 for three years and \$4 for a duplicate or transfer.

6.8 (b) The total registration fee for all snowmobiles owned by a dealer and operated for
6.9 demonstration or testing purposes shall be \$50 per year.

6.10 (c) The total registration fee for all snowmobiles owned by a manufacturer and
6.11 operated for research, testing, experimentation, or demonstration purposes shall be \$150
6.12 per year. Dealer and manufacturer registrations are not transferable.

6.13 (d) The onetime fee for registration of an exempt snowmobile under subdivision
6.14 6a is \$6.

6.15 Sec. 11. Minnesota Statutes 2008, section 84.82, subdivision 6, is amended to read:

6.16 Subd. 6. **Exemptions.** Registration is not required under this section for:

6.17 (1) a snowmobile owned and used by the United States, an Indian tribal government,
6.18 another state, or a political subdivision thereof;

6.19 (2) a snowmobile registered in a country other than the United States temporarily
6.20 used within this state;

6.21 (3) a snowmobile that is covered by a valid license of another state and has not been
6.22 within this state for more than 30 consecutive days;

6.23 (4) a snowmobile used exclusively in organized track racing events;

6.24 (5) a snowmobile in transit by a manufacturer, distributor, or dealer;

6.25 (6) a snowmobile at least 15 years old in transit by an individual for use only on
6.26 land owned or leased by the individual; or

6.27 (7) a snowmobile while being used to groom a state or grant-in-aid trail.

6.28 Sec. 12. Minnesota Statutes 2008, section 84.82, is amended by adding a subdivision
6.29 to read:

6.30 Subd. 6a. **Exemption; collector unlimited snowmobile use.** Snowmobiles may be
6.31 issued an exempt registration if the machine is at least 25 years old. Exempt registration is
6.32 valid from the date of issuance until ownership of the snowmobile is transferred. Exempt
6.33 registrations are not transferable.

7.1 Sec. 13. Minnesota Statutes 2008, section 84.8205, subdivision 1, is amended to read:

7.2 Subdivision 1. **Sticker required; fee.** (a) Except as provided in paragraph (b), a
7.3 person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a
7.4 snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural
7.5 resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a
7.6 three-year snowmobile state trail sticker that is purchased at the time of snowmobile
7.7 registration is \$30. In addition to other penalties prescribed by law, a person in violation
7.8 of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker
7.9 is valid from November 1 through June 30. Fees collected under this section, except for
7.10 the issuing fee for licensing agents, shall be deposited in the state treasury and credited
7.11 to the snowmobile trails and enforcement account in the natural resources fund and,
7.12 except for the electronic licensing system commission established by the commissioner
7.13 under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance,
7.14 grooming, and easement acquisition.

7.15 (b) A state trail sticker is not required under this section for:

7.16 (1) a snowmobile owned by the state or a political subdivision of the state that is
7.17 registered under section 84.82, subdivision 5;

7.18 (2) a snowmobile that is owned and used by the United States, an Indian tribal
7.19 government, another state, or a political subdivision thereof that is exempt from
7.20 registration under section 84.82, subdivision 6;

7.21 (3) a collector snowmobile that is operated as provided in a special permit issued for
7.22 the collector snowmobile under section 84.82, subdivision 7a;

7.23 (4) a person operating a snowmobile only on the portion of a trail that is owned by
7.24 the person or the person's spouse, child, or parent; or

7.25 (5) a snowmobile while being used to groom a state or grant-in-aid trail.

7.26 (c) A temporary registration permit issued by a dealer under section 84.82,
7.27 subdivision 2, may include a snowmobile state trail sticker if the trail sticker fee is
7.28 included with the registration application fee.

7.29 Sec. 14. Minnesota Statutes 2008, section 84.92, subdivision 9, is amended to read:

7.30 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an
7.31 all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,000 pounds.

7.32 Sec. 15. Minnesota Statutes 2008, section 84.92, subdivision 10, is amended to read:

7.33 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an
7.34 all-terrain vehicle that has a total dry weight of ~~900~~ 1,000 to ~~1,500~~ 1,800 pounds.

8.1 Sec. 16. Minnesota Statutes 2009 Supplement, section 84.922, subdivision 1a, is
8.2 amended to read:

8.3 Subd. 1a. **Exemptions.** All-terrain vehicles exempt from registration are:

8.4 (1) vehicles owned and used by the United States, an Indian tribal government, the
8.5 state, another state, or a political subdivision;

8.6 (2) vehicles registered in another state or country that have not been in this state for
8.7 more than 30 consecutive days;

8.8 (3) vehicles that:

8.9 (i) are owned by a resident of another state or country that does not require
8.10 registration of all-terrain vehicles;

8.11 (ii) have not been in this state for more than 30 consecutive days; and

8.12 (iii) are operated on state and grant-in-aid trails by a nonresident possessing a
8.13 nonresident all-terrain vehicle state trail pass;

8.14 (4) vehicles used exclusively in organized track racing events; and

8.15 (5) vehicles that are 25 years old or older and were originally produced as a separate
8.16 identifiable make by a manufacturer.

8.17 Sec. 17. Minnesota Statutes 2008, section 84.922, is amended by adding a subdivision
8.18 to read:

8.19 Subd. 2b. **Collector unlimited use; exempt registration.** All-terrain vehicles may
8.20 be issued an exempt registration if requested and the machine is at least 25 years old.
8.21 Exempt registration is valid from the date of issuance until ownership of the all-terrain
8.22 vehicle is transferred. Exempt registrations are not transferable.

8.23 Sec. 18. Minnesota Statutes 2008, section 84.922, subdivision 5, is amended to read:

8.24 Subd. 5. **Fees for registration.** (a) The fee for a three-year registration of
8.25 an all-terrain vehicle under this section, other than those registered by a dealer or
8.26 manufacturer under paragraph (b) or (c), is:

8.27 (1) for public use, \$45;

8.28 (2) for private use, \$6; and

8.29 (3) for a duplicate or transfer, \$4.

8.30 (b) The total registration fee for all-terrain vehicles owned by a dealer and operated
8.31 for demonstration or testing purposes is \$50 per year. Dealer registrations are not
8.32 transferable.

9.1 (c) The total registration fee for all-terrain vehicles owned by a manufacturer and
9.2 operated for research, testing, experimentation, or demonstration purposes is \$150 per
9.3 year. Manufacturer registrations are not transferable.

9.4 (d) The onetime fee for registration of an all-terrain vehicle under subdivision 2b
9.5 is \$6.

9.6 (e) The fees collected under this subdivision must be credited to the all-terrain
9.7 vehicle account.

9.8 Sec. 19. Minnesota Statutes 2008, section 84.925, subdivision 1, is amended to read:

9.9 Subdivision 1. **Program established.** (a) The commissioner shall establish a
9.10 comprehensive all-terrain vehicle environmental and safety education and training
9.11 program, including the preparation and dissemination of vehicle information and safety
9.12 advice to the public, the training of all-terrain vehicle operators, and the issuance of
9.13 all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
9.14 successfully complete the all-terrain vehicle environmental and safety education and
9.15 training course.

9.16 (b) For the purpose of administering the program and to defray a portion of the
9.17 expenses of training and certifying vehicle operators, the commissioner shall collect a fee
9.18 of \$15 from each person who receives the training. The commissioner shall collect a fee,
9.19 to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle
9.20 safety certificate. The commissioner shall establish the fee for a duplicate all-terrain
9.21 vehicle safety certificate that neither significantly overrecovers nor underrecovers costs,
9.22 including overhead costs, involved in providing the service. Fee proceeds, except for the
9.23 issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain
9.24 vehicle account in the natural resources fund. In addition to the fee established by the
9.25 commissioner, instructors may charge each person ~~the cost of~~ up to the established fee
9.26 amount for class material materials and expenses.

9.27 (c) The commissioner shall cooperate with private organizations and associations,
9.28 private and public corporations, and local governmental units in furtherance of the program
9.29 established under this section. School districts may cooperate with the commissioner
9.30 and volunteer instructors to provide space for the classroom portion of the training. The
9.31 commissioner shall consult with the commissioner of public safety in regard to training
9.32 program subject matter and performance testing that leads to the certification of vehicle
9.33 operators. By June 30, 2003, the commissioner shall incorporate a riding component in
9.34 the safety education and training program.

10.1 Sec. 20. Minnesota Statutes 2008, section 84.9256, subdivision 1, is amended to read:

10.2 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on
10.3 public road rights-of-way that is permitted under section 84.928, a driver's license issued
10.4 by the state or another state is required to operate an all-terrain vehicle along or on a
10.5 public road right-of-way.

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

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

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

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

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

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

10.19 (1) successfully complete the safety education and training program under section
10.20 84.925, subdivision 1, including a riding component; and

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

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

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

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

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

10.34 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than
10.35 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county

11.1 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters
11.2 or state or grant-in-aid trails if:

11.3 (1) the nonresident youth has in possession evidence of completing an all-terrain
11.4 safety course offered by the ATV Safety Institute or another state as provided in section
11.5 84.925, subdivision 3; and

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

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

11.9 Sec. 21. Minnesota Statutes 2009 Supplement, section 84.9275, subdivision 1, is
11.10 amended to read:

11.11 Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an all-terrain
11.12 vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid
11.13 nonresident all-terrain vehicle state trail pass in immediate possession. The pass must
11.14 be available for inspection by a peace officer, a conservation officer, or an employee
11.15 designated under section 84.0835.

11.16 (b) The commissioner of natural resources shall issue a pass upon application and
11.17 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees
11.18 collected under this section, except for the issuing fee for licensing agents, shall be
11.19 deposited in the state treasury and credited to the all-terrain vehicle account in the natural
11.20 resources fund and, except for the electronic licensing system commission established by
11.21 the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to
11.22 counties and municipalities for all-terrain vehicle organizations to construct and maintain
11.23 all-terrain vehicle trails and use areas.

11.24 (c) A nonresident all-terrain vehicle state trail pass is not required for:

11.25 (1) an all-terrain vehicle that is owned and used by the United States, another state,
11.26 or a political subdivision thereof that is exempt from registration under section 84.922,
11.27 subdivision 1a; ~~or~~

11.28 (2) a person operating an all-terrain vehicle only on the portion of a trail that is
11.29 owned by the person or the person's spouse, child, or parent; or

11.30 (3) a nonresident operating an all-terrain vehicle that is registered according to
11.31 section 84.922.

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

12.1 Sec. 22. Minnesota Statutes 2009 Supplement, section 84.928, subdivision 1, is
12.2 amended to read:

12.3 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise
12.4 allowed in sections 84.92 to 84.928, a person shall not operate an all-terrain vehicle in
12.5 this state along or on the roadway, shoulder, or inside bank or slope of a public road
12.6 right-of-way of a trunk, county state-aid, or county highway.

12.7 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside
12.8 bank or slope of a trunk, county state-aid, or county highway unless prohibited under
12.9 paragraph (d) or (f).

12.10 (c) A person may operate a class 2 all-terrain vehicle within the public road
12.11 right-of-way of a county state-aid or county highway on the extreme right-hand side of
12.12 the road and left turns may be made from any part of the road if it is safe to do so under
12.13 the prevailing conditions, unless prohibited under paragraph (d) or (f). A person may
12.14 operate a class 2 all-terrain vehicle on the bank or ditch of a public road right-of-way on a
12.15 designated class 2 all-terrain vehicle trail.

12.16 (d) A road authority as defined under section 160.02, subdivision 25, may after a
12.17 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under
12.18 its jurisdiction.

12.19 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the
12.20 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside
12.21 bank or slope of a trunk, interstate, county state-aid, or county highway;

12.22 (1) that is part of a funded grant-in-aid trail; or

12.23 (2) when the all-terrain vehicle is:

12.24 ~~(1) owned by or operated under contract with a publicly or privately owned utility~~
12.25 ~~or pipeline company; and~~

12.26 ~~(2) used for work on utilities or pipelines.~~

12.27 (f) The commissioner may limit the use of a right-of-way for a period of time if the
12.28 commissioner determines that use of the right-of-way causes:

12.29 (1) degradation of vegetation on adjacent public property;

12.30 (2) siltation of waters of the state;

12.31 (3) impairment or enhancement to the act of taking game; or

12.32 (4) a threat to safety of the right-of-way users or to individuals on adjacent public
12.33 property.

12.34 The commissioner must notify the road authority as soon as it is known that a closure
12.35 will be ordered. The notice must state the reasons and duration of the closure.

13.1 (g) A person may operate an all-terrain vehicle registered for private use and used
13.2 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or
13.3 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand
13.4 side of the road, and left turns may be made from any part of the road if it is safe to do so
13.5 under the prevailing conditions.

13.6 (h) A person shall not operate an all-terrain vehicle within the public road
13.7 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in
13.8 the agricultural zone unless the vehicle is being used exclusively as transportation to and
13.9 from work on agricultural lands. This paragraph does not apply to an agent or employee
13.10 of a road authority, as defined in section 160.02, subdivision 25, or the Department of
13.11 Natural Resources when performing or exercising official duties or powers.

13.12 (i) A person shall not operate an all-terrain vehicle within the public road
13.13 right-of-way of a trunk, county state-aid, or county highway between the hours of one-half
13.14 hour after sunset to one-half hour before sunrise, except on the right-hand side of the
13.15 right-of-way and in the same direction as the highway traffic on the nearest lane of the
13.16 adjacent roadway.

13.17 (j) A person shall not operate an all-terrain vehicle at any time within the
13.18 right-of-way of an interstate highway or freeway within this state.

13.19 Sec. 23. Minnesota Statutes 2008, section 84.928, subdivision 5, is amended to read:

13.20 Subd. 5. **Organized contests, use of highways and public lands and waters.** (a)
13.21 Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the
13.22 right-of-way of a state trunk or county state-aid highway or upon public lands or waters
13.23 under the jurisdiction of the commissioner of natural resources, in an organized contest or
13.24 event, subject to the consent of the official or board having jurisdiction over the highway
13.25 or public lands or waters.

13.26 (b) In permitting the contest or event, the official or board having jurisdiction may
13.27 prescribe restrictions or conditions as they may deem advisable.

13.28 (c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under
13.29 12 years of age may operate an all-terrain vehicle in an organized contest on public lands
13.30 or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person
13.31 complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised
13.32 by a person 18 years of age or older.

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

14.1 Sec. 24. Minnesota Statutes 2009 Supplement, section 85.015, subdivision 13, is
14.2 amended to read:

14.3 Subd. 13. **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton,**
14.4 **Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St.
14.5 Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to
14.6 McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in
14.7 Itasca County and there terminate;

14.8 (2) The C. J. Ramstad/Northshore Trail shall originate in Duluth in St. Louis County
14.9 and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand
14.10 Marais in Cook County, thence northeasterly to the international boundary in the vicinity
14.11 of the north shore of Lake Superior, and there terminate;

14.12 (3) The Grand Marais to International Falls Trail shall originate in Grand Marais
14.13 in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area,
14.14 to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to
14.15 Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St.
14.16 Louis County to International Falls in Koochiching County, and there terminate;

14.17 (4) The Minnesota-Wisconsin Boundary Trail shall originate in Duluth in St. Louis
14.18 County and extend southerly to St. Croix State Forest in Pine County.

14.19 (b) The trails shall be developed primarily for riding and hiking.

14.20 (c) In addition to the authority granted in subdivision 1, lands and interests in lands
14.21 for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring
14.22 any land or interest in land by eminent domain the commissioner of administration shall
14.23 obtain the approval of the governor. The governor shall consult with the Legislative
14.24 Advisory Commission before granting approval. Recommendations of the Legislative
14.25 Advisory Commission shall be advisory only. Failure or refusal of the commission to
14.26 make a recommendation shall be deemed a negative recommendation.

14.27 Sec. 25. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

14.28 Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis,**
14.29 **Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One
14.30 segment shall be known as the Gateway Trail and shall originate at the State Capitol
14.31 and extend northerly and northeasterly to William O'Brien State Park, thence northerly
14.32 to Taylors Falls in Chisago County. One segment shall ~~be known as the Boundary Trail~~
14.33 ~~and shall~~ originate in Chisago County and extend into ~~Duluth in St. Louis~~ Hinckley and
14.34 Pine County. One segment shall be known as the Browns Creek Trail and shall originate
14.35 at Duluth Junction and extend into Stillwater in Washington County. One segment shall

15.1 be known as the Munger Trail and shall originate at Hinckley in Pine County and extend
15.2 through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall
15.3 be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and
15.4 extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be
15.5 established that extends the trail to include the cities of Proctor, Duluth, and Hermantown
15.6 in St. Louis County.

15.7 (b) The Gateway and Browns Creek Trails shall be developed primarily for hiking
15.8 and nonmotorized riding and the remaining trails shall be developed primarily for riding
15.9 and hiking.

15.10 (c) In addition to the authority granted in subdivision 1, lands and interests in lands
15.11 for the Gateway and Browns Creek Trails may be acquired by eminent domain.

15.12 Sec. 26. Minnesota Statutes 2008, section 85.052, subdivision 4, is amended to read:

15.13 Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and
15.14 services within a state park, state recreation area, or wayside, and for special state park
15.15 uses under this section shall be deposited in the natural resources fund and credited to a
15.16 state parks account.

15.17 (b) Gross receipts derived from sales, rentals, or leases of natural resources within
15.18 state parks, recreation areas, and waysides, other than those on trust fund lands, must be
15.19 deposited in the state treasury and credited to the ~~general fund~~ state parks working capital
15.20 account.

15.21 (c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile
15.22 materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle
15.23 Recreation Area shall be deposited in the dedicated accounts in the natural resources fund
15.24 from which the purchase of the stockpile material was made.

15.25 Sec. 27. Minnesota Statutes 2009 Supplement, section 85.053, subdivision 10, is
15.26 amended to read:

15.27 Subd. 10. **Free entrance; ~~totally and permanently disabled veterans.~~** The
15.28 commissioner shall issue an annual park permit for no charge to any veteran with a total
15.29 and permanent service-connected disability, and a daily park permit to any resident
15.30 veteran with any level of service-connected disability, as determined by the United States
15.31 Department of Veterans Affairs, who presents each year a copy of ~~their~~ the veteran's
15.32 determination letter to a park attendant or commissioner's designee. For the purposes of
15.33 this section, "veteran" has the meaning given in section 197.447.

15.34 **EFFECTIVE DATE.** This section is effective July 1, 2010.

16.1 Sec. 28. Minnesota Statutes 2008, section 85.22, subdivision 5, is amended to read:

16.2 Subd. 5. **Exemption.** Purchases for resale or rental made from the state parks
16.3 working capital ~~fund~~ account are exempt from competitive bidding, notwithstanding
16.4 chapter 16C.

16.5 Sec. 29. Minnesota Statutes 2008, section 85.32, subdivision 1, is amended to read:

16.6 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized
16.7 in cooperation with local units of government and private individuals and groups when
16.8 feasible to mark ~~canoe and boating routes~~ state water trails on the Little Fork, Big Fork,
16.9 Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines,
16.10 Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre
16.11 within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in
16.12 Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North,
16.13 Sauk, Otter Tail, Redwood, Blue Earth, and Crow Rivers which have historic and scenic
16.14 values and to mark appropriately points of interest, portages, camp sites, and all dams,
16.15 rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe,
16.16 kayak, and watercraft travelers.

16.17 Sec. 30. Minnesota Statutes 2008, section 85.41, subdivision 3, is amended to read:

16.18 Subd. 3. **Exemptions.** (a) Participants in cross-country ski races ~~and official school~~
16.19 ~~activities~~ and residents of a state or local government operated correctional facility are
16.20 exempt from the pass requirement in subdivision 1 if a special use permit has been
16.21 obtained by the organizers of the event or those in an official capacity in advance from the
16.22 agency with jurisdiction over the cross-country ski trail. Permits shall require that permit
16.23 holders return the trail and any associated facility to its original condition if any damage
16.24 is done by the permittee. Limited permits for special events may be issued and shall
16.25 require the removal of any trail markers, banners, and other material used in connection
16.26 with the special event.

16.27 (b) Unless otherwise exempted under paragraph (a), students, teachers, and
16.28 supervising adults engaged in school-sanctioned activities or other youth activities
16.29 sponsored by a nonprofit organization are exempt from the pass requirements in
16.30 subdivision 1.

16.31 Sec. 31. Minnesota Statutes 2008, section 85.42, is amended to read:

16.32 **85.42 USER FEE; VALIDITY.**

17.1 (a) The fee for an annual cross-country ski pass is ~~\$14~~ \$19 for an individual age 16
17.2 and over. The fee for a three-year pass is ~~\$39~~ \$54 for an individual age 16 and over. This
17.3 fee shall be collected at the time the pass is purchased. Three-year passes are valid for
17.4 three years beginning the previous July 1. Annual passes are valid for one year beginning
17.5 the previous July 1.

17.6 (b) The cost for a daily cross-country skier pass is ~~\$4~~ \$5 for an individual age 16 and
17.7 over. This fee shall be collected at the time the pass is purchased. The daily pass is valid
17.8 only for the date designated on the pass form.

17.9 (c) A pass must be signed by the skier across the front of the pass to be valid and
17.10 becomes nontransferable on signing.

17.11 Sec. 32. Minnesota Statutes 2008, section 85.43, is amended to read:

17.12 **85.43 DISPOSITION OF RECEIPTS; PURPOSE.**

17.13 (a) Fees from cross-country ski passes shall be deposited in the state treasury and
17.14 credited to a cross-country ski account in the natural resources fund and, except for the
17.15 electronic licensing system commission established by the commissioner under section
17.16 84.027, subdivision 15, are appropriated to the commissioner of natural resources for
17.17 the following purposes:

17.18 (1) grants-in-aid for cross-country ski trails sponsored by local units of government
17.19 to:

17.20 (i) counties and municipalities for construction and maintenance of cross-country
17.21 ski trails; and

17.22 (ii) special park districts as provided in section 85.44 for construction and
17.23 maintenance of cross-country ski trails; and

17.24 (2) administration of the cross-country ski trail grant-in-aid program.

17.25 (b) Development and maintenance of state cross-country ski trails are eligible for
17.26 funding from the cross-country ski account if the money is appropriated by law.

17.27 Sec. 33. Minnesota Statutes 2008, section 85.46, as amended by Laws 2009, chapter
17.28 37, article 1, sections 22 to 24, is amended to read:

17.29 **85.46 HORSE ~~TRAIL~~ PASS.**

17.30 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while
17.31 riding, leading, or driving a horse ~~on horse trails and associated day use areas on state~~
17.32 ~~trails, in state parks, in state recreation areas, and in state forests,~~ on lands administered by
17.33 the commissioner, a person 16 years of age or over shall carry in immediate possession

18.1 a valid horse ~~trail~~ pass. The pass must be available for inspection by a peace officer, a
18.2 conservation officer, or an employee designated under section 84.0835.

18.3 (b) A valid horse ~~trail~~ pass is not required under this section for a person riding,
18.4 leading, or driving a horse ~~only on the portion of a horse trail property~~ that is owned by
18.5 the person or the person's spouse, child, parent, or guardian.

18.6 Subd. 2. **License agents.** (a) The commissioner of natural resources may appoint
18.7 agents to issue and sell horse ~~trail~~ passes. The commissioner may revoke the appointment
18.8 of an agent at any time.

18.9 (b) The commissioner may adopt additional rules as provided in section 97A.485,
18.10 subdivision 11. An agent shall observe all rules adopted by the commissioner for the
18.11 accounting and handling of passes according to section 97A.485, subdivision 11.

18.12 (c) An agent must promptly deposit and remit all money received from the sale of
18.13 passes, except issuing fees, to the commissioner.

18.14 Subd. 3. **Issuance.** The commissioner of natural resources and agents shall issue
18.15 and sell horse ~~trail~~ passes. The pass shall include the applicant's signature and other
18.16 information deemed necessary by the commissioner. To be valid, a daily or annual pass
18.17 must be signed by the person riding, leading, or driving the horse, and a commercial
18.18 annual pass must be signed by the owner of the commercial ~~trail~~ riding facility.

18.19 Subd. 4. **Pass fees.** (a) The fee for an annual horse ~~trail~~ pass is \$20 for an individual
18.20 16 years of age and over. The fee shall be collected at the time the pass is purchased.
18.21 Annual passes are valid for one year beginning January 1 and ending December 31.

18.22 (b) The fee for a daily horse ~~trail~~ pass is \$4 for an individual 16 years of age and
18.23 over. The fee shall be collected at the time the pass is purchased. The daily pass is valid
18.24 only for the date designated on the pass form.

18.25 (c) The fee for a commercial annual horse ~~trail~~ pass is \$200 and includes issuance
18.26 of 15 passes. Additional or individual commercial annual horse ~~trail~~ passes may be
18.27 purchased by the commercial ~~trail~~ riding facility owner at a fee of \$20 each. Commercial
18.28 annual horse ~~trail~~ passes are valid for one year beginning January 1 and ending December
18.29 31 and may be affixed to the horse tack, saddle, or person. Commercial annual horse ~~trail~~
18.30 passes are not transferable to another commercial ~~trail~~ riding facility. For the purposes of
18.31 this section, a "commercial ~~trail~~ riding facility" is an operation where horses are used for
18.32 riding instruction or other equestrian activities for hire or use by others.

18.33 Subd. 5. **Issuing fee.** In addition to the fee for a horse ~~trail~~ pass, an issuing fee of
18.34 \$1 per pass shall be charged. The issuing fee shall be retained by the seller of the pass.
18.35 Issuing fees for passes sold by the commissioner of natural resources shall be deposited
18.36 in the state treasury and credited to the horse ~~trail~~ pass account in the natural resources

19.1 fund and are appropriated to the commissioner for the operation of the electronic licensing
19.2 system. A pass shall indicate the amount of the fee that is retained by the seller.

19.3 Subd. 6. **Disposition of receipts.** Fees collected under this section, except for
19.4 the issuing fee, shall be deposited in the state treasury and credited to the horse ~~trail~~
19.5 pass account in the natural resources fund. Except for the electronic licensing system
19.6 commission established by the commissioner under section 84.027, subdivision 15, the
19.7 fees are appropriated to the commissioner of natural resources for trail acquisition, trail and
19.8 facility development, and maintenance, enforcement, and rehabilitation of horse trails or
19.9 trails authorized for horse use, whether for riding, leading, or driving, on ~~state trails and in~~
19.10 ~~state parks, state recreation areas, and state forests~~ land administered by the commissioner.

19.11 Subd. 7. **Duplicate horse trail passes.** The commissioner of natural resources and
19.12 agents shall issue a duplicate pass to a person or commercial ~~trail~~ riding facility owner
19.13 whose pass is lost or destroyed using the process established under section 97A.405,
19.14 subdivision 3, and rules adopted thereunder. The fee for a duplicate horse ~~trail~~ pass is \$2,
19.15 with an issuing fee of 50 cents.

19.16 Sec. 34. Minnesota Statutes 2009 Supplement, section 86A.09, subdivision 1, is
19.17 amended to read:

19.18 Subdivision 1. **Master plan required.** No construction of new facilities or other
19.19 development of an authorized unit, other than repairs and maintenance, shall commence
19.20 until the managing agency has prepared and submitted to the commissioner of natural
19.21 resources and the commissioner has reviewed, pursuant to this section, a master plan for
19.22 administration of the unit in conformity with this section. No master plan is required for
19.23 wildlife management areas that do not have resident managers, for scientific and natural
19.24 areas, for water access sites, for aquatic management areas, for rest areas, or for boater
19.25 waysides.

19.26 Sec. 35. Minnesota Statutes 2008, section 86B.301, subdivision 2, is amended to read:

19.27 Subd. 2. **Exemptions.** A watercraft license is not required for:

19.28 (1) a watercraft that is covered by a license or number in full force and effect under
19.29 federal law or a federally approved licensing or numbering system of another state, and
19.30 has not been within this state for more than 90 consecutive days, which does not include
19.31 days that a watercraft is laid up at dock over winter or for repairs at a Lake Superior
19.32 port or another port in the state;

19.33 (2) a watercraft from a country other than the United States that has not been
19.34 within this state for more than 90 consecutive days, which does not include days that a

20.1 watercraft is laid up at dock over winter or for repairs at a Lake Superior port or another
20.2 port in the state;

20.3 (3) a watercraft owned by the United States, an Indian tribal government, a state, or
20.4 a political subdivision of a state, except watercraft used for recreational purposes;

20.5 (4) a ship's lifeboat;

20.6 (5) a watercraft that has been issued a valid marine document by the United States
20.7 government;

20.8 (6) a duck boat during duck hunting season;

20.9 (7) a rice boat during the harvest season;

20.10 (8) a seaplane; and

20.11 (9) a nonmotorized watercraft nine feet in length or less.

20.12 **EFFECTIVE DATE.** This section is effective upon the state receiving written
20.13 approval from the United States Coast Guard, as provided in United States Code, title 46,
20.14 section 12303, and Code of Federal Regulations, title 33, section 174.7.

20.15 Sec. 36. Minnesota Statutes 2008, section 88.17, subdivision 1, is amended to read:

20.16 Subdivision 1. **Permit Permission required.** (a) ~~A permit~~ Permission to start a fire
20.17 to burn vegetative materials and other materials allowed by Minnesota Statutes or official
20.18 state rules and regulations may be given by the commissioner or the commissioner's agent.
20.19 This permission shall be in the form of:

20.20 (1) a written permit issued by a forest officer, fire warden, or other person authorized
20.21 by the commissioner; ~~or~~

20.22 (2) an electronic permit issued by the commissioner, an agent authorized by the
20.23 commissioner, or an Internet site authorized by the commissioner; or

20.24 (3) a general permit adopted by the county board of commissioners according to
20.25 paragraph (c).

20.26 (b) Written and electronic burning permits shall set the time and conditions by which
20.27 the fire may be started and burned. The permit shall also specifically list the materials that
20.28 may be burned. The permittee must have the permit on their person and shall produce
20.29 the permit for inspection when requested to do so by a forest officer, conservation officer,
20.30 or other peace officer. The permittee shall remain with the fire at all times and before
20.31 leaving the site shall completely extinguish the fire. A person shall not start or cause a
20.32 fire to be started on any land that is not owned or under their legal control without the
20.33 written permission of the owner, lessee, or an agent of the owner or lessee of the land.
20.34 Violating or exceeding the permit conditions shall constitute a misdemeanor and shall be
20.35 cause for the permit to be revoked.

21.1 (c) A general burning permit may be adopted by the county board of commissioners
21.2 in counties that are determined by the commissioner either to not be wildfire areas as
21.3 defined in section 88.01, subdivision 6, or to otherwise have low potential for damage
21.4 to life and property from wildfire. The commissioner shall consider the history of and
21.5 potential for wildfire; the distribution of trees, brush, grasslands, and other vegetative
21.6 material; and the distribution of property subject to damage from escaped fires. Upon a
21.7 determination by the commissioner and adoption by a vote of the county board, permission
21.8 for open burning is extended to all residents in the county without the need for individual
21.9 written or electronic permits, provided burning conforms to all other provisions of this
21.10 chapter, including those related to responsibility to control and extinguish fires, no burning
21.11 of prohibited materials, and liability for damages caused by violations of this chapter.

21.12 (d) Upon adoption of a general burning permit, a county must establish specific
21.13 regulations by ordinance, to include at a minimum the time when and conditions under
21.14 which fires may be started and burned. No ordinance may be less restrictive than state law.

21.15 (e) At any time when the commissioner or the county board determines that a general
21.16 burning permit is no longer in the public interest, the general permit may be canceled by
21.17 mutual agreement of the commissioner and the county board.

21.18 Sec. 37. Minnesota Statutes 2008, section 88.17, subdivision 3, is amended to read:

21.19 Subd. 3. **Special permits.** The following special permits are required at all times,
21.20 including when the ground is snow-covered:

21.21 (a) **Fire training.** A permit to start a fire for the instruction and training of
21.22 firefighters, including liquid fuels training, may be given by the commissioner or agent of
21.23 the commissioner. Except for owners or operators conducting fire training in specialized
21.24 industrial settings pursuant to applicable federal, state, or local standards, owners
21.25 or operators conducting open burning for the purpose of instruction and training of
21.26 firefighters with regard to structures must follow the techniques described in a document
21.27 entitled: Structural Burn Training Procedures for the Minnesota Technical College System.

21.28 (b) **Permanent tree and brush open burning sites.** A permit for the operation of
21.29 a permanent tree and brush burning site may be given by the commissioner or agent of
21.30 the commissioner. Applicants for a permanent open burning site permit shall submit a
21.31 complete application on a form provided by the commissioner. Existing permanent tree
21.32 and brush open burning sites must submit for a permit within 90 days of the passage of
21.33 this statute for a burning permit. New site applications must be submitted at least 90
21.34 days before the date of the proposed operation of the permanent open burning site. The
21.35 application must be submitted to the commissioner and must contain:

22.1 (1) the name, address, and telephone number of all owners of the site proposed for
22.2 use as the permanent open burning site;

22.3 (2) if the operator for the proposed permanent open burning site is different from the
22.4 owner, the name, address, and telephone number of the operator;

22.5 (3) a general description of the materials to be burned, including the source and
22.6 estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation,
22.7 and provisions for smoke management; and

22.8 (4) a topographic or similarly detailed map of the site and surrounding area within
22.9 a one mile circumference showing all structures that might be affected by the operation
22.10 of the site.

22.11 Only trees, tree trimmings, or brush that cannot be disposed of by an alternative
22.12 method such as chipping, composting, or other method shall be permitted to be burned
22.13 at a permanent open burning site. A permanent tree and brush open burning site must
22.14 be located and operated so as not to create a nuisance or endanger water quality. The
22.15 commissioner shall revoke the permit or order actions to mitigate threats to public health,
22.16 safety, and the environment in the event that permit conditions are violated.

22.17 Sec. 38. Minnesota Statutes 2008, section 88.79, subdivision 2, is amended to read:

22.18 Subd. 2. **Charge for service; receipts to special revenue fund.** Notwithstanding
22.19 section 16A.1283, the commissioner of natural resources may ~~charge the owner,~~ by written
22.20 order published in the State Register, establish fees the commissioner determines to be
22.21 fair and reasonable that are charged to owners receiving such services such sums as the
22.22 ~~commissioner shall determine to be fair and reasonable~~ under subdivision 1. The charges
22.23 must account for differences in the value of timber and other benefits. The receipts from
22.24 such services shall be credited to the special revenue fund and are annually appropriated to
22.25 the commissioner for the purposes specified in subdivision 1.

22.26 Sec. 39. Minnesota Statutes 2008, section 89.17, is amended to read:

22.27 **89.17 LEASES AND PERMITS.**

22.28 Notwithstanding the permit procedures of chapter 90, the commissioner shall have
22.29 power to grant and execute, in the name of the state, leases and permits for the use of
22.30 any forest lands under the authority of the commissioner for any purpose which in the
22.31 commissioner's opinion is not inconsistent with the maintenance and management of the
22.32 forest lands, on forestry principles for timber production. Every such lease or permit shall
22.33 be revocable at the discretion of the commissioner at any time subject to such conditions
22.34 as may be agreed on in the lease. The approval of the commissioner of administration

23.1 shall not be required upon any such lease or permit. No such lease or permit for a period
23.2 exceeding ~~ten~~ 50 years shall be granted except with the approval of the Executive Council.

23.3 ~~Hunting of wild game is prohibited on any land which has been posted by the lessee~~
23.4 ~~to prohibit hunting. Such prohibition shall apply to all persons including the lessee~~ Public
23.5 access to the leased land for outdoor recreation shall be the same as access would be
23.6 under state management.

23.7 Sec. 40. Minnesota Statutes 2008, section 90.041, is amended by adding a subdivision
23.8 to read:

23.9 Subd. 9. **Reoffering unsold timber.** To maintain and enhance forest ecosystems on
23.10 state forest lands, the commissioner may reoffer timber tracts remaining unsold under the
23.11 provisions of section 90.101 below appraised value at public auction with the required
23.12 30-day notice under section 90.101, subdivision 2.

23.13 Sec. 41. Minnesota Statutes 2008, section 90.121, is amended to read:

23.14 **90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF 3,000**
23.15 **CORDS.**

23.16 (a) The commissioner may sell the timber on any tract of state land in lots not
23.17 exceeding 3,000 cords in volume, in the same manner as timber sold at public auction
23.18 under section 90.101, and related laws, subject to the following special exceptions and
23.19 limitations:

23.20 (1) the commissioner shall offer all tracts authorized for sale by this section
23.21 separately from the sale of tracts of state timber made pursuant to section 90.101;

23.22 (2) no bidder may be awarded more than 25 percent of the total tracts offered at the
23.23 first round of bidding unless fewer than four tracts are offered, in which case not more
23.24 than one tract shall be awarded to one bidder. Any tract not sold at public auction may be
23.25 offered for private sale as authorized by section 90.101, subdivision 1, to persons eligible
23.26 under this section at the appraised value; and

23.27 (3) no sale may be made to a person having more than ~~20~~ 30 employees. For the
23.28 purposes of this clause, "employee" means an individual working in the timber or wood
23.29 products industry for salary or wages on a full-time or part-time basis.

23.30 (b) The auction sale procedure set forth in this section constitutes an additional
23.31 alternative timber sale procedure available to the commissioner and is not intended to
23.32 replace other authority possessed by the commissioner to sell timber in lots of 3,000
23.33 cords or less.

24.1 (c) Another bidder or the commissioner may request that the number of employees a
24.2 bidder has pursuant to paragraph (a), clause (3), be confirmed if there is evidence that the
24.3 bidder may be ineligible due to exceeding the employee threshold. The commissioner
24.4 shall request information from the commissioners of labor and industry and employment
24.5 and economic development including the premiums paid by the bidder in question
24.6 for workers' compensation insurance coverage for all employees of the bidder. The
24.7 commissioner shall review the information submitted by the commissioners of labor and
24.8 industry and employment and economic development and make a determination based on
24.9 that information as to whether the bidder is eligible. A bidder is considered eligible and
24.10 may participate in intermediate auctions until determined ineligible under this paragraph.

24.11 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2006.

24.12 Sec. 42. Minnesota Statutes 2008, section 90.14, is amended to read:

24.13 **90.14 AUCTION SALE PROCEDURE.**

24.14 (a) All state timber shall be offered and sold by the same unit of measurement as it
24.15 was appraised. No tract shall be sold to any person other than the purchaser in whose name
24.16 the bid was made. The commissioner may refuse to approve any and all bids received and
24.17 cancel a sale of state timber for good and sufficient reasons.

24.18 (b) The purchaser at any sale of timber shall, immediately upon the approval of the
24.19 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under
24.20 section 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent
24.21 of the appraised value. In case any purchaser fails to make such payment, the purchaser
24.22 shall be liable therefor to the state in a civil action, and the commissioner may reoffer the
24.23 timber for sale as though no bid or sale under section 90.101, subdivision 1, therefor
24.24 had been made.

24.25 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of
24.26 state timber may, at the time of payment by the purchaser to the commissioner of 15
24.27 percent of the appraised value, elect in writing on a form prescribed by the attorney
24.28 general to purchase a permit based solely on the appraiser's estimate of the volume of
24.29 timber described in the permit, provided that the commissioner has expressly designated
24.30 the availability of such option for that tract on the list of tracts available for sale as
24.31 required under section 90.101. A purchaser who elects in writing on a form prescribed
24.32 by the attorney general to purchase a permit based solely on the appraiser's estimate of
24.33 the volume of timber described on the permit does not have recourse to the provisions
24.34 of section 90.281.

25.1 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall
25.2 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15
25.3 percent of the appraised value ~~within ten business days of receiving a written award~~
25.4 ~~notice~~ that must be received or postmarked within 14 days of the date of the sealed bid
25.5 opening. If a purchaser fails to make the down payment, the purchaser is liable for the
25.6 down payment to the state and the commissioner may offer the timber for sale to the next
25.7 highest bidder as though no higher bid had been made.

25.8 (e) Except as otherwise provided by law, at the time the purchaser signs a permit
25.9 issued under section 90.151, the commissioner shall require the purchaser ~~shall~~ to make
25.10 a bid guarantee payment to the commissioner in an amount equal to 15 percent of the
25.11 total purchase price of the permit less the down payment amount required by paragraph
25.12 (b) for any bid increase in excess of \$5,000 of the appraised value. If ~~the~~ a required bid
25.13 guarantee payment is not submitted with the signed permit, no harvesting may occur, the
25.14 permit cancels, and the down payment for timber forfeits to the state. The bid guarantee
25.15 payment forfeits to the state if the purchaser and successors in interest fail to execute
25.16 an effective permit.

25.17 Sec. 43. Minnesota Statutes 2008, section 103A.305, is amended to read:

25.18 **103A.305 JURISDICTION.**

25.19 Sections 103A.301 to 103A.341 apply if the decision of an agency in a proceeding
25.20 involves a question of water policy in one or more of the areas of water conservation, water
25.21 pollution, preservation and management of wildlife, drainage, soil conservation, public
25.22 recreation, forest management, and municipal planning under section 97A.135; 103A.411;
25.23 103E.011; 103E.015; 103G.245; 103G.261; 103G.271; 103G.275; 103G.281; ~~103G.295;~~
25.24 ~~subdivisions 1 and 2;~~ 103G.287; 103G.297 to 103G.311; 103G.315, subdivisions 1, 10,
25.25 11, and 12; 103G.401; 103G.405; 103I.681, subdivision 1; 115.04; or 115.05.

25.26 Sec. 44. Minnesota Statutes 2008, section 103F.325, is amended by adding a
25.27 subdivision to read:

25.28 Subd. 6. **District boundary adjustments.** (a) Notwithstanding subdivision 1, the
25.29 commissioner may, by written order, amend the boundary of the designated area according
25.30 to this subdivision. At least 30 days prior to issuing the order, the commissioner must
25.31 give notice of the proposed boundary amendment to the local governmental unit and
25.32 property owners in the designated area directly affected by the amendment and publish
25.33 notice in an official newspaper of general circulation in the county. The commissioner
25.34 must consider comments received on the proposed boundary amendment and must make

26.1 findings and issue a written order. The findings must address the consistency of the
26.2 proposed amendment with the values for which the river was included in the system, and
26.3 potential impacts to the scenic, recreational, natural, historical, and scientific values of the
26.4 land and water within the designated area.

26.5 (b) The commissioner's order is effective 30 days after issuing the order. Before
26.6 the effective date, a local unit of government with jurisdiction in the affected area may
26.7 contest the order under chapter 14.

26.8 (c) Boundary amendments under this subdivision remain subject to the acreage
26.9 limitations in this section.

26.10 Sec. 45. Minnesota Statutes 2008, section 103F.335, subdivision 1, is amended to read:

26.11 Subdivision 1. **Compliance of ordinances with system.** (a) Within six months after
26.12 establishment of a wild, scenic, or recreational river system, or within six months after
26.13 revision of the management plan, each local governmental unit with jurisdiction over a
26.14 portion of the system shall adopt or amend its ordinances and land use district maps
26.15 to the extent necessary to substantially comply with the standards and criteria of the
26.16 commissioner and the management plan.

26.17 (b) If a local government fails to adopt ~~adequate~~ substantially compliant ordinances,
26.18 maps, or amendments within six months, the commissioner shall adopt the ordinances,
26.19 maps, or amendments in the manner and with the effect specified in section 103F.215.

26.20 (c) The commissioner shall assist local governments in the preparation,
26.21 implementation, and enforcement of the ordinances.

26.22 Sec. 46. Minnesota Statutes 2009 Supplement, section 103G.201, is amended to read:

26.23 **103G.201 PUBLIC WATERS INVENTORY.**

26.24 (a) The commissioner shall maintain a public waters inventory map of each county
26.25 that shows the waters of this state that are designated as public waters under the public
26.26 waters inventory and classification procedures prescribed under Laws 1979, chapter
26.27 199, and shall provide access to a copy of the maps ~~and lists~~. As county public waters
26.28 inventory maps ~~and lists~~ are revised according to this section, the commissioner shall send
26.29 a notification or a copy of the maps ~~and lists~~ to the auditor of each affected county.

26.30 (b) The commissioner is authorized to revise the ~~list~~ map of public waters established
26.31 under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously
26.32 identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as
26.33 wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify
26.34 public waters wetlands as public waters if:

27.1 (1) they are assigned a shoreland management classification by the commissioner
27.2 under sections 103F.201 to 103F.221;

27.3 (2) they are classified as lacustrine wetlands or deepwater habitats according to
27.4 Classification of Wetlands and Deepwater Habitats of the United States (Cowardin,
27.5 et al., 1979 edition); or

27.6 (3) the state or federal government has become titleholder to any of the beds or
27.7 shores of the public waters wetlands, subsequent to the preparation of the public waters
27.8 inventory map filed with the auditor of the county, pursuant to paragraph (a), and the
27.9 responsible state or federal agency declares that the water is necessary for the purposes
27.10 of the public ownership.

27.11 (c) The commissioner must provide notice of the reclassification to the local
27.12 government unit, the county board, the watershed district, if one exists for the area, and
27.13 the soil and water conservation district. Within 60 days of receiving notice from the
27.14 commissioner, a party required to receive the notice may provide a resolution stating
27.15 objections to the reclassification. If the commissioner receives an objection from a party
27.16 required to receive the notice, the reclassification is not effective. If the commissioner does
27.17 not receive an objection from a party required to receive the notice, the reclassification
27.18 of a wetland under paragraph (b) is effective 60 days after the notice is received by all
27.19 of the parties.

27.20 (d) The commissioner shall give priority to the reclassification of public waters
27.21 wetlands that are or have the potential to be affected by public works projects.

27.22 (e) The commissioner may revise the public waters inventory map ~~and list~~ of each
27.23 county:

27.24 (1) to reflect the changes authorized in paragraph (b); and

27.25 (2) as needed, to:

27.26 (i) correct errors in the original inventory;

27.27 (ii) add or subtract trout stream tributaries within sections that contain a designated
27.28 trout stream following written notice to the landowner;

27.29 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds
27.30 50 acres and the shoreland has been zoned for residential development; and

27.31 (iv) add or subtract public waters that have been created or eliminated as a
27.32 requirement of a permit authorized by the commissioner under section 103G.245.

27.33 Sec. 47. Minnesota Statutes 2008, section 103G.271, subdivision 3, is amended to read:

27.34 Subd. 3. **Permit restriction during summer months.** The commissioner must not
27.35 modify or restrict the amount of appropriation from a groundwater source authorized in a

28.1 water use permit issued to irrigate agricultural land ~~under section 103G.295, subdivision~~
28.2 ~~2~~, between May 1 and October 1, unless the commissioner determines the authorized
28.3 amount of appropriation endangers a domestic water supply.

28.4 Sec. 48. [103G.282] MONITORING TO EVALUATE IMPACTS FROM
28.5 APPROPRIATIONS.

28.6 Subdivision 1. Monitoring equipment. The commissioner may require the
28.7 installation and maintenance of monitoring equipment to evaluate water resource impacts
28.8 from permitted appropriations and proposed projects that require a permit. Monitoring for
28.9 water resources that supply more than one appropriator must be designed to minimize
28.10 costs to individual appropriators.

28.11 Subd. 2. Measuring devices required. Monitoring installations required under
28.12 subdivision 1 must be equipped with automated measuring devices to measure water
28.13 levels, flows, or conditions. The commissioner may determine the frequency of
28.14 measurements and other measuring methods based on the quantity of water appropriated
28.15 or used, the source of water, potential connections to other water resources, the method
28.16 of appropriating or using water, seasonal and long-term changes in water levels, and any
28.17 other facts supplied to the commissioner.

28.18 Subd. 3. Reports and costs. (a) Records of water measurements under subdivision
28.19 2 must be kept for each installation. The measurements must be reported annually to the
28.20 commissioner on or before February 15 of the following year in a format or on forms
28.21 prescribed by the commissioner.

28.22 (b) The owner or person in charge of an installation for appropriating or using
28.23 waters of the state or a proposal that requires a permit is responsible for all costs related
28.24 to establishing and maintaining monitoring installations and to measuring and reporting
28.25 data. Monitoring costs for water resources that supply more than one appropriator may be
28.26 distributed among all users within a monitoring area determined by the commissioner and
28.27 assessed based on volumes of water appropriated and proximity to resources of concern.

28.28 Sec. 49. Minnesota Statutes 2008, section 103G.285, subdivision 5, is amended to read:

28.29 Subd. 5. **Trout streams.** Permits issued after June 3, 1977, to appropriate water
28.30 from streams designated trout streams by the commissioner's orders under section ~~97C.021~~
28.31 97C.005 must be limited to temporary appropriations.

28.32 Sec. 50. [103G.287] GROUNDWATER APPROPRIATIONS.

29.1 Subdivision 1. **Applications for groundwater appropriations.** (a) Groundwater
29.2 use permit applications are not complete until the applicant has supplied:

29.3 (1) a water well record as required by section 103I.205, subdivision 9, information
29.4 on the subsurface geologic formations penetrated by the well and the formation or aquifer
29.5 that will serve as the water source, and geologic information from test holes drilled to
29.6 locate the site of the production well;

29.7 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being
29.8 requested;

29.9 (3) information on groundwater quality in terms of the measures of quality
29.10 commonly specified for the proposed water use and details on water treatment necessary
29.11 for the proposed use;

29.12 (4) an inventory of existing wells within 1-1/2 miles of the proposed production well
29.13 or within the area of influence, as determined by the commissioner. The inventory must
29.14 include information on well locations, depths, geologic formations, depth of the pump or
29.15 intake, pumping and nonpumping water levels, and details of well construction; and

29.16 (5) the results of an aquifer test completed according to specifications approved by
29.17 the commissioner. The test must be conducted at the maximum pumping rate requested
29.18 in the application and for a length of time adequate to assess or predict impacts to other
29.19 wells and surface water and groundwater resources. The permit applicant is responsible
29.20 for all costs related to the aquifer test, including the construction of groundwater and
29.21 surface water monitoring installations, and water level readings before, during, and after
29.22 the aquifer test.

29.23 (b) The commissioner may waive an application requirement in this subdivision
29.24 if the information provided with the application is adequate to determine whether the
29.25 proposed appropriation and use of water is sustainable and will protect ecosystems, water
29.26 quality, and the ability of future generations to meet their own needs.

29.27 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations
29.28 that have potential impacts to surface waters are subject to applicable provisions in
29.29 section 103G.285.

29.30 Subd. 3. **Protection of groundwater supplies.** The commissioner may establish
29.31 water appropriation limits to protect groundwater resources. When establishing water
29.32 appropriation limits to protect groundwater resources, the commissioner must consider
29.33 the sustainability of the groundwater resource, including the current and projected water
29.34 levels, water quality, whether the use protects ecosystems, and the ability of future
29.35 generations to meet their own needs.

30.1 Subd. 4. **Groundwater management areas.** The commissioner may designate
30.2 groundwater management areas and limit total annual water appropriations and uses within
30.3 a designated area to ensure sustainable use of groundwater that protects ecosystems, water
30.4 quality, and the ability of future generations to meet their own needs. Water appropriations
30.5 and uses within a designated management area must be consistent with a plan approved by
30.6 the commissioner that addresses water conservation requirements and water allocation
30.7 priorities established in section 103G.261.

30.8 Subd. 5. **Interference with other wells.** The commissioner may issue water use
30.9 permits for appropriation from groundwater only if the commissioner determines that the
30.10 groundwater use is sustainable to supply the needs of future generations and the proposed
30.11 use will not harm ecosystems, degrade water, or reduce water levels beyond the reach
30.12 of public water supply and private domestic wells constructed according to Minnesota
30.13 Rules, chapter 4725.

30.14 Sec. 51. Minnesota Statutes 2008, section 103G.301, subdivision 6, is amended to read:

30.15 **Subd. 6. Filing application.** ~~(a)~~ An application for a permit must be filed with the
30.16 commissioner and if the proposed activity for which the permit is requested is within a
30.17 municipality, or is within or affects a watershed district or a soil and water conservation
30.18 district, a copy of the application with maps, plans, and specifications must be served on
30.19 the mayor of the municipality, the secretary of the board of managers of the watershed
30.20 district, and the secretary of the board of supervisors of the soil and water conservation
30.21 district.

30.22 ~~(b) If the application is required to be served on a local governmental unit under~~
30.23 ~~this subdivision, proof of service must be included with the application and filed with~~
30.24 ~~the commissioner.~~

30.25 Sec. 52. Minnesota Statutes 2008, section 103G.305, subdivision 2, is amended to read:

30.26 **Subd. 2. Exception.** The requirements of subdivision 1 do not apply to applications
30.27 for a water use permit for:

- 30.28 ~~(1) appropriations from waters of the state for irrigation, under section 103G.295;~~
30.29 ~~(2)~~ appropriations for diversion from the basin of origin of more than 2,000,000
30.30 gallons per day average in a 30-day period; or
30.31 ~~(3)~~ (2) appropriations with a consumptive use of more than 2,000,000 gallons per
30.32 day average for a 30-day period.

31.1 Sec. 53. Minnesota Statutes 2008, section 103G.315, subdivision 11, is amended to
31.2 read:

31.3 Subd. 11. **Limitations on permits.** (a) Except as otherwise expressly provided by
31.4 law, a permit issued by the commissioner under this chapter is subject to:

31.5 (1) cancellation by the commissioner at any time if necessary to protect the public
31.6 interests;

31.7 (2) further conditions on the term of the permit or its cancellation as the
31.8 commissioner may prescribe and amend and reissue the permit; and

31.9 (3) applicable law existing before or after the issuance of the permit.

31.10 (b) Permits issued to irrigate agricultural land ~~under section 103G.295, or considered~~
31.11 ~~issued~~, are subject to this subdivision and are subject to cancellation by the commissioner
31.12 upon the recommendation of the supervisors of the soil and water conservation district
31.13 where the land to be irrigated is located.

31.14 Sec. 54. Minnesota Statutes 2008, section 103G.515, subdivision 5, is amended to read:

31.15 Subd. 5. **Removal of hazardous dams.** Notwithstanding any provision of
31.16 this section or of section 103G.511 relating to cost sharing or apportionment, the
31.17 commissioner, within the limits of legislative appropriation, may assume or pay the entire
31.18 cost of removal of a privately or publicly owned dam upon determining removal provides
31.19 the lowest cost solution and:

31.20 (1) that continued existence of the structure presents a significant public safety
31.21 hazard, or prevents restoration of an important fisheries resource; or

31.22 (2) that public or private property is being damaged due to partial failure of the
31.23 structure, ~~and that an attempt to assess costs of removal against the private or public~~
31.24 ~~owner would be of no avail.~~

31.25 Sec. 55. [103G.651] REMOVING SUNKEN LOGS FROM PUBLIC WATERS.

31.26 The commissioner of natural resources must not issue leases to remove sunken logs
31.27 or issue permits for the removal of sunken logs from public waters.

31.28 Sec. 56. Minnesota Statutes 2008, section 115.55, is amended by adding a subdivision
31.29 to read:

31.30 Subd. 13. Subsurface sewage treatment systems implementation and
31.31 enforcement task force. (a) By September 1, 2010, the agency shall appoint a subsurface
31.32 sewage treatment systems implementation and enforcement task force in collaboration
31.33 with the Association of Minnesota Counties, Minnesota Association of Realtors,

32.1 Minnesota Association of County Planning and Zoning Administrators, and the Minnesota
32.2 Onsite Wastewater Association. The agency shall work in collaboration with the task
32.3 force to develop effective and timely implementation and enforcement methods in order to
32.4 rapidly reduce the number of subsurface sewage treatment systems that are an imminent
32.5 threat to public health or safety and effectively enforce all violations of the subsurface
32.6 sewage treatment system rules. The agency shall meet at least three times per year with
32.7 the task force to address implementation and enforcement issues. The meetings shall be
32.8 scheduled so that they do not interfere with the construction season.

32.9 (b) The agency, in collaboration with the task force and in consultation with the
32.10 attorney general, county attorneys, and county planning and zoning staff, shall develop,
32.11 periodically update, and provide to counties enforcement protocols and a checklist that
32.12 county inspectors, field staff, and others may use when inspecting subsurface sewage
32.13 treatment systems and enforcing subsurface sewage treatment system rules.

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

32.15 Sec. 57. Minnesota Statutes 2008, section 116.07, subdivision 4, is amended to read:

32.16 Subd. 4. **Rules and standards.** Pursuant and subject to the provisions of chapter 14,
32.17 and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind
32.18 rules and standards having the force of law relating to any purpose within the provisions
32.19 of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution.
32.20 Any such rule or standard may be of general application throughout the state, or may be
32.21 limited as to times, places, circumstances, or conditions in order to make due allowance
32.22 for variations therein. Without limitation, rules or standards may relate to sources or
32.23 emissions of air contamination or air pollution, to the quality or composition of such
32.24 emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or
32.25 to any other matter relevant to the prevention, abatement, or control of air pollution.

32.26 Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the
32.27 Pollution Control Agency may adopt, amend, and rescind rules and standards having
32.28 the force of law relating to any purpose within the provisions of Laws 1969, chapter
32.29 1046, for the collection, transportation, storage, processing, and disposal of solid waste
32.30 and the prevention, abatement, or control of water, air, and land pollution which may be
32.31 related thereto, and the deposit in or on land of any other material that may tend to cause
32.32 pollution. The agency shall adopt such rules and standards for sewage sludge, addressing
32.33 the intrinsic suitability of land, the volume and rate of application of sewage sludge of
32.34 various degrees of intrinsic hazard, design of facilities, and operation of facilities and sites.
32.35 Any such rule or standard may be of general application throughout the state or may be

33.1 limited as to times, places, circumstances, or conditions in order to make due allowance
33.2 for variations therein. Without limitation, rules or standards may relate to collection,
33.3 transportation, processing, disposal, equipment, location, procedures, methods, systems
33.4 or techniques or to any other matter relevant to the prevention, abatement or control of
33.5 water, air, and land pollution which may be advised through the control of collection,
33.6 transportation, processing, and disposal of solid waste and sewage sludge, and the deposit
33.7 in or on land of any other material that may tend to cause pollution. By January 1, 1983,
33.8 the rules for the management of sewage sludge shall include an analysis of the sewage
33.9 sludge determined by the commissioner of agriculture to be necessary to meet the soil
33.10 amendment labeling requirements of section 18C.215. The rules for the disposal of
33.11 solid waste shall include site-specific criteria to prohibit solid waste disposal based on
33.12 the area's sensitivity to groundwater contamination, including site-specific testing. The
33.13 rules shall provide criteria to prohibit locating landfills based on a site's sensitivity to
33.14 groundwater contamination. Sensitivity to groundwater contamination is based on the
33.15 predicted minimum time of travel of groundwater contaminants from the solid waste to
33.16 the compliance boundary. The rules shall prohibit landfills in areas where karst is likely
33.17 to develop. The rules shall specify testable or otherwise objective thresholds for these
33.18 criteria. The rules shall also include modifications to financial assurance requirements
33.19 under subdivision 4h that ensure the state is protected from financial responsibility for
33.20 future groundwater contamination. The financial assurance and siting modifications to the
33.21 rules specified in this act do not apply to solid waste facilities initially permitted before
33.22 January 1, 2011, including future contiguous expansions and noncontiguous expansions
33.23 within 600 yards of a permitted boundary. The rule modification shall not affect solid
33.24 waste disposal facilities that accept only construction and demolition debris and incidental
33.25 nonrecyclable packaging, and facilities that accept only industrial waste that is limited
33.26 to wood, concrete, porcelain fixtures, shingles, or window glass resulting from the
33.27 manufacture of construction materials. The rule amendment shall not require new siting or
33.28 financial assurance requirements for permit by rule solid waste disposal facilities. Until
33.29 the rules are modified to include site-specific criteria to prohibit areas from solid waste
33.30 disposal due to groundwater contamination sensitivity, as required under this section, the
33.31 agency shall not issue a permit for a new solid waste disposal facility, except for:

33.32 (1) the reissuance of a permit for a land disposal facility operating as of March
33.33 1, 2008;

33.34 (2) a permit to expand a land disposal facility operating as of March 1, 2008, beyond
33.35 its permitted boundaries, including expansion on land that is not contiguous to, but is
33.36 located within 600 yards of, the land disposal facility's permitted boundaries;

34.1 (3) a permit to modify the type of waste accepted at a land disposal facility operating
34.2 as of March 1, 2008;

34.3 (4) a permit to locate a disposal facility that accepts only construction debris as
34.4 defined in section 115A.03, subdivision 7;

34.5 (5) a permit to locate a disposal facility that:

34.6 (i) accepts boiler ash from an electric energy power plant that has wet scrubbed units
34.7 or has units that have been converted from wet scrubbed units to dry scrubbed units as
34.8 those terms are defined in section 216B.68;

34.9 (ii) is on land that was owned on May 1, 2008, by the utility operating the electric
34.10 energy power plant; and

34.11 (iii) is located within three miles of the existing ash disposal facility for the power
34.12 plant; or

34.13 (6) a permit to locate a new solid waste disposal facility for ferrous metallic minerals
34.14 regulated under Minnesota Rules, chapter 6130, or for nonferrous metallic minerals
34.15 regulated under Minnesota Rules, chapter 6132.

34.16 Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the
34.17 Pollution Control Agency may adopt, amend and rescind rules and standards having the
34.18 force of law relating to any purpose within the provisions of Laws 1971, chapter 727, for
34.19 the prevention, abatement, or control of noise pollution. Any such rule or standard may
34.20 be of general application throughout the state, or may be limited as to times, places,
34.21 circumstances or conditions in order to make due allowances for variations therein.

34.22 Without limitation, rules or standards may relate to sources or emissions of noise or noise
34.23 pollution, to the quality or composition of noises in the natural environment, or to any
34.24 other matter relevant to the prevention, abatement, or control of noise pollution.

34.25 As to any matters subject to this chapter, local units of government may set emission
34.26 regulations with respect to stationary sources which are more stringent than those set
34.27 by the Pollution Control Agency.

34.28 Pursuant to chapter 14, the Pollution Control Agency may adopt, amend, and rescind
34.29 rules and standards having the force of law relating to any purpose within the provisions of
34.30 this chapter for generators of hazardous waste, the management, identification, labeling,
34.31 classification, storage, collection, treatment, transportation, processing, and disposal
34.32 of hazardous waste and the location of hazardous waste facilities. A rule or standard
34.33 may be of general application throughout the state or may be limited as to time, places,
34.34 circumstances, or conditions. In implementing its hazardous waste rules, the Pollution
34.35 Control Agency shall give high priority to providing planning and technical assistance
34.36 to hazardous waste generators. The agency shall assist generators in investigating the

35.1 availability and feasibility of both interim and long-term hazardous waste management
35.2 methods. The methods shall include waste reduction, waste separation, waste processing,
35.3 resource recovery, and temporary storage.

35.4 The Pollution Control Agency shall give highest priority in the consideration of
35.5 permits to authorize disposal of diseased shade trees by open burning at designated sites to
35.6 evidence concerning economic costs of transportation and disposal of diseased shade trees
35.7 by alternative methods.

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

35.9 Sec. 58. Minnesota Statutes 2008, section 116.07, subdivision 4h, is amended to read:

35.10 Subd. 4h. **Financial responsibility rules.** (a) The agency shall adopt rules requiring
35.11 the operator or owner of a solid waste disposal facility to submit to the agency proof of the
35.12 operator's or owner's financial capability to provide reasonable and necessary response
35.13 during the operating life of the facility and for a minimum of 30 years after closure for a
35.14 mixed municipal solid waste disposal facility or for a minimum of 20 years after closure,
35.15 as determined by agency rules, for any other solid waste disposal facility, and to provide
35.16 for the closure of the facility and postclosure care required under agency rules. Proof of
35.17 financial responsibility is required of the operator or owner of a facility receiving an
35.18 original permit or a permit for expansion after adoption of the rules. Within 180 days of
35.19 the effective date of the rules or by July 1, 1987, whichever is later, proof of financial
35.20 responsibility is required of an operator or owner of a facility with a remaining capacity of
35.21 more than five years or 500,000 cubic yards that is in operation at the time the rules are
35.22 adopted. Compliance with the rules and the requirements of paragraph (b) is a condition
35.23 of obtaining or retaining a permit to operate the facility.

35.24 (b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary
35.25 district, that owns or operates a solid waste disposal facility that was in operation on May
35.26 15, 1989, may meet its financial responsibility for all or a portion of the contingency
35.27 action portion of the reasonable and necessary response costs at the facility by pledging its
35.28 full faith and credit to meet its responsibility.

35.29 The pledge must be made in accordance with the requirements in chapter 475 for
35.30 issuing bonds of the municipality, and the following additional requirements:

35.31 (1) The governing body of the municipality shall enact an ordinance that clearly
35.32 accepts responsibility for the costs of contingency action at the facility and that reserves,
35.33 during the operating life of the facility and for the time period required in paragraph (a)
35.34 after closure, a portion of the debt limit of the municipality, as established under section
35.35 475.53 or other law, that is equal to the total contingency action costs.

36.1 (2) The municipality shall require that all collectors that haul to the facility
36.2 implement a plan for reducing solid waste by using volume-based pricing, recycling
36.3 incentives, or other means.

36.4 (3) When a municipality opts to meet a portion of its financial responsibility by
36.5 relying on its authority to issue bonds, it shall also begin setting aside in a dedicated
36.6 long-term care trust fund money that will cover a portion of the potential contingency
36.7 action costs at the facility, the amount to be determined by the agency for each facility
36.8 based on at least the amount of waste deposited in the disposal facility each year, and the
36.9 likelihood and potential timing of conditions arising at the facility that will necessitate
36.10 response action. The agency may not require a municipality to set aside more than five
36.11 percent of the total cost in a single year.

36.12 (4) A municipality shall have and consistently maintain an investment grade bond
36.13 rating as a condition of using bonding authority to meet financial responsibility under
36.14 this section.

36.15 (5) The municipality shall file with the commissioner of revenue its consent to have
36.16 the amount of its contingency action costs deducted from state aid payments otherwise
36.17 due the municipality and paid instead to the remediation fund created in section 116.155,
36.18 if the municipality fails to conduct the contingency action at the facility when ordered
36.19 by the agency. If the agency notifies the commissioner that the municipality has failed to
36.20 conduct contingency action when ordered by the agency, the commissioner shall deduct
36.21 the amounts indicated by the agency from the state aids in accordance with the consent
36.22 filed with the commissioner.

36.23 (6) The municipality shall file with the agency written proof that it has complied
36.24 with the requirements of paragraph (b).

36.25 (c) The method for proving financial responsibility under paragraph (b) may not be
36.26 applied to a new solid waste disposal facility or to expansion of an existing facility, unless
36.27 the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities
36.28 cannot be permitted for a duration of longer than three years.

36.29 (d) The commissioner shall consult with the commissioner of management and
36.30 budget for guidance on the forms of financial assurance that are acceptable for private
36.31 owners and public owners, and in carrying out a periodic review of the adequacy of
36.32 financial assurance for solid waste disposal facilities. Financial assurance rules shall
36.33 allow financial mechanisms to public owners of solid waste disposal facilities that are
36.34 appropriate to their status as subdivisions of the state.

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

37.1 Sec. 59. Minnesota Statutes 2008, section 116D.04, subdivision 2a, is amended to read:

37.2 Subd. 2a. **When prepared.** Where there is potential for significant environmental
37.3 effects resulting from any major governmental action, the action shall be preceded by a
37.4 detailed environmental impact statement prepared by the responsible governmental unit.
37.5 The environmental impact statement shall be an analytical rather than an encyclopedic
37.6 document which describes the proposed action in detail, analyzes its significant
37.7 environmental impacts, discusses appropriate alternatives to the proposed action and
37.8 their impacts, and explores methods by which adverse environmental impacts of an
37.9 action could be mitigated. The environmental impact statement shall also analyze those
37.10 economic, employment and sociological effects that cannot be avoided should the action
37.11 be implemented. To ensure its use in the decision-making process, the environmental
37.12 impact statement shall be prepared as early as practical in the formulation of an action.
37.13 No mandatory environmental impact statement may be required for an ethanol plant,
37.14 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than
37.15 125,000,000 gallons of ethanol annually and is located outside of the seven-county
37.16 metropolitan area.

37.17 (a) The board shall by rule establish categories of actions for which environmental
37.18 impact statements and for which environmental assessment worksheets shall be prepared
37.19 as well as categories of actions for which no environmental review is required under
37.20 this section.

37.21 (b) The responsible governmental unit shall promptly publish notice of the
37.22 completion of an environmental assessment worksheet in a manner to be determined by
37.23 the board and shall provide copies of the environmental assessment worksheet to the board
37.24 and its member agencies. Comments on the need for an environmental impact statement
37.25 may be submitted to the responsible governmental unit during a 30 day period following
37.26 publication of the notice that an environmental assessment worksheet has been completed.
37.27 The responsible governmental unit's decision on the need for an environmental impact
37.28 statement shall be based on the environmental assessment worksheet and the comments
37.29 received during the comment period, and shall be made within 15 days after the close of
37.30 the comment period. The board's chair may extend the 15 day period by not more than 15
37.31 additional days upon the request of the responsible governmental unit.

37.32 (c) An environmental assessment worksheet shall also be prepared for a proposed
37.33 action whenever material evidence accompanying a petition by not less than 25
37.34 individuals, submitted before the proposed project has received final approval by the
37.35 appropriate governmental units, demonstrates that, because of the nature or location of a
37.36 proposed action, there may be potential for significant environmental effects. Petitions

38.1 requesting the preparation of an environmental assessment worksheet shall be submitted to
38.2 the board. The chair of the board shall determine the appropriate responsible governmental
38.3 unit and forward the petition to it. A decision on the need for an environmental assessment
38.4 worksheet shall be made by the responsible governmental unit within 15 days after the
38.5 petition is received by the responsible governmental unit. The board's chair may extend
38.6 the 15 day period by not more than 15 additional days upon request of the responsible
38.7 governmental unit.

38.8 (d) Except in an environmentally sensitive location where Minnesota Rules, part
38.9 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
38.10 review under this chapter and rules of the board, if:

38.11 (1) the proposed action is:

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

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

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

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

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

38.27 (f) An early and open process shall be utilized to limit the scope of the environmental
38.28 impact statement to a discussion of those impacts, which, because of the nature or location
38.29 of the project, have the potential for significant environmental effects. The same process
38.30 shall be utilized to determine the form, content and level of detail of the statement as well
38.31 as the alternatives which are appropriate for consideration in the statement. In addition,
38.32 the permits which will be required for the proposed action shall be identified during the
38.33 scoping process. Further, the process shall identify those permits for which information
38.34 will be developed concurrently with the environmental impact statement. The board
38.35 shall provide in its rules for the expeditious completion of the scoping process. The

39.1 determinations reached in the process shall be incorporated into the order requiring the
39.2 preparation of an environmental impact statement.

39.3 (g) The responsible governmental unit shall, to the extent practicable, avoid
39.4 duplication and ensure coordination between state and federal environmental review
39.5 and between environmental review and environmental permitting. Whenever practical,
39.6 information needed by a governmental unit for making final decisions on permits or
39.7 other actions required for a proposed project shall be developed in conjunction with the
39.8 preparation of an environmental impact statement.

39.9 (h) An environmental impact statement shall be prepared and its adequacy
39.10 determined within 280 days after notice of its preparation unless the time is extended by
39.11 consent of the parties or by the governor for good cause. The responsible governmental
39.12 unit shall determine the adequacy of an environmental impact statement, unless within 60
39.13 days after notice is published that an environmental impact statement will be prepared,
39.14 the board chooses to determine the adequacy of an environmental impact statement. If an
39.15 environmental impact statement is found to be inadequate, the responsible governmental
39.16 unit shall have 60 days to prepare an adequate environmental impact statement.

39.17 Sec. 60. Minnesota Statutes 2008, section 116D.04, is amended by adding a
39.18 subdivision to read:

39.19 Subd. 14. Customized environmental assessment worksheet forms; electronic
39.20 submission. (a) The commissioners of natural resources and the Pollution Control
39.21 Agency and the board shall periodically review mandatory environmental assessment
39.22 worksheet categories under rules adopted under this section, and other project types that
39.23 are frequently subject to environmental review, and develop customized environmental
39.24 assessment worksheet forms for the category or project type. The forms must include
39.25 specific questions that focus on key environmental issues for the category or project type.
39.26 In assessing categories and project types and developing forms, the board shall seek
39.27 the input of governmental units that are frequently responsible for the preparation of a
39.28 worksheet for the particular category or project type. The commissioners and the board
39.29 shall also seek input from the general public on the development of customized forms.
39.30 The commissioners and board shall make the customized forms available online.

39.31 (b) The commissioners of natural resources and the Pollution Control Agency shall
39.32 allow for the electronic submission of environmental assessment worksheets and permits.

39.33 Sec. 61. Minnesota Statutes 2008, section 290.431, is amended to read:

39.34 **290.431 NONGAME WILDLIFE CHECKOFF.**

40.1 Every individual who files an income tax return or property tax refund claim form
40.2 may designate on their original return that \$1 or more shall be added to the tax or deducted
40.3 from the refund that would otherwise be payable by or to that individual and paid into an
40.4 account to be established for the management of nongame wildlife. The commissioner
40.5 of revenue shall, on the income tax return and the property tax refund claim form, notify
40.6 filers of their right to designate that a portion of their tax or refund shall be paid into
40.7 the nongame wildlife management account. The sum of the amounts so designated to
40.8 be paid shall be credited to the nongame wildlife management account for use by the
40.9 nongame program ~~of the section of wildlife~~ in the Department of Natural Resources. All
40.10 interest earned on money accrued, gifts to the program, contributions to the program, and
40.11 reimbursements of expenditures in the nongame wildlife management account shall be
40.12 credited to the account by the commissioner of management and budget, except that
40.13 gifts or contributions received directly by the commissioner of natural resources and
40.14 directed by the contributor for use in specific nongame field projects or geographic
40.15 areas shall be handled according to section 84.085, subdivision 1. The commissioner
40.16 of natural resources shall submit a work program for each fiscal year and semiannual
40.17 progress reports to the Legislative-Citizen Commission on Minnesota Resources in the
40.18 form determined by the commission. ~~None of the money provided in this section may be
40.19 expended unless the commission has approved the work program.~~

40.20 The state pledges and agrees with all contributors to the nongame wildlife
40.21 management account to use the funds contributed solely for the management of nongame
40.22 wildlife projects and further agrees that it will not impose additional conditions or
40.23 restrictions that will limit or otherwise restrict the ability of the commissioner of natural
40.24 resources to use the available funds for the most efficient and effective management of
40.25 nongame wildlife. The commissioner may use funds appropriated for nongame wildlife
40.26 programs for the purpose of developing, preserving, restoring, and maintaining wintering
40.27 habitat for neotropical migrant birds in Latin America and the Caribbean under agreement
40.28 or contract with any nonprofit organization dedicated to the construction, maintenance, and
40.29 repair of such projects that are acceptable to the governmental agency having jurisdiction
40.30 over the land and water affected by the projects. Under this authority, the commissioner
40.31 may execute agreements and contracts if the commissioner determines that the use of the
40.32 funds will benefit neotropical migrant birds that breed in or migrate through the state.

40.33 Sec. 62. Minnesota Statutes 2008, section 290.432, is amended to read:

40.34 **290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.**

41.1 A corporation that files an income tax return may designate on its original return that
41.2 \$1 or more shall be added to the tax or deducted from the refund that would otherwise be
41.3 payable by or to that corporation and paid into the nongame wildlife management account
41.4 established by section 290.431 for use by ~~the section of wildlife in~~ the Department of
41.5 Natural Resources for its nongame wildlife program. The commissioner of revenue shall,
41.6 on the corporate tax return, notify filers of their right to designate that a portion of their
41.7 tax return be paid into the nongame wildlife management account for the protection of
41.8 endangered natural resources. All interest earned on money accrued, gifts to the program,
41.9 contributions to the program, and reimbursements of expenditures in the nongame wildlife
41.10 management account shall be credited to the account by the commissioner of management
41.11 and budget, except that gifts or contributions received directly by the commissioner of
41.12 natural resources and directed by the contributor for use in specific nongame field projects
41.13 or geographic areas shall be handled according to section 84.085, subdivision 1. The
41.14 commissioner of natural resources shall submit a work program for each fiscal year to
41.15 the Legislative-Citizen Commission on Minnesota Resources in the form determined by
41.16 the commission. ~~None of the money provided in this section may be spent unless the~~
41.17 ~~commission has approved the work program.~~

41.18 The state pledges and agrees with all corporate contributors to the nongame wildlife
41.19 account to use the funds contributed solely for the nongame wildlife program and further
41.20 agrees that it will not impose additional conditions or restrictions that will limit or
41.21 otherwise restrict the ability of the commissioner of natural resources to use the available
41.22 funds for the most efficient and effective management of those programs.

41.23 Sec. 63. Laws 2005, chapter 156, article 2, section 45, as amended by Laws 2007,
41.24 chapter 148, article 2, section 73, and Laws 2009, chapter 37, article 1, section 59, is
41.25 amended to read:

41.26 **Sec. 45. SALE OF STATE LAND.**

41.27 Subdivision 1. **State land sales.** The commissioner of administration shall
41.28 coordinate with the head of each department or agency having control of state-owned land
41.29 to identify and sell at least \$6,440,000 of state-owned land. Sales should be completed
41.30 according to law and as provided in this section as soon as practicable but no later than
41.31 June 30, ~~2011~~ 2012. Notwithstanding Minnesota Statutes, sections 16B.281 and 16B.282,
41.32 94.09 and 94.10, or any other law to the contrary, the commissioner may offer land
41.33 for public sale by only providing notice of lands or an offer of sale of lands to state
41.34 departments or agencies, the University of Minnesota, cities, counties, towns, school
41.35 districts, or other public entities.

42.1 Subd. 2. **Anticipated savings.** Notwithstanding Minnesota Statutes, section
42.2 94.16, subdivision 3, or other law to the contrary, the amount of the proceeds from the
42.3 sale of land under this section that exceeds the actual expenses of selling the land must
42.4 be deposited in the general fund, except as otherwise provided by the commissioner of
42.5 finance. Notwithstanding Minnesota Statutes, section 94.11 or 16B.283, the commissioner
42.6 of finance may establish the timing of payments for land purchased under this section. If
42.7 the total of all money deposited into the general fund from the proceeds of the sale of land
42.8 under this section is anticipated to be less than \$6,440,000, the governor must allocate the
42.9 amount of the difference as reductions to general fund operating expenditures for other
42.10 executive agencies for the biennium ending June 30, ~~2011~~ 2012.

42.11 Subd. 3. **Sale of state lands revolving loan fund.** \$290,000 is appropriated from
42.12 the general fund in fiscal year 2006 to the commissioner of administration for purposes
42.13 of paying the actual expenses of selling state-owned lands to achieve the anticipated
42.14 savings required in this section. From the gross proceeds of land sales under this section,
42.15 the commissioner of administration must cancel the amount of the appropriation in this
42.16 subdivision to the general fund by June 30, ~~2011~~ 2012.

42.17 Sec. 64. **DEPARTMENT OF NATURAL RESOURCES LONG-RANGE**
42.18 **BUDGET ANALYSIS.**

42.19 (a) The commissioner of natural resources, in consultation with the commissioner
42.20 of management and budget, shall estimate the total amount of funding available from all
42.21 sources for each of the following land management categories: wildlife management
42.22 areas; state forests; scientific and natural areas; aquatic management areas; public water
42.23 access sites; and prairie bank easements. The commissioner of natural resources shall
42.24 prepare a ten-year budget analysis of the department's ongoing land management needs,
42.25 including restoration of each parcel needing restoration. The analysis shall include:

42.26 (1) an analysis of the needs of wildlife management areas, including identification of
42.27 internal systemwide guidelines on the proper frequency for activities such as controlled
42.28 burns, tree and woody biomass removal, and brushland management;

42.29 (2) an analysis of state forest needs, including identification of internal systemwide
42.30 guidelines on the proper frequency for forest management activities;

42.31 (3) an analysis of scientific and natural area needs, including identification of
42.32 internal systemwide guidelines on the proper frequency for management activities;

42.33 (4) an analysis of aquatic management area needs, including identification of internal
42.34 systemwide guidelines on the proper frequency for management activities; and

43.1 (5) an analysis of the needs of the state's public water access sites, including
43.2 identification of internal systemwide guidelines on the proper frequency for management
43.3 activities.

43.4 (b) The commissioner shall compare the estimate of the total amount of funding
43.5 available to the department's ongoing management needs to determine:

43.6 (1) the amount necessary to manage, restore, and maintain existing wildlife
43.7 management areas, state forests, scientific and natural areas, aquatic management areas,
43.8 public water access sites, and prairie bank easements; and

43.9 (2) the amount necessary to expand upon the existing wildlife management areas,
43.10 state forests, scientific and natural areas, aquatic management areas, public water access
43.11 sites, and prairie bank easement programs, including the feasibility of the department's
43.12 existing long-range plans, if applicable, for each program.

43.13 (c) The commissioner of natural resources shall submit the analysis to the chairs of
43.14 the house of representatives and senate committees with jurisdiction over environment
43.15 and natural resources finance and cultural and outdoor resources finance by November
43.16 15, 2010.

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

43.18 Sec. 65. **SOLID WASTE FACILITY FINANCIAL ASSURANCE**

43.19 **MECHANISMS; INPUT.**

43.20 Within six months after the effective date of this section, and before publishing
43.21 the rules required for groundwater sensitivity and financial assurance in Minnesota
43.22 Statutes, section 116.07, subdivision 4, the Pollution Control Agency shall consult with
43.23 experts and interested persons on financial assurance adequacy for solid waste facilities,
43.24 including, but not limited to, staff from the Department of Natural Resources, Minnesota
43.25 Management and Budget, local governments, private and public landfill operators, and
43.26 environmental groups. The commissioner shall seek the input to determine the adequacy
43.27 of existing financial assurance rules to address environmental risks, the length of time
43.28 financial assurance is needed based on the threat to human health and the environment,
43.29 the reliability of financial assurance in covering risks from land disposal of waste in
43.30 Minnesota and other states, and the role of private insurance.

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

43.32 Sec. 66. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE**
43.33 **ADOPTION DELAY.**

44.1 Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county has ten
44.2 months from the date final rule amendments to the February 4, 2008, subsurface sewage
44.3 treatment system rules are adopted by the Pollution Control Agency to adopt an ordinance
44.4 to comply with the rules. A county must continue to enforce its current ordinance until a
44.5 new ordinance has been adopted.

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

44.7 Sec. 67. **APPROPRIATIONS.**

44.8 (a) \$60,000 is appropriated in fiscal year 2011 from the water recreation account in
44.9 the natural resources fund to the commissioner of natural resources to cooperate with local
44.10 units of government in marking state water trails under Minnesota Statutes, section 85.32;
44.11 acquiring and developing river accesses and campsites; and removing obstructions that
44.12 may cause public safety hazards. This is a onetime appropriation and available until spent.

44.13 (b) \$250,000 in fiscal year 2011 is appropriated from the game and fish fund to the
44.14 commissioner of natural resources to maintain and expand the ecological classification
44.15 system program on state forest lands.

44.16 Sec. 68. **REVISOR'S INSTRUCTION.**

44.17 (a) The revisor of statutes shall change the term "horse trail pass" to "horse pass"
44.18 wherever it appears in Minnesota Statutes and Minnesota Rules.

44.19 (b) The revisor of statutes shall change the term "canoe and boating routes" or
44.20 similar term to "water trail routes" or similar term wherever it appears in Minnesota
44.21 Statutes and Minnesota Rules.

44.22 (c) The revisor of statutes shall change the term "Minnesota Conservation Corps"
44.23 to "Conservation Corps Minnesota" wherever it appears in Minnesota Statutes and
44.24 Minnesota Rules.

44.25 Sec. 69. **REPEALER.**

44.26 (a) Minnesota Statutes 2008, sections 90.172; 103G.295; and 103G.650, are repealed.

44.27 (b) Minnesota Statutes 2009 Supplement, section 88.795, is repealed.