

A bill for an act

1.1 relating to environment and natural resources; modifying certain administrative
1.2 accounts; modifying electronic transaction provisions; providing for certain
1.3 registration, training, and licensing exemptions; requiring drainage of watercraft
1.4 equipment when leaving public waters; modifying off-highway vehicle
1.5 and snowmobile provisions; modifying state trails and canoe and boating
1.6 routes; modifying fees and disposition of certain receipts; delaying local
1.7 ordinance adoption requirements and establishing a task force; modifying
1.8 certain competitive bidding exemptions; modifying horse trail pass provisions;
1.9 modifying master plan requirements; expanding eligibility for free state park
1.10 permit; modifying cross-country ski trail provisions; providing for general
1.11 burning permits; modifying authority to establish forestry services fees;
1.12 modifying authority to issue leases and permits; modifying timber sales
1.13 provisions; eliminating certain pilot projects and reports; modifying the Water
1.14 Law; modifying utility license provisions; modifying rulemaking authority;
1.15 providing for certain permitting and review efficiencies; modifying nongame
1.16 wildlife checkoffs; requiring long-range land management budgeting; requiring
1.17 studies and reports; creating Coon Rapids Dam Commission; imposing
1.18 incineration facility moratorium; appropriating money; amending Minnesota
1.19 Statutes 2008, sections 84.025, subdivision 9; 84.027, subdivision 15, by adding
1.20 a subdivision; 84.0856; 84.0857; 84.415, by adding a subdivision; 84.777,
1.21 subdivision 2; 84.788, subdivision 2; 84.798, subdivision 2; 84.82, subdivisions
1.22 3, 6, by adding a subdivision; 84.8205, subdivision 1; 84.92, subdivisions 9,
1.23 10; 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1;
1.24 84.9256, subdivision 1; 84.928, subdivision 5; 84D.10, by adding a subdivision;
1.25 84D.13, subdivision 5; 85.015, subdivision 14; 85.052, subdivision 4; 85.22,
1.26 subdivision 5; 85.32, subdivision 1; 85.41, subdivision 3; 85.42; 85.43; 85.46, as
1.27 amended; 86B.301, subdivision 2; 88.17, subdivisions 1, 3; 88.79, subdivision
1.28 2; 89.17; 90.041, by adding a subdivision; 90.121; 90.14; 97B.015, subdivision
1.29 5a; 103A.305; 103F.325, by adding a subdivision; 103F.335, subdivision 1;
1.30 103G.271, subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6;
1.31 103G.305, subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision
1.32 5; 115.55, by adding a subdivision; 116.03, by adding a subdivision; 116.07,
1.33 subdivisions 4, 4h; 116D.04, subdivision 2a, by adding a subdivision; 290.431;
1.34 290.432; Minnesota Statutes 2009 Supplement, sections 84.415, subdivision
1.35 6; 84.793, subdivision 1; 84.922, subdivision 1a; 84.9275, subdivision 1;
1.36 84.928, subdivision 1; 85.015, subdivision 13; 85.053, subdivision 10; 86A.09,
1.37 subdivision 1; 103G.201; proposing coding for new law in Minnesota Statutes,
1.38

2.1 chapter 103G; repealing Minnesota Statutes 2008, sections 90.172; 103G.295;
2.2 103G.650; Minnesota Statutes 2009 Supplement, section 88.795.

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

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

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

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

2.16 Sec. 2. Minnesota Statutes 2008, section 84.027, is amended by adding a subdivision
2.17 to read:

2.18 Subd. 14a. **Permitting efficiency.** (a) It is the goal of the state that environmental
2.19 and resource management permits be issued or denied within 150 days of the submission
2.20 of a completed permit application. The commissioner of natural resources shall redesign
2.21 management systems, if necessary, to achieve the goal. Nothing in this subdivision
2.22 modifies or abrogates the provisions of chapter 116D.

2.23 (b) The commissioner shall prepare semiannual permitting efficiency reports that
2.24 include statistics on meeting the goal in paragraph (a). The reports are due February 1 and
2.25 August 1 each year. For permit applications that have not met the goal, the report must
2.26 state the reasons for not meeting the goal, steps that will be taken to complete action on
2.27 the application, and the expected timeline. In stating the reasons for not meeting the
2.28 goal, the commissioner shall separately identify delays caused by the responsiveness of
2.29 the proposer, lack of staff, scientific or technical disagreements, or the level of public
2.30 engagement. The report must also specify the number of days from initial submission of
2.31 the application to the day of determination that the application is complete. The report for
2.32 the final half of the fiscal year must aggregate the data for the year and assess whether
2.33 program or system changes are necessary to achieve the goal. The report must be posted
2.34 on the department Web site and submitted to the governor and the chairs and committee

3.1 members of the house of representatives and senate committees and divisions having
3.2 jurisdiction over natural resources policy and finance.

3.3 Sec. 3. Minnesota Statutes 2008, section 84.027, subdivision 15, is amended to read:

3.4 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an
3.5 application for, sell, and issue any license, stamp, permit, pass, sticker, ~~duplicate gift~~
3.6 card, safety training certification, registration, or transfer under the jurisdiction of the
3.7 commissioner by electronic means, including by telephone. Notwithstanding section
3.8 97A.472, electronic and telephone transactions may be made outside of the state. The
3.9 commissioner may:

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

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

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

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

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

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

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

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

4.4 Sec. 4. Minnesota Statutes 2008, section 84.0856, is amended to read:

4.5 **84.0856 FLEET MANAGEMENT ACCOUNT.**

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

4.13 Sec. 5. Minnesota Statutes 2008, section 84.0857, is amended to read:

4.14 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

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

4.23 (b) Money deposited in the special account from the proceeds of a sale under section
4.24 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire
4.25 facilities or renovate existing buildings for administrative use or to acquire land for,
4.26 design, and construct administrative buildings for the Department of Natural Resources.

4.27 Sec. 6. Minnesota Statutes 2008, section 84.415, is amended by adding a subdivision
4.28 to read:

4.29 Subd. 3a. **Joint applications for residential use.** An application for a utility
4.30 license may cover more than one type of utility if the utility lines are being installed for
4.31 residential use only. Separate applications submitted by utilities for the same crossing
4.32 shall be joined together and processed as one application, provided that the applications
4.33 are submitted within one year of each other and the utility lines are for residential use only.

5.1 The application fees for a joint application or separate applications subsequently joined
5.2 together shall be as if only one application was submitted.

5.3 Sec. 7. Minnesota Statutes 2009 Supplement, section 84.415, subdivision 6, is
5.4 amended to read:

5.5 Subd. 6. **Supplemental application fee and monitoring fee.** (a) In addition to the
5.6 application fee and utility crossing fees specified in Minnesota Rules, the commissioner of
5.7 natural resources shall assess the applicant for a utility license the following fees:

5.8 (1) a supplemental application fee of ~~\$1,500~~ \$2,000 for a public water crossing
5.9 license and a supplemental application fee of ~~\$4,500~~ \$2,000 for a public lands crossing
5.10 license, to cover reasonable costs for reviewing the application and preparing the license;
5.11 and

5.12 (2) a monitoring fee to cover the projected reasonable costs for monitoring the
5.13 construction of the utility line and preparing special terms and conditions of the license
5.14 to ensure proper construction. The commissioner must give the applicant an estimate of
5.15 the monitoring fee before the applicant submits the fee.

5.16 (b) The applicant shall pay fees under this subdivision to the commissioner of
5.17 natural resources. The commissioner shall not issue the license until the applicant has
5.18 paid all fees in full.

5.19 (c) Upon completion of construction of the improvement for which the license
5.20 or permit was issued, the commissioner shall refund the unobligated balance from the
5.21 monitoring fee revenue. The commissioner shall not return the application fees, even
5.22 if the application is withdrawn or denied.

5.23 (d) If the fees collected under paragraph (a), clause (1), are not sufficient to cover
5.24 the costs of reviewing the applications and preparing the licenses, the commissioner shall
5.25 improve efficiencies and otherwise reduce department costs and activities to ensure the
5.26 revenues raised under paragraph (a), clause (1), are sufficient, and that no other funds are
5.27 necessary to carry out the requirements.

5.28 Sec. 8. Minnesota Statutes 2008, section 84.777, subdivision 2, is amended to read:

5.29 Subd. 2. **Off-highway vehicle ~~seasons~~ seasonal restrictions.** (a) ~~The commissioner~~
5.30 ~~shall prescribe seasons for off-highway vehicle use on state forest lands.~~ Except for
5.31 designated forest roads, a person must not operate an off-highway vehicle on state forest
5.32 lands ~~outside of the seasons prescribed under this paragraph.~~ during the firearms deer
5.33 hunting season in areas of the state where deer may be taken by rifle. This paragraph

6.1 does not apply to a person in possession of a valid deer hunting license operating an
6.2 off-highway vehicle before or after legal shooting hours or from 11:00 a.m. to 2:00 p.m.

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

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

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

6.9 Sec. 9. Minnesota Statutes 2008, section 84.788, subdivision 2, is amended to read:

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

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

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

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

6.17 Sec. 10. Minnesota Statutes 2009 Supplement, section 84.793, subdivision 1, is
6.18 amended to read:

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

6.23 (b) Except for operation on public road rights-of-way that is permitted under section
6.24 84.795, subdivision 1, a driver's license issued by the state or another state is required to
6.25 operate an off-highway motorcycle along or on a public road right-of-way.

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

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

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

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

6.32 (d) Except for public road rights-of-way of interstate highways, a person less than 16
6.33 years of age may make a direct crossing of a public road right-of-way of a trunk, county

7.1 state-aid, or county highway only if that person is accompanied by a person 18 years of
7.2 age or older who holds a valid driver's license.

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

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

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

7.12 Sec. 11. Minnesota Statutes 2008, section 84.798, subdivision 2, is amended to read:

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

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

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

7.18 Sec. 12. Minnesota Statutes 2008, section 84.82, subdivision 3, is amended to read:

7.19 Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile,
7.20 other than those used for an agricultural purpose, as defined in section 84.92, subdivision
7.21 1c, or those registered by a dealer or manufacturer pursuant to clause (b) or (c) shall be as
7.22 follows: \$45 for three years and \$4 for a duplicate or transfer.

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

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

7.28 (d) The onetime fee for registration of an exempt snowmobile under subdivision
7.29 6a is \$6.

7.30 Sec. 13. Minnesota Statutes 2008, section 84.82, subdivision 6, is amended to read:

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

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

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

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

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

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

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

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

8.10 Sec. 14. Minnesota Statutes 2008, section 84.82, is amended by adding a subdivision
8.11 to read:

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

8.16 Sec. 15. Minnesota Statutes 2008, section 84.8205, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

9.12 Sec. 16. Minnesota Statutes 2008, section 84.92, subdivision 9, is amended to read:

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

9.15 Sec. 17. Minnesota Statutes 2008, section 84.92, subdivision 10, is amended to read:

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

9.18 Sec. 18. Minnesota Statutes 2009 Supplement, section 84.922, subdivision 1a, is
9.19 amended to read:

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

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

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

9.25 (3) vehicles that:

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

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

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

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

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

10.1 Sec. 19. Minnesota Statutes 2008, section 84.922, is amended by adding a subdivision
10.2 to read:

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

10.7 Sec. 20. Minnesota Statutes 2008, section 84.922, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

10.24 Sec. 21. Minnesota Statutes 2008, section 84.925, subdivision 1, is amended to read:

10.25 Subdivision 1. **Program established.** (a) The commissioner shall establish a
10.26 comprehensive all-terrain vehicle environmental and safety education and training
10.27 program, including the preparation and dissemination of vehicle information and safety
10.28 advice to the public, the training of all-terrain vehicle operators, and the issuance of
10.29 all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
10.30 successfully complete the all-terrain vehicle environmental and safety education and
10.31 training course.

10.32 (b) For the purpose of administering the program and to defray a portion of the
10.33 expenses of training and certifying vehicle operators, the commissioner shall collect a fee
10.34 of \$15 from each person who receives the training. The commissioner shall collect a fee,

11.1 to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle
11.2 safety certificate. The commissioner shall establish the fee for a duplicate all-terrain
11.3 vehicle safety certificate that neither significantly overrecovers nor underrecovers costs,
11.4 including overhead costs, involved in providing the service. Fee proceeds, except for the
11.5 issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain
11.6 vehicle account in the natural resources fund. In addition to the fee established by the
11.7 commissioner, instructors may charge each person ~~the cost of~~ up to the established fee
11.8 amount for class material materials and expenses.

11.9 (c) The commissioner shall cooperate with private organizations and associations,
11.10 private and public corporations, and local governmental units in furtherance of the program
11.11 established under this section. School districts may cooperate with the commissioner
11.12 and volunteer instructors to provide space for the classroom portion of the training. The
11.13 commissioner shall consult with the commissioner of public safety in regard to training
11.14 program subject matter and performance testing that leads to the certification of vehicle
11.15 operators. By June 30, 2003, the commissioner shall incorporate a riding component in
11.16 the safety education and training program.

11.17 Sec. 22. Minnesota Statutes 2008, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

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

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

12.1 (1) successfully complete the safety education and training program under section
12.2 84.925, subdivision 1, including a riding component; and

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

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

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

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

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

12.16 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than
12.17 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county
12.18 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters
12.19 or state or grant-in-aid trails if:

12.20 (1) the nonresident youth has in possession evidence of completing an all-terrain
12.21 safety course offered by the ATV Safety Institute or another state as provided in section
12.22 84.925, subdivision 3; and

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

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

12.26 Sec. 23. Minnesota Statutes 2009 Supplement, section 84.9275, subdivision 1, is
12.27 amended to read:

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

12.33 (b) The commissioner of natural resources shall issue a pass upon application and
12.34 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees
12.35 collected under this section, except for the issuing fee for licensing agents, shall be

13.1 deposited in the state treasury and credited to the all-terrain vehicle account in the natural
13.2 resources fund and, except for the electronic licensing system commission established by
13.3 the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid to
13.4 counties and municipalities for all-terrain vehicle organizations to construct and maintain
13.5 all-terrain vehicle trails and use areas.

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

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

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

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

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

13.15 Sec. 24. Minnesota Statutes 2009 Supplement, section 84.928, subdivision 1, is
13.16 amended to read:

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

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

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

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

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

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

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

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

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

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

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

14.9 (2) siltation of waters of the state;

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

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

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

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

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

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

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

14.33 Sec. 25. Minnesota Statutes 2008, section 84.928, subdivision 5, is amended to read:

14.34 Subd. 5. **Organized contests, use of highways and public lands and waters.** (a)
14.35 Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the

15.1 right-of-way of a state trunk or county state-aid highway or upon public lands or waters
15.2 under the jurisdiction of the commissioner of natural resources, in an organized contest or
15.3 event, subject to the consent of the official or board having jurisdiction over the highway
15.4 or public lands or waters.

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

15.7 (c) Notwithstanding section 84.9256, subdivision 1, paragraph (b), a person under
15.8 12 years of age may operate an all-terrain vehicle in an organized contest on public lands
15.9 or waters, if the all-terrain vehicle has an engine capacity of 90cc or less, the person
15.10 complies with section 84.9256, subdivision 1, paragraph (h), and the person is supervised
15.11 by a person 18 years of age or older.

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

15.13 Sec. 26. Minnesota Statutes 2008, section 84D.10, is amended by adding a subdivision
15.14 to read:

15.15 Subd. 4. **Persons leaving public waters.** A person leaving waters of the state must
15.16 drain bait containers, other boating-related equipment holding water excluding marine
15.17 sanitary systems, and live wells and bilges by removing the drain plug before transporting
15.18 the watercraft and associated equipment on public roads. Drain plugs, bailers, valves, or
15.19 other devices used to control the draining of water from ballast tanks, bilges, and live
15.20 wells must be removed or opened while transporting watercraft on a public road. Marine
15.21 sanitary systems are excluded from this requirement.

15.22 Sec. 27. Minnesota Statutes 2008, section 84D.13, subdivision 5, is amended to read:

15.23 Subd. 5. **Civil penalties.** A civil citation issued under this section must impose
15.24 the following penalty amounts:

15.25 (1) for transporting aquatic macrophytes on a forest road as defined by section
15.26 89.001, subdivision 14, road or highway as defined by section 160.02, subdivision 26, or
15.27 any other public road, \$50;

15.28 (2) for placing or attempting to place into waters of the state a watercraft, a trailer, or
15.29 aquatic plant harvesting equipment that has aquatic macrophytes attached, \$100;

15.30 (3) for unlawfully possessing or transporting a prohibited invasive species other
15.31 than an aquatic macrophyte, \$250;

15.32 (4) for placing or attempting to place into waters of the state a watercraft, a trailer, or
15.33 aquatic plant harvesting equipment that has prohibited invasive species attached when

16.1 the waters are not designated by the commissioner as being infested with that invasive
16.2 species, \$500 for the first offense and \$1,000 for each subsequent offense;

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

16.5 (6) for failing to drain water, ~~as required by rule,~~ from watercraft and equipment
16.6 before leaving ~~designated zebra mussel, spiny water flea, or other invasive plankton~~
16.7 ~~infested~~ waters of the state, \$50; and

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

16.10 Sec. 28. Minnesota Statutes 2009 Supplement, section 85.015, subdivision 13, is
16.11 amended to read:

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

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

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

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

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

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

17.1 Sec. 29. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

17.2 Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis,**
17.3 **Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One
17.4 segment shall be known as the Gateway Trail and shall originate at the State Capitol
17.5 and extend northerly and northeasterly to William O'Brien State Park, thence northerly
17.6 to Taylors Falls in Chisago County. One segment shall ~~be known as the Boundary Trail~~
17.7 ~~and shall~~ originate in Chisago County and extend into ~~Duluth in St. Louis~~ Hinckley in
17.8 Pine County. One segment shall be known as the Browns Creek Trail and shall originate
17.9 at Duluth Junction and extend into Stillwater in Washington County. One segment shall
17.10 be known as the Munger Trail and shall originate at Hinckley in Pine County and extend
17.11 through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall
17.12 be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and
17.13 extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be
17.14 established that extends the trail to include the cities of Proctor, Duluth, and Hermantown
17.15 in St. Louis County.

17.16 (b) The Gateway and Browns Creek Trails shall be developed primarily for hiking
17.17 and nonmotorized riding and the remaining trails shall be developed primarily for riding
17.18 and hiking.

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

17.21 Sec. 30. Minnesota Statutes 2008, section 85.052, subdivision 4, is amended to read:

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

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

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

18.1 Sec. 31. Minnesota Statutes 2009 Supplement, section 85.053, subdivision 10, is
18.2 amended to read:

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

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

18.11 Sec. 32. Minnesota Statutes 2008, section 85.22, subdivision 5, is amended to read:

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

18.15 Sec. 33. Minnesota Statutes 2008, section 85.32, subdivision 1, is amended to read:

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

18.27 Sec. 34. Minnesota Statutes 2008, section 85.41, subdivision 3, is amended to read:

18.28 Subd. 3. **Exemptions.** (a) Participants in cross-country ski races ~~and official school~~
18.29 ~~activities~~ and residents of a state or local government operated correctional facility are
18.30 exempt from the pass requirement in subdivision 1 if a special use permit has been
18.31 obtained by the organizers of the event or those in an official capacity in advance from the
18.32 agency with jurisdiction over the cross-country ski trail. Permits shall require that permit
18.33 holders return the trail and any associated facility to its original condition if any damage

19.1 is done by the permittee. Limited permits for special events may be issued and shall
19.2 require the removal of any trail markers, banners, and other material used in connection
19.3 with the special event.

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

19.8 Sec. 35. Minnesota Statutes 2008, section 85.42, is amended to read:

19.9 **85.42 USER FEE; VALIDITY.**

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

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

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

19.20 Sec. 36. Minnesota Statutes 2008, section 85.43, is amended to read:

19.21 **85.43 DISPOSITION OF RECEIPTS; PURPOSE.**

19.22 (a) Fees from cross-country ski passes shall be deposited in the state treasury and
19.23 credited to a cross-country ski account in the natural resources fund and, except for the
19.24 electronic licensing system commission established by the commissioner under section
19.25 84.027, subdivision 15, are appropriated to the commissioner of natural resources for
19.26 the following purposes:

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

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

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

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

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

20.3 Sec. 37. Minnesota Statutes 2008, section 85.46, as amended by Laws 2009, chapter
20.4 37, article 1, sections 22 to 24, is amended to read:

20.5 **85.46 HORSE ~~TRAIL~~ PASS.**

20.6 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while
20.7 riding, leading, or driving a horse ~~on horse trails and associated day use areas on state~~
20.8 ~~trails, in state parks, in state recreation areas, and in state forests,~~ on lands administered
20.9 by the commissioner, except forest roads, a person 16 years of age or over shall carry in
20.10 immediate possession a valid horse ~~trail~~ pass. The pass must be available for inspection by
20.11 a peace officer, a conservation officer, or an employee designated under section 84.0835.

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

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

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

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

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

20.28 Subd. 4. **Pass fees.** (a) The fee for an annual horse ~~trail~~ pass is \$20 for an individual
20.29 16 years of age and over. The fee shall be collected at the time the pass is purchased.
20.30 Annual passes are valid for one year beginning January 1 and ending December 31.

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

20.34 (c) The fee for a commercial annual horse ~~trail~~ pass is \$200 and includes issuance
20.35 of 15 passes. Additional or individual commercial annual horse ~~trail~~ passes may be

21.1 purchased by the commercial ~~trail~~ riding facility owner at a fee of \$20 each. Commercial
21.2 annual horse ~~trail~~ passes are valid for one year beginning January 1 and ending December
21.3 31 and may be affixed to the horse tack, saddle, or person. Commercial annual horse ~~trail~~
21.4 passes are not transferable to another commercial ~~trail~~ riding facility. For the purposes of
21.5 this section, a "commercial ~~trail~~ riding facility" is an operation where horses are used for
21.6 riding instruction or other equestrian activities for hire or use by others.

21.7 Subd. 5. **Issuing fee.** In addition to the fee for a horse ~~trail~~ pass, an issuing fee of
21.8 \$1 per pass shall be charged. The issuing fee shall be retained by the seller of the pass.
21.9 Issuing fees for passes sold by the commissioner of natural resources shall be deposited
21.10 in the state treasury and credited to the horse ~~trail~~ pass account in the natural resources
21.11 fund and are appropriated to the commissioner for the operation of the electronic licensing
21.12 system. A pass shall indicate the amount of the fee that is retained by the seller.

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

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

21.26 Sec. 38. Minnesota Statutes 2009 Supplement, section 86A.09, subdivision 1, is
21.27 amended to read:

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

22.1 Sec. 39. Minnesota Statutes 2008, section 86B.301, subdivision 2, is amended to read:

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

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

22.8 (2) a watercraft from a country other than the United States that has not been
22.9 within this state for more than 90 consecutive days, which does not include days that a
22.10 watercraft is laid up at dock over winter or for repairs at a Lake Superior port or another
22.11 port in the state;

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

22.14 (4) a ship's lifeboat;

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

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

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

22.19 (8) a seaplane; and

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

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

22.24 Sec. 40. Minnesota Statutes 2008, section 88.17, subdivision 1, is amended to read:

22.25 Subdivision 1. **Permit Permission required.** (a) ~~A permit Permission~~ to start a fire
22.26 to burn vegetative materials and other materials allowed by Minnesota Statutes or official
22.27 state rules and regulations may be given by the commissioner or the commissioner's agent.

22.28 This permission shall be in the form of:

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

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

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

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

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

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

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

23.28 Sec. 41. Minnesota Statutes 2008, section 88.17, subdivision 3, is amended to read:

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

23.31 (a) **Fire training.** A permit to start a fire for the instruction and training of
23.32 firefighters, including liquid fuels training, may be given by the commissioner or agent of
23.33 the commissioner. Except for owners or operators conducting fire training in specialized
23.34 industrial settings pursuant to applicable federal, state, or local standards, owners
23.35 or operators conducting open burning for the purpose of instruction and training of

24.1 firefighters with regard to structures must follow the techniques described in a document
24.2 entitled: Structural Burn Training Procedures for the Minnesota Technical College System.

24.3 (b) **Permanent tree and brush open burning sites.** A permit for the operation of
24.4 a permanent tree and brush burning site may be given by the commissioner or agent of
24.5 the commissioner. Applicants for a permanent open burning site permit shall submit a
24.6 complete application on a form provided by the commissioner. Existing permanent tree
24.7 and brush open burning sites must submit for a permit within 90 days of the passage of
24.8 this statute for a burning permit. New site applications must be submitted at least 90
24.9 days before the date of the proposed operation of the permanent open burning site. The
24.10 application must be submitted to the commissioner and must contain:

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

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

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

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

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

24.27 Sec. 42. Minnesota Statutes 2008, section 88.79, subdivision 2, is amended to read:

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

25.1 Sec. 43. Minnesota Statutes 2008, section 89.17, is amended to read:

25.2 **89.17 LEASES AND PERMITS.**

25.3 Notwithstanding the permit procedures of chapter 90, the commissioner shall have
25.4 power to grant and execute, in the name of the state, leases and permits for the use of
25.5 any forest lands under the authority of the commissioner for any purpose which in the
25.6 commissioner's opinion is not inconsistent with the maintenance and management of the
25.7 forest lands, on forestry principles for timber production. Every such lease or permit shall
25.8 be revocable at the discretion of the commissioner at any time subject to such conditions
25.9 as may be agreed on in the lease. The approval of the commissioner of administration
25.10 shall not be required upon any such lease or permit. No such lease or permit for a period
25.11 exceeding ~~ten~~ 50 years shall be granted except with the approval of the Executive Council.

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

25.16 Sec. 44. Minnesota Statutes 2008, section 90.041, is amended by adding a subdivision
25.17 to read:

25.18 Subd. 9. **Reoffering unsold timber.** To maintain and enhance forest ecosystems on
25.19 state forest lands, the commissioner may reoffer timber tracts remaining unsold under the
25.20 provisions of section 90.101 below appraised value at public auction with the required
25.21 30-day notice under section 90.101, subdivision 2.

25.22 Sec. 45. Minnesota Statutes 2008, section 90.121, is amended to read:

25.23 **90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF 3,000**
25.24 **CORDS.**

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

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

25.31 (2) no bidder may be awarded more than 25 percent of the total tracts offered at the
25.32 first round of bidding unless fewer than four tracts are offered, in which case not more
25.33 than one tract shall be awarded to one bidder. Any tract not sold at public auction may be

26.1 offered for private sale as authorized by section 90.101, subdivision 1, to persons eligible
26.2 under this section at the appraised value; and

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

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

26.10 (c) Another bidder or the commissioner may request that the number of employees a
26.11 bidder has pursuant to paragraph (a), clause (3), be confirmed if there is evidence that the
26.12 bidder may be ineligible due to exceeding the employee threshold. The commissioner
26.13 shall request information from the commissioners of labor and industry and employment
26.14 and economic development including the premiums paid by the bidder in question
26.15 for workers' compensation insurance coverage for all employees of the bidder. The
26.16 commissioner shall review the information submitted by the commissioners of labor and
26.17 industry and employment and economic development and make a determination based on
26.18 that information as to whether the bidder is eligible. A bidder is considered eligible and
26.19 may participate in intermediate auctions until determined ineligible under this paragraph.

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

26.21 Sec. 46. Minnesota Statutes 2008, section 90.14, is amended to read:

26.22 **90.14 AUCTION SALE PROCEDURE.**

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

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

27.1 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of
27.2 state timber may, at the time of payment by the purchaser to the commissioner of 15
27.3 percent of the appraised value, elect in writing on a form prescribed by the attorney
27.4 general to purchase a permit based solely on the appraiser's estimate of the volume of
27.5 timber described in the permit, provided that the commissioner has expressly designated
27.6 the availability of such option for that tract on the list of tracts available for sale as
27.7 required under section 90.101. A purchaser who elects in writing on a form prescribed
27.8 by the attorney general to purchase a permit based solely on the appraiser's estimate of
27.9 the volume of timber described on the permit does not have recourse to the provisions
27.10 of section 90.281.

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

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

27.27 Sec. 47. Minnesota Statutes 2008, section 97B.015, subdivision 5a, is amended to read:

27.28 Subd. 5a. **Exemption for military personnel.** (a) Notwithstanding subdivision 5;

27.29 (1) a person who has successfully completed basic training in the United States
27.30 armed forces is exempt from the range and shooting exercise portion of the required
27.31 course of instruction for the firearms safety certificate; and

27.32 (2) a person who has successfully completed basic training and training as a sniper
27.33 in the United States armed forces is exempt from both the classroom instruction and
27.34 the range and shooting exercise portions of the required course of instruction for the
27.35 firearms safety certificate.

28.1 **(b)** The commissioner may require written proof of the person's military training,
28.2 as deemed appropriate for implementing this subdivision. The commissioner shall
28.3 publicly announce ~~this exemption~~ these exemptions from the ~~range and shooting exercise~~
28.4 ~~requirement~~ respective requirements for the firearms safety certificate and the availability
28.5 of the department's online, remote study option for adults seeking firearms safety
28.6 certification. Except as provided in paragraph (a), military personnel and veterans are
28.7 not exempt from any other requirement the requirements of this section for obtaining a
28.8 firearms safety certificate.

28.9 **EFFECTIVE DATE.** This section is effective July 1, 2010, for applications for
28.10 firearms safety certificates received on or after that date.

28.11 Sec. 48. Minnesota Statutes 2008, section 103A.305, is amended to read:

28.12 **103A.305 JURISDICTION.**

28.13 Sections 103A.301 to 103A.341 apply if the decision of an agency in a proceeding
28.14 involves a question of water policy in one or more of the areas of water conservation, water
28.15 pollution, preservation and management of wildlife, drainage, soil conservation, public
28.16 recreation, forest management, and municipal planning under section 97A.135; 103A.411;
28.17 103E.011; 103E.015; 103G.245; 103G.261; 103G.271; 103G.275; 103G.281; ~~103G.295;~~
28.18 ~~subdivisions 1 and 2;~~ 103G.287; 103G.297 to 103G.311; 103G.315, subdivisions 1, 10,
28.19 11, and 12; 103G.401; 103G.405; 103I.681, subdivision 1; 115.04; or 115.05.

28.20 Sec. 49. Minnesota Statutes 2008, section 103F.325, is amended by adding a
28.21 subdivision to read:

28.22 **Subd. 6. District boundary adjustments.** (a) Notwithstanding subdivision 1, the
28.23 commissioner may, by written order, amend the boundary of the designated area according
28.24 to this subdivision. At least 30 days prior to issuing the order, the commissioner must
28.25 give notice of the proposed boundary amendment to the local governmental unit and
28.26 property owners in the designated area directly affected by the amendment and publish
28.27 notice in an official newspaper of general circulation in the county. The commissioner
28.28 must consider comments received on the proposed boundary amendment and must make
28.29 findings and issue a written order. The findings must address the consistency of the
28.30 proposed amendment with the values for which the river was included in the system, and
28.31 potential impacts to the scenic, recreational, natural, historical, and scientific values of the
28.32 land and water within the designated area.

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

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

29.6 Sec. 50. Minnesota Statutes 2008, section 103F.335, subdivision 1, is amended to read:

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

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

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

29.18 Sec. 51. Minnesota Statutes 2009 Supplement, section 103G.201, is amended to read:

29.19 **103G.201 PUBLIC WATERS INVENTORY.**

29.20 (a) The commissioner shall maintain a public waters inventory map of each county
29.21 that shows the waters of this state that are designated as public waters under the public
29.22 waters inventory and classification procedures prescribed under Laws 1979, chapter
29.23 199, and shall provide access to a copy of the maps ~~and lists~~. As county public waters
29.24 inventory maps ~~and lists~~ are revised according to this section, the commissioner shall send
29.25 a notification or a copy of the maps ~~and lists~~ to the auditor of each affected county.

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

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

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

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

30.9 (c) The commissioner must provide notice of the reclassification to the local
30.10 government unit, the county board, the watershed district, if one exists for the area, and
30.11 the soil and water conservation district. Within 60 days of receiving notice from the
30.12 commissioner, a party required to receive the notice may provide a resolution stating
30.13 objections to the reclassification. If the commissioner receives an objection from a party
30.14 required to receive the notice, the reclassification is not effective. If the commissioner does
30.15 not receive an objection from a party required to receive the notice, the reclassification
30.16 of a wetland under paragraph (b) is effective 60 days after the notice is received by all
30.17 of the parties.

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

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

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

30.23 (2) as needed, to:

30.24 (i) correct errors in the original inventory;

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

30.27 (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds
30.28 50 acres and the shoreland has been zoned for residential development; and

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

30.31 Sec. 52. Minnesota Statutes 2008, section 103G.271, subdivision 3, is amended to read:

30.32 Subd. 3. **Permit restriction during summer months.** The commissioner must not
30.33 modify or restrict the amount of appropriation from a groundwater source authorized in a
30.34 water use permit issued to irrigate agricultural land ~~under section 103G.295, subdivision~~

31.1 ~~2~~, between May 1 and October 1, unless the commissioner determines the authorized
31.2 amount of appropriation endangers a domestic water supply.

31.3 Sec. 53. [103G.282] MONITORING TO EVALUATE IMPACTS FROM
31.4 APPROPRIATIONS.

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

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

31.17 Subd. 3. Reports and costs. (a) Records of water measurements under subdivision
31.18 2 must be kept for each installation. The measurements must be reported annually to the
31.19 commissioner on or before February 15 of the following year in a format or on forms
31.20 prescribed by the commissioner.

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

31.27 Sec. 54. Minnesota Statutes 2008, section 103G.285, subdivision 5, is amended to read:

31.28 Subd. 5. **Trout streams.** Permits issued after June 3, 1977, to appropriate water
31.29 from streams designated trout streams by the commissioner's orders under section ~~97C.021~~
31.30 97C.005 must be limited to temporary appropriations.

31.31 Sec. 55. [103G.287] GROUNDWATER APPROPRIATIONS.

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

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

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

32.7 (3) information on groundwater quality in terms of the measures of quality
32.8 commonly specified for the proposed water use and details on water treatment necessary
32.9 for the proposed use;

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

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

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

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

32.28 Subd. 3. **Protection of groundwater supplies.** The commissioner may establish
32.29 water appropriation limits to protect groundwater resources. When establishing water
32.30 appropriation limits to protect groundwater resources, the commissioner must consider
32.31 the sustainability of the groundwater resource, including the current and projected water
32.32 levels, water quality, whether the use protects ecosystems, and the ability of future
32.33 generations to meet their own needs.

32.34 Subd. 4. **Groundwater management areas.** The commissioner may designate
32.35 groundwater management areas and limit total annual water appropriations and uses within
32.36 a designated area to ensure sustainable use of groundwater that protects ecosystems, water

33.1 quality, and the ability of future generations to meet their own needs. Water appropriations
33.2 and uses within a designated management area must be consistent with a plan approved by
33.3 the commissioner that addresses water conservation requirements and water allocation
33.4 priorities established in section 103G.261.

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

33.11 Sec. 56. Minnesota Statutes 2008, section 103G.301, subdivision 6, is amended to read:

33.12 Subd. 6. **Filing application.** ~~(a)~~ An application for a permit must be filed with the
33.13 commissioner and if the proposed activity for which the permit is requested is within a
33.14 municipality, or is within or affects a watershed district or a soil and water conservation
33.15 district, a copy of the application with maps, plans, and specifications must be served on
33.16 the mayor of the municipality, the secretary of the board of managers of the watershed
33.17 district, and the secretary of the board of supervisors of the soil and water conservation
33.18 district.

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

33.22 Sec. 57. Minnesota Statutes 2008, section 103G.305, subdivision 2, is amended to read:

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

33.25 ~~(1) appropriations from waters of the state for irrigation, under section 103G.295;~~

33.26 ~~(2) appropriations for diversion from the basin of origin of more than 2,000,000~~
33.27 ~~gallons per day average in a 30-day period; or~~

33.28 ~~(3) (2) appropriations with a consumptive use of more than 2,000,000 gallons per~~
33.29 ~~day average for a 30-day period.~~

33.30 Sec. 58. Minnesota Statutes 2008, section 103G.315, subdivision 11, is amended to
33.31 read:

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

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

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

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

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

34.10 Sec. 59. Minnesota Statutes 2008, section 103G.515, subdivision 5, is amended to read:

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

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

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

34.21 Sec. 60. **[103G.651] REMOVING SUNKEN LOGS FROM PUBLIC WATERS.**

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

34.24 Sec. 61. Minnesota Statutes 2008, section 115.55, is amended by adding a subdivision
34.25 to read:

34.26 Subd. 13. **Subsurface sewage treatment systems implementation and**
34.27 **enforcement task force.** (a) By September 1, 2010, the agency shall appoint a subsurface
34.28 sewage treatment systems implementation and enforcement task force in collaboration
34.29 with the Association of Minnesota Counties, Minnesota Association of Realtors,
34.30 Minnesota Association of County Planning and Zoning Administrators, and the Minnesota
34.31 Onsite Wastewater Association. The agency shall work in collaboration with the task
34.32 force to develop effective and timely implementation and enforcement methods in order to
34.33 rapidly reduce the number of subsurface sewage treatment systems that are an imminent

35.1 threat to public health or safety and effectively enforce all violations of the subsurface
35.2 sewage treatment system rules. The agency shall meet at least three times per year with
35.3 the task force to address implementation and enforcement issues. The meetings shall be
35.4 scheduled so that they do not interfere with the construction season.

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

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

35.11 Sec. 62. Minnesota Statutes 2008, section 116.03, is amended by adding a subdivision
35.12 to read:

35.13 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental
35.14 and resource management permits be issued or denied within 150 days of the submission
35.15 of a completed permit application. The commissioner of the Pollution Control Agency
35.16 shall redesign management systems, if necessary, to achieve the goal. Nothing in this
35.17 subdivision modifies or abrogates the provisions of chapter 116D.

35.18 (b) The commissioner shall prepare semiannual permitting efficiency reports that
35.19 include statistics on meeting the goal in paragraph (a). The reports are due February 1 and
35.20 August 1 each year. For permit applications that have not met the goal, the report must
35.21 state the reasons for not meeting the goal, steps that will be taken to complete action on
35.22 the application, and the expected timeline. In stating the reasons for not meeting the
35.23 goal, the commissioner shall separately identify delays caused by the responsiveness of
35.24 the proposer, lack of staff, scientific or technical disagreements, or the level of public
35.25 engagement. The report must also specify the number of days from initial submission of
35.26 the application to the day of determination that the application is complete. The report for
35.27 the final half of the fiscal year must aggregate the data for the year and assess whether
35.28 program or system changes are necessary to achieve the goal. The report must be posted
35.29 on the agency Web site and submitted to the governor and the chairs and members of the
35.30 house of representatives and senate committees and divisions having jurisdiction over
35.31 environment policy and finance.

35.32 Sec. 63. Minnesota Statutes 2008, section 116.07, subdivision 4, is amended to read:

35.33 Subd. 4. **Rules and standards.** Pursuant and subject to the provisions of chapter 14,
35.34 and the provisions hereof, the Pollution Control Agency may adopt, amend and rescind

36.1 rules and standards having the force of law relating to any purpose within the provisions
36.2 of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution.
36.3 Any such rule or standard may be of general application throughout the state, or may be
36.4 limited as to times, places, circumstances, or conditions in order to make due allowance
36.5 for variations therein. Without limitation, rules or standards may relate to sources or
36.6 emissions of air contamination or air pollution, to the quality or composition of such
36.7 emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or
36.8 to any other matter relevant to the prevention, abatement, or control of air pollution.

36.9 Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the
36.10 Pollution Control Agency may adopt, amend, and rescind rules and standards having
36.11 the force of law relating to any purpose within the provisions of Laws 1969, chapter
36.12 1046, for the collection, transportation, storage, processing, and disposal of solid waste
36.13 and the prevention, abatement, or control of water, air, and land pollution which may be
36.14 related thereto, and the deposit in or on land of any other material that may tend to cause
36.15 pollution. The agency shall adopt such rules and standards for sewage sludge, addressing
36.16 the intrinsic suitability of land, the volume and rate of application of sewage sludge of
36.17 various degrees of intrinsic hazard, design of facilities, and operation of facilities and sites.
36.18 Any such rule or standard may be of general application throughout the state or may be
36.19 limited as to times, places, circumstances, or conditions in order to make due allowance
36.20 for variations therein. Without limitation, rules or standards may relate to collection,
36.21 transportation, processing, disposal, equipment, location, procedures, methods, systems
36.22 or techniques or to any other matter relevant to the prevention, abatement or control of
36.23 water, air, and land pollution which may be advised through the control of collection,
36.24 transportation, processing, and disposal of solid waste and sewage sludge, and the deposit
36.25 in or on land of any other material that may tend to cause pollution. By January 1, 1983,
36.26 the rules for the management of sewage sludge shall include an analysis of the sewage
36.27 sludge determined by the commissioner of agriculture to be necessary to meet the soil
36.28 amendment labeling requirements of section 18C.215. The rules for the disposal of
36.29 solid waste shall include site-specific criteria to prohibit solid waste disposal based on
36.30 the area's sensitivity to groundwater contamination, including site-specific testing. The
36.31 rules shall provide criteria to prohibit locating landfills based on a site's sensitivity to
36.32 groundwater contamination. Sensitivity to groundwater contamination is based on the
36.33 predicted minimum time of travel of groundwater contaminants from the solid waste to
36.34 the compliance boundary. The rules shall prohibit landfills in areas where karst is likely
36.35 to develop. The rules shall specify testable or otherwise objective thresholds for these
36.36 criteria. The rules shall also include modifications to financial assurance requirements

37.1 under subdivision 4h that ensure the state is protected from financial responsibility for
37.2 future groundwater contamination. The financial assurance and siting modifications to
37.3 the rules specified in this act do not apply to solid waste facilities initially permitted
37.4 before January 1, 2011, including future contiguous expansions and noncontiguous
37.5 expansions within 600 yards of a permitted boundary. The rule modification shall not
37.6 affect solid waste disposal facilities that accept only construction and demolition debris
37.7 and incidental nonrecyclable packaging, and facilities that accept only industrial waste
37.8 that is limited to wood, concrete, porcelain fixtures, shingles, or window glass resulting
37.9 from the manufacture of construction materials. The rule amendment shall not require
37.10 new siting or financial assurance requirements for permit by rule solid waste disposal
37.11 facilities. The modifications to the financial assurance rules specified in this act must
37.12 require that a solid waste disposal facility subject to them maintain financial assurance
37.13 so long as the facility poses a potential environmental risk to human health, wildlife, or
37.14 the environment, as determined by the agency following an empirical assessment. Until
37.15 the rules are modified to include site-specific criteria to prohibit areas from solid waste
37.16 disposal due to groundwater contamination sensitivity, as required under this section, the
37.17 agency shall not issue a permit for a new solid waste disposal facility, except for:

37.18 (1) the reissuance of a permit for a land disposal facility operating as of March
37.19 1, 2008;

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

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

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

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

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

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

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

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

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

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

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

38.16 Pursuant to chapter 14, the Pollution Control Agency may adopt, amend, and rescind
38.17 rules and standards having the force of law relating to any purpose within the provisions of
38.18 this chapter for generators of hazardous waste, the management, identification, labeling,
38.19 classification, storage, collection, treatment, transportation, processing, and disposal
38.20 of hazardous waste and the location of hazardous waste facilities. A rule or standard
38.21 may be of general application throughout the state or may be limited as to time, places,
38.22 circumstances, or conditions. In implementing its hazardous waste rules, the Pollution
38.23 Control Agency shall give high priority to providing planning and technical assistance
38.24 to hazardous waste generators. The agency shall assist generators in investigating the
38.25 availability and feasibility of both interim and long-term hazardous waste management
38.26 methods. The methods shall include waste reduction, waste separation, waste processing,
38.27 resource recovery, and temporary storage.

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

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

38.33 Sec. 64. Minnesota Statutes 2008, section 116.07, subdivision 4h, is amended to read:

38.34 Subd. 4h. **Financial responsibility rules.** (a) The agency shall adopt rules requiring
38.35 the operator or owner of a solid waste disposal facility to submit to the agency proof

39.1 of the operator's or owner's financial capability to provide reasonable and necessary
39.2 response during the operating life of the facility and for 30 years after closure for a mixed
39.3 municipal solid waste disposal facility or for a minimum of 20 years after closure, as
39.4 determined by agency rules, for any other solid waste disposal facility, and to provide for
39.5 the closure of the facility and postclosure care required under agency rules. Proof of
39.6 financial responsibility is required of the operator or owner of a facility receiving an
39.7 original permit or a permit for expansion after adoption of the rules. Within 180 days of
39.8 the effective date of the rules or by July 1, 1987, whichever is later, proof of financial
39.9 responsibility is required of an operator or owner of a facility with a remaining capacity of
39.10 more than five years or 500,000 cubic yards that is in operation at the time the rules are
39.11 adopted. Compliance with the rules and the requirements of paragraph (b) is a condition
39.12 of obtaining or retaining a permit to operate the facility.

39.13 (b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary
39.14 district, that owns or operates a solid waste disposal facility that was in operation on May
39.15 15, 1989, may meet its financial responsibility for all or a portion of the contingency
39.16 action portion of the reasonable and necessary response costs at the facility by pledging its
39.17 full faith and credit to meet its responsibility.

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

39.20 (1) The governing body of the municipality shall enact an ordinance that clearly
39.21 accepts responsibility for the costs of contingency action at the facility and that reserves,
39.22 during the operating life of the facility and for the time period required in paragraph (a)
39.23 after closure, a portion of the debt limit of the municipality, as established under section
39.24 475.53 or other law, that is equal to the total contingency action costs.

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

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

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

40.4 (5) The municipality shall file with the commissioner of revenue its consent to have
40.5 the amount of its contingency action costs deducted from state aid payments otherwise
40.6 due the municipality and paid instead to the remediation fund created in section 116.155,
40.7 if the municipality fails to conduct the contingency action at the facility when ordered
40.8 by the agency. If the agency notifies the commissioner that the municipality has failed to
40.9 conduct contingency action when ordered by the agency, the commissioner shall deduct
40.10 the amounts indicated by the agency from the state aids in accordance with the consent
40.11 filed with the commissioner.

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

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

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

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

40.25 Sec. 65. Minnesota Statutes 2008, section 116D.04, subdivision 2a, is amended to read:

40.26 Subd. 2a. **When prepared.** Where there is potential for significant environmental
40.27 effects resulting from any major governmental action, the action shall be preceded by a
40.28 detailed environmental impact statement prepared by the responsible governmental unit.
40.29 The environmental impact statement shall be an analytical rather than an encyclopedic
40.30 document which describes the proposed action in detail, analyzes its significant
40.31 environmental impacts, discusses appropriate alternatives to the proposed action and
40.32 their impacts, and explores methods by which adverse environmental impacts of an
40.33 action could be mitigated. The environmental impact statement shall also analyze those
40.34 economic, employment and sociological effects that cannot be avoided should the action
40.35 be implemented. To ensure its use in the decision-making process, the environmental

41.1 impact statement shall be prepared as early as practical in the formulation of an action.
41.2 No mandatory environmental impact statement may be required for an ethanol plant,
41.3 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than
41.4 125,000,000 gallons of ethanol annually and is located outside of the seven-county
41.5 metropolitan area.

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

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

41.21 (c) An environmental assessment worksheet shall also be prepared for a proposed
41.22 action whenever material evidence accompanying a petition by not less than 25
41.23 individuals, submitted before the proposed project has received final approval by the
41.24 appropriate governmental units, demonstrates that, because of the nature or location of a
41.25 proposed action, there may be potential for significant environmental effects. Petitions
41.26 requesting the preparation of an environmental assessment worksheet shall be submitted to
41.27 the board. The chair of the board shall determine the appropriate responsible governmental
41.28 unit and forward the petition to it. A decision on the need for an environmental assessment
41.29 worksheet shall be made by the responsible governmental unit within 15 days after the
41.30 petition is received by the responsible governmental unit. The board's chair may extend
41.31 the 15 day period by not more than 15 additional days upon request of the responsible
41.32 governmental unit.

41.33 (d) Except in an environmentally sensitive location where Minnesota Rules, part
41.34 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
41.35 review under this chapter and rules of the board, if:

41.36 (1) the proposed action is:

42.1 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or
42.2 (ii) an expansion of an existing animal feedlot facility with a total cumulative
42.3 capacity of less than 1,000 animal units;

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

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

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

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

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

42.33 (h) An environmental impact statement shall be prepared and its adequacy
42.34 determined within 280 days after notice of its preparation unless the time is extended by
42.35 consent of the parties or by the governor for good cause. The responsible governmental
42.36 unit shall determine the adequacy of an environmental impact statement, unless within 60

43.1 days after notice is published that an environmental impact statement will be prepared,
43.2 the board chooses to determine the adequacy of an environmental impact statement. If an
43.3 environmental impact statement is found to be inadequate, the responsible governmental
43.4 unit shall have 60 days to prepare an adequate environmental impact statement.

43.5 Sec. 66. Minnesota Statutes 2008, section 116D.04, is amended by adding a
43.6 subdivision to read:

43.7 Subd. 14. Customized environmental assessment worksheet forms; electronic
43.8 submission. (a) The commissioners of natural resources and the Pollution Control
43.9 Agency and the board shall periodically review mandatory environmental assessment
43.10 worksheet categories under rules adopted under this section, and other project types that
43.11 are frequently subject to environmental review, and develop customized environmental
43.12 assessment worksheet forms for the category or project type. The forms must include
43.13 specific questions that focus on key environmental issues for the category or project type.
43.14 In assessing categories and project types and developing forms, the board shall seek
43.15 the input of governmental units that are frequently responsible for the preparation of a
43.16 worksheet for the particular category or project type. The commissioners and the board
43.17 shall also seek input from the general public on the development of customized forms.
43.18 The commissioners and board shall make the customized forms available online.

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

43.21 Sec. 67. Minnesota Statutes 2008, section 290.431, is amended to read:

43.22 **290.431 NONGAME WILDLIFE CHECKOFF.**

43.23 Every individual who files an income tax return or property tax refund claim form
43.24 may designate on their original return that \$1 or more shall be added to the tax or deducted
43.25 from the refund that would otherwise be payable by or to that individual and paid into an
43.26 account to be established for the management of nongame wildlife. The commissioner
43.27 of revenue shall, on the income tax return and the property tax refund claim form, notify
43.28 filers of their right to designate that a portion of their tax or refund shall be paid into
43.29 the nongame wildlife management account. The sum of the amounts so designated to
43.30 be paid shall be credited to the nongame wildlife management account for use by the
43.31 nongame program ~~of the section of wildlife~~ in the Department of Natural Resources. All
43.32 interest earned on money accrued, gifts to the program, contributions to the program, and
43.33 reimbursements of expenditures in the nongame wildlife management account shall be
43.34 credited to the account by the commissioner of management and budget, except that

44.1 gifts or contributions received directly by the commissioner of natural resources and
44.2 directed by the contributor for use in specific nongame field projects or geographic
44.3 areas shall be handled according to section 84.085, subdivision 1. The commissioner
44.4 of natural resources shall submit a work program for each fiscal year and semiannual
44.5 progress reports to the Legislative-Citizen Commission on Minnesota Resources in the
44.6 form determined by the commission. ~~None of the money provided in this section may be~~
44.7 ~~expended unless the commission has approved the work program.~~

44.8 The state pledges and agrees with all contributors to the nongame wildlife
44.9 management account to use the funds contributed solely for the management of nongame
44.10 wildlife projects and further agrees that it will not impose additional conditions or
44.11 restrictions that will limit or otherwise restrict the ability of the commissioner of natural
44.12 resources to use the available funds for the most efficient and effective management of
44.13 nongame wildlife. The commissioner may use funds appropriated for nongame wildlife
44.14 programs for the purpose of developing, preserving, restoring, and maintaining wintering
44.15 habitat for neotropical migrant birds in Latin America and the Caribbean under agreement
44.16 or contract with any nonprofit organization dedicated to the construction, maintenance, and
44.17 repair of such projects that are acceptable to the governmental agency having jurisdiction
44.18 over the land and water affected by the projects. Under this authority, the commissioner
44.19 may execute agreements and contracts if the commissioner determines that the use of the
44.20 funds will benefit neotropical migrant birds that breed in or migrate through the state.

44.21 Sec. 68. Minnesota Statutes 2008, section 290.432, is amended to read:

44.22 **290.432 CORPORATE NONGAME WILDLIFE CHECKOFF.**

44.23 A corporation that files an income tax return may designate on its original return that
44.24 \$1 or more shall be added to the tax or deducted from the refund that would otherwise be
44.25 payable by or to that corporation and paid into the nongame wildlife management account
44.26 established by section 290.431 for use by ~~the section of wildlife in~~ the Department of
44.27 Natural Resources for its nongame wildlife program. The commissioner of revenue shall,
44.28 on the corporate tax return, notify filers of their right to designate that a portion of their
44.29 tax return be paid into the nongame wildlife management account for the protection of
44.30 endangered natural resources. All interest earned on money accrued, gifts to the program,
44.31 contributions to the program, and reimbursements of expenditures in the nongame wildlife
44.32 management account shall be credited to the account by the commissioner of management
44.33 and budget, except that gifts or contributions received directly by the commissioner of
44.34 natural resources and directed by the contributor for use in specific nongame field projects
44.35 or geographic areas shall be handled according to section 84.085, subdivision 1. The

45.1 commissioner of natural resources shall submit a work program for each fiscal year to
45.2 the Legislative-Citizen Commission on Minnesota Resources in the form determined by
45.3 the commission. ~~None of the money provided in this section may be spent unless the~~
45.4 ~~commission has approved the work program.~~

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

45.10 Sec. 69. **DEPARTMENT OF NATURAL RESOURCES LONG-RANGE**
45.11 **BUDGET ANALYSIS.**

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

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

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

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

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

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

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

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

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

46.5 (c) The commissioner of natural resources shall submit the analysis to the chairs of
46.6 the house of representatives and senate committees with jurisdiction over environment
46.7 and natural resources finance and cultural and outdoor resources finance by November
46.8 15, 2010.

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

46.10 Sec. 70. **SCHOOL TRUST LANDS STUDY.**

46.11 By July 15, 2010, the commissioner of natural resources shall provide to the chairs
46.12 of the house of representatives and the senate committees and divisions with primary
46.13 jurisdiction over natural resources finance and education finance information necessary
46.14 to evaluate the effectiveness of the commissioner in managing school trust lands to
46.15 successfully meet the goals contained in Minnesota Statutes, section 127A.31. The
46.16 information to be provided shall include, but is not limited to:

46.17 (1) an accurate description of the school trust lands and their land classification;

46.18 (2) policies and procedures in place designed to meet the requirements of the
46.19 fiduciary responsibility of the commissioner in management of the school trust lands; and

46.20 (3) financial information identifying the current revenues from the land
46.21 classifications and the potential for future maximization of those revenues.

46.22 Sec. 71. **COMPENSATION FOR PUBLIC ACCESS TO SCHOOL TRUST**
46.23 **LAND.**

46.24 By January 15, 2011, the commissioner of natural resources shall provide
46.25 recommendations to the chairs of the house of representatives and the senate committees
46.26 and divisions with primary jurisdiction over natural resources finance and education
46.27 finance on a funding mechanism for compensating the permanent school fund for the
46.28 public use of school trust lands for outdoor recreation.

46.29 Sec. 72. **COON RAPIDS DAM COMMISSION.**

46.30 Subdivision 1. **Establishment.** (a) The Coon Rapids Dam Commission is
46.31 established to perform the duties specified in subdivision 2.

46.32 (b) The commission consists of 14 voting members and three nonvoting members
46.33 as follows:

- 47.1 (1) two members of the house of representatives, appointed by the speaker of the
47.2 house;
- 47.3 (2) one member of the senate appointed by the president of the senate;
- 47.4 (3) the commissioner of natural resources or the commissioner's designee;
- 47.5 (4) the commissioner of energy or the commissioner's designee;
- 47.6 (5) two representatives of Three Rivers Park District, appointed by the Three Rivers
47.7 Park District Board of Commissioners;
- 47.8 (6) one representative each from the counties of Anoka and Hennepin, appointed
47.9 by the respective county boards;
- 47.10 (7) one representative each from the cities of Anoka, Brooklyn Park, Champlin, and
47.11 Coon Rapids, appointed by the respective mayors;
- 47.12 (8) one representative from the Metropolitan Council, appointed by the council chair;
- 47.13 (9) one representative of the Mississippi National River and Recreation Area,
47.14 appointed by the superintendent of the Mississippi National River and Recreation Area,
47.15 who shall serve as a nonvoting member;
- 47.16 (10) one representative of the United States Army Corps of Engineers, appointed
47.17 by the commander of the St. Paul District, United States Army Corps of Engineers, who
47.18 shall serve as a nonvoting member; and
- 47.19 (11) one representative from the United States Fish and Wildlife Service, appointed
47.20 by the regional director of the United States Fish and Wildlife Service, who shall serve
47.21 as a nonvoting member.
- 47.22 (c) The commission shall elect a chair from among its members.
- 47.23 (d) Members of the commission shall serve a term of one year and may be
47.24 reappointed for any successive number of terms.
- 47.25 (e) The Three Rivers Park District shall provide the commission with office space
47.26 and staff and administrative services.
- 47.27 (f) Commission members shall serve without compensation.
- 47.28 Subd. 2. Duties. The commission shall study options and make recommendations
47.29 for the future of the Coon Rapids Dam, including its suitable public uses, governance,
47.30 operation, and maintenance and financing of the dam and its operations. The commission
47.31 shall consider economic, environmental, ecological, and other pertinent factors. The
47.32 commission shall, by March 1, 2011, develop and present to the legislature and the
47.33 governor an analysis and recommendations for the Coon Rapids Dam. The commission
47.34 shall present its findings to the house of representatives and senate committees and
47.35 divisions having jurisdiction over natural resources and energy policy.

48.1 Subd. 3. **Expiration.** This section expires upon presentation of the commission's
48.2 analysis and recommendations according to subdivision 2.

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

48.4 Sec. 73. **SOLID WASTE FACILITY FINANCIAL ASSURANCE**
48.5 **MECHANISMS; INPUT.**

48.6 Within six months after the effective date of this section, and before publishing
48.7 the rules required for groundwater sensitivity and financial assurance in Minnesota
48.8 Statutes, section 116.07, subdivision 4, the Pollution Control Agency shall consult with
48.9 experts and interested persons on financial assurance adequacy for solid waste facilities,
48.10 including, but not limited to, staff from the Department of Natural Resources, Minnesota
48.11 Management and Budget, local governments, private and public landfill operators, and
48.12 environmental groups. The commissioner shall seek the input to determine the adequacy
48.13 of existing financial assurance rules to address environmental risks, the length of time
48.14 financial assurance is needed based on the threat to human health and the environment,
48.15 the reliability of financial assurance in covering risks from land disposal of waste in
48.16 Minnesota and other states, and the role of private insurance.

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

48.18 Sec. 74. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE**
48.19 **ADOPTION DELAY.**

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

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

48.26 Sec. 75. **HAZARDOUS WASTE INCINERATION FACILITY MORATORIUM.**

48.27 Until March 1, 2011, the commissioner of the Pollution Control Agency shall not
48.28 issue a permit for a hazardous waste incineration facility that accepts hazardous waste
48.29 for incineration within the seven-county metropolitan area from generators other than
48.30 the owner and operator of the facility, unless the hazardous wastes accepted are small
48.31 quantities of hazardous wastes from a public body on an emergency basis at no cost to the
48.32 public body and if the commissioner approves the acceptance from the public body.

49.1 Sec. 76. **APPROPRIATIONS.**

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

49.7 (b) \$250,000 in fiscal year 2011 is appropriated from the game and fish fund to the
49.8 commissioner of natural resources to maintain and expand the ecological classification
49.9 system program on state forest lands. This is a onetime appropriation.

49.10 (c) \$145,000 in fiscal year 2011 is appropriated from the game and fish fund to
49.11 the commissioner of natural resources for peace officer training for employees of the
49.12 Department of Natural Resources who are licensed under Minnesota Statutes, sections
49.13 626.84 to 626.863, to enforce game and fish laws. This appropriation is from the money
49.14 credited to the game and fish fund under Minnesota Statutes, section 357.021, subdivision
49.15 7, paragraph (a), clause (1), from surcharges assessed to criminal and traffic offenders.
49.16 By January 15, 2012, the commissioner of natural resources shall submit a report to the
49.17 chairs of the committees and divisions with jurisdiction over natural resources and public
49.18 safety on the expenditure of these funds, including the effectiveness of the activities
49.19 funded in improving the enforcement of game and fish laws and the resulting outcomes
49.20 for the state's natural resources.

49.21 Sec. 77. **REVISOR'S INSTRUCTION.**

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

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

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

49.30 Sec. 78. **REPEALER.**

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

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