

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 1830**

(SENATE AUTHORS: INGEBRIGTSEN)

DATE	D-PG	OFFICIAL STATUS
02/15/2012	3812	Introduction and first reading Referred to Environment and Natural Resources
03/08/2012	4133a	Comm report: To pass as amended and re-refer to Finance
03/23/2012	5068a	Comm report: To pass as amended
	5140	Second reading
04/17/2012	5879	HF substituted on General Orders HF2164

A bill for an act

1.1 relating to environment; modifying certain environment law requirements;  
1.2 modifying certain state agency reporting requirements; modifying game and fish  
1.3 laws; modifying water law; modifying fees, accounts; disposition of certain  
1.4 receipts; repealing certain laws and rules; requiring reports; providing civil  
1.5 penalties; exempting certain activities from rulemaking; modifying previous  
1.6 appropriations; appropriating money; amending Minnesota Statutes 2010,  
1.7 sections 84.027, subdivisions 14, 15; 84.67; 84.91, subdivision 1; 84D.05,  
1.8 subdivision 1; 85.018, subdivision 2; 85.055, subdivision 2; 85.20, subdivision  
1.9 1; 85.46, subdivision 1; 85A.04, subdivision 1; 86B.331, subdivision 1;  
1.10 97A.015, subdivisions 3a, 53; 97A.065, subdivision 6; 97A.085, by adding  
1.11 a subdivision; 97A.137, subdivision 5; 97A.411, subdivision 1, by adding a  
1.12 subdivision; 97A.421, subdivisions 3, 4a; 97A.435, subdivision 2; 97A.441,  
1.13 subdivision 7; 97A.451, subdivisions 3, 4, 5, by adding subdivisions; 97A.473,  
1.14 subdivisions 2, 2b, 3, 4, 5, 5a; 97A.474, subdivision 2; 97A.475, subdivisions  
1.15 2, 3, 4, 6, 8, 11, 12, 20, 43, 44, 45; 97A.482; 97A.485, subdivision 7; 97B.001,  
1.16 subdivision 7; 97B.020; 97B.031, subdivisions 1, 2; 97B.035, subdivision 1a;  
1.17 97B.055, subdivision 1; 97B.071; 97B.085, subdivision 3; 97B.303; 97B.328;  
1.18 97B.601, subdivisions 3a, 4; 97B.603; 97B.605; 97B.671, subdivisions 3, 4;  
1.19 97B.711, subdivision 1; 97B.715, subdivision 1; 97B.801; 97B.805, subdivision  
1.20 1; 97B.901; 97C.305, subdivisions 1, 2; 97C.395, subdivision 1; 103A.43;  
1.21 103B.101, subdivisions 2, 7, 10, by adding subdivisions; 103B.311, subdivision  
1.22 4; 103B.3363, by adding a subdivision; 103B.3369; 103B.355; 103G.2241,  
1.23 subdivisions 1, 9, 11; 103G.2242, subdivision 3; 103G.282, subdivisions 1, 3;  
1.24 103H.175, subdivision 3; 115.06, subdivision 4; 115.42; 115.55, subdivision 7;  
1.25 115A.15, subdivision 5; 115A.411; 115A.551, subdivisions 2a, 4; 115A.557,  
1.26 subdivision 4; 115D.08; 116.011; 116.06, subdivision 22; 116.0714; 116.10;  
1.27 116C.833, subdivision 2; 216C.055; 216H.07, subdivision 3; 473.149,  
1.28 subdivision 6; 473.846; Minnesota Statutes 2011 Supplement, sections 84D.01,  
1.29 subdivision 15a; 84D.03, subdivision 3; 84D.09, subdivision 2; 84D.10,  
1.30 subdivisions 1, 4; 84D.105, subdivision 2; 84D.13, subdivision 5; 97A.075,  
1.31 subdivision 1, by adding a subdivision; 97A.475, subdivision 7; 97B.031,  
1.32 subdivision 5; 97B.075; 97B.645, subdivision 9; 97B.667; 97C.341; 103G.222,  
1.33 subdivision 1; 115A.1320, subdivision 1; 116D.04, subdivision 2a; Laws 2007,  
1.34 chapter 57, article 1, section 4, subdivision 2, as amended; Laws 2010, chapter  
1.35 362, section 2, subdivision 7; Laws 2011, First Special Session chapter 6, article  
1.36 3, section 8, subdivision 3; proposing coding for new law in Minnesota Statutes,  
1.37 chapters 84; 86B; 97A; 97B; 103B; 103G; 383B; repealing Minnesota Statutes  
1.38 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5; 89.06; 90.042;  
1.39

2.1 97A.045, subdivisions 8, 13; 97A.065, subdivision 1; 97A.095, subdivision 3;  
2.2 97A.331, subdivision 7; 97A.451, subdivisions 3a, 7; 97A.4742, subdivision 4;  
2.3 97A.485, subdivision 12; 97A.552; 97B.645, subdivision 2; 97C.031; 97C.303;  
2.4 103G.705, subdivision 1; 115.447; 115A.07, subdivision 2; 115A.15, subdivision  
2.5 5; 115A.965, subdivision 7; 216H.07, subdivision 4; Minnesota Rules, parts  
2.6 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts  
2.7 1, 2, 3; 7041.0500, subparts 5, 6, 7.

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

2.9 **ARTICLE 1**

2.10 **ENVIRONMENTAL POLICY**

2.11 Section 1. Minnesota Statutes 2010, section 84.027, subdivision 15, is amended to read:

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

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

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

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

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

2.34 (5) establish, by written order, an electronic licensing system commission to be  
2.35 paid by revenues generated from all sales made through the electronic licensing system.  
2.36 The commissioner shall establish the commission in a manner that neither significantly

3.1 overrecovers nor underrecovers costs involved in providing the electronic licensing  
3.2 system; and

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

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

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

3.10 (d) Game and fish licenses under chapters 97A, 97B, and 97C shall be available by  
3.11 electronic transaction, regardless of whether all or any part of the biennial appropriation  
3.12 law for the department has been enacted. If, by July 1 of an odd-numbered year, legislation  
3.13 has not been enacted to appropriate money to the commissioner of management and budget  
3.14 for central accounting, procurement, payroll, and human resources functions, amounts  
3.15 necessary to operate those functions for the purpose of this paragraph are appropriated  
3.16 from the general fund to the commissioner of management and budget. As necessary,  
3.17 the commissioner may transfer a portion of this appropriation to other state agencies to  
3.18 support carrying out these functions. Any subsequent appropriation to the commissioner  
3.19 of management and budget for a biennium in which this section is applicable supersedes  
3.20 and replaces the funding authorized in this paragraph. This paragraph may be cited as the  
3.21 "Freedom to Hunt and Fish Act of 2012."

3.22 Sec. 2. Minnesota Statutes 2010, section 84.67, is amended to read:

3.23 **84.67 FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

3.24 A forests for the future revolving account is created in the natural resources fund.  
3.25 Money in the account is appropriated to the commissioner of natural resources for the  
3.26 acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4.  
3.27 The commissioner shall sell the lands acquired under this section, subject to an easement  
3.28 as provided in section 84.66. Money received from the sale of forest lands acquired  
3.29 under this section and interest earned on the account shall be deposited into the account.  
3.30 ~~The commissioner must file a report to the house of representatives Ways and Means~~  
3.31 ~~and the senate Finance Committees and the environment and natural resources finance~~  
3.32 ~~committees or divisions of the senate and house of representatives by October 1 of each~~  
3.33 ~~year indicating all purchases of forest land using money from this account and sales of~~  
3.34 ~~forest land for which revenue is deposited into this account.~~

4.1 Sec. 3. [84.76] APPRENTICE RIDER VALIDATION.

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

4.5 Subd. 2. Apprentice rider requirements. Notwithstanding sections 84.793,  
4.6 84.862, 84.925, and 84.9256, a person who is age 12 or over and who does not possess a  
4.7 required safety certificate may participate in up to two trail-riding events sponsored by the  
4.8 commissioner in state parks, state trails, state recreation areas, and state forests that are  
4.9 designed to involve apprentice riders. The person must be accompanied by an adult with a  
4.10 valid safety certificate. All vehicles must be properly registered for use in Minnesota.

4.11 Sec. 4. Minnesota Statutes 2010, section 84.91, subdivision 1, is amended to read:

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

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

4.22 (c) A person who operates or is in physical control of a snowmobile or all-terrain  
4.23 vehicle anywhere in this state or on the ice of any boundary water of this state is subject  
4.24 to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person  
4.25 who is convicted of violating section 169A.20 or an ordinance in conformity with it  
4.26 while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a  
4.27 lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance  
4.28 in conformity with it, shall be prohibited from operating ~~the~~ a snowmobile or all-terrain  
4.29 vehicle for a period of one year. The commissioner shall notify the person of the time  
4.30 period during which the person is prohibited from operating a snowmobile or all-terrain  
4.31 vehicle.

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

5.1 Otherwise, administrative and judicial review of the prohibition is governed by section  
5.2 169A.53.

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

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

5.10 Sec. 5. Minnesota Statutes 2011 Supplement, section 84D.01, subdivision 15a, is  
5.11 amended to read:

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

5.18 Sec. 6. Minnesota Statutes 2010, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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

5.27 (5) when being transported for disposal as part of a harvest or control activity  
5.28 when specifically authorized under a permit issued by the commissioner according to  
5.29 section 103G.615, when being transported for disposal as specified under a commercial  
5.30 fishing license issued by the commissioner according to section 97A.418, 97C.801,  
5.31 97C.811, 97C.825, 97C.831, or 97C.835, or when being transported as specified by the  
5.32 commissioner;

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

- 6.1 (7) in the form of herbaria or other preserved specimens;
- 6.2 (8) when being removed from watercraft and equipment, or caught while angling,
- 6.3 and immediately returned to the water from which they came; or
- 6.4 (9) as the commissioner may otherwise prescribe by rule.

6.5 Sec. 7. Minnesota Statutes 2011 Supplement, section 84D.09, subdivision 2, is  
6.6 amended to read:

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

- 6.9 (1) that are duckweeds in the family Lemnaceae;
- 6.10 (2) for disposal as part of a harvest or control activity ~~conducted~~ when specifically  
6.11 authorized under an aquatic plant management permit pursuant to section 103G.615, under  
6.12 permit pursuant to section 84D.11, or as specified by the commissioner;
- 6.13 (3) for purposes of constructing shooting or observation blinds in amounts sufficient  
6.14 for that purpose, provided that the aquatic macrophytes are emergent and cut above the  
6.15 waterline;
- 6.16 (4) when legally purchased or traded by or from commercial or hobbyist sources for  
6.17 aquarium, wetland or lakeshore restoration, or ornamental purposes;
- 6.18 (5) when harvested for personal or commercial use if in a motor vehicle;
- 6.19 (6) to the department, or another destination as the commissioner may direct, in a  
6.20 sealed container for purposes of identifying a species or reporting the presence of a species;
- 6.21 (7) when transporting commercial aquatic plant harvesting or control equipment to a  
6.22 suitable location for purposes of cleaning any remaining aquatic macrophytes;
- 6.23 (8) that are wild rice harvested under section 84.091;
- 6.24 (9) in the form of fragments of emergent aquatic macrophytes incidentally  
6.25 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl  
6.26 season; or
- 6.27 (10) when removing water-related equipment from waters of the state for purposes  
6.28 of cleaning off aquatic macrophytes before leaving a water access site.

6.29 Sec. 8. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 1, is  
6.30 amended to read:

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

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7.1 Sec. 9. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is  
7.2 amended to read:

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

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

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

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

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

7.17 (f) A boat lift, dock, swim raft, or associated equipment that has been removed from  
7.18 waters of the state infested with zebra mussels may not be placed in another water body  
7.19 until a minimum of 21 days have passed.

7.20 Sec. 10. Minnesota Statutes 2011 Supplement, section 84D.105, subdivision 2, is  
7.21 amended to read:

7.22 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize  
7.23 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive  
7.24 species, and water. The commissioner may enter into a delegation agreement with a  
7.25 tribal or local government where inspection authority as provided under paragraphs (b),  
7.26 (g), and (h) is delegated to tribal and local governments that assume all legal, financial,  
7.27 and administrative responsibilities for inspection programs on some or all public waters  
7.28 within their jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

9.13 (4) adequate enforcement capacity;

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

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

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

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

9.28 Sec. 11. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 5, is  
9.29 amended to read:

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

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

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

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

10.3 (4) for placing or attempting to place into waters of the state water-related equipment  
10.4 that has prohibited invasive species attached when the waters are not designated by the  
10.5 commissioner as being infested with that invasive species, \$500 for the first offense and  
10.6 ~~\$1,000 for each subsequent offense~~;

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

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

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

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

10.18 Sec. 12. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

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

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

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

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

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

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

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

11.1 Sec. 13. Minnesota Statutes 2010, section 85.055, subdivision 2, is amended to read:

11.2 Subd. 2. **Fee deposit and appropriation; continued operation.** (a) The fees  
11.3 collected under this section shall be deposited in the natural resources fund and credited  
11.4 to the state parks account. Money in the account, except for the electronic licensing  
11.5 system commission established by the commissioner under section 84.027, subdivision  
11.6 15, is available for appropriation to the commissioner to operate and maintain the state  
11.7 park system.

11.8 (b) State parks and recreation areas shall remain open for camping and other  
11.9 recreational activities, regardless of whether all or any part of the biennial appropriation  
11.10 law for the state parks and recreation areas has been enacted. The amount necessary for  
11.11 operations of state parks and recreation areas when the biennial appropriation law has not  
11.12 been enacted is appropriated from the state parks account in the natural resources fund. If,  
11.13 by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money  
11.14 to the commissioner of management and budget for central accounting, procurement,  
11.15 payroll, and human resources functions, amounts necessary to operate those functions for  
11.16 the purpose of this paragraph are appropriated from the general fund to the commissioner  
11.17 of management and budget. As necessary, the commissioner may transfer a portion of  
11.18 this appropriation to other state agencies to support carrying out these functions. Any  
11.19 subsequent appropriation to the commissioner of management and budget for a biennium  
11.20 in which this paragraph has been applied supersedes and replaces the funding authorized  
11.21 in this paragraph.

11.22 Sec. 14. Minnesota Statutes 2010, section 85.20, subdivision 1, is amended to read:

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

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

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

12.6 Sec. 15. Minnesota Statutes 2010, section 85.46, subdivision 1, is amended to read:

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

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

12.16 Sec. 16. Minnesota Statutes 2010, section 85A.04, subdivision 1, is amended to read:

12.17 Subdivision 1. **Deposit; continued operation.** (a) All receipts from parking and  
12.18 admission to the Minnesota Zoological Garden shall be deposited in the state treasury  
12.19 and credited to an account in the special revenue fund, and are annually appropriated to  
12.20 the board for operations and maintenance.

12.21 (b) The Minnesota Zoological Garden shall remain open, regardless of whether all  
12.22 or any part of the biennial appropriation law for the zoo has been enacted. Appropriations  
12.23 under this section shall be used for operations of the zoo when the biennial appropriation  
12.24 law has not been enacted. If, by July 1 of an odd-numbered year, legislation has not been  
12.25 enacted to appropriate money to the commissioner of management and budget for central  
12.26 accounting, procurement, payroll, and human resources functions, amounts necessary to  
12.27 operate those functions for the purpose of this paragraph are appropriated from the general  
12.28 fund to the commissioner of management and budget. As necessary, the commissioner  
12.29 may transfer a portion of this appropriation to other state agencies to support carrying out  
12.30 these functions. Any subsequent appropriation to the commissioner of management and  
12.31 budget for a biennium in which this paragraph has been applied supersedes and replaces  
12.32 the funding authorized in this paragraph.

12.33 Sec. 17. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

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

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

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

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

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

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

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

13.21 **EFFECTIVE DATE.** This section is effective July 1, 2015.

13.22 Sec. 18. Minnesota Statutes 2010, section 86B.331, subdivision 1, is amended to read:

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

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

13.31 (c) A person who operates or is in physical control of a motorboat on the waters  
13.32 of this state is subject to chapter 169A. In addition to the applicable sanctions under  
13.33 chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance  
13.34 in conformity with it while operating a motorboat, shall be prohibited from operating  
13.35 ~~the~~ a motorboat on the waters of this state for a period of 90 days between May 1 and

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14.1 October 31, extending over two consecutive years if necessary. If the person operating the  
14.2 motorboat refuses to comply with a lawful demand to submit to testing under sections  
14.3 169A.50 to 169A.53 or an ordinance in conformity with it, the person shall be prohibited  
14.4 from operating ~~the~~ a motorboat for a period of one year. The commissioner shall notify  
14.5 the person of the period during which the person is prohibited from operating a motorboat.

14.6 (d) Administrative and judicial review of the operating privileges prohibition is  
14.7 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior  
14.8 impaired driving conviction or prior license revocation, as defined in section 169A.03.  
14.9 Otherwise, administrative and judicial review of the prohibition is governed by section  
14.10 169A.53.

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

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

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

14.19 Sec. 19. Minnesota Statutes 2010, section 97A.421, subdivision 4a, is amended to read:

14.20 Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**

14.21 When a court reports to the commissioner that a person: (1) has failed to appear in court  
14.22 ~~under the summons issued~~ in response to a notice to appear or fails to comply with other  
14.23 orders of the court regarding the appearance or proceedings for a violation of the game  
14.24 and fish laws; or (2) has been convicted of violating a provision of the game and fish  
14.25 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,  
14.26 and refused or failed to comply with that sentence or to pay the fine or surcharge, the  
14.27 commissioner shall suspend the game and fish license and permit privileges of the person  
14.28 until notified by the court that the person has appeared in court under clause (1) or that any  
14.29 fine or surcharge due the court has been paid under clause (2).

14.30 Sec. 20. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

14.31 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

14.32 (a) A person may not use live minnows imported from outside of the state, game  
14.33 fish, goldfish, or carp for bait. The commissioner may, by written order published in  
14.34 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on

15.1 their use. The order is exempt from the rulemaking provisions of chapter 14 and section  
15.2 14.386 does not apply.

15.3 (b) A person may not import or possess live, frozen, or processed bait from known  
15.4 waters where viral hemorrhagic septicemia has been identified as being present; (1)  
15.5 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner  
15.6 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph

15.7 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,  
15.8 invertebrates, and insects used for taking wild animals in waters of the state.

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

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

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

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

15.19 (1) water body source;

15.20 (2) lot number;

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

15.22 (4) date of packaging and labeling; and

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

15.24 Sec. 21. Minnesota Statutes 2010, section 103A.43, is amended to read:

15.25 **103A.43 WATER ASSESSMENTS AND REPORTS.**

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

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

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

16.4 Sec. 22. Minnesota Statutes 2010, section 103B.101, subdivision 2, is amended to read:

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

16.6 (1) three county commissioners;

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

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

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

16.11 (5) one township officer;

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

16.14 (7) the commissioner of agriculture;

16.15 (8) the commissioner of health;

16.16 (9) the commissioner of natural resources;

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

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

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

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

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

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

16.32 Sec. 23. Minnesota Statutes 2010, section 103B.101, subdivision 7, is amended to read:

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



17.1 Sec. 24. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
17.2 subdivision to read:

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

17.5 Sec. 25. Minnesota Statutes 2010, section 103B.101, subdivision 10, is amended to  
17.6 read:

17.7 Subd. 10. **Committee for dispute resolution.** A committee of the board is  
17.8 established to hear and resolve disputes, appeals, and interventions under sections  
17.9 103A.301 to 103A.341; 103B.101; 103B.231; 103B.345; 103D.535; 103D.537; and  
17.10 103G.2242, subdivision 9. ~~The committee consists of two of the three citizen members;~~  
17.11 ~~one county commissioner member; one soil and water conservation district supervisor~~  
17.12 ~~member; and one watershed district or watershed management organization representative~~  
17.13 ~~member.~~ The committee is appointed by the board chair. The board shall adopt bylaws  
17.14 governing committee membership and duties.

17.15 Sec. 26. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
17.16 subdivision to read:

17.17 Subd. 14. **Local water management coordination.** (a) The board may adopt  
17.18 resolutions, policies, or orders that allow a comprehensive plan, local water management  
17.19 plan, or watershed management plan, developed or amended, approved and adopted,  
17.20 according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be  
17.21 replaced with a comprehensive watershed management plan. The board may also develop  
17.22 criteria for incorporating or coordinating the elements of metropolitan county groundwater  
17.23 plans in accordance with section 103B.255. The board shall, to the extent practicable,  
17.24 incorporate a watershed approach when adopting the resolutions, policies, or orders, and  
17.25 shall establish a suggested watershed boundary framework for development, approval,  
17.26 adoption, and coordination of plans.

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

18.1 Sec. 27. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
18.2 subdivision to read:

18.3 Subd. 15. **Local water management boundary and plan determinations and**  
18.4 **appeals.** (a) Local government units may either submit a request for a plan boundary  
18.5 determination as part of a plan approval request or apply separately for a plan boundary  
18.6 determination from the board before requesting plan approval. Local government units  
18.7 must provide written documentation of the rationale and justification for the proposed  
18.8 boundary. The board may request additional information needed to make a plan boundary  
18.9 determination.

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

18.16 Sec. 28. Minnesota Statutes 2010, section 103B.311, subdivision 4, is amended to read:

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

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

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

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

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

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

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

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

19.3 Sec. 29. Minnesota Statutes 2010, section 103B.3363, is amended by adding a  
19.4 subdivision to read:

19.5 Subd. 6. **Comprehensive watershed management plan.** "Comprehensive  
19.6 watershed management plan" means a plan to manage the water and related natural  
19.7 resources of a watershed that consists of the plans listed in subdivision 3 or a separate  
19.8 plan that has been approved as a substitute by the board and adopted by local units  
19.9 of government for the same or additional purposes. The comprehensive watershed  
19.10 management plan shall be consistent with the goals of section 103A.212 and may address  
19.11 the goals in sections 103A.201 to 103A.211, and chapter 114D.

19.12 Sec. 30. [103B.3367] WATER PLAN EXTENSIONS.

19.13 The board may grant extensions with or without conditions of the revision date of a  
19.14 comprehensive local water management plan or a comprehensive watershed management  
19.15 plan.

19.16 Sec. 31. Minnesota Statutes 2010, section 103B.3369, is amended to read:

19.17 **103B.3369 LOCAL WATER RESOURCES RESTORATION, PROTECTION,**  
19.18 **AND MANAGEMENT PROGRAM.**

19.19 Subdivision 1. **Assistance priorities.** State agencies may give priority to local  
19.20 government unit requests that are part of or responsive to a comprehensive plan, local  
19.21 water management plan, watershed management plan, or comprehensive watershed  
19.22 management plan, developed or amended, approved and adopted, according to chapter  
19.23 103B, 103C, 103D, or 114D, when administering programs for water-related financial  
19.24 and technical assistance.

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

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

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

20.4 Subd. 5. **Financial assistance.** A base grant may be awarded to a county that  
20.5 provides a match utilizing a water implementation tax or other local source. A water  
20.6 implementation tax that a county intends to use as a match to the base grant must be levied  
20.7 at a rate determined by the board. ~~The minimum amount of the water implementation tax~~  
20.8 ~~shall be a tax rate times the adjusted net tax capacity of the county for the preceding year.~~  
20.9 ~~The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied~~  
20.10 ~~to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The~~  
20.11 ~~base grant will be in an amount equal to \$37,500 less the amount raised by the local~~  
20.12 ~~match. If the amount necessary to implement the local water plan for the county is less~~  
20.13 ~~than \$37,500, the amount of the base grant shall be the amount that, when added to the~~  
20.14 ~~match amount, equals the amount required to implement the plan. For counties where~~  
20.15 ~~the tax rate generates an amount equal to or greater than \$18,750, the base grant shall~~  
20.16 ~~be in an amount equal to \$18,750.~~ The board may award performance-based grants to  
20.17 local units of government that are responsible for implementing elements of applicable  
20.18 portions of watershed management plans, comprehensive plans, local water management  
20.19 plans, or comprehensive watershed management plans, developed or amended, adopted  
20.20 and approved, according to chapter 103B, 103C, or 103D. Upon request by a local  
20.21 government unit, the board may also award performance-based grants to local units of  
20.22 government to carry out TMDL implementation plans as provided in chapter 114D, if the  
20.23 TMDL implementation plan has been incorporated into the local water management plan  
20.24 according to the procedures for approving comprehensive plans, watershed management  
20.25 plans, local water management plans, or comprehensive watershed management plans  
20.26 under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone  
20.27 a public review process. Notwithstanding section 16A.41, the board may award  
20.28 performance-based grants on an advanced basis.

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

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

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

21.3 (c) A local unit of government may not request or be awarded grants for project  
21.4 implementation unless a comprehensive plan, local water management ~~water~~ plan has  
21.5 been adopted, watershed management plan, or comprehensive watershed management  
21.6 plan has been developed or amended, adopted and approved, according to chapter 103B,  
21.7 103C, or 103D.

21.8 Subd. 7. Performance criteria. The board shall develop and utilize  
21.9 performance-based criteria for local water resources restoration, protection, and  
21.10 management programs and projects. The criteria may include, but are not limited to,  
21.11 science-based assessments, organizational capacity, priority resource issues, community  
21.12 outreach and support, partnership potential, potential for multiple benefits, and program  
21.13 and project delivery efficiency and effectiveness.

21.14 Sec. 32. Minnesota Statutes 2010, section 103B.355, is amended to read:

21.15 **103B.355 APPLICATION.**

21.16 Sections 103B.301 to 103B.335 and 103B.341 to 103B.355 do not apply in areas  
21.17 subject to the requirements of sections 103B.201 to 103B.255 under section 103B.231,  
21.18 subdivision 1, and in areas covered by an agreement under section 103B.231, subdivision  
21.19 2, except as otherwise provided in section 103B.311, subdivision 4, clause (4).

21.20 Sec. 33. Minnesota Statutes 2011 Supplement, section 103G.222, subdivision 1,  
21.21 is amended to read:

21.22 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
21.23 partially, unless replaced by restoring or creating wetland areas of at least equal public  
21.24 value under a replacement plan approved as provided in section 103G.2242, a replacement  
21.25 plan under a local governmental unit's comprehensive wetland protection and management  
21.26 plan approved by the board under section 103G.2243, or, if a permit to mine is required  
21.27 under section 93.481, under a mining reclamation plan approved by the commissioner  
21.28 under the permit to mine. For project-specific wetland replacement completed prior to  
21.29 wetland impacts authorized or conducted under a permit to mine within the Great Lakes  
21.30 and Rainy River watershed basins, those basins shall be considered a single watershed  
21.31 for purposes of determining wetland replacement ratios. Mining reclamation plans shall  
21.32 apply the same principles and standards for replacing wetlands by restoration or creation  
21.33 of wetland areas that are applicable to mitigation plans approved as provided in section  
21.34 103G.2242. Public value must be determined in accordance with section 103B.3355 or

22.1 a comprehensive wetland protection and management plan established under section  
22.2 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently  
22.3 and semipermanently flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

22.17 For a project involving the draining or filling of wetlands in an amount not exceeding  
22.18 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
22.19 paragraph (a), the local government unit may make an on-site sequencing determination  
22.20 without a written alternatives analysis from the applicant.

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

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

22.33 (e) Restoration and replacement of wetlands must be accomplished in accordance  
22.34 with the ecology of the landscape area affected and ponds that are created primarily to  
22.35 fulfill storm water management, and water quality treatment requirements may not be

23.1 used to satisfy replacement requirements under this chapter unless the design includes  
23.2 pretreatment of runoff and the pond is functioning as a wetland.

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

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

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

23.11 (i) Except in a greater than 80 percent area, only wetlands that have been restored  
23.12 from previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
23.13 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
23.14 created by dikes or dams associated with the restoration of previously drained or filled  
23.15 wetlands may be used in a statewide banking program established in rules adopted under  
23.16 section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally  
23.17 occurring wetlands from one type to another are not eligible for enrollment in a statewide  
23.18 wetlands bank.

23.19 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
23.20 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
23.21 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
23.22 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
23.23 to believe that the wetland characteristics may change substantially, the panel shall  
23.24 postpone its recommendation until the wetland has stabilized.

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

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

23.33 (m) A replacement plan for wetlands is not required for individual projects that  
23.34 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,  
23.35 or replacement of a currently serviceable existing state, city, county, or town public road  
23.36 necessary, as determined by the public transportation authority, to meet state or federal

24.1 design or safety standards or requirements, excluding new roads or roads expanded solely  
24.2 for additional traffic capacity lanes. This paragraph only applies to authorities for public  
24.3 transportation projects that:

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

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

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

24.16 Those required to receive notice of public transportation projects may appeal  
24.17 minimization, delineation, and on-site mitigation decisions made by the public  
24.18 transportation authority to the board according to the provisions of section 103G.2242,  
24.19 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation  
24.20 decisions made by the public transportation authority and provide recommendations  
24.21 regarding on-site mitigation if requested to do so by the local government unit, a  
24.22 contiguous landowner, or a member of the Technical Evaluation Panel.

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

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

24.35 (n) If a landowner seeks approval of a replacement plan after the proposed project  
24.36 has already affected the wetland, the local government unit may require the landowner to



25.1 replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise  
25.2 required.

25.3 (o) A local government unit may request the board to reclassify a county or  
25.4 watershed on the basis of its percentage of presettlement wetlands remaining. After  
25.5 receipt of satisfactory documentation from the local government, the board shall change  
25.6 the classification of a county or watershed. If requested by the local government unit,  
25.7 the board must assist in developing the documentation. Within 30 days of its action to  
25.8 approve a change of wetland classifications, the board shall publish a notice of the change  
25.9 in the Environmental Quality Board Monitor.

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

25.16 Sec. 34. Minnesota Statutes 2010, section 103G.2241, subdivision 1, is amended to  
25.17 read:

25.18 Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not  
25.19 required for:

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

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

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

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

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

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

26.9 (7) agricultural activities on agricultural land that is subject to federal farm program  
26.10 restrictions ~~that meet minimum state standards under this chapter and sections 103A.202~~  
26.11 ~~and 103B.3355 and that have been approved by the Board of Water and Soil Resources,~~  
26.12 ~~the commissioners of natural resources and agriculture, and the Pollution Control Agency~~  
26.13 under United States Code, title 16, section 3821.

26.14 Sec. 35. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to  
26.15 read:

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

26.19 (1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
26.20 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a greater than  
26.21 80 percent area;

26.22 (2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
26.23 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a 50 to 80 percent  
26.24 area, ~~except within the 11-county metropolitan area;~~

26.25 (3) 2,000 square feet of type 1, 2, ~~or 6, or 7~~ wetland, ~~outside of the shoreland wetland~~  
26.26 ~~protection zone~~ excluding white cedar and tamarack wetlands, in a less than 50 percent  
26.27 area, ~~except within the 11-county metropolitan area; or~~

26.28 (4) ~~100~~ 200 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack  
26.29 ~~wetland types not listed in clauses (1) to (3) outside of the building setback zone of the~~  
26.30 ~~shoreland wetland protection zones in all counties;~~

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

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27.1 ~~(5) (1) 400 square feet of type 1, 2, 6, or 7 wetland types listed in clauses (1) to~~  
27.2 ~~(3), beyond the building setback zone, as defined in the local shoreland management~~  
27.3 ~~ordinance, but within the shoreland wetland protection zone; or~~

27.4 (2) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.

27.5 In a greater than 80 percent area, the local government unit may increase the de  
27.6 minimis amount allowed under this paragraph up to 1,000 square feet if the wetland is  
27.7 isolated and is determined to have no direct surficial connection to the public water.

27.8 (c) Except as provided in paragraphs (d), (e), (f), (g), and (h), a replacement plan for  
27.9 wetlands is not required for draining or filling up to 100 square feet of wetland as part  
27.10 of a project within the shoreland building setback zone, as defined in the local shoreland  
27.11 management ordinance.

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

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

27.15 ~~(7) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and~~  
27.16 ~~tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent~~  
27.17 ~~area within the 11-county metropolitan area; or~~

27.18 ~~(8) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland~~  
27.19 ~~protection zone in a less than 50 percent area within the 11-county metropolitan area.~~

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

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

27.25 ~~(e) (e) This exemption no longer applies to a landowner's portion of a wetland~~  
27.26 ~~when the cumulative area drained or filled of the landowner's portion since January 1,~~  
27.27 ~~1992, is the greatest of:~~

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

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

27.31 (3) 400 square feet.

27.32 ~~(d) (f) This exemption may not be combined with another exemption in this section~~  
27.33 ~~on a project.~~

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

27.35 (h) If a local ordinance or similar local control is more restrictive than this  
27.36 subdivision, the local standard applies.

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28.1 Sec. 36. Minnesota Statutes 2010, section 103G.2241, subdivision 11, is amended to  
28.2 read:

28.3 Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland  
28.4 under an exemption in subdivisions 1 to 10 shall ensure that:

28.5 (1) appropriate erosion control measures are taken to prevent sedimentation of  
28.6 the water;

28.7 (2) the activity does not block fish passage in a watercourse; and

28.8 (3) the activity is conducted in compliance with all other applicable federal,  
28.9 state, and local requirements, including best management practices and water resource  
28.10 protection requirements established under chapter 103H. Evidence documenting  
28.11 compliance shall be provided when requested by the local government unit, technical  
28.12 evaluation panel, or enforcement authority.

28.13 (b) An activity is exempt if it qualifies for any one of the exemptions, even though it  
28.14 may be indicated as not exempt under another exemption.

28.15 (c) Persons proposing to conduct an exempt activity are encouraged to contact the  
28.16 local government unit or the local government unit's designee for advice on minimizing  
28.17 wetland impacts.

28.18 (d) The board shall develop rules that address the application and implementation  
28.19 of exemptions and that provide for estimates and reporting of exempt wetland impacts,  
28.20 including those in section 103G.2241, subdivisions 2, 6, and 9.

28.21 Sec. 37. Minnesota Statutes 2010, section 103G.2242, subdivision 3, is amended to  
28.22 read:

28.23 Subd. 3. **Replacement completion.** Replacement of wetland values must be  
28.24 completed prior to or concurrent with the actual draining or filling of a wetland, ~~or~~ unless  
28.25 an irrevocable bank letter of credit or other security acceptable to the local government  
28.26 unit ~~must be~~ or the board is given to the local government unit or the board to guarantee  
28.27 the successful completion of the replacement. The board may establish, sponsor, or  
28.28 administer a wetland banking program, which may include provisions allowing monetary  
28.29 payment to the wetland bank for impacts to wetlands on agricultural land, for impacts  
28.30 that occur in greater than 80 percent areas, and for public road projects. The board shall  
28.31 coordinate the establishment and operation of a wetland bank with the United States  
28.32 Army Corps of Engineers, the Natural Resources Conservation Service of the United  
28.33 States Department of Agriculture, and the commissioners of natural resources, agriculture,  
28.34 and the Pollution Control Agency.

29.1 Sec. 38. [103G.2375] ASSUMPTION OF SECTION 404 OF FEDERAL CLEAN  
29.2 WATER ACT.

29.3 Notwithstanding any other law to the contrary, the Board of Water and Soil  
29.4 Resources, in consultation with the commissioners of natural resources, agriculture,  
29.5 and the Pollution Control Agency, may adopt or amend rules establishing a program  
29.6 for regulating the discharge of dredged and fill material into the waters of the state as  
29.7 necessary to obtain approval from the United States Environmental Protection Agency to  
29.8 administer, in whole or part, the permitting and wetland banking programs under section  
29.9 404 of the federal Clean Water Act, United States Code, title 33, section 1344. The rules  
29.10 may not be more restrictive than the program under section 404 or state law.

29.11 Sec. 39. Minnesota Statutes 2010, section 103G.282, subdivision 1, is amended to read:

29.12 Subdivision 1. **Monitoring equipment.** The commissioner may require the  
29.13 installation and maintenance of monitoring equipment to evaluate water resource impacts  
29.14 from permitted appropriations and proposed projects that require a permit. Monitoring for  
29.15 water resources that supply more than one appropriator must be designed to minimize  
29.16 costs to individual appropriators. The commissioner shall not require an individual  
29.17 appropriator to drill additional wells for the purpose of monitoring and evaluating the  
29.18 water resource impacts as a condition of receiving the permit.

29.19 Sec. 40. Minnesota Statutes 2010, section 103G.282, subdivision 3, is amended to read:

29.20 Subd. 3. **Reports and costs.** (a) Records of water measurements under subdivision  
29.21 2 must be kept for each installation. The measurements must be reported annually to the  
29.22 commissioner on or before February 15 of the following year in a format or on forms  
29.23 prescribed by the commissioner.

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

29.31 Sec. 41. Minnesota Statutes 2010, section 103H.175, subdivision 3, is amended to read:

29.32 Subd. 3. **Report.** ~~In each even-numbered year~~ Every five years, the Pollution  
29.33 Control Agency, in cooperation with other agencies participating in the monitoring of

30.1 water resources, shall provide a draft report on the status of groundwater monitoring to  
30.2 the Environmental Quality Board for review and then to the house of representatives  
30.3 and senate committees with jurisdiction over the environment, natural resources, and  
30.4 agriculture as part of the report in section 103A.204.

30.5 Sec. 42. Minnesota Statutes 2010, section 115.06, subdivision 4, is amended to read:

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

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

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

30.13 (3) seeking public and private funds to:

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

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

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

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

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

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

30.27 Sec. 43. Minnesota Statutes 2010, section 115.42, is amended to read:

30.28 **115.42 POLICY; LONG-RANGE PLAN; PURPOSE.**

30.29 It is the policy of the state to provide for the prevention, control, and abatement  
30.30 of pollution of all waters of the state, so far as feasible and practical, in furtherance  
30.31 of conservation of such waters and protection of the public health and in furtherance  
30.32 of the development of the economic welfare of the state. The agency shall prepare a  
30.33 long-range plan and program for the effectuation of said policy, ~~and shall make a report of~~  
30.34 ~~progress thereon to the legislature by November 15 of each even-numbered year, with~~

31.1 ~~recommendations for action in furtherance of such program during the ensuing biennium.~~

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

31.6 Sec. 44. Minnesota Statutes 2010, section 115.55, subdivision 7, is amended to read:

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

31.16 (b) **New or replacement systems.** Counties, after providing documentation of  
31.17 conditions listed in this paragraph to the commissioner, may adopt by ordinance local  
31.18 standards that are less restrictive than the agency's rules for new system construction or  
31.19 replacement in areas of sustained and projected low population density where conditions  
31.20 render conformance to applicable requirements difficult or otherwise inappropriate.  
31.21 Documentation may include a map delineating the area of the county to be served by the  
31.22 local standards, a description of the hardship that would result from strict adherence to the  
31.23 agency's rules, and evidence of sustained and projected low population density. The local  
31.24 standards must protect human health and the environment and be based on considerations  
31.25 that may include, but need not be limited to, soil separation, soil classification, vegetation,  
31.26 system use, localized well placement and construction, localized density of systems  
31.27 and wells, extent of area to be covered by local standards, groundwater flow patterns,  
31.28 and existing natural or artificial drainage systems. The local standards must provide  
31.29 cost-effective and long-term treatment alternatives. The draft ordinance incorporating the  
31.30 local standards must be submitted with justification to the commissioner 30 days before  
31.31 adoption for review and comment.

31.32 (c) **New or replacement systems; local ordinances.** A local unit of government  
31.33 may adopt and enforce ordinances or rules affecting new or replacement subsurface  
31.34 sewage treatment systems that are more restrictive than the agency's rules. A local unit  
31.35 of government may not adopt or enforce an ordinance or rule if its effect is to prevent or

32.1 delay recording with the county recorder or registrar of titles of a deed or other instrument  
32.2 that is otherwise entitled to be recorded.

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

32.6 (1) systems in shoreland areas, regulated under sections 103F.201 to 103F.221;

32.7 (2) well construction and location, regulated under chapter 103I; and

32.8 (3) systems used in connection with food, beverage, and lodging establishments,  
32.9 regulated under chapter 157.

32.10 Alternative local standards for new or replacement residential systems with flow of  
32.11 2,500 gallons per day or less may be applied to systems listed in clause (1), provided the  
32.12 alternative standards are no less stringent than provisions of Minnesota Rules, chapter  
32.13 7080, that went into effect on April 3, 2006. In addition, alternative local standards for  
32.14 new or replacement systems with flow of 2,500 gallons per day or less may be applied to  
32.15 systems listed in clause (3), provided the alternative standards are no less stringent than  
32.16 provisions of Minnesota Rules, chapter 7080, that went into effect on April 3, 2006,  
32.17 except that the waste strength must meet the standards established in Minnesota Rules,  
32.18 part 7080.2150, subpart 3, item K. If additional treatment of waste is needed to meet this  
32.19 standard, the treatment must be in accordance with Minnesota Rules, part 7080.2150,  
32.20 subpart 3, item A. The local standards must include references to applicable requirements  
32.21 under other state laws or rules or local ordinances. Nothing in this paragraph prevents  
32.22 a local subsurface sewage treatment system ordinance from including provisions of the  
32.23 current rule as part of the alternative local standards.

32.24 Sec. 45. Minnesota Statutes 2011 Supplement, section 115A.1320, subdivision 1,  
32.25 is amended to read:

32.26 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections  
32.27 115A.1310 to 115A.1330.

32.28 (b) The agency shall establish procedures for:

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

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

32.33 (c) The agency shall annually review the value of the following variables that are  
32.34 part of the formula used to calculate a manufacturer's annual registration fee under section  
32.35 115A.1314, subdivision 1:



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

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

33.5 (3) the base registration fee; and

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

33.12 (d) By January 15 each year, beginning in 2008, the agency shall calculate estimated  
33.13 sales of video display devices sold to households by each manufacturer during the  
33.14 preceding program year, based on national sales data, and forward the estimates to the  
33.15 department.

33.16 (e) ~~On or before December 1, 2010, and each year thereafter,~~ The agency shall  
33.17 provide a report to the governor and the legislature on the implementation of sections  
33.18 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight  
33.19 of covered electronic devices recycled and a summary of information in the reports  
33.20 submitted by manufacturers and recyclers under section 115A.1316. The report must  
33.21 also discuss the various collection programs used by manufacturers to collect covered  
33.22 electronic devices; information regarding covered electronic devices that are being  
33.23 collected by persons other than registered manufacturers, collectors, and recyclers; and  
33.24 information about covered electronic devices, if any, being disposed of in landfills in  
33.25 this state. The report must include a description of enforcement actions under sections  
33.26 115A.1310 to 115A.1330. The agency may include in its report other information received  
33.27 by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The  
33.28 report must be done in conjunction with the report required under section 115D.10.

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

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

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

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

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

34.8 Sec. 46. Minnesota Statutes 2010, section 115A.15, subdivision 5, is amended to read:

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

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

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

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

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

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

34.25 Sec. 47. Minnesota Statutes 2010, section 115A.411, is amended to read:

34.26 **115A.411 SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED**  
34.27 **REPORT.**

34.28 Subdivision 1. **Authority; purpose.** The commissioner shall prepare and adopt a  
34.29 report on solid waste management policy and activities under this chapter. The report must  
34.30 be submitted by the commissioner to the senate and house of representatives committees  
34.31 having jurisdiction over environment and natural resources ~~and environment and natural~~  
34.32 ~~resources finance~~ by December 1 ~~of each odd-numbered year~~ 31, 2015, and every four  
34.33 years thereafter and shall include reports required under sections ~~115A.55, subdivision 4,~~

35.1 ~~paragraph (b)~~; 115A.551, subdivision 4; 115A.557, subdivision 4; 473.149, subdivision  
35.2 6; 473.846; and 473.848, subdivision 4.

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

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

35.8 (2) an evaluation of the extent and effectiveness of implementation ~~and~~ of section  
35.9 115A.02, including an assessment of progress in accomplishing state policies, goals, and  
35.10 objectives, including those listed in paragraph (b);

35.11 (3) identification of issues requiring further research, study, and action, the  
35.12 appropriate scope of the research, study, or action, the state agency or political subdivision  
35.13 that should implement the research, study, or action, and a schedule for completion  
35.14 of the activity; and

35.15 (4) recommendations for establishing or modifying state solid waste management  
35.16 policies, authorities, responsibilities, and programs.

35.17 (b) Beginning in 1997, and every sixth year thereafter, the report shall be expanded  
35.18 to include the metropolitan area solid waste policy plan required in section 473.149,  
35.19 subdivision 1, and strategies for the agency to advance the goals of this chapter, to manage  
35.20 waste as a resource, to further reduce the need for expenditures on resource recovery and  
35.21 disposal facilities, and to further reduce long-term environmental and financial liabilities.  
35.22 The expanded report must include strategies for:

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

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

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

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

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

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

36.7 Sec. 48. Minnesota Statutes 2010, section 115A.551, subdivision 2a, is amended to  
36.8 read:

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

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

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

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

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

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

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

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

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

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37.1 Sec. 49. Minnesota Statutes 2010, section 115A.551, subdivision 4, is amended to read:

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

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

37.13 Sec. 50. Minnesota Statutes 2010, section 115A.557, subdivision 4, is amended to read:

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

37.20 Sec. 51. Minnesota Statutes 2010, section 115D.08, is amended to read:

37.21 **115D.08 PROGRESS REPORTS.**

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

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

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

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

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

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

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

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

38.14 (b) The commissioner of public safety shall be given access to a facility plan  
38.15 required under section 115D.07 if the commissioner of public safety determines that  
38.16 the progress report for that facility does not meet the requirements of subdivision 1.  
38.17 Twenty-five or more persons living within ten miles of the facility may submit a petition  
38.18 to the commissioner of public safety that identifies specific deficiencies in the progress  
38.19 report and requests the commissioner of public safety to review the facility plan. Within  
38.20 30 days after receipt of the petition, the commissioner of public safety shall respond in  
38.21 writing. If the commissioner of public safety agrees that the progress report does not meet  
38.22 requirements of subdivision 1, the commissioner of public safety shall be given access  
38.23 to the facility plan.

38.24 (c) After reviewing the plan and the progress report with any modifications  
38.25 submitted, the commissioner of public safety shall state in writing whether the progress  
38.26 report meets the requirements of subdivision 1. If the commissioner of public safety  
38.27 determines that a modified progress report still does not meet the requirements of  
38.28 subdivision 1, the commissioner of public safety shall schedule a public meeting. The  
38.29 meeting shall be held in the county where the facility is located. The meeting is not  
38.30 subject to the requirements of chapter 14.

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

38.33 (e) If the commissioner of public safety determines that a modified progress report  
38.34 still does not meet the requirements of subdivision 1, action may be taken under section  
38.35 115.071 to obtain compliance with sections 115D.01 to 115D.12.

39.1 Sec. 52. Minnesota Statutes 2010, section 116.011, is amended to read:

39.2 **116.011 ~~ANNUAL~~ POLLUTION REPORT.**

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

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

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

39.12 Sec. 53. Minnesota Statutes 2010, section 116.06, subdivision 22, is amended to read:

39.13 Subd. 22. **Solid waste.** "Solid waste" means garbage, refuse, sludge from a water  
39.14 supply treatment plant or air contaminant treatment facility, and other discarded waste  
39.15 materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting  
39.16 from industrial, commercial, mining, and agricultural operations, and from community  
39.17 activities, but does not include hazardous waste; animal waste used as fertilizer; earthen  
39.18 fill, boulders, rock; concrete diamond grinding and saw slurry associated with the  
39.19 construction, improvement, or repair of a road when deposited on the road project site in a  
39.20 manner that is in compliance with best management practices and rules of the agency;  
39.21 sewage sludge; solid or dissolved material in domestic sewage or other common pollutants  
39.22 in water resources, such as silt, dissolved or suspended solids in industrial wastewater  
39.23 effluents or discharges which are point sources subject to permits under section 402 of  
39.24 the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation  
39.25 return flows; or source, special nuclear, or by-product material as defined by the Atomic  
39.26 Energy Act of 1954, as amended.

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

39.28 Sec. 54. Minnesota Statutes 2010, section 116.0714, is amended to read:

39.29 **116.0714 NEW OPEN AIR SWINE BASINS.**

39.30 The commissioner of the Pollution Control Agency or a county board shall not  
39.31 approve any permits for the construction of new open air swine basins, except that existing  
39.32 facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste  
39.33 treatment program for resolving pollution problems or to allow conversion of an existing

40.1 basin of less than 1,000,000 gallons to a different animal type, provided all standards are  
40.2 met. This section expires June 30, ~~2012~~ 2017.

40.3 Sec. 55. Minnesota Statutes 2010, section 116.10, is amended to read:

40.4 **116.10 POLICY; LONG-RANGE PLAN; PURPOSE.**

40.5 Consistent with the policy announced herein and the purposes of Laws 1963, chapter  
40.6 874, the Pollution Control Agency shall, ~~before November 15 of each even-numbered~~  
40.7 ~~year,~~ prepare a long-range plan and program for the effectuation of said policy, ~~and shall~~  
40.8 ~~make a report also of progress on abatement and control of air and land pollution during~~  
40.9 ~~each biennium to the legislature with recommendations for action in furtherance of the air~~  
40.10 ~~and land pollution and waste programs.~~

40.11 Sec. 56. Minnesota Statutes 2010, section 116C.833, subdivision 2, is amended to read:

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

40.20 Sec. 57. Minnesota Statutes 2011 Supplement, section 116D.04, subdivision 2a,  
40.21 is amended to read:

40.22 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
40.23 effects resulting from any major governmental action, the action shall be preceded by a  
40.24 detailed environmental impact statement prepared by the responsible governmental unit.  
40.25 The environmental impact statement shall be an analytical rather than an encyclopedic  
40.26 document which describes the proposed action in detail, analyzes its significant  
40.27 environmental impacts, discusses appropriate alternatives to the proposed action and  
40.28 their impacts, and explores methods by which adverse environmental impacts of an  
40.29 action could be mitigated. The environmental impact statement shall also analyze those  
40.30 economic, employment and sociological effects that cannot be avoided should the action  
40.31 be implemented. To ensure its use in the decision-making process, the environmental  
40.32 impact statement shall be prepared as early as practical in the formulation of an action.  
40.33 No mandatory environmental impact statement may be required for an ethanol plant,



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41.1 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than  
41.2 125,000,000 gallons of ethanol annually and is located outside of the seven-county  
41.3 metropolitan area.

41.4 (a) The board shall by rule establish categories of actions for which environmental  
41.5 impact statements and for which environmental assessment worksheets shall be prepared  
41.6 as well as categories of actions for which no environmental review is required under this  
41.7 section. A mandatory environmental assessment worksheet shall not be required for the  
41.8 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
41.9 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a  
41.10 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity  
41.11 of the expanded or converted facility to produce alcohol fuel, but must be required if  
41.12 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories  
41.13 of actions for which environmental assessment worksheets must be prepared. The  
41.14 responsible governmental unit for an ethanol plant or biobutanol facility project for which  
41.15 an environmental assessment worksheet is prepared shall be the state agency with the  
41.16 greatest responsibility for supervising or approving the project as a whole.

41.17 (b) The responsible governmental unit shall promptly publish notice of the  
41.18 completion of an environmental assessment worksheet in a manner to be determined by  
41.19 the board and shall provide copies of the environmental assessment worksheet to the board  
41.20 and its member agencies. Comments on the need for an environmental impact statement  
41.21 may be submitted to the responsible governmental unit during a 30-day period following  
41.22 publication of the notice that an environmental assessment worksheet has been completed.  
41.23 The responsible governmental unit's decision on the need for an environmental impact  
41.24 statement shall be based on the environmental assessment worksheet and the comments  
41.25 received during the comment period, and shall be made within 15 days after the close of  
41.26 the comment period. The board's chair may extend the 15-day period by not more than 15  
41.27 additional days upon the request of the responsible governmental unit.

41.28 (c) An environmental assessment worksheet shall also be prepared for a proposed  
41.29 action whenever material evidence accompanying a petition by not less than 100  
41.30 individuals who reside or own property in the state, submitted before the proposed  
41.31 project has received final approval by the appropriate governmental units, demonstrates  
41.32 that, because of the nature or location of a proposed action, there may be potential for  
41.33 significant environmental effects. Petitions requesting the preparation of an environmental  
41.34 assessment worksheet shall be submitted to the board. The chair of the board shall  
41.35 determine the appropriate responsible governmental unit and forward the petition to it.  
41.36 A decision on the need for an environmental assessment worksheet shall be made by

42.1 the responsible governmental unit within 15 days after the petition is received by the  
42.2 responsible governmental unit. The board's chair may extend the 15-day period by not  
42.3 more than 15 additional days upon request of the responsible governmental unit.

42.4 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
42.5 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
42.6 review under this chapter and rules of the board, if:

42.7 (1) the proposed action is:

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

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

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

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

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

42.23 (f) An early and open process shall be utilized to limit the scope of the environmental  
42.24 impact statement to a discussion of those impacts, which, because of the nature or location  
42.25 of the project, have the potential for significant environmental effects. The same process  
42.26 shall be utilized to determine the form, content and level of detail of the statement as well  
42.27 as the alternatives which are appropriate for consideration in the statement. In addition,  
42.28 the permits which will be required for the proposed action shall be identified during the  
42.29 scoping process. Further, the process shall identify those permits for which information  
42.30 will be developed concurrently with the environmental impact statement. The board  
42.31 shall provide in its rules for the expeditious completion of the scoping process. The  
42.32 determinations reached in the process shall be incorporated into the order requiring the  
42.33 preparation of an environmental impact statement.

42.34 (g) The responsible governmental unit shall, to the extent practicable, avoid  
42.35 duplication and ensure coordination between state and federal environmental review  
42.36 and between environmental review and environmental permitting. Whenever practical,

43.1 information needed by a governmental unit for making final decisions on permits or  
43.2 other actions required for a proposed project shall be developed in conjunction with the  
43.3 preparation of an environmental impact statement.

43.4 (h) An environmental impact statement shall be prepared and its adequacy  
43.5 determined within 280 days after notice of its preparation unless the time is extended by  
43.6 consent of the parties or by the governor for good cause. The responsible governmental  
43.7 unit shall determine the adequacy of an environmental impact statement, unless within 60  
43.8 days after notice is published that an environmental impact statement will be prepared,  
43.9 the board chooses to determine the adequacy of an environmental impact statement. If an  
43.10 environmental impact statement is found to be inadequate, the responsible governmental  
43.11 unit shall have 60 days to prepare an adequate environmental impact statement.

43.12 (i) The proposer of a specific action may include in the information submitted to the  
43.13 responsible governmental unit a preliminary draft environmental impact statement under  
43.14 this section on that action for review, modification, and determination of completeness and  
43.15 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
43.16 statement prepared by the project proposer and submitted to the responsible governmental  
43.17 unit shall identify or include as an appendix all studies and other sources of information  
43.18 used to substantiate the analysis contained in the preliminary draft environmental impact  
43.19 statement. The responsible governmental unit shall require additional studies, if needed,  
43.20 and obtain from the project proposer all additional studies and information necessary for  
43.21 the responsible governmental unit to perform its responsibility to review, modify, and  
43.22 determine the completeness and adequacy of the environmental impact statement.

43.23 Sec. 58. Minnesota Statutes 2010, section 216C.055, is amended to read:

43.24 **216C.055 KEY ROLE OF SOLAR AND BIOMASS RESOURCES IN**  
43.25 **PRODUCING THERMAL ENERGY.**

43.26 The ~~annual~~ biennial legislative proposals required to be submitted by the  
43.27 commissioners of commerce and the Pollution Control Agency under section 216H.07,  
43.28 subdivision ~~4~~ 3, must include proposals regarding the use of solar energy and the  
43.29 combustion of grasses, agricultural wastes, trees, and other vegetation to produce thermal  
43.30 energy for heating commercial, industrial, and residential buildings and for industrial  
43.31 processes if the commissioners determine that such policies are appropriate to achieve the  
43.32 state's greenhouse gas emissions-reduction goals. No legal claim against any person is  
43.33 allowed under this section. This section does not apply to the combustion of municipal  
43.34 solid waste or refuse-derived fuel to produce thermal energy. For purposes of this section,

44.1 removal of woody biomass from publicly owned forests must be consistent with the  
44.2 principles of sustainable forest management.

44.3 Sec. 59. Minnesota Statutes 2010, section 216H.07, subdivision 3, is amended to read:

44.4 Subd. 3. **Biennial ~~reduction~~ progress report.** (a) By January 15 of each  
44.5 odd-numbered year, the commissioners of commerce and the Pollution Control Agency  
44.6 shall jointly report to the chairs and ranking minority members of the legislative  
44.7 committees with primary policy jurisdiction over energy and environmental issues to  
44.8 provide:

44.9 (1) the most recent and best available evidence identifying the level of reductions  
44.10 already achieved and the level necessary to achieve the reductions timetable in section  
44.11 216H.02; and

44.12 (2) proposed legislation the commissioners determine appropriate to achieve the  
44.13 reductions in section 216H.02. The proposed legislation must be based on the principles  
44.14 in subdivision 5. If the commissioners determine no legislation is appropriate, they shall  
44.15 report that determination to the chairs along with an explanation of the determination.

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

44.17 Sec. 60. **[383B.76] DISCONTINUANCE OF HENNEPIN CONSERVATION**  
44.18 **DISTRICT; TRANSFER OF DUTIES.**

44.19 (a) Notwithstanding section 103C.225, the Hennepin Conservation District is  
44.20 discontinued and the duties and authorities of the district under chapter 103C and other  
44.21 statutory responsibilities are transferred to the Hennepin County Board of Commissioners  
44.22 operating through the Hennepin County Department of Environmental Services or other  
44.23 organizational unit as assigned by the county board.

44.24 (b) Upon the discontinuance of the Hennepin Conservation District, the Hennepin  
44.25 County Board of Commissioners operating through the Hennepin County Department of  
44.26 Environmental Services or other organizational unit as assigned by the county board  
44.27 retains the eligibility of the Hennepin Conservation District for state grant funds.

44.28 (c) Upon the effective date of the discontinuance of the Hennepin Conservation  
44.29 District, all contracts entered into, to which the district or district board was a party, remain  
44.30 in force and effect for the period provided in the contracts. The Hennepin County Board  
44.31 of Commissioners operating through the Hennepin County Department of Environmental  
44.32 Services or its successors shall be substituted for the district or district board as party to  
44.33 the contracts and succeed to the district's rights and duties. Any assets of the district on the

45.1 date of the discontinuance of the district are transferred to the Hennepin County Board of  
45.2 Commissioners for the purpose of implementing the transferred duties and responsibilities.

45.3 (d) If the Board of Water and Soil Resources finds that the Hennepin County Board  
45.4 of Commissioners operating through the Hennepin County Department of Environmental  
45.5 Services or its successors is not sufficiently carrying out the duties and responsibilities of  
45.6 a soil and water conservation district under chapter 103C, the Board of Water and Soil  
45.7 Resources may, in order:

45.8 (1) reduce, withhold, or redirect grants and other funding if deficiencies have not  
45.9 been corrected as prescribed in a notice from the Board of Water and Soil Resources  
45.10 within one year from the date of the notice; and

45.11 (2) seek to reestablish the Hennepin Conservation District by legislative action.

45.12 **EFFECTIVE DATE.** This section is effective the day after the governing body of  
45.13 Hennepin County and its chief clerical officer timely complete their compliance with  
45.14 Minnesota Statutes, section 645.021, subdivisions 2 and 3.

45.15 Sec. 61. Minnesota Statutes 2010, section 473.149, subdivision 6, is amended to read:

45.16 Subd. 6. **Report to legislature.** The commissioner shall report on abatement to  
45.17 the senate and house of representatives committees having jurisdiction over ways and  
45.18 means, finance, environment and natural resources committees of the senate and house  
45.19 of representatives, the Finance Division of the senate Committee on Environment and  
45.20 Natural Resources, and the house of representatives Committee on Environment and  
45.21 Natural Resources Finance by July 1 of each odd-numbered year policy, and environment  
45.22 and natural resources finance. The report must include an assessment of whether the  
45.23 objectives of the metropolitan abatement plan have been met and whether each county  
45.24 and each class of city within each county have achieved the objectives set for it in the  
45.25 plan. The report must recommend any legislation that may be required to implement the  
45.26 plan. The report shall be included in the report required by section 115A.411. If in any  
45.27 year the commissioner reports that the objectives of the abatement plan have not been  
45.28 met, the commissioner shall evaluate and report on the need to reassign governmental  
45.29 responsibilities among cities, counties, and metropolitan agencies to assure implementation  
45.30 and achievement of the metropolitan and local abatement plans and objectives.

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

46.1 Sec. 62. Minnesota Statutes 2010, section 473.846, is amended to read:

46.2 **473.846 ~~REPORT~~ REPORTS TO LEGISLATURE.**

46.3 The agency shall submit to the senate ~~Finance Committee, the~~ and house of  
 46.4 representatives ~~Ways and Means Committee, and the Environment and Natural Resources~~  
 46.5 ~~Committees of the senate and house of representatives, the Finance Division of the senate~~  
 46.6 ~~Committee on Environment and Natural Resources, and the house of representatives~~  
 46.7 ~~Committee on~~ committees having jurisdiction over environment and natural resources  
 46.8 ~~finance~~ separate reports describing the activities for which money for landfill abatement  
 46.9 has been spent under sections 473.844 and 473.845. ~~The agency shall report by November~~  
 46.10 ~~1 of each year on expenditures during its previous fiscal year. The commissioner shall~~  
 46.11 ~~report on expenditures during the previous calendar year and must incorporate its report~~  
 46.12 The report for section 473.844 expenditures shall be included in the report required by  
 46.13 section 115A.411, due July 1 of each odd-numbered year. By December 31 each year,  
 46.14 the commissioner shall submit the report for section 473.845 on contingency action  
 46.15 trust fund activities. In both reports, the commissioner shall make recommendations  
 46.16 ~~to the Environment and Natural Resources Committees of the senate and house of~~  
 46.17 ~~representatives, the Finance Division of the senate Committee on Environment and~~  
 46.18 ~~Natural Resources, and the house of representatives Committee on Environment and~~  
 46.19 ~~Natural Resources Finance~~ on the future management and use of the metropolitan landfill  
 46.20 abatement account.

46.21 Sec. 63. Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by  
 46.22 Laws 2009, chapter 37, article 1, section 60, is amended to read:

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

46.24 **Management** 11,747,000 11,272,000

46.25 Appropriations by Fund

46.26	General	6,633,000	6,230,000
46.27	Natural Resources	3,551,000	3,447,000
46.28	Game and Fish	1,363,000	1,395,000
46.29	Permanent School	200,000	200,000

46.30 \$475,000 the first year and \$475,000 the  
 46.31 second year are for iron ore cooperative  
 46.32 research. Of this amount, \$200,000 each year  
 46.33 is from the minerals management account in  
 46.34 the natural resources fund and \$275,000 each  
 46.35 year is from the general fund. \$237,500 the

47.1 first year and \$237,500 the second year are  
47.2 available only as matched by \$1 of nonstate  
47.3 money for each \$1 of state money. The  
47.4 match may be cash or in-kind.

47.5 \$86,000 the first year and \$86,000 the  
47.6 second year are for minerals cooperative  
47.7 environmental research, of which \$43,000  
47.8 the first year and \$43,000 the second year are  
47.9 available only as matched by \$1 of nonstate  
47.10 money for each \$1 of state money. The  
47.11 match may be cash or in-kind.

47.12 \$2,800,000 the first year and \$2,696,000  
47.13 the second year are from the minerals  
47.14 management account in the natural resources  
47.15 fund for use as provided in Minnesota  
47.16 Statutes, section 93.2236, paragraph (c).

47.17 \$200,000 the first year and \$200,000 the  
47.18 second year are from the state forest suspense  
47.19 account in the permanent school fund to  
47.20 accelerate land exchanges, land sales, and  
47.21 commercial leasing of school trust lands and  
47.22 to identify, evaluate, and lease construction  
47.23 aggregate located on school trust lands. This  
47.24 appropriation is to be used for securing  
47.25 maximum long-term economic return  
47.26 from the school trust lands consistent with  
47.27 fiduciary responsibilities and sound natural  
47.28 resources conservation and management  
47.29 principles.

47.30 \$15,000 the first year is for a report  
47.31 by February 1, 2008, to the house and  
47.32 senate committees with jurisdiction over  
47.33 environment and natural resources on  
47.34 proposed minimum legal and conservation  
47.35 standards that could be applied to

48.1 conservation easements acquired with public  
48.2 money.

48.3 \$1,201,000 the first year and \$701,000 the  
48.4 second year are to support the land records  
48.5 management system. Of this amount,  
48.6 \$326,000 the first year and \$326,000 the  
48.7 second year are from the game and fish fund  
48.8 and \$375,000 the first year and \$375,000 the  
48.9 second year are from the natural resources  
48.10 fund. The unexpended balances are available  
48.11 until June 30, 2011. ~~The commissioner  
48.12 must report to the legislative chairs on  
48.13 environmental finance on the outcomes of  
48.14 the land records management support.~~

48.15 \$500,000 the first year and \$500,000 the  
48.16 second year are for land asset management.  
48.17 This is a onetime appropriation.

48.18 Sec. 64. Laws 2010, chapter 362, section 2, subdivision 7, is amended to read:

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

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

48.21 \$900,000 is from the trust fund to the Board  
48.22 of Regents of the University of Minnesota  
48.23 to demonstrate an innovative microalgae  
48.24 production system utilizing and treating  
48.25 sanitary wastewater to produce biofuels  
48.26 from algae. This appropriation is available  
48.27 until June 30, 2013, by which time the  
48.28 project must be completed and final products  
48.29 delivered.

48.30 (b) **Sustainable Biofuels**

48.31 \$221,000 is from the trust fund to the Board  
48.32 of Regents of the University of Minnesota  
48.33 to determine how fertilization and irrigation



49.1 impact yields of grass monoculture and high  
49.2 diversity prairie biofuel crops, their storage  
49.3 of soil carbon, and susceptibility to invasion  
49.4 by exotic species. This appropriation is  
49.5 available until June 30, 2013, by which time  
49.6 the project must be completed and final  
49.7 products delivered.

49.8 **(c) Linking Habitat Restoration to Bioenergy**  
49.9 **and Local Economies**

49.10 \$600,000 is from the trust fund to the  
49.11 commissioner of natural resources to restore  
49.12 high quality native habitats and expand  
49.13 market opportunities for ~~utilizing postharvest~~  
49.14 ~~restoration as a~~ using the woody by-product  
49.15 material for bioenergy source, or other  
49.16 products. The commissioner may provide  
49.17 grants or otherwise transfer some or all  
49.18 of this money to other public or private  
49.19 entities to accomplish these purposes. The  
49.20 commissioner may sell the material from  
49.21 public or private property to any viable  
49.22 market, provided that all of the proceeds  
49.23 are spent to further the purposes of this  
49.24 appropriation. This appropriation is available  
49.25 until June 30, 2013, by which time the  
49.26 project must be completed and final products  
49.27 delivered.

49.28 **(d) Demonstrating Sustainable Energy**  
49.29 **Practices at Residential Environmental**  
49.30 **Learning Centers (RELCs)**

49.31 \$1,500,000 is from the trust fund to  
49.32 the commissioner of natural resources  
49.33 for agreements as follows: \$206,000  
49.34 with Audubon Center of the North  
49.35 Woods; \$212,000 with Deep Portage  
49.36 Learning Center; \$350,000 with Eagle

50.1 Bluff Environmental Learning Center;  
50.2 \$258,000 with Laurentian Environmental  
50.3 Learning Center; \$240,000 with Long  
50.4 Lake Conservation Center; and \$234,000  
50.5 with Wolf Ridge Environmental Learning  
50.6 Center to implement renewable energy,  
50.7 energy efficiency, and energy conservation  
50.8 practices at the facilities. Efforts will include  
50.9 dissemination of related energy education.

50.10 Sec. 65. Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3,  
50.11 is amended to read:

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

50.18 Sec. 66. **ENVIRONMENT AND NATURAL RESOURCES TRUST FUND;**  
50.19 **APPROPRIATION EXTENSION.**

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

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

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

50.25 (b) The availability of the appropriation is extended to June 30, 2014, for Laws  
50.26 2009, chapter 143, section 2, subdivision 4, paragraph (c), metropolitan regional park  
50.27 system acquisition.

50.28 (c) The availability of the appropriation is extended to June 30, 2015, for Laws  
50.29 2011, First Special Session chapter 2, article 3, section 2, subdivision 9, paragraph (a),  
50.30 Minnesota Conservation Apprenticeship Academy.

50.31 Sec. 67. **FOREST RESOURCES COUNCIL STUDY.**

50.32 By January 15, 2013, the Forest Resources Council shall submit a report to the  
50.33 environment and natural resources policy and finance committees and the tax committees

51.1 of the house of representatives and senate on the status of private forest land management  
51.2 and the policy of the state to promote healthy and robust forests. The study shall evaluate  
51.3 existing and potential financial incentives for private forest land management and include  
51.4 recommendations for state policies that will ensure that private forest lands are sustainable  
51.5 and continue to contribute to Minnesota's economic vitality as well as provide access to  
51.6 the public to hunting and fishing resources.

51.7 Sec. 68. **METROPOLITAN WASTE DISPOSAL RESTRICTIONS REPORT.**

51.8 By January 15, 2013, the commissioner of the Pollution Control Agency shall report  
51.9 to the chairs and ranking minority members of the environmental policy and finance  
51.10 committees on:

51.11 (1) an enforcement plan that describes details of how the agency will implement  
51.12 enforcement of Minnesota Statutes, section 473.848;

51.13 (2) the increased Pollution Control Agency staffing and resources required to carry  
51.14 out an enforcement plan;

51.15 (3) the disruption to existing county solid waste programs, including lost revenue,  
51.16 reduced staffing and resources available for recycling, waste reduction, and other solid  
51.17 waste programs;

51.18 (4) the effect on third parties, including utilities and renewable energy generation  
51.19 facilities;

51.20 (5) an estimate of the overall increase in solid waste system costs, including rate  
51.21 increases for waste collection services for residents and commercial-industrial businesses;

51.22 (6) the economic impact on the waste industry, both from a hauling and disposal  
51.23 perspective;

51.24 (7) an estimate of the landfill capacity preserved;

51.25 (8) an estimate of the pollution reduction from decreased landfilling;

51.26 (9) the effect on the solid waste management hierarchy and energy policy;

51.27 (10) the effect on wastesheds and hauling routes; and

51.28 (11) any comments from interested and affected parties included in the body of  
51.29 the report.

51.30 Sec. 69. **RULEMAKING.**

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

52.1 Sec. 70. **REPEALER.**

52.2 (a) Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision  
52.3 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705, subdivision 1; 115.447; 115A.07,  
52.4 subdivision 2; 115A.15, subdivision 5; 115A.965, subdivision 7; and 216H.07, subdivision  
52.5 4, are repealed.

52.6 (b) Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3;  
52.7 7021.0050, subparts 1, 2, and 3; and 7041.0500, subparts 5, 6, and 7, are repealed.

52.8 **ARTICLE 2**

52.9 **GAME AND FISH POLICY**

52.10 Section 1. Minnesota Statutes 2010, section 84.027, subdivision 14, is amended to read:

52.11 Subd. 14. **Mission; efficiency.** It is part of the department's mission that within the  
52.12 department's resources the commissioner shall endeavor to:

52.13 (1) prevent the waste or unnecessary spending of public money;

52.14 (2) use innovative fiscal and human resource practices to manage the state's  
52.15 resources and operate the department as efficiently as possible;

52.16 (3) coordinate the department's activities wherever appropriate with the activities  
52.17 of other governmental agencies;

52.18 (4) use technology where appropriate to increase agency productivity, improve  
52.19 customer service, increase public access to information about government, and increase  
52.20 public participation in the business of government;

52.21 (5) utilize constructive and cooperative labor-management practices to the extent  
52.22 otherwise required by chapters 43A and 179A;

52.23 (6) report to the legislature on the performance of agency operations and the  
52.24 accomplishment of agency goals in the agency's biennial budget according to section  
52.25 16A.10, subdivision 1; ~~and~~

52.26 (7) recommend to the legislature appropriate changes in law necessary to carry out  
52.27 the mission and improve the performance of the department; and

52.28 (8) plan and implement activities designed to recruit new outdoor recreation  
52.29 participants and retain existing participants. This includes but is not limited to anglers,  
52.30 hunters, trappers, and campers.

52.31 Sec. 2. Minnesota Statutes 2011 Supplement, section 84D.03, subdivision 3, is  
52.32 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

53.28 Sec. 3. Minnesota Statutes 2010, section 97A.015, subdivision 3a, is amended to read:

53.29 Subd. 3a. **Bonus permit.** "Bonus permit" means a license to take and tag deer by  
53.30 archery or firearms, in addition to deer authorized to be taken under regular firearms or  
53.31 archery licenses, or a license issued under section 97A.441, subdivision 7.

53.32 Sec. 4. Minnesota Statutes 2010, section 97A.015, subdivision 53, is amended to read:

54.1 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild  
54.2 animals that are not protected wild animals including weasel, coyote (~~brush-wolf~~), gopher,  
54.3 porcupine, striped skunk, and unprotected birds.

54.4 Sec. 5. Minnesota Statutes 2010, section 97A.065, subdivision 6, is amended to read:

54.5 Subd. 6. **Deer license donations and surcharges.** ~~(a)~~ The surcharges and donations  
54.6 collected under section 97A.475, subdivision 3, paragraph (b), and subdivision 3a,  
54.7 shall be deposited in an account in the special revenue fund and are appropriated to  
54.8 the commissioner for deer management, including for grants or payments to agencies,  
54.9 organizations, or individuals for assisting with the cost of processing deer taken for  
54.10 population management purposes for venison donation programs. None of the additional  
54.11 license fees shall be transferred to any other agency for administration of programs other  
54.12 than venison donation. If any money transferred by the commissioner is not used for a  
54.13 venison donation program, it shall be returned to the commissioner.

54.14 ~~(b) By February 10, 2010, the commissioner shall report to the legislature on the~~  
54.15 ~~participation in and the effectiveness of the venison donation program.~~

54.16 Sec. 6. Minnesota Statutes 2011 Supplement, section 97A.075, subdivision 1, is  
54.17 amended to read:

54.18 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this  
54.19 subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2,  
54.20 clauses (5), (6), (7), (13), (14), and (15), and 3, clauses (2), (3), (4), (10), (11), and (12),  
54.21 and licenses issued under section 97B.301, subdivision 4.

54.22 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and  
54.23 wildlife trust fund, established in section 97A.4742, for each license issued under  
54.24 section 97A.473, subdivision 4, shall be credited to the deer management account and  
54.25 is appropriated to the commissioner for deer habitat improvement or deer management  
54.26 programs.

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

54.32 (d) Fifty cents from each deer license is credited to the emergency deer feeding and  
54.33 wild cervidae health management account and is appropriated for emergency deer feeding  
54.34 and wild cervidae health management. Money appropriated for emergency deer feeding

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55.1 and wild cervidae health management is available until expended. ~~The commissioner must~~  
55.2 ~~inform the legislative chairs of the natural resources finance committees every two years~~  
55.3 ~~on how the money for emergency deer feeding and wild cervidae health management~~  
55.4 ~~has been spent.~~

55.5 When the unencumbered balance in the appropriation for emergency deer feeding  
55.6 and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the  
55.7 unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear  
55.8 management programs and computerized licensing.

55.9 Sec. 7. Minnesota Statutes 2011 Supplement, section 97A.075, is amended by adding a  
55.10 subdivision to read:

55.11 Subd. 7. **Wolf licenses.** (a) For purposes of this subdivision, "wolf license" means a  
55.12 license or permit issued under section 97A.475, subdivision 2, clause (16); 3, paragraph  
55.13 (a), clause (13); or 20, paragraph (b).

55.14 (b) Revenue from wolf licenses must be credited to the wolf management and  
55.15 monitoring account and is appropriated to the commissioner only for wolf management,  
55.16 research, damage control, enforcement, and education.

55.17 Sec. 8. Minnesota Statutes 2010, section 97A.085, is amended by adding a subdivision  
55.18 to read:

55.19 Subd. 9. **Vacating refuges open to hunting.** Notwithstanding subdivision 8, the  
55.20 commissioner may vacate a state game refuge by publishing a notice in the State Register  
55.21 if the refuge has been open to trapping and hunting small game including waterfowl, deer  
55.22 or bear by archery, and deer or bear by firearms for at least five years.

55.23 Sec. 9. Minnesota Statutes 2010, section 97A.137, subdivision 5, is amended to read:

55.24 **Subd. 5. **Portable stands.**** Prior to the Saturday on or nearest September 16, a  
55.25 portable stand may be left overnight in a wildlife management area by a person with a  
55.26 valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged  
55.27 and registered as prescribed under section 97B.425. Any person leaving a portable stand  
55.28 overnight under this subdivision must affix a tag with: (1) the person's name and address;  
55.29 (2) the licensee's driver's license number; or (3) the "MDNR#" license identification  
55.30 number issued to the licensee. The tag must be affixed to the stand in such a manner that  
55.31 it can be read from the ground.

55.32 Sec. 10. Minnesota Statutes 2010, section 97A.421, subdivision 3, is amended to read:

56.1 Subd. 3. **Issuance of a big game license after conviction.** (a) A person may not  
56.2 obtain any big game license or take big game under a lifetime license, issued under section  
56.3 97A.473, for three years after the person is convicted of:

56.4 (1) a gross misdemeanor violation under the game and fish laws relating to big game;

56.5 (2) doing an act without a required big game license; or

56.6 (3) the second violation within three years under the game and fish laws relating to  
56.7 big game.

56.8 (b) A person may not obtain any deer license or take deer under a lifetime license  
56.9 issued under section 97A.473 for one year after the person is convicted of hunting deer  
56.10 with the aid or use of bait under section 97B.328.

56.11 (c) The revocation period under paragraphs (a) and (b) doubles if the conviction  
56.12 is for a deer that is a trophy deer scoring higher than 170 using the scoring method  
56.13 established for wildlife restitution values adopted under section 97A.345.

56.14 Sec. 11. Minnesota Statutes 2010, section 97A.441, subdivision 7, is amended to read:

56.15 Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may  
56.16 issue, without a fee, a license to take an antlerless deer to a resident who is an owner or  
56.17 tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land, as  
56.18 defined in section 97B.001, in deer permit areas that ~~have deer archery licenses to take~~  
56.19 ~~additional deer under section 97B.301, subdivision 4~~ allow the taking of antlerless deer  
56.20 without making a lottery application. A person may receive only one license per year  
56.21 under this subdivision. For properties with co-owners or cotenants, only one co-owner  
56.22 or cotenant may receive a license under this subdivision per year. The license issued  
56.23 under this subdivision is restricted to land leased for agricultural purposes or owned by  
56.24 the holder of the license within the permit area where the qualifying land is located. The  
56.25 holder of the license may transfer the license to the holder's spouse or dependent. Deer  
56.26 taken under this subdivision do not count towards the total bag limit for the permit area.  
56.27 Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder  
56.28 of the license may purchase ~~an additional license~~ licenses or permits for taking deer and  
56.29 may take ~~an additional deer under that license~~ those licenses or permits, provided the  
56.30 holder adheres to the bag limits established for that permit area.

56.31 (b) A person who obtains a license under paragraph (a) must allow public deer  
56.32 hunting on their land during that deer hunting season, with the exception of the first  
56.33 Saturday and Sunday during the deer hunting season applicable to the license issued under  
56.34 section 97A.475, subdivision 2, clause (5).



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57.1 Sec. 12. Minnesota Statutes 2010, section 97A.451, subdivision 3, is amended to read:

57.2 Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 must  
57.3 obtain a small game license in order to take small game by firearms or bow and arrow  
57.4 without paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5, if  
57.5 the resident is:

57.6 (1) age 14 or 15 and possesses a firearms safety certificate;

57.7 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or  
57.8 guardian;

57.9 (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied  
57.10 by a parent or guardian who possesses a small game license that was not obtained using an  
57.11 apprentice hunter validation; or

57.12 (4) age 12 or under and is accompanied by a parent or guardian.

57.13 (b) A resident under age 16 may take small game, other than wolves, by trapping  
57.14 without a small game license, but a resident 13 years of age or older must have a trapping  
57.15 license. A resident under age 13 may trap small game, other than wolves, without a  
57.16 trapping license, but may not register fisher, otter, bobcat, or pine marten unless the  
57.17 resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident  
57.18 under age five must be included in the limit of the accompanying parent or guardian.

57.19 (c) A resident under age 12 may apply for a turkey license and may take a turkey  
57.20 without a firearms safety certificate if the resident is accompanied by an adult parent or  
57.21 guardian who has a firearms safety certificate.

57.22 (d) A resident under age 12 may apply for a prairie chicken license and may take a  
57.23 prairie chicken without a firearms safety certificate if the resident is accompanied by an  
57.24 adult parent or guardian who has a firearms safety certificate.

57.25 Sec. 13. Minnesota Statutes 2010, section 97A.451, subdivision 4, is amended to read:

57.26 Subd. 4. **Persons Residents under age 16; big game.** (a) A person resident age  
57.27 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses  
57.28 a firearms safety certificate. A person resident age 12 or 13 must be accompanied by a  
57.29 parent or guardian to hunt big game.

57.30 (b) A person resident age 10 or 11 may take big game provided the person is under  
57.31 the direct supervision of a parent or guardian where the parent or guardian is within  
57.32 immediate reach. ~~Until March 1, 2009, a person age 10 or 11 may take big game under a~~  
57.33 ~~parent or guardian's license. Beginning March 1, 2009, A person resident age 10 or 11~~  
57.34 ~~must obtain a license in order~~ to take big game and may obtain the license without paying  
57.35 the fee required under section 97A.475, subdivision 2.

58.1 Sec. 14. Minnesota Statutes 2010, section 97A.451, is amended by adding a  
58.2 subdivision to read:

58.3 Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident age 12,  
58.4 13, 14, or 15 may not obtain a license to take big game unless the person possesses a  
58.5 firearms safety certificate. A nonresident age 12 or 13 must be accompanied by a parent or  
58.6 guardian to hunt big game.

58.7 (b) A nonresident age 10 or 11 may take big game provided the person is under the  
58.8 direct supervision of a parent or guardian where the parent or guardian is within immediate  
58.9 reach. A nonresident age 10 or 11 must obtain a license to take big game and must pay the  
58.10 fee required under section 97A.475, subdivision 3.

58.11 Sec. 15. Minnesota Statutes 2010, section 97A.473, subdivision 3, is amended to read:

58.12 **Subd. 3. Lifetime small game hunting license; fee.** (a) A resident lifetime small  
58.13 game hunting license authorizes a person to hunt and trap small game, other than wolves,  
58.14 in the state. The license authorizes those hunting and trapping activities authorized by the  
58.15 annual resident small game hunting ~~and trapping licenses~~ license and the trapping license  
58.16 for fur-bearing animals other than wolves. The license does not include a turkey stamp  
58.17 validation or any other hunting stamps required by law.

58.18 (b) The fees for a resident lifetime small game hunting license are:

- 58.19 (1) age 3 and under, \$217;  
58.20 (2) age 4 to age 15, \$290;  
58.21 (3) age 16 to age 50, \$363; and  
58.22 (4) age 51 and over, \$213.

58.23 Sec. 16. Minnesota Statutes 2010, section 97A.473, subdivision 5, is amended to read:

58.24 **Subd. 5. Lifetime sporting license; fee.** (a) A resident lifetime sporting license  
58.25 authorizes a person to take fish by angling and hunt and trap small game, other than  
58.26 wolves, in the state. The license authorizes those activities authorized by the annual  
58.27 resident angling, ~~and~~ resident small game hunting, licenses and the resident trapping  
58.28 ~~licenses~~ license for fur-bearing animals other than wolves. The license does not include a  
58.29 trout and salmon stamp validation, a turkey stamp validation, a walleye stamp validation,  
58.30 or any other hunting stamps required by law.

58.31 (b) The fees for a resident lifetime sporting license are:

- 58.32 (1) age 3 and under, \$357;  
58.33 (2) age 4 to age 15, \$480;  
58.34 (3) age 16 to age 50, \$613; and

59.1 (4) age 51 and over, \$413.

59.2 Sec. 17. Minnesota Statutes 2010, section 97A.473, subdivision 5a, is amended to read:

59.3 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident  
59.4 lifetime sporting with spearing option license authorizes a person to take fish by angling  
59.5 or spearing and hunt and trap small game, other than wolves, in the state. The license  
59.6 authorizes those activities authorized by the annual resident angling, spearing, and resident  
59.7 small game hunting, ~~and resident trapping~~ licenses and the resident trapping license for  
59.8 fur-bearing animals other than wolves. The license does not include a trout and salmon  
59.9 stamp validation, a turkey stamp validation, a walleye stamp validation, or any other  
59.10 hunting stamps required by law.

59.11 (b) The fees for a resident lifetime sporting with spearing option license are:

59.12 (1) age 3 and under, \$615;

59.13 (2) age 4 to age 15, \$800;

59.14 (3) age 16 to age 50, \$985; and

59.15 (4) age 51 and over, \$586.

59.16 Sec. 18. Minnesota Statutes 2010, section 97A.475, subdivision 2, is amended to read:

59.17 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents  
59.18 only, are:

59.19 (1) for persons age 18 or over and under age 65 to take small game, \$12.50;

59.20 (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

59.21 (3) for persons age 18 or over to take turkey, \$23;

59.22 (4) for persons under age 18 to take turkey, \$12;

59.23 (5) for persons age 18 or over to take deer with firearms during the regular firearms  
59.24 season, \$26;

59.25 (6) for persons age 18 or over to take deer by archery, \$26;

59.26 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
59.27 season, \$26;

59.28 (8) to take moose, for a party of not more than six persons, \$310;

59.29 (9) to take bear, \$38;

59.30 (10) to take elk, for a party of not more than two persons, \$250;

59.31 (11) to take Canada geese during a special season, \$4;

59.32 (12) to take prairie chickens, \$20;

59.33 (13) for persons under age 18 to take deer with firearms during the regular firearms  
59.34 season, \$13;

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- 60.1 (14) for persons under age 18 to take deer by archery, \$13; ~~and~~  
60.2 (15) for persons under age 18 to take deer by muzzleloader during the muzzleloader  
60.3 season, \$13; and  
60.4 (16) to take wolf, \$26.

60.5 Sec. 19. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

60.6 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued  
60.7 to nonresidents, are:

- 60.8 (1) for persons age 18 or over to take small game, \$73;  
60.9 (2) for persons age 18 or over to take deer with firearms during the regular firearms  
60.10 season, \$135;  
60.11 (3) for persons age 18 or over to take deer by archery, \$135;  
60.12 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
60.13 season, \$135;  
60.14 (5) to take bear, \$195;  
60.15 (6) for persons age 18 and older to take turkey, \$78;  
60.16 (7) for persons under age 18 to take turkey, \$12;  
60.17 (8) to take raccoon or bobcat, \$155;  
60.18 (9) to take Canada geese during a special season, \$4;  
60.19 (10) for persons under age 18 to take deer with firearms during the regular firearms  
60.20 season in any open season option or time period, \$13;  
60.21 (11) for persons under age 18 to take deer by archery, \$13; ~~and~~  
60.22 (12) for persons under age 18 to take deer during the muzzleloader season, \$13; and  
60.23 (13) to take wolf, \$230.

60.24 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under  
60.25 paragraph (a), clauses (1) to (8). An additional commission may not be assessed on this  
60.26 surcharge.

60.27 Sec. 20. Minnesota Statutes 2010, section 97A.475, subdivision 20, is amended to read:

60.28 Subd. 20. **Trapping ~~license~~ licenses.** (a) The fee for a license to trap fur-bearing  
60.29 animals, other than wolves, is:

- 60.30 (1) for residents over age 13 and under age 18, \$6;  
60.31 (2) for residents age 18 or over and under age 65, \$20;  
60.32 (3) for residents age 65 or over, \$10; and  
60.33 (4) for nonresidents, \$73.  
60.34 (b) The fee for a license to trap wolves is \$26, to be issued to residents only.

61.1 Sec. 21. Minnesota Statutes 2010, section 97A.482, is amended to read:

61.2 **97A.482 LICENSE APPLICATIONS; COLLECTION OF SOCIAL**  
61.3 **SECURITY NUMBERS.**

61.4 (a) All applicants for individual noncommercial game and fish licenses under this  
61.5 chapter and chapters 97B and 97C must include the applicant's Social Security number  
61.6 on the license application. If an applicant does not have a Social Security number, the  
61.7 applicant must certify that the applicant does not have a Social Security number.

61.8 (b) The Social Security numbers collected by the commissioner on game and fish  
61.9 license applications are private data under section 13.355, subdivision 1, and must be  
61.10 provided by the commissioner to the commissioner of human services for child support  
61.11 enforcement purposes. Title IV-D of the Social Security Act, United States Code, title 42,  
61.12 section 666(a)(13), requires the collection of Social Security numbers on game and fish  
61.13 license applications for child support enforcement purposes.

61.14 ~~(c) The commissioners of human services and natural resources shall request a~~  
61.15 ~~waiver from the secretary of health and human services to exclude any applicant under the~~  
61.16 ~~age of 16 from the requirement under this section and under cross-country ski licensing~~  
61.17 ~~sections to provide the applicant's Social Security number. If a waiver is granted, this~~  
61.18 ~~section will be so amended effective January 1, 2006, or upon the effective date of the~~  
61.19 ~~waiver, whichever is later.~~

61.20 Sec. 22. Minnesota Statutes 2010, section 97B.001, subdivision 7, is amended to read:

61.21 Subd. 7. **Taking with firearms in certain areas.** (a) A person may not take a wild  
61.22 animal with a firearm within 500 feet of a building occupied by a human or livestock  
61.23 without the written permission of the owner, occupant, or lessee:

61.24 (1) on another person's private land; or

61.25 (2) on a public right-of-way.

61.26 (b) ~~A~~ No person may not take a wild animal with shoot a firearm ~~without the~~  
61.27 ~~permission of the owner, occupant, or lessee,~~ within 500 feet of a stockade or corral  
61.28 containing livestock without the permission of the owner, occupant, or lessee.

61.29 (c) A person may not take a wild animal on any land where the person is prohibited  
61.30 from entering by this section.

61.31 Sec. 23. Minnesota Statutes 2010, section 97B.020, is amended to read:

61.32 **97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.**

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62.1 (a) Except as provided in this section and section 97A.451, subdivision 3a, a person  
62.2 born after December 31, 1979, may not obtain an annual license to take wild animals by  
62.3 firearms unless the person has:

62.4 (1) a firearms safety certificate or equivalent certificate;

62.5 (2) a driver's license or identification card with a valid firearms safety qualification  
62.6 indicator issued under section 171.07, subdivision 13;

62.7 (3) a previous hunting license with a valid firearms safety qualification indicator;

62.8 (4) an apprentice hunter validation issued under section 97B.022; or

62.9 (5) other evidence indicating that the person has completed in this state or in another  
62.10 state a hunter safety course recognized by the department under a reciprocity agreement or  
62.11 certified by the department as substantially similar.

62.12 (b) A person who ~~is on active duty and has~~ successfully completed basic training  
62.13 in the United States armed forces, reserve component, or National Guard may obtain a  
62.14 hunting license or approval authorizing hunting regardless of whether the person is issued  
62.15 a firearms safety certificate.

62.16 (c) A person born after December 31, 1979, may not use a lifetime license to take  
62.17 wild animals by firearms, unless the person meets the requirements for obtaining an annual  
62.18 license under paragraph (a) or (b).

62.19 Sec. 24. Minnesota Statutes 2010, section 97B.031, subdivision 1, is amended to read:

62.20 Subdivision 1. **Firearms and ammunition that may be used to take big game**  
62.21 **and wolves.** A person may take big game and wolves with a firearm only if:

62.22 (1) the rifle, shotgun, and handgun used is a caliber of at least .22 inches and with  
62.23 centerfire ignition;

62.24 (2) the firearm is loaded only with single projectile ammunition;

62.25 (3) a projectile used is a caliber of at least .22 inches and has a soft point or is  
62.26 an expanding bullet type;

62.27 (4) the muzzleloader used is incapable of being loaded at the breech;

62.28 (5) the smooth-bore muzzleloader used is a caliber of at least .45 inches; and

62.29 (6) the rifled muzzleloader used is a caliber of at least .40 inches.

62.30 Sec. 25. Minnesota Statutes 2010, section 97B.031, subdivision 2, is amended to read:

62.31 Subd. 2. **Handguns for small game.** A person may take small game with a handgun  
62.32 of any caliber in a manner prescribed by the commissioner, except that wolves may only  
62.33 be taken by hunting with the calibers specified in subdivision 1.

63.1 Sec. 26. Minnesota Statutes 2011 Supplement, section 97B.031, subdivision 5, is  
63.2 amended to read:

63.3 Subd. 5. **Scopes; ~~visually impaired hunters on muzzleloaders.~~** (a)  
63.4 ~~Notwithstanding any other law to the contrary, the commissioner may issue a special~~  
63.5 ~~permit, without a fee, to~~ A person may use a muzzleloader with a scope to take deer  
63.6 ~~during the muzzleloader season to a person who obtains the required licenses and who has~~  
63.7 ~~a visual impairment. The scope may not have magnification capabilities.~~

63.8 (b) ~~The visual impairment must be to the extent that the applicant is unable~~  
63.9 ~~to identify targets and the rifle sights at the same time without a scope. The visual~~  
63.10 ~~impairment and specific conditions must be established by medical evidence verified in~~  
63.11 ~~writing by (1) a licensed physician or a certified nurse practitioner or certified physician~~  
63.12 ~~assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist;~~  
63.13 ~~or (3) a licensed optometrist. The commissioner may request additional information from~~  
63.14 ~~the physician if needed to verify the applicant's eligibility for the permit.~~

63.15 (c) ~~A permit issued under this subdivision may be valid for up to five years, based~~  
63.16 ~~on the permanence of the visual impairment as determined by the licensed physician,~~  
63.17 ~~ophthalmologist, or optometrist.~~

63.18 (d) ~~The permit must be in the immediate possession of the permittee when hunting~~  
63.19 ~~under the special permit.~~

63.20 (e) ~~The commissioner may deny, modify, suspend, or revoke a permit issued under~~  
63.21 ~~this subdivision for cause, including a violation of the game and fish laws or rules.~~

63.22 (f) ~~A person who knowingly makes a false application or assists another in making~~  
63.23 ~~a false application for a permit under this subdivision is guilty of a misdemeanor. A~~  
63.24 ~~physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or~~  
63.25 ~~optometrist who fraudulently certifies to the commissioner that a person is visually~~  
63.26 ~~impaired as described in this subdivision is guilty of a misdemeanor.~~

63.27 Sec. 27. Minnesota Statutes 2010, section 97B.035, subdivision 1a, is amended to read:

63.28 Subd. 1a. **Minimum draw weight.** A bow used to take big game ~~or~~<sub>2</sub> turkey, or  
63.29 wolves must have a pull that meets or exceeds 30 pounds at or before full draw.

63.30 Sec. 28. Minnesota Statutes 2010, section 97B.055, subdivision 1, is amended to read:

63.31 Subdivision 1. **Restrictions related to highways.** (a) A person may not discharge  
63.32 a firearm ~~or an arrow from a bow~~ containing No. 4 buckshot or larger diameter shot or  
63.33 single projectile ammunition on, over, ~~or~~ across, or within the right-of-way of an improved  
63.34 public highway at a big game animal. A person may not discharge ~~a firearm or~~ an arrow

64.1 from a bow and arrow on, over, across, or within the right-of-way of an improved public  
64.2 highway at a big game animal. The commissioner may by rule extend the application of  
64.3 this subdivision to the taking of migratory waterfowl in designated locations.

64.4 (b) A person may not discharge a firearm or an arrow from a bow on, over, across, or  
64.5 within the right-of-way of an improved public highway at a decoy of a big game animal  
64.6 that has been set out by a licensed peace officer.

64.7 Sec. 29. Minnesota Statutes 2010, section 97B.071, is amended to read:

64.8 **97B.071 BLAZE ORANGE REQUIREMENTS.**

64.9 (a) Except as provided in rules adopted under paragraph (c), a person may not hunt  
64.10 or trap during the open season where deer may be taken by firearms under applicable laws  
64.11 and ordinances, unless the visible portion of the person's cap and outer clothing above the  
64.12 waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage  
64.13 pattern of at least 50 percent blaze orange within each foot square. This section does not  
64.14 apply to migratory waterfowl hunters on waters of this state or in a stationary shooting  
64.15 location or to trappers on waters of this state.

64.16 (b) Except as provided in rules adopted under paragraph (c), and in addition to  
64.17 the requirement in paragraph (a), a person may not take small game other than turkey,  
64.18 migratory birds, raccoons, and predators, except while trapping, unless a visible portion of  
64.19 at least one article of the person's clothing above the waist is blaze orange. This paragraph  
64.20 does not apply to a person when in a stationary location while hunting deer by archery  
64.21 or when hunting small game by falconry.

64.22 (c) The commissioner may, by rule, prescribe an alternative color in cases where  
64.23 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public  
64.24 Law 103-141.

64.25 (d) A violation of paragraph (b) shall not result in a penalty, but is punishable only  
64.26 by a safety warning.

64.27 Sec. 30. Minnesota Statutes 2011 Supplement, section 97B.075, is amended to read:

64.28 **97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

64.29 (a) A person may not take protected wild animals, except raccoon and fox, with  
64.30 a firearm between the evening and morning times established by commissioner's rule,  
64.31 except as provided in this section.

64.32 (b) Big game and wolves may be taken from one-half hour before sunrise until  
64.33 one-half hour after sunset.



65.1 (c) Except as otherwise prescribed by the commissioner on or before the Saturday  
65.2 nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset  
65.3 during the entire season prescribed by the commissioner.

65.4 Sec. 31. Minnesota Statutes 2010, section 97B.085, subdivision 3, is amended to read:

65.5 Subd. 3. **Communication excepted.** This section does not prohibit the use of:

65.6 (1) ~~one-way~~ radio communication between a handler and a dog; ~~or~~

65.7 (2) a remote-controlled animal noise caller for taking crows, fur-bearing animals,  
65.8 and unprotected animals; or

65.9 (3) a remote-controlled motorized decoy used for taking migratory waterfowl under  
65.10 section 97B.811, subdivision 4a, or doves.

65.11 Sec. 32. **[97B.1115] USE OF MECHANICAL OR ELECTRONIC ASSISTANCE**  
65.12 **TO HOLD AND DISCHARGE FIREARMS OR BOWS BY PHYSICALLY**  
65.13 **DISABLED.**

65.14 Notwithstanding sections 97B.035, subdivision 1, 97B.321, and 97B.701,  
65.15 subdivision 2, the commissioner may authorize a physically disabled hunter who has  
65.16 a verified statement of the disability from a licensed physician or a certified nurse  
65.17 practitioner or certified physician assistant acting under the direction of a licensed  
65.18 physician to use a swivel or otherwise mounted gun or bow or any electronic or mechanical  
65.19 device to discharge a gun or bow as long as the participant is physically present at the site.

65.20 Sec. 33. Minnesota Statutes 2010, section 97B.303, is amended to read:

65.21 **97B.303 VENISON DONATIONS.**

65.22 An individual who legally takes a deer may donate the deer, for distribution to  
65.23 charitable food assistance programs, to a meat processor that is licensed under chapter  
65.24 28A. An individual donating a deer must supply the processor with the tag number under  
65.25 which the deer was taken. Hunter-harvested venison donated under this section is not  
65.26 subject to chapter 31 and must be clearly marked as hunter-harvested venison.

65.27 Sec. 34. Minnesota Statutes 2010, section 97B.328, is amended to read:

65.28 **97B.328 BAITING PROHIBITED.**

65.29 Subdivision 1. **Hunting with aid of bait ~~or feed~~ prohibited.** A person may not  
65.30 ~~hunt~~ take deer:

65.31 (1) ~~with the aid or use of bait or feed; or,~~

66.1 ~~(2) in the vicinity of bait or feed if the person knows or has reason to know that bait~~  
66.2 ~~or feed is present.~~

66.3 Subd. 2. **Removal of bait.** An area is considered baited for ten days after the  
66.4 complete removal of all bait ~~or feed~~.

66.5 Subd. 3. **Definition.** (a) For purposes of this section, "bait or feed" includes grains,  
66.6 fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer  
66.7 and that has been placed by a person. "Baiting" means placing, exposing, depositing,  
66.8 distributing, or scattering bait that is capable of attracting or enticing deer.

66.9 (b) Liquid scents, salt, and minerals are not bait or feed if they do not contain liquid  
66.10 or solid food ingredients.

66.11 ~~Food that has not been placed by a person and resulting~~ (c) Agricultural crops  
66.12 from normal or accepted farming, forest management, wildlife food plantings, orchard  
66.13 management, or other similar land management activities ~~is~~ are not bait or feed.

66.14 This exclusion does not apply to agricultural crops that have been re-introduced and  
66.15 concentrated where a person is hunting.

66.16 Subd. 4. **Exception for bait or feed on adjacent land.** A person otherwise in  
66.17 compliance with this section who is hunting on private or public property that is adjacent  
66.18 to property where bait or ~~feed~~ food is present is not in violation of this section if the  
66.19 person has not participated in, been involved with, or agreed to baiting or feeding wildlife  
66.20 on the adjacent property.

66.21 Sec. 35. Minnesota Statutes 2010, section 97B.601, subdivision 3a, is amended to read:

66.22 Subd. 3a. **Nonresidents; trapping small game.** A nonresident may take small  
66.23 game, except wolves, by trapping only on land owned by the nonresident, if the  
66.24 nonresident possesses a trapping license for fur-bearing animals other than wolves and a  
66.25 small game license.

66.26 Sec. 36. Minnesota Statutes 2010, section 97B.601, subdivision 4, is amended to read:

66.27 Subd. 4. **Exception to license requirements.** (a) A resident under age 16 may take  
66.28 small game, other than wolves, without a small game license, and a resident under age  
66.29 13 may trap small game and fur-bearing animals, other than wolves, without a trapping  
66.30 license, as provided in section 97A.451, subdivision 3.

66.31 (b) A person may take small game, other than wolves, without a small game license  
66.32 on land occupied by the person as a principal residence.

66.33 (c) An owner or occupant may take certain small game causing damage without a  
66.34 small game or trapping license as provided in section 97B.655.

67.1 (d) A person may use dogs to pursue and tree raccoons under section 97B.621,  
67.2 subdivision 2, during the closed season without a license.

67.3 (e) A person may take a wolf, turkey, or a prairie chicken without a small game  
67.4 license.

67.5 Sec. 37. Minnesota Statutes 2010, section 97B.603, is amended to read:

67.6 **97B.603 TAKING SMALL GAME AS A PARTY.**

67.7 (a) While two or more persons are taking small game as a party and maintaining  
67.8 unaided visual and vocal contact, a member of the party may take and possess more than  
67.9 one limit of small game, but the total number of small game taken and possessed by  
67.10 the party may not exceed the limit of the number of persons in the party that may take  
67.11 and possess small game.

67.12 (b) This section does not apply to ~~the hunting of~~ wolves, migratory game birds, or  
67.13 turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter and  
67.14 a licensed wolf hunter may assist another licensed wolf hunter for the same zone and time  
67.15 period as long as the hunter does not shoot or tag a turkey or wolf for the other hunter.

67.16 Sec. 38. Minnesota Statutes 2010, section 97B.605, is amended to read:

67.17 **97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN**  
67.18 **SMALL GAME ANIMALS.**

67.19 The commissioner may prescribe restrictions on and designate areas where gray and  
67.20 fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, bobcat, red fox and gray  
67.21 fox, fisher, pine marten, opossum, wolves, and badger may be taken and possessed.

67.22 Sec. 39. Minnesota Statutes 2011 Supplement, section 97B.645, subdivision 9, is  
67.23 amended to read:

67.24 Subd. 9. **Open season.** There shall be no open season for ~~gray~~ wolves until after the  
67.25 ~~gray~~ wolf is delisted under the federal Endangered Species Act of 1973. After that time,  
67.26 the commissioner may prescribe open seasons and restrictions for taking ~~gray~~ wolves but  
67.27 must provide opportunity for public comment.

67.28 Sec. 40. **[97B.647] TAKING WOLVES.**

67.29 Subdivision 1. License required. Except as provided under section 97B.645 or  
67.30 97B.671, a person may not take a wolf without a wolf hunting or wolf trapping license.

68.1            Subd. 2. **Open seasons.** Wolves may be taken with legal firearms, with bow and  
68.2 arrow, and by trapping. The commissioner may by rule prescribe the open seasons for  
68.3 wolves.

68.4            Subd. 3. **Open areas.** The commissioner may by rule designate areas where wolves  
68.5 may be taken.

68.6            Subd. 4. **Daily and possession limits.** The commissioner may establish by rule  
68.7 the daily and possession limits for wolves.

68.8            Subd. 5. **Limit on number of hunters and trappers.** The commissioner may by  
68.9 rule limit the number of persons that may hunt or trap wolves in an area, if it is necessary  
68.10 to prevent an overharvest or improve the distribution of hunters and trappers. The  
68.11 commissioner shall establish a method, including a drawing, to impartially select the  
68.12 hunters and trappers for an area.

68.13           Subd. 6. **Application for license.** An application for a wolf hunting or trapping  
68.14 license must be made in a manner provided by the commissioner and accompanied by  
68.15 a \$4 application fee. The \$4 application fee is appropriated to pay for costs associated  
68.16 with conducting the wolf license drawing and wolf management. A person may not make  
68.17 more than one application for each season as prescribed by the commissioner. If a person  
68.18 makes more than one application, the person is ineligible for a license for that season after  
68.19 determination by the commissioner, without a hearing.

68.20           Subd. 7. **Quotas.** The commissioner may by rule set an annual quota for the  
68.21 number of wolves that can be taken by hunting and trapping. The commissioner may  
68.22 establish a method to monitor harvest and close the season when the quota is reached. The  
68.23 commissioner shall reserve a portion of the annual quota for the trapping season.

68.24           Sec. 41. Minnesota Statutes 2011 Supplement, section 97B.667, is amended to read:

68.25            **97B.667 REMOVAL OF BEAVERS, BEAVER DAMS, AND LODGES BY**  
68.26 **ROAD AUTHORITIES.**

68.27            When a drainage watercourse is impaired by a beaver dam and the water damages  
68.28 or threatens to damage a public road, the road authority, as defined in section 160.02,  
68.29 subdivision 25, may remove the impairment and any associated beaver lodge within 300  
68.30 feet of the road. Notwithstanding any law to the contrary, the road authority may remove,  
68.31 kill, or arrange to have removed or killed by any lawful means a beaver associated with  
68.32 the lodge. ~~Before killing or arranging to kill a beaver under this section, the road authority~~  
68.33 ~~must contact a conservation officer for a special beaver permit. The conservation officer~~  
68.34 ~~must issue the permit for any beaver subject to this section.~~ A road authority that kills  
68.35 or arranges to have killed a beaver under this section must notify a conservation officer

69.1 or ~~the officer's designee as specified in the permit~~ employee of the Wildlife Division  
69.2 within ten days after the animal is killed. A road authority may, after consultation with  
69.3 the Wildlife Division ~~and the Board of Water and Soil Resources~~, implement a local  
69.4 beaver control program designed to reduce the number of incidents of beaver interfering  
69.5 with or damaging a public road. The local control program may include the offering of  
69.6 a bounty for the lawful taking of beaver.

69.7 Sec. 42. Minnesota Statutes 2010, section 97B.671, subdivision 3, is amended to read:

69.8 Subd. 3. **Predator control payments.** The commissioner shall pay a predator  
69.9 controller the amount the commissioner ~~prescribes~~ determines by written order published  
69.10 in the State Register for each ~~predator~~ coyote and fox taken. ~~The commissioner shall pay~~  
69.11 ~~at least \$25 but not more than \$60 for each coyote taken.~~ The commissioner may require  
69.12 the predator controller to submit proof of the taking and a signed statement concerning  
69.13 the predators taken. The fees are not subject to the rulemaking provisions of chapter 14,  
69.14 and section 14.386 does not apply.

69.15 Sec. 43. Minnesota Statutes 2010, section 97B.671, subdivision 4, is amended to read:

69.16 Subd. 4. **Gray Wolf control.** (a) The commissioner shall provide a ~~gray~~ wolf control  
69.17 training program for certified predator controllers participating in ~~gray~~ wolf control.

69.18 (b) After the ~~gray~~ wolf is delisted under the federal Endangered Species Act of  
69.19 1973, in zone B, as defined under section 97B.645, subdivision 12, if the commissioner,  
69.20 after considering recommendations from an extension agent or conservation officer, has  
69.21 verified that livestock, domestic animals, or pets were destroyed by a ~~gray~~ wolf within the  
69.22 previous five years, and if the livestock, domestic animal, or pet owner requests ~~gray~~ wolf  
69.23 control, the commissioner shall open a predator control area for ~~gray~~ wolves.

69.24 (c) After the ~~gray~~ wolf is delisted under the federal Endangered Species Act of  
69.25 1973, in zone A, as defined under paragraph (g), if the commissioner, after considering  
69.26 recommendations from an extension agent or conservation officer, verifies that livestock,  
69.27 domestic animals, or pets were destroyed by a ~~gray~~ wolf, and if the livestock, domestic  
69.28 animal, or pet owner requests ~~gray~~ wolf control, the commissioner shall open a predator  
69.29 control area for ~~gray~~ wolves for up to 60 days.

69.30 (d) A predator control area opened for ~~gray~~ wolves may not exceed a one-mile  
69.31 radius surrounding the damage site.

69.32 (e) The commissioner shall pay a certified ~~gray~~ wolf predator controller ~~\$150~~ the  
69.33 amount the commissioner determines by written order published in the State Register for  
69.34 each wolf taken. The certified ~~gray~~ wolf predator controller must dispose of unsalvageable

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70.1 remains as directed by the commissioner. All salvageable ~~gray~~ wolf remains must be  
70.2 surrendered to the commissioner. The fees are not subject to the rulemaking provisions of  
70.3 chapter 14, and section 14.386 does not apply.

70.4 (f) The commissioner may, in consultation with the commissioner of agriculture,  
70.5 develop a cooperative agreement for ~~gray~~ wolf control activities with the United States  
70.6 Department of Agriculture. The cooperative agreement activities may include, but not be  
70.7 limited to, ~~gray~~ wolf control, training for state predator controllers, and control monitoring  
70.8 and record keeping.

70.9 (g) For the purposes of this subdivision, "zone A" means that portion of the state  
70.10 lying outside of zone B, as defined under section 97B.645, subdivision 12.

70.11 Sec. 44. Minnesota Statutes 2010, section 97B.711, subdivision 1, is amended to read:

70.12 Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner  
70.13 may, by rule, prescribe an open season in designated areas between September 16 and  
70.14 January 3 for:

- 70.15 (1) pheasant;
- 70.16 (2) ruffed grouse;
- 70.17 (3) sharp tailed grouse;
- 70.18 (4) Canada spruce grouse;
- 70.19 (5) prairie chicken;
- 70.20 (6) gray partridge;
- 70.21 (7) bobwhite quail; and
- 70.22 (8) turkey.

70.23 (b) The commissioner may by rule prescribe an open season for turkey in the spring.

70.24 ~~(c) The commissioner shall allow a four-week fall season for turkey in the area~~  
70.25 ~~designated as turkey permit area 601 as of the 2008 season. All applicable local and state~~  
70.26 ~~regulations apply.~~

70.27 Sec. 45. Minnesota Statutes 2010, section 97B.805, subdivision 1, is amended to read:

70.28 Subdivision 1. **Hunter must be concealed.** (a) A person may not take migratory  
70.29 waterfowl, coots, or rails in open water unless the person is:

- 70.30 (1) within a natural growth of vegetation sufficient to partially conceal the person or  
70.31 boat;
- 70.32 (2) on a river or stream that is not more than 100 yards in width; ~~or~~
- 70.33 (3) pursuing or shooting wounded birds; or
- 70.34 (4) in areas specifically designated for such taking by the commissioner by rule.

71.1 (b) A person may not take migratory waterfowl, coots, or rails in public waters from  
71.2 a permanent artificial blind or sink box.

71.3 Sec. 46. Minnesota Statutes 2010, section 97B.901, is amended to read:

71.4 **97B.901 REGISTRATION AND TAGGING OF FUR-BEARING ANIMALS.**

71.5 (a) The commissioner may, by rule, require persons taking, possessing, and  
71.6 transporting fur-bearing animals to tag the animals. The commissioner shall prescribe  
71.7 the manner of issuance and the type of tag, which must show the year of issuance. The  
71.8 commissioner shall issue the tag, without a fee, upon request.

71.9 (b) The pelt of each bobcat, fisher, pine marten, ~~and~~ otter, and wolf must be  
71.10 presented, by the person taking it, to a state wildlife manager designee for registration  
71.11 before the pelt is sold and before the pelt is transported out of the state, but in no event  
71.12 more than 48 hours after the season closes for the species.

71.13 (c) The whole carcass of each wolf, with the pelt removed, must be presented by the  
71.14 person taking it to a state wildlife manager designee for registration before the pelt is sold  
71.15 and before the pelt is transported out of the state, but in no event more than 48 hours after  
71.16 the season closes. The commissioner may require that the entire carcass or samples from  
71.17 the carcass be surrendered to the state wildlife manager designee.

71.18 Sec. 47. **97B.903 USE OF BODY-GRIPPING TRAPS.**

71.19 A person may not set, place, or operate, except as a water set, a body-gripping or  
71.20 conibear-type trap on public lands and waters that has a maximum jaw opening when set  
71.21 greater than six and one-half inches and less than seven and one-half inches measured  
71.22 from the inside edges of the body-gripping portions of the jaws, unless:

71.23 (1) the trap is in a baited or unbaited enclosure with the opening no greater than 81  
71.24 square inches and the trap trigger is recessed seven inches or more from the top of the  
71.25 opening;

71.26 (2) no bait, lure, or other attractant is placed within 20 feet of the trap; or

71.27 (3) the trap is elevated at least three feet above the surface of the ground or snowpack.

71.28 Sec. 48. Minnesota Statutes 2010, section 97C.395, subdivision 1, is amended to read:

71.29 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by  
71.30 angling are as follows:

71.31 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and  
71.32 smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend  
71.33 to the last Sunday in February;

- 72.1 (2) for lake trout, from January 1 to October 31;
- 72.2 (3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
- 72.3 splake on all lakes located outside or partially within the Boundary Waters Canoe Area,
- 72.4 from January 15 to March 31;
- 72.5 (4) for the winter season for lake trout, brown trout, brook trout, rainbow trout,
- 72.6 and splake on all lakes located entirely within the Boundary Waters Canoe Area, from
- 72.7 January 1 to March 31;
- 72.8 (5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to
- 72.9 October 31 as prescribed by the commissioner by rule except as provided in section
- 72.10 97C.415, subdivision 2;
- 72.11 ~~(6) for the winter season for brown trout, brook trout, rainbow trout, and splake on~~
- 72.12 ~~all lakes, from January 15 to March 31, and~~
- 72.13 ~~(7)~~ (6) for salmon, as prescribed by the commissioner by rule.
- 72.14 (b) The commissioner shall close the season in areas of the state where fish are
- 72.15 spawning and closing the season will protect the resource.

72.16 Sec. 49. **RULEMAKING; TROUT SEASONS.**

72.17 The commissioner of natural resources shall amend Minnesota Rules, part

72.18 6262.0200, to make seasons for brown trout, brook trout, rainbow trout, and splake in

72.19 lakes inside and outside the Boundary Waters Canoe Area consistent with this section.

72.20 The commissioner may use the good cause exemption under Minnesota Statutes, section

72.21 14.388, to adopt rules under this section, and Minnesota Statutes, section 14.386, does not

72.22 apply, except as provided under Minnesota Statutes, section 14.388.

72.23 Sec. 50. **RULEMAKING; RESTITUTION VALUE FOR WOLVES.**

72.24 (a) The commissioner of natural resources shall amend the restitution value for

72.25 gray wolves in Minnesota Rules, part 6133.0075, to be \$500 and shall change the term

72.26 "gray wolves" to "wolves."

72.27 (b) The commissioner may use the good cause exemption under Minnesota Statutes,

72.28 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota

72.29 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,

72.30 section 14.388.

72.31 Sec. 51. **RULEMAKING; USE OF SNARES.**

72.32 (a) The commissioner of natural resources shall add a definition of a wolf snare to

72.33 Minnesota Rules, part 6234.0900, to read: "'Wolf snare' means any snare set that:



73.1 A. has a maximum loop diameter greater than ten inches, but less than or equal  
73.2 to 18 inches;

73.3 B. has a cable diameter of at least 7/64 inches;

73.4 C. includes stops affixed to the cable to ensure that the portion of the snare that  
73.5 makes up the noose loop may not be less than three inches in diameter when fully closed;

73.6 D. includes a breakaway device that would cause the snare loop to break when  
73.7 pulled by a moose; and

73.8 E. includes a diverter wire that extends 27 inches in both directions, measured  
73.9 perpendicular to and from the top of the snare loop. The diverter wires must be positioned  
73.10 at an angle no more than 20 degrees from the horizontal plane of the top of the snare, and  
73.11 the snare must be set within 20 yards of bait."

73.12 (b) The commissioner of natural resources shall amend Minnesota Rules, part  
73.13 6234.2300, to include a subpart to read: "Wolves may be taken with snares or wolf snares  
73.14 as defined in part 6234.0900."

73.15 (c) The commissioner of natural resources shall amend Minnesota Rules, part  
73.16 6234.2400, subpart 7, to read: "A snare may not be set so that the top of the loop is more  
73.17 than 20 inches above the first surface beneath the bottom of the set snare loop. During  
73.18 the wolf season, licensed wolf trappers may use wolf snares but a wolf snare may not be  
73.19 set so that the bottom of the loop is more than 18 inches above the first surface beneath  
73.20 the bottom of the set snare loop."

73.21 (d) The commissioner of natural resources shall amend Minnesota Rules, part  
73.22 6234.2400, subpart 5, to read: "Snares, including wolf snares, may not be set in deer,  
73.23 elk, or moose trails."

73.24 (e) The commissioner of natural resources shall amend Minnesota Rules, part  
73.25 6234.2400, to include a subpart to read: "Licensed wolf trappers shall set wolf snares for  
73.26 wolves no closer than 500 feet to another wolf snare set by the same licensed wolf trapper."

73.27 (f) The commissioner may use the good cause exemption under Minnesota Statutes,  
73.28 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
73.29 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,  
73.30 section 14.388.

73.31 **Sec. 52. 2012 FIREARMS WOLF SEASON.**

73.32 The commissioner of natural resources shall establish the first firearms wolf hunting  
73.33 season to open no later than the first day of the 2012 firearms deer hunting season.

73.34 **Sec. 53. REVISOR'S INSTRUCTION.**

74.1 The revisor of statutes shall change the term "gray wolf" or "gray wolves" wherever  
74.2 the terms appear in Minnesota Statutes and Minnesota Rules to "wolf" or "wolves."

74.3 Sec. 54. **REPEALER.**

74.4 Minnesota Statutes 2010, sections 97A.045, subdivisions 8 and 13; 97A.065,  
74.5 subdivision 1; 97A.095, subdivision 3; 97A.331, subdivision 7; 97A.485, subdivision 12;  
74.6 97A.552; 97B.645, subdivision 2; and 97C.031, are repealed.

74.7 **ARTICLE 3**

74.8 **GAME AND FISH LICENSE FEES**

74.9 Section 1. Minnesota Statutes 2011 Supplement, section 97A.075, subdivision 1,  
74.10 is amended to read:

74.11 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this  
74.12 subdivision, "deer license" means a license issued under section 97A.475, subdivisions  
74.13 2, clauses (5), (6), (7), (13), (14), and (15); ~~and~~ 3, paragraph (a), clauses (2), (3), (4),  
74.14 (10), (11), and (12); ~~and~~ 8, paragraph (b), and licenses issued under section 97B.301,  
74.15 subdivision 4.

74.16 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and  
74.17 wildlife trust fund, established in section 97A.4742, for each license issued under  
74.18 section 97A.473, subdivision 4, shall be credited to the deer management account and  
74.19 is appropriated to the commissioner for deer habitat improvement or deer management  
74.20 programs.

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

74.26 (d) Fifty cents from each deer license is credited to the emergency deer feeding and  
74.27 wild cervidae health management account and is appropriated for emergency deer feeding  
74.28 and wild cervidae health management. Money appropriated for emergency deer feeding  
74.29 and wild cervidae health management is available until expended. The commissioner must  
74.30 inform the legislative chairs of the natural resources finance committees every two years  
74.31 on how the money for emergency deer feeding and wild cervidae health management  
74.32 has been spent.

74.33 When the unencumbered balance in the appropriation for emergency deer feeding  
74.34 and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the

75.1 unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear  
75.2 management programs and computerized licensing.

75.3 **Sec. 2. [97A.126] WALK-IN ACCESS PROGRAM.**

75.4 **Subdivision 1. Establishment.** A walk-in access program is established to provide  
75.5 public access to wildlife habitat on private land for hunting, excluding trapping, as  
75.6 provided under this section. The commissioner may enter into agreements with other units  
75.7 of government and landowners to provide private land hunting access.

75.8 **Subd. 2. Use of enrolled lands.** (a) From September 1 to May 31, a person must  
75.9 have a walk-in access hunter validation in possession to hunt on private lands, including  
75.10 agricultural lands, that are posted as being enrolled in the walk-in access program.

75.11 (b) Hunting on private lands that are posted as enrolled in the walk-in access  
75.12 program is allowed from one-half hour before sunrise to one-half hour after sunset.

75.13 (c) Hunter access on private lands that are posted as enrolled in the walk-in access  
75.14 program is restricted to nonmotorized use, except by hunters with disabilities operating  
75.15 motor vehicles on established trails or field roads who possess a valid permit to shoot from  
75.16 a stationary vehicle under section 97B.055, subdivision 3.

75.17 (d) The general provisions for use of wildlife management areas adopted under  
75.18 sections 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of  
75.19 motorboats, firearms and target shooting, hunting stands, abandonment of trash and  
75.20 property, destruction or removal of property, introduction of plants or animals, and animal  
75.21 trespass, apply to hunters on lands enrolled in the walk-in access program.

75.22 (e) Any use of enrolled lands other than hunting according to this section is  
75.23 prohibited, including:

75.24 (1) harvesting bait, including minnows, leeches, and other live bait;

75.25 (2) training dogs or using dogs for activities other than hunting; and

75.26 (3) constructing or maintaining any building, dock, fence, billboard, sign, hunting  
75.27 blind, or other structure, unless constructed or maintained by the landowner.

75.28 **Subd. 3. Walk-in access hunter validation; fee; appropriation.** The fee for  
75.29 a walk-in access hunter validation for residents 18 and older and nonresidents is \$15.  
75.30 The fee for residents age 16 and 17 is \$7.50. Residents under age 16 must obtain a  
75.31 free validation. The walk-in access hunter validation is valid for one license year. An  
75.32 additional commission may not be assessed on validations issued under this subdivision.  
75.33 Revenue collected under this section is appropriated to the commissioner for the walk-in  
75.34 access program.

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76.1 Sec. 3. Minnesota Statutes 2010, section 97A.411, subdivision 1, is amended to read:

76.2 Subdivision 1. **License period.** (a) Except as provided in paragraphs (b), (d), ~~and~~  
76.3 (e), and (f), a license is valid during the lawful time within the license year that the  
76.4 licensed activity may be performed. Except as provided in ~~paragraph~~ paragraphs (c) and  
76.5 (f), a license year begins on the first day of March and ends on the last day of February.

76.6 (b) A short-term license issued under section 97A.475, ~~subdivision 6, clause (5);~~  
76.7 ~~97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2),~~  
76.8 that is limited by the number of days or hours under section 97A.475, is valid for the full  
76.9 license period even if this period extends into the next license year, provided that the  
76.10 license period selected by the licensee begins at the time of issuance.

76.11 (c) The license year for ~~resident fishing, the angling portion of a sporting license,~~  
76.12 ~~nonresident fishing,~~ resident fish house, resident dark house, and nonresident fish house  
76.13 begins on March 1 and ends on April 30 of the following year.

76.14 (d) A lifetime license issued under section 97A.473 or 97A.474 is valid during the  
76.15 lawful time within the license year that the licensed activity may be performed for the  
76.16 lifetime of the licensee.

76.17 (e) A three-year fish house or dark house license is valid during the license year that  
76.18 it is purchased and the two succeeding license years.

76.19 (f) A three-year individual angling license is valid during the license year in which it  
76.20 is purchased and the two succeeding license years.

76.21 Sec. 4. Minnesota Statutes 2010, section 97A.411, is amended by adding a subdivision  
76.22 to read:

76.23 Subd. 4. **Validity of license when age or residency status changes.** A license to  
76.24 take wild animals that was lawfully obtained continues to be valid for the balance of the  
76.25 license period if the licensee's age, residency, or student qualification status changes.

76.26 Sec. 5. Minnesota Statutes 2010, section 97A.435, subdivision 2, is amended to read:

76.27 Subd. 2. **Eligibility.** Persons eligible for a turkey license shall be determined by  
76.28 this section and commissioner's rule. ~~A person is eligible for a turkey license only if the~~  
76.29 ~~person is at least age 16 before the season opens, possesses a firearms safety certificate, or,~~  
76.30 ~~if under age 12, is accompanied by a parent or guardian.~~

76.31 Sec. 6. Minnesota Statutes 2010, section 97A.451, subdivision 3, is amended to read:

76.32 Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 ~~must~~  
76.33 may not obtain a small game license ~~in order to~~ but may take small game by firearms or

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77.1 bow and arrow without ~~paying the applicable fees under section 97A.475, subdivisions 2,~~  
77.2 ~~4, and 5,~~ a license if the resident is:

77.3 (1) age 14 or 15 and possesses a firearms safety certificate;

77.4 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or  
77.5 guardian;

77.6 (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied  
77.7 by a parent or guardian who possesses a small game license that was not obtained using an  
77.8 apprentice hunter validation; or

77.9 (4) age 12 or under and is accompanied by a parent or guardian.

77.10 (b) A resident under age 16 may take small game by trapping without a small game  
77.11 license, but a resident 13 years of age or older must have a trapping license. A resident  
77.12 under age 13 may trap without a trapping license, but may not register fisher, otter,  
77.13 bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat,  
77.14 or pine marten taken by a resident under age five must be included in the limit of the  
77.15 accompanying parent or guardian.

77.16 (c) A resident under age ~~12~~ 13 ~~may apply for a turkey license~~ 13 must obtain a free  
77.17 turkey license to take turkey and may take a turkey without a firearms safety certificate  
77.18 if the resident is accompanied by an adult parent or guardian who has a firearms safety  
77.19 certificate.

77.20 (d) A resident under age ~~12~~ 13 may apply for a prairie chicken license and may take  
77.21 a prairie chicken without a firearms safety certificate if the resident is accompanied by an  
77.22 adult parent or guardian who has a firearms safety certificate.

77.23 Sec. 7. Minnesota Statutes 2010, section 97A.451, is amended by adding a subdivision  
77.24 to read:

77.25 Subd. 3b. **Nonresidents under age 18; small game.** (a) A nonresident age 16 or  
77.26 over and under age 18 may take small game by firearms or archery and may obtain a small  
77.27 game license at the resident youth fee under section 97A.475, subdivision 2, clause (17),  
77.28 if the nonresident possesses a firearms safety certificate.

77.29 (b) A nonresident under age 16 may take small game by firearms or archery and may  
77.30 obtain a small game license without paying the applicable fees under section 97A.475,  
77.31 subdivisions 3, 4, and 5, if the nonresident is:

77.32 (1) age 14 or 15 and possesses a firearms safety certificate;

77.33 (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent  
77.34 or guardian; or

77.35 (3) age 12 or under and is accompanied by a parent or guardian.

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78.1 Sec. 8. Minnesota Statutes 2010, section 97A.451, subdivision 4, is amended to read:

78.2 Subd. 4. **Persons under age 16 13; big game.** ~~(a) A person age 12, 13, 14, or 15~~  
78.3 ~~may not obtain a license to take big game unless the person possesses a firearms safety~~  
78.4 ~~certificate. A person age 12 or 13 must be accompanied by a parent or guardian to hunt~~  
78.5 ~~big game.~~

78.6 ~~(b) A person age 10 or 11~~ ten or over and under age 13 may take big game, provided  
78.7 the person is under the direct supervision of a parent or guardian where the parent or  
78.8 guardian is within immediate reach. ~~Until March 1, 2009, a person age 10 or 11 may take~~  
78.9 ~~big game under a parent or guardian's license. Beginning March 1, 2009, A person age 10~~  
78.10 ~~or 11~~ ten or over and under age 13 must obtain a license ~~in order~~ to take big game and may  
78.11 obtain the license without paying the fee required under section 97A.475, subdivision 2.

78.12 Sec. 9. Minnesota Statutes 2010, section 97A.451, subdivision 5, is amended to read:

78.13 Subd. 5. ~~Nonresidents under age 16~~ **Nonresident youth; angling.** (a) A  
78.14 nonresident under ~~the age of~~ 16 may:

78.15 (1) take fish by angling without a license if a parent or guardian has a fishing license.  
78.16 Fish taken by a nonresident under ~~the age of~~ 16 without a license must be included in the  
78.17 limit of the parent or guardian;

78.18 ~~(b) A nonresident under age 16 may~~ (2) purchase a youth fishing license at the  
78.19 ~~resident fee under section 97A.475, subdivision 7, paragraph (a), clause (8), and possess a~~  
78.20 limit of fish; or

78.21 (3) be included under a nonresident family angling license, take fish by angling,  
78.22 and possess a limit of fish.

78.23 (b) A nonresident age 16 or over and under age 18 must purchase a youth license to  
78.24 angle under section 97A.475, subdivision 7, paragraph (a), clause (8).

78.25 Sec. 10. Minnesota Statutes 2010, section 97A.473, subdivision 2, is amended to read:

78.26 Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license  
78.27 authorizes a person to take fish by angling in the state. The license authorizes those  
78.28 activities authorized by the annual resident angling license. The license does not include a  
78.29 trout and salmon stamp validation, a walleye stamp validation, or other stamps required  
78.30 by law.

78.31 (b) The fees for a resident lifetime angling license are:

78.32 (1) age 3 and under, ~~\$227~~ \$304;

78.33 (2) age 4 to age 15, ~~\$300~~ \$415;

78.34 (3) age 16 to age 50, ~~\$383~~ \$508; and

79.1 (4) age 51 and over, ~~\$203~~ \$335.

79.2 Sec. 11. Minnesota Statutes 2010, section 97A.473, subdivision 2b, is amended to read:

79.3 Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime  
79.4 angling and spearing license authorizes a person to take fish by angling or spearing in the  
79.5 state. The license authorizes those activities authorized by the annual resident angling  
79.6 and spearing licenses.

79.7 (b) The fees for a resident lifetime angling and spearing license are:

79.8 (1) age 3 and under, ~~\$485~~ \$380;

79.9 (2) age 4 to age 15, ~~\$620~~ \$509;

79.10 (3) age 16 to age 50, ~~\$755~~ \$617; and

79.11 (4) age 51 and over, ~~\$376~~ \$386.

79.12 Sec. 12. Minnesota Statutes 2010, section 97A.473, subdivision 3, is amended to read:

79.13 Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small  
79.14 game hunting license authorizes a person to hunt and trap small game in the state. The  
79.15 license authorizes those hunting and trapping activities authorized by the annual resident  
79.16 small game hunting and trapping licenses. The license does not include a turkey stamp  
79.17 validation or any other hunting stamps required by law.

79.18 (b) The fees for a resident lifetime small game hunting license are:

79.19 (1) age 3 and under, ~~\$217~~ \$223;

79.20 (2) age 4 to age 15, ~~\$290~~ \$301;

79.21 (3) age 16 to age 50, ~~\$363~~ \$430; and

79.22 (4) age 51 and over, ~~\$213~~ \$274.

79.23 Sec. 13. Minnesota Statutes 2010, section 97A.473, subdivision 4, is amended to read:

79.24 Subd. 4. **Lifetime deer hunting license; fee.** (a) A resident lifetime deer hunting  
79.25 license authorizes a person to take deer with firearms or by archery in the state. The license  
79.26 authorizes those activities authorized by the annual resident firearm deer hunting license  
79.27 or the annual resident archery deer hunting license. The licensee must register and receive  
79.28 tags each year that the license is used. The tags shall be issued at no charge to the licensee.

79.29 (b) The fees for a resident lifetime firearm or archery deer hunting license are:

79.30 (1) age 3 and under, ~~\$337~~ \$406;

79.31 (2) age 4 to age 15, ~~\$450~~ \$538;

79.32 (3) age 16 to age 50, ~~\$573~~ \$656; and

79.33 (4) age 51 and over, ~~\$383~~ \$468.

80.1 Sec. 14. Minnesota Statutes 2010, section 97A.473, subdivision 5, is amended to read:

80.2 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license  
80.3 authorizes a person to take fish by angling and hunt and trap small game in the state. The  
80.4 license authorizes those activities authorized by the annual resident angling, resident  
80.5 small game hunting, and resident trapping licenses. The license does not include a trout  
80.6 and salmon stamp validation, a turkey stamp validation, a walleye stamp validation, or  
80.7 any other hunting stamps required by law.

80.8 (b) The fees for a resident lifetime sporting license are:

80.9 (1) age 3 and under, ~~\$357~~ \$528;

80.10 (2) age 4 to age 15, ~~\$480~~ \$728;

80.11 (3) age 16 to age 50, ~~\$613~~ \$861; and

80.12 (4) age 51 and over, ~~\$413~~ \$602.

80.13 Sec. 15. Minnesota Statutes 2010, section 97A.474, subdivision 2, is amended to read:

80.14 Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime  
80.15 angling license authorizes a person to take fish by angling in the state. The license  
80.16 authorizes those activities authorized by the annual nonresident angling license. The  
80.17 license does not include a trout and salmon stamp validation, a walleye stamp validation,  
80.18 or other stamps required by law.

80.19 (b) The fees for a nonresident lifetime angling license are:

80.20 (1) age 3 and under, ~~\$447~~ \$726;

80.21 (2) age 4 to age 15, ~~\$600~~ \$925;

80.22 (3) age 16 to age 50, ~~\$773~~ \$1,054; and

80.23 (4) age 51 and over, ~~\$513~~ \$702.

80.24 Sec. 16. Minnesota Statutes 2010, section 97A.475, subdivision 2, is amended to read:

80.25 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents  
80.26 only, are:

80.27 (1) for persons age 18 or over and under age 65 to take small game, ~~\$12.50~~ \$15.50;

80.28 (2) for persons ~~ages 16 and 17 and~~ age 65 or over, ~~\$6~~ \$7 to take small game;

80.29 (3) for persons age 18 or over to take turkey, ~~\$23~~ \$26;

80.30 (4) for persons ~~under~~ age 13 or over and under age 18 to take turkey, ~~\$12~~ \$13;

80.31 (5) for persons age 18 or over to take deer with firearms during the regular firearms  
80.32 season, ~~\$26~~ \$30;

80.33 (6) for persons age 18 or over to take deer by archery, ~~\$26~~ \$30;



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- 81.1 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
81.2 season, ~~\$26~~ \$30;
- 81.3 (8) to take moose, for a party of not more than six persons, ~~\$310~~ \$356;
- 81.4 (9) to take bear, ~~\$38~~ \$44;
- 81.5 (10) to take elk, for a party of not more than two persons, ~~\$250~~ \$287;
- 81.6 (11) to take Canada geese during a special season, \$4;
- 81.7 (12) to take prairie chickens, ~~\$20~~ \$23;
- 81.8 (13) for persons age 13 or over and under age 18 to take deer with firearms during  
81.9 the regular firearms season, ~~\$13~~ \$15;
- 81.10 (14) for persons age 13 or over and under age 18 to take deer by archery, ~~\$13~~;  
81.11 ~~and~~ \$15;
- 81.12 (15) for persons age 13 or over and under age 18 to take deer by muzzleloader  
81.13 during the muzzleloader season, ~~\$13~~ \$15;
- 81.14 (16) for persons age 18 or over to take small game for a consecutive 72-hour period  
81.15 selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the  
81.16 migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
81.17 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half  
81.18 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in  
81.19 the pheasant habitat improvement account under section 97A.075, subdivision 4; and  
81.20 one-half of the small game surcharge under subdivision 4, shall be deposited in the  
81.21 wildlife acquisition account; and
- 81.22 (17) for persons age 16 or over and under age 18 to take small game, \$5.

81.23 Sec. 17. Minnesota Statutes 2010, section 97A.475, subdivision 3, is amended to read:

81.24 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued  
81.25 to nonresidents, are:

- 81.26 (1) for persons age 18 or over to take small game, ~~\$73~~ \$90.50;
- 81.27 (2) for persons age 18 or over to take deer with firearms during the regular firearms  
81.28 season, ~~\$135~~ \$160;
- 81.29 (3) for persons age 18 or over to take deer by archery, ~~\$135~~ \$160;
- 81.30 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
81.31 season, ~~\$135~~ \$160;
- 81.32 (5) to take bear, ~~\$195~~ \$225;
- 81.33 (6) for persons age 18 ~~and older~~ or over to take turkey, ~~\$78~~ \$91;
- 81.34 (7) for persons age 13 or over and under age 18 to take turkey, ~~\$12~~ \$13;
- 81.35 (8) to take raccoon or bobcat, ~~\$155~~ \$178;

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82.1 (9) to take Canada geese during a special season, \$4;

82.2 (10) for persons age 13 or over and under age 18 to take deer with firearms during  
82.3 the regular firearms season in any open season option or time period, ~~\$13~~ \$15;

82.4 (11) for persons age 13 or over and under age 18 to take deer by archery, ~~\$13~~;  
82.5 ~~and~~ \$15;

82.6 (12) for persons age 13 or over and under age 18 to take deer during the muzzleloader  
82.7 season, ~~\$13~~ \$15; and

82.8 (13) for persons age 18 or over to take small game for a consecutive 72-hour period  
82.9 selected by the licensee, \$75, of which an amount equal to: one-half of the fee for the  
82.10 migratory waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
82.11 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half  
82.12 of the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in  
82.13 the pheasant habitat improvement account under section 97A.075, subdivision 4; and  
82.14 one-half of the small game surcharge under subdivision 4, shall be deposited into the  
82.15 wildlife acquisition account.

82.16 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under  
82.17 paragraph (a), clauses (1) to (6) and (8). An additional commission may not be assessed  
82.18 on this surcharge.

82.19 Sec. 18. Minnesota Statutes 2010, section 97A.475, subdivision 4, is amended to read:

82.20 Subd. 4. **Small game surcharge.** Fees for annual licenses to take small game  
82.21 must be increased by a surcharge of \$6.50, except licenses under subdivisions 2, clause  
82.22 (16); and 3, paragraph (a), clause (13). An additional commission may not be assessed  
82.23 on the surcharge and the following statement must be included in the annual small game  
82.24 hunting regulations: "This \$6.50 surcharge is being paid by hunters for the acquisition and  
82.25 development of wildlife lands."

82.26 Sec. 19. Minnesota Statutes 2010, section 97A.475, subdivision 6, is amended to read:

82.27 Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents  
82.28 only, are:

82.29 (1) for persons age 18 or over to take fish by angling, ~~\$17~~ \$22;

82.30 (2) for persons age 18 or over to take fish by angling, for a combined license for a  
82.31 married couple, ~~\$25~~ \$35;

82.32 (3) for persons age 18 or over to take fish by spearing from a dark house, ~~\$17~~ and  
82.33 \$5, and the person must possess an angling license;

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83.1 (4) for persons age 18 or over to take fish by angling for a 24-hour period selected  
83.2 by the licensee, ~~\$8.50~~ \$10;

83.3 (5) for persons age 18 or over to take fish by angling for a consecutive 72-hour  
83.4 period selected by the licensee, \$12;

83.5 (6) for persons age 18 or over to take fish by angling for three consecutive years,  
83.6 \$63; and

83.7 (7) for persons age 16 or over and under age 18 to take fish by angling, \$5.

83.8 Sec. 20. Minnesota Statutes 2011 Supplement, section 97A.475, subdivision 7, is  
83.9 amended to read:

83.10 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued  
83.11 to nonresidents, are:

83.12 (1) for persons age 18 or over to take fish by angling, ~~\$37.50~~ \$39;

83.13 (2) for persons age 18 or over to take fish by angling limited to seven consecutive  
83.14 days selected by the licensee, ~~\$26.50~~ \$33;

83.15 (3) for persons age 18 or over to take fish by angling for a consecutive 72-hour  
83.16 period selected by the licensee, ~~\$22~~ \$27;

83.17 (4) for persons age 18 or over to take fish by angling for a combined license for a  
83.18 family for one or both parents and dependent children under the age of 16, ~~\$50.50~~ \$53;

83.19 (5) for persons age 18 or over to take fish by angling for a 24-hour period selected  
83.20 by the licensee, ~~\$8.50~~ \$12;

83.21 (6) to take fish by angling for a combined license for a married couple, limited to 14  
83.22 consecutive days selected by one of the licensees, ~~\$38.50~~, and \$43;

83.23 (7) for persons age 18 or over to take fish by spearing from a dark house, ~~\$37.50~~  
83.24 \$10, and the person must possess an angling license; and

83.25 (8) for persons age 16 or over and under age 18 to take fish by angling, \$5.

83.26 (b) A ~~\$2~~ \$5 surcharge shall be added to all nonresident fishing licenses, except  
83.27 licenses issued under paragraph (a), ~~clause~~ clauses (5), ~~and licenses purchased at the~~  
83.28 ~~resident fee by nonresidents under age 16 under section 97A.451, subdivision 5, paragraph~~  
83.29 ~~(b)~~ and (8). An additional commission may not be assessed on this surcharge.

83.30 Sec. 21. Minnesota Statutes 2010, section 97A.475, subdivision 8, is amended to read:

83.31 Subd. 8. **Minnesota sporting; super sports.** (a) The commissioner shall issue  
83.32 Minnesota sporting licenses to residents only. The licensee may take fish by angling  
83.33 and small game. The fee for the license is:

83.34 (1) for an individual, ~~\$23~~ \$31.50; and

84.1 (2) for a combined license for a married couple to take fish and for one spouse  
84.2 to take small game, ~~\$32~~ \$45.50.

84.3 (b) The commissioner shall issue Minnesota super sports licenses to residents only.  
84.4 The licensee may take fish by angling, including trout; small game, including pheasant  
84.5 and waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the super  
84.6 sports license, including all required stamp validations is:

84.7 (1) for an individual age 18 or over, \$92.50; and

84.8 (2) for a combined license for a married couple to take fish, including the trout and  
84.9 salmon stamp validation, and for one spouse to take small game, including pheasant  
84.10 and waterfowl, and deer, \$118.50.

84.11 (c) Revenue for the stamp endorsements under paragraph (b) shall be deposited  
84.12 according to section 97A.075, subdivisions 2, 3, and 4.

84.13 (d) Revenue for the deer license endorsement under paragraph (b) shall be deposited  
84.14 according to section 97A.075, subdivision 1.

84.15 Sec. 22. Minnesota Statutes 2010, section 97A.475, subdivision 11, is amended to read:

84.16 Subd. 11. **Fish houses, dark houses, and shelters; residents.** Fees for the  
84.17 following licenses are:

84.18 (1) annual for a fish house, dark house, or shelter that is not rented, ~~\$11.50~~ \$15;

84.19 (2) annual for a fish house, dark house, or shelter that is rented, ~~\$26~~ \$30;

84.20 (3) three-year for a fish house, dark house, or shelter that is not rented, ~~\$34.50~~  
84.21 \$42; and

84.22 (4) three-year for a fish house, dark house, or shelter that is rented, ~~\$78~~ \$87.

84.23 Sec. 23. Minnesota Statutes 2010, section 97A.475, subdivision 12, is amended to read:

84.24 Subd. 12. **Fish houses, dark houses, and shelters; nonresident.** Fees for fish  
84.25 house, dark house, and shelter licenses for a nonresident are:

84.26 (1) annual, ~~\$33~~ \$37;

84.27 (2) seven consecutive days selected by the licensee, ~~\$19~~ \$21; and

84.28 (3) three-year, ~~\$99~~ \$111.

84.29 Sec. 24. Minnesota Statutes 2010, section 97A.475, subdivision 20, is amended to read:

84.30 Subd. 20. **Trapping license.** The fee for a license to trap fur-bearing animals is:

84.31 (1) for residents over age 13 and under age 18, ~~\$6~~ \$7;

84.32 (2) for residents age 18 or over and under age 65, ~~\$20~~ \$23;

84.33 (3) for residents age 65 or over, ~~\$10~~ \$11.50; and

85.1 (4) for nonresidents, ~~\$73~~ \$84.

85.2 Sec. 25. Minnesota Statutes 2010, section 97A.475, subdivision 43, is amended to read:

85.3 Subd. 43. **Duplicate licenses.** The fees for duplicate licenses are:

85.4 (1) for licenses to take big game, \$5, except licenses issued under subdivision 8,  
85.5 paragraph (b); and

85.6 (2) for other licenses, \$2.

85.7 Sec. 26. Minnesota Statutes 2010, section 97A.475, subdivision 44, is amended to read:

85.8 Subd. 44. **Replacement licenses.** The fee for a replacement firearms deer license  
85.9 is \$5, except there is no fee for replacing a deer license issued under subdivision 8,  
85.10 paragraph (b).

85.11 Sec. 27. Minnesota Statutes 2010, section 97A.475, subdivision 45, is amended to read:

85.12 Subd. 45. **Camp Ripley archery deer hunt.** The application fee for the Camp  
85.13 Ripley archery deer hunt is ~~\$8~~ \$12.

85.14 Sec. 28. Minnesota Statutes 2010, section 97A.485, subdivision 7, is amended to read:

85.15 Subd. 7. **Electronic licensing system commission.** The commissioner shall retain  
85.16 for the operation of the electronic licensing system the commission established under  
85.17 section 84.027, subdivision 15, and issuing fees collected by the commissioner on all  
85.18 license fees ~~collected, excluding:~~

85.19 ~~(1) the small game surcharge;~~

85.20 ~~(2) the deer license surcharges or donations under section 97A.475, subdivisions 3,~~  
85.21 ~~paragraph (b), and 3a; and~~

85.22 ~~(3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6,~~  
85.23 ~~clauses (1), (2), and (4), 7, 8, 12, and 13.~~

85.24 Sec. 29. Minnesota Statutes 2010, section 97B.020, is amended to read:

85.25 **97B.020 FIREARMS SAFETY CERTIFICATE REQUIRED.**

85.26 (a) Except as provided in this section and section 97A.451, ~~subdivision 3a~~  
85.27 subdivisions 3 and 3b, a person born after December 31, 1979, may not obtain an annual  
85.28 license to take wild animals by firearms unless the person has:

85.29 (1) a firearms safety certificate or equivalent certificate;

85.30 (2) a driver's license or identification card with a valid firearms safety qualification  
85.31 indicator issued under section 171.07, subdivision 13;

86.1 (3) a previous hunting license with a valid firearms safety qualification indicator;

86.2 (4) an apprentice hunter validation issued under section 97B.022; or

86.3 (5) other evidence indicating that the person has completed in this state or in another  
86.4 state a hunter safety course recognized by the department under a reciprocity agreement or  
86.5 certified by the department as substantially similar.

86.6 (b) A person who is on active duty and has successfully completed basic training  
86.7 in the United States armed forces, reserve component, or National Guard may obtain a  
86.8 hunting license or approval authorizing hunting regardless of whether the person is issued  
86.9 a firearms safety certificate.

86.10 (c) A person born after December 31, 1979, may not use a lifetime license to take  
86.11 wild animals by firearms, unless the person meets the requirements for obtaining an annual  
86.12 license under paragraph (a) or (b).

86.13 Sec. 30. Minnesota Statutes 2010, section 97B.715, subdivision 1, is amended to read:

86.14 Subdivision 1. **Stamp required.** (a) Except as provided in paragraph (b) or section  
86.15 97A.405, subdivision 2, a person required to possess a small game license may not hunt  
86.16 pheasants without a pheasant stamp validation.

86.17 (b) The following persons are exempt from this subdivision:

86.18 (1) residents and nonresidents under age 18 ~~or~~ and residents over age 65;

86.19 (2) persons hunting on licensed commercial shooting preserves; ~~and~~

86.20 (3) resident disabled veterans with a license issued under section 97A.441,  
86.21 subdivision 6a; and

86.22 (4) residents and nonresidents hunting on licenses issued under section 97A.475,  
86.23 subdivision 2, clause (16); or 3, paragraph (a), clause (13).

86.24 Sec. 31. Minnesota Statutes 2010, section 97B.801, is amended to read:

86.25 **97B.801 MINNESOTA MIGRATORY WATERFOWL STAMP REQUIRED.**

86.26 (a) Except as provided in this section or section 97A.405, subdivision 2, a person  
86.27 required to possess a small game license may not take migratory waterfowl without a  
86.28 migratory waterfowl stamp validation.

86.29 (b) Residents under age 18 or over age 65; resident disabled veterans with a license  
86.30 issued under section 97A.441, subdivision 6a; and persons hunting on their own property  
86.31 are not required to possess a stamp validation under this section.

86.32 (c) Residents and nonresidents with licenses issued under section 97A.475,  
86.33 subdivision 2, clause (16); or 3, paragraph (a), clause (13), are not required to possess a  
86.34 stamp validation under this section.

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87.1 Sec. 32. Minnesota Statutes 2010, section 97C.305, subdivision 1, is amended to read:

87.2 Subdivision 1. **Requirement.** Except as provided in subdivision 2 or section  
87.3 97A.405, subdivision 2, a person over age ~~16~~ 18 and under age 65 required to possess an  
87.4 angling license must have a trout and salmon stamp validation to:

87.5 (1) take fish by angling in:

87.6 (i) a stream designated by the commissioner as a trout stream;

87.7 (ii) a lake designated by the commissioner as a trout lake; or

87.8 (iii) Lake Superior; or

87.9 (2) possess trout or salmon taken in the state by angling.

87.10 Sec. 33. Minnesota Statutes 2010, section 97C.305, subdivision 2, is amended to read:

87.11 Subd. 2. **Exception.** A trout and salmon stamp validation is not required to take fish  
87.12 by angling or to possess trout and salmon if:

87.13 (1) the person:

87.14 (i) possesses a license to take fish by angling for a period of 24 hours or 72 hours

87.15 from the time of issuance under section 97A.475, subdivision 6, clause (4) or (5)~~;~~ or

87.16 ~~subdivision 7, paragraph (a), clause (3) or (5)~~~~;~~ and

87.17 (ii) is taking fish by angling, or the trout or salmon were taken by the person, during  
87.18 the period the license is valid;

87.19 (2) the person is taking fish, or the trout or salmon were taken by the person, as  
87.20 authorized under section 97C.035; or

87.21 (3) the person has a valid license issued under section 97A.441, subdivision 1, 2,  
87.22 3, 4, or 5.

87.23 Sec. 34. **TRANSFER.**

87.24 In fiscal year 2013, the commissioner of management and budget shall transfer  
87.25 \$500,000 from the game and fish fund to the invasive species account created in Minnesota  
87.26 Statutes, section 84D.15. This is in addition to the transfer specified in Minnesota Statutes,  
87.27 section 84D.15, subdivision 2.

87.28 Sec. 35. **APPROPRIATION.**

87.29 \$1,000,000 in fiscal year 2013 from the invasive species account is added to  
87.30 the appropriation in Laws 2011, First Special Session chapter 2, article 1, section 4,  
87.31 subdivision 3, for invasive species activities. This is a onetime appropriation.

87.32 Sec. 36. **REPEALER.**

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88.1 Minnesota Statutes 2010, sections 97A.451, subdivisions 3a and 7; and 97C.303, are  
88.2 repealed.

88.3 Sec. 37. **EFFECTIVE DATE.**

88.4 Sections 1 to 33 and 36 are effective March 1, 2013.



APPENDIX  
Article locations in S1830-2

ARTICLE 1	ENVIRONMENTAL POLICY .....	Page.Ln 2.9
ARTICLE 2	GAME AND FISH POLICY .....	Page.Ln 52.8
ARTICLE 3	GAME AND FISH LICENSE FEES .....	Page.Ln 74.7