

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 844

1.2 A bill for an act

1.3 relating to environment; providing for certain demolition debris landfill permitting.

1.4 May 21, 2017

1.5 The Honorable Michelle L. Fischbach  
1.6 President of the Senate

1.7 The Honorable Kurt L. Daudt  
1.8 Speaker of the House of Representatives

1.9 We, the undersigned conferees for S.F. No. 844 report that we have agreed upon the  
1.10 items in dispute and recommend as follows:

1.11 That the House recede from its amendment and that S.F. No. 844 be further amended  
1.12 as follows:

1.13 Delete everything after the enacting clause and insert:

1.14 "ARTICLE 1

1.15 ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS

1.16 Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

1.17 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
1.18 and for the purposes specified in this article. The appropriations are from the general fund,  
1.19 or another named fund, and are available for the fiscal years indicated for each purpose.

1.20 The figures "2018" and "2019" used in this article mean that the appropriations listed under  
1.21 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.

1.22 "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"  
1.23 is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are  
1.24 effective the day following final enactment.

1.25 APPROPRIATIONS  
1.26 Available for the Year

2.1			<b><u>Ending June 30</u></b>	
2.2			<b><u>2018</u></b>	<b><u>2019</u></b>
2.3	<b>Sec. 2. <u>POLLUTION CONTROL AGENCY</u></b>			
2.4	<b><u>Subdivision 1. Total Appropriation</u></b>	<b>\$</b>	<b><u>101,821,000</u></b>	<b>\$ <u>100,206,000</u></b>
2.5	<u>Appropriations by Fund</u>			
2.6		<u>2018</u>	<u>2019</u>	
2.7	<u>General</u>	<u>6,543,000</u>	<u>6,802,000</u>	
2.8	<u>State Government</u>			
2.9	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>	
2.10	<u>Environmental</u>	<u>78,984,000</u>	<u>79,892,000</u>	
2.11	<u>Remediation</u>	<u>13,219,000</u>	<u>13,437,000</u>	
2.12	<u>Closed Landfill</u>			
2.13	<u>Investment</u>	<u>3,000,000</u>	<u>-0-</u>	
2.14	<u>The amounts that may be spent for each</u>			
2.15	<u>purpose are specified in the following</u>			
2.16	<u>subdivisions.</u>			
2.17	<u>The commissioner must present the agency's</u>			
2.18	<u>biennial budget for fiscal years 2020 and 2021</u>			
2.19	<u>to the legislature in a transparent way by</u>			
2.20	<u>agency division, including the proposed</u>			
2.21	<u>budget bill and presentations of the budget to</u>			
2.22	<u>committees and divisions with jurisdiction</u>			
2.23	<u>over the agency's budget.</u>			
2.24	<b><u>Subd. 2. Environmental Analysis and Outcomes</u></b>		<b><u>12,577,000</u></b>	<b><u>12,558,000</u></b>
2.25	<u>Appropriations by Fund</u>			
2.26		<u>2018</u>	<u>2019</u>	
2.27	<u>Environmental</u>	<u>12,308,000</u>	<u>12,289,000</u>	
2.28	<u>Remediation</u>	<u>181,000</u>	<u>181,000</u>	
2.29	<u>General</u>	<u>88,000</u>	<u>88,000</u>	
2.30	<u>(a) \$88,000 the first year and \$88,000 the</u>			
2.31	<u>second year are from the general fund for:</u>			
2.32	<u>(1) a municipal liaison to assist municipalities</u>			
2.33	<u>in implementing and participating in the</u>			
2.34	<u>water-quality standards rulemaking process</u>			

3.1 and navigating the NPDES/SDS permitting  
3.2 process;

3.3 (2) enhanced economic analysis in the  
3.4 water-quality standards rulemaking process,  
3.5 including more-specific analysis and  
3.6 identification of cost-effective permitting;

3.7 (3) developing statewide economic analyses  
3.8 and templates to reduce the amount of  
3.9 information and time required for  
3.10 municipalities to apply for variances from  
3.11 water-quality standards; and

3.12 (4) coordinating with the Public Facilities  
3.13 Authority to identify and advocate for the  
3.14 resources needed for municipalities to achieve  
3.15 permit requirements.

3.16 (b) \$204,000 the first year and \$204,000 the  
3.17 second year are from the environmental fund  
3.18 for a monitoring program under Minnesota  
3.19 Statutes, section 116.454.

3.20 (c) \$346,000 the first year and \$346,000 the  
3.21 second year are from the environmental fund  
3.22 for monitoring ambient air for hazardous  
3.23 pollutants.

3.24 (d) \$90,000 the first year and \$90,000 the  
3.25 second year are from the environmental fund  
3.26 for duties related to harmful chemicals in  
3.27 children's products under Minnesota Statutes,  
3.28 sections 116.9401 to 116.9407. Of this  
3.29 amount, \$57,000 each year is transferred to  
3.30 the commissioner of health.

3.31 (e) \$109,000 the first year and \$109,000 the  
3.32 second year are from the environmental fund  
3.33 for registration of wastewater laboratories.

4.1 (f) \$913,000 the first year and \$913,000 the  
 4.2 second year are from the environmental fund  
 4.3 to continue perfluorochemical biomonitoring  
 4.4 in eastern-metropolitan communities, as  
 4.5 recommended by the Environmental Health  
 4.6 Tracking and Biomonitoring Advisory Panel,  
 4.7 and address other environmental health risks,  
 4.8 including air quality. The communities must  
 4.9 include Hmong and other immigrant farming  
 4.10 communities. Of this amount, up to \$677,000  
 4.11 the first year and \$677,000 the second year  
 4.12 are for transfer to the Department of Health.

4.13 (g) \$100,000 the first year and \$50,000 the  
 4.14 second year are from the environmental fund  
 4.15 for impaired waters listing procedures required  
 4.16 under this act.

4.17 Subd. 3. **Industrial** 14,079,000 14,200,000

4.18	<u>Appropriations by Fund</u>	
4.19	<u>2018</u>	<u>2019</u>
4.20	<u>13,099,000</u>	<u>13,220,000</u>
4.21	<u>980,000</u>	<u>980,000</u>

4.22 \$980,000 the first year and \$980,000 the  
 4.23 second year are from the remediation fund for  
 4.24 the leaking underground storage tank program  
 4.25 to investigate, clean up, and prevent future  
 4.26 releases from underground petroleum storage  
 4.27 tanks and to the petroleum remediation  
 4.28 program for vapor assessment and  
 4.29 remediation. These same annual amounts are  
 4.30 transferred from the petroleum tank fund to  
 4.31 the remediation fund.

4.32 Subd. 4. **Municipal** 6,625,000 6,624,000

4.33	<u>Appropriations by Fund</u>	
4.34	<u>2018</u>	<u>2019</u>
4.35	<u>162,000</u>	<u>162,000</u>

5.1 Environmental                      6,463,000              6,462,000

5.2 (a) \$162,000 the first year and \$162,000 the  
5.3 second year are from the general fund for:

5.4 (1) a municipal liaison to assist municipalities  
5.5 in implementing and participating in the  
5.6 water-quality standards rulemaking process  
5.7 and navigating the NPDES/SDS permitting  
5.8 process;

5.9 (2) enhanced economic analysis in the  
5.10 water-quality standards rulemaking process,  
5.11 including more specific analysis and  
5.12 identification of cost-effective permitting;

5.13 (3) development of statewide economic  
5.14 analyses and templates to reduce the amount  
5.15 of information and time required for  
5.16 municipalities to apply for variances from  
5.17 water quality standards; and

5.18 (4) coordinating with the Public Facilities  
5.19 Authority to identify and advocate for the  
5.20 resources needed for municipalities to achieve  
5.21 permit requirements.

5.22 (b) \$50,000 the first year and \$50,000 the  
5.23 second year are from the environmental fund  
5.24 for transfer to the Office of Administrative  
5.25 Hearings to establish sanitary districts.

5.26 (c) \$615,000 the first year and \$614,000 the  
5.27 second year are from the environmental fund  
5.28 for subsurface sewage treatment system  
5.29 (SSTS) program administration and  
5.30 community technical assistance and education,  
5.31 including grants and technical assistance to  
5.32 communities for water-quality protection. Of  
5.33 this amount, \$129,000 each year is for  
5.34 assistance to counties through grants for SSTS

6.1 program administration. A county receiving  
 6.2 a grant from this appropriation must submit  
 6.3 the results achieved with the grant to the  
 6.4 commissioner as part of its annual SSTS  
 6.5 report. Any unexpended balance in the first  
 6.6 year does not cancel but is available in the  
 6.7 second year.

6.8 (d) \$639,000 the first year and \$640,000 the  
 6.9 second year are from the environmental fund  
 6.10 to address the need for continued increased  
 6.11 activity in the areas of new technology review,  
 6.12 technical assistance for local governments,  
 6.13 and enforcement under Minnesota Statutes,  
 6.14 sections 115.55 to 115.58, and to complete the  
 6.15 requirements of Laws 2003, chapter 128,  
 6.16 article 1, section 165.

6.17 (e) Notwithstanding Minnesota Statutes,  
 6.18 section 16A.28, the appropriations  
 6.19 encumbered on or before June 30, 2019, as  
 6.20 grants or contracts for subsurface sewage  
 6.21 treatment systems, surface water and  
 6.22 groundwater assessments, storm water, and  
 6.23 water-quality protection in this subdivision  
 6.24 are available until June 30, 2022.

6.25 **Subd. 5. Operations** 9,769,000 11,052,000

<u>Appropriations by Fund</u>	<u>2018</u>	<u>2019</u>
<u>Environmental</u>	<u>6,349,000</u>	<u>7,154,000</u>
<u>Remediation</u>	<u>1,074,000</u>	<u>1,293,000</u>
<u>General</u>	<u>2,346,000</u>	<u>2,605,000</u>

6.31 (a) \$174,000 the first year and \$174,000 the  
 6.32 second year are from the remediation fund for  
 6.33 purposes of the leaking underground storage  
 6.34 tank program to investigate, clean up, and  
 6.35 prevent future releases from underground

7.1 petroleum storage tanks, and to the petroleum  
7.2 remediation program for vapor assessment  
7.3 and remediation. These same annual amounts  
7.4 are transferred from the petroleum tank fund  
7.5 to the remediation fund.

7.6 (b) \$400,000 the first year and \$400,000 the  
7.7 second year are from the environmental fund  
7.8 to develop and maintain systems to support  
7.9 permitting and regulatory business processes  
7.10 and agency data. This is a onetime  
7.11 appropriation.

7.12 (c) \$300,000 the first year is from the  
7.13 environmental fund for a grant to the  
7.14 Metropolitan Council under Minnesota  
7.15 Statutes, section 116.195, for wastewater  
7.16 infrastructure to support waste to biofuel  
7.17 development. This is a onetime appropriation  
7.18 and is available until June 30, 2019.

7.19 (d) \$2,346,000 the first year and \$2,605,000  
7.20 the second year are from the general fund for  
7.21 agency operating adjustments. The  
7.22 commissioner shall make necessary  
7.23 adjustments to program appropriations in this  
7.24 article to distribute these funds. The  
7.25 commissioner may transfer an amount of this  
7.26 appropriation to the remediation fund. By  
7.27 September 1, 2017, the commissioner shall  
7.28 report to the chairs of the legislative  
7.29 committees with jurisdiction over environment  
7.30 and natural resources finance the distribution  
7.31 of funds and resulting base-level  
7.32 appropriations for each program.

7.33 (e) \$1,774,000 the first year and \$2,879,000  
7.34 the second year are from the environmental  
7.35 fund for agency operating adjustments. The

8.1 commissioner shall make necessary  
 8.2 adjustments to program appropriations in this  
 8.3 article to distribute these funds. By September  
 8.4 1, 2017, the commissioner shall report to the  
 8.5 chairs of the legislative committees with  
 8.6 jurisdiction over environment and natural  
 8.7 resources finance the distribution of funds and  
 8.8 resulting base-level appropriations for each  
 8.9 program.

8.10 (f) \$310,000 the first year and \$528,000 the  
 8.11 second year are from the remediation fund for  
 8.12 agency operating adjustments. The  
 8.13 commissioner shall make necessary  
 8.14 adjustments to program appropriations in this  
 8.15 article to distribute these funds. By September  
 8.16 1, 2017, the commissioner shall report to the  
 8.17 chairs of the legislative committees with  
 8.18 jurisdiction over environment and natural  
 8.19 resources finance the distribution of funds and  
 8.20 resulting base-level appropriations for each  
 8.21 program. If any amount under this paragraph  
 8.22 is allocated for the leaking underground  
 8.23 storage-tank program, the same amount is  
 8.24 transferred from the petroleum tank fund to  
 8.25 the remediation fund.

8.26 **Subd. 6. Remediation** 14,670,000 11,669,000

<u>Appropriations by Fund</u>	<u>2018</u>	<u>2019</u>
8.28 <u>Environmental</u>	<u>688,000</u>	<u>688,000</u>
8.30 <u>Remediation</u>	<u>10,766,000</u>	<u>10,765,000</u>
8.31 <u>Closed Landfill</u>		
8.32 <u>Investment</u>	<u>3,000,000</u>	<u>-0-</u>
8.33 <u>General</u>	<u>216,000</u>	<u>216,000</u>

8.34 (a) All money for environmental response,  
 8.35 compensation, and compliance in the  
 8.36 remediation fund not otherwise appropriated



9.1 is appropriated to the commissioners of the  
9.2 Pollution Control Agency and agriculture for  
9.3 purposes of Minnesota Statutes, section  
9.4 115B.20, subdivision 2, clauses (1), (2), (3),  
9.5 (6), and (7). At the beginning of each fiscal  
9.6 year, the two commissioners shall jointly  
9.7 submit an annual spending plan to the  
9.8 commissioner of management and budget that  
9.9 maximizes the use of resources and  
9.10 appropriately allocates the money between the  
9.11 two departments. This appropriation is  
9.12 available until June 30, 2019.

9.13 (b) \$216,000 the first year and \$216,000 the  
9.14 second year are from the general fund and  
9.15 \$216,000 the first year and \$216,000 the  
9.16 second year are from the environmental fund  
9.17 to manage contaminated sediment projects at  
9.18 multiple sites identified in the St. Louis River  
9.19 remedial action plan to restore water quality  
9.20 in the St. Louis River area of concern. This  
9.21 amount is added to the base for fiscal year  
9.22 2020 only.

9.23 (c) \$3,871,000 the first year and \$3,870,000  
9.24 the second year are from the remediation fund  
9.25 for purposes of the leaking underground  
9.26 storage tank program to investigate, clean up,  
9.27 and prevent future releases from underground  
9.28 petroleum storage tanks, and to the petroleum  
9.29 remediation program for purposes of vapor  
9.30 assessment and remediation. These same  
9.31 annual amounts are transferred from the  
9.32 petroleum tank fund to the remediation fund.

9.33 (d) \$252,000 the first year and \$252,000 the  
9.34 second year are from the remediation fund for  
9.35 transfer to the commissioner of health for



- 11.1 (b) \$1,000,000 the first year and \$1,000,000  
11.2 the second year are for competitive recycling  
11.3 grants under Minnesota Statutes, section  
11.4 115A.565. Of this amount \$700,000 each year  
11.5 is from the general fund, and \$300,000 each  
11.6 year is from the environmental fund. This  
11.7 appropriation is available until June 30, 2021.  
11.8 Any unencumbered grant and loan balances  
11.9 in the first year do not cancel but are available  
11.10 for grants and loans in the second year.
- 11.11 (c) \$693,000 the first year and \$693,000 the  
11.12 second year are from the environmental fund  
11.13 for emission reduction activities and grants to  
11.14 small businesses and other nonpoint emission  
11.15 reduction efforts. Of this amount, \$100,000  
11.16 the first year and \$100,000 the second year  
11.17 are to continue work with Clean Air  
11.18 Minnesota, and the commissioner may enter  
11.19 into an agreement with Environmental  
11.20 Initiative to support this effort. Any  
11.21 unencumbered grant and loan balances in the  
11.22 first year do not cancel but are available for  
11.23 grants and loans in the second year.
- 11.24 (d) \$17,250,000 the first year and \$17,250,000  
11.25 the second year are from the environmental  
11.26 fund for SCORE block grants to counties.
- 11.27 (e) \$119,000 the first year and \$119,000 the  
11.28 second year are from the environmental fund  
11.29 for environmental assistance grants or loans  
11.30 under Minnesota Statutes, section 115A.0716.  
11.31 Any unencumbered grant and loan balances  
11.32 in the first year do not cancel but are available  
11.33 for grants and loans in the second year.
- 11.34 (f) \$68,000 the first year and \$69,000 the  
11.35 second year are from the environmental fund

12.1 for subsurface sewage treatment system  
 12.2 (SSTS) program administration and  
 12.3 community technical assistance and education,  
 12.4 including grants and technical assistance to  
 12.5 communities for water-quality protection.  
 12.6 (g) \$125,000 the first year and \$126,000 the  
 12.7 second year are from the environmental fund  
 12.8 to address the need for continued increased  
 12.9 activity in the areas of new technology review,  
 12.10 technical assistance for local governments,  
 12.11 and enforcement under Minnesota Statutes,  
 12.12 sections 115.55 to 115.58, and to complete the  
 12.13 requirements of Laws 2003, chapter 128,  
 12.14 article 1, section 165.

12.15 (h) All money deposited in the environmental  
 12.16 fund for the metropolitan solid waste landfill  
 12.17 fee in accordance with Minnesota Statutes,  
 12.18 section 473.843, and not otherwise  
 12.19 appropriated, is appropriated for the purposes  
 12.20 of Minnesota Statutes, section 473.844.

12.21 (i) Notwithstanding Minnesota Statutes,  
 12.22 section 16A.28, the appropriations  
 12.23 encumbered on or before June 30, 2019, as  
 12.24 contracts or grants for environmental  
 12.25 assistance awarded under Minnesota Statutes,  
 12.26 section 115A.0716; technical and research  
 12.27 assistance under Minnesota Statutes, section  
 12.28 115A.152; technical assistance under  
 12.29 Minnesota Statutes, section 115A.52; and  
 12.30 pollution prevention assistance under  
 12.31 Minnesota Statutes, section 115D.04, are  
 12.32 available until June 30, 2021.

12.33 Subd. 8. Watershed 9,220,000 9,220,000

12.34 Appropriations by Fund  
 12.35 2018 2019

13.1	<u>Environmental</u>	<u>7,043,000</u>	<u>7,043,000</u>
13.2	<u>Remediation</u>	<u>218,000</u>	<u>218,000</u>
13.3	<u>General</u>	<u>1,959,000</u>	<u>1,959,000</u>

13.4 (a) \$1,959,000 the first year and \$1,959,000  
 13.5 the second year are from the general fund for  
 13.6 grants to delegated counties to administer the  
 13.7 county feedlot program under Minnesota  
 13.8 Statutes, section 116.0711, subdivisions 2 and  
 13.9 3. Money remaining after the first year is  
 13.10 available for the second year.

13.11 (b) \$207,000 the first year and \$207,000 the  
 13.12 second year are from the environmental fund  
 13.13 for the costs of implementing general  
 13.14 operating permits for feedlots over 1,000  
 13.15 animal units.

13.16 (c) \$118,000 the first year and \$118,000 the  
 13.17 second year are from the remediation fund for  
 13.18 purposes of the leaking underground storage  
 13.19 tank program to investigate, clean up, and  
 13.20 prevent future releases from underground  
 13.21 petroleum storage tanks, and to the petroleum  
 13.22 remediation program for vapor assessment  
 13.23 and remediation. These same annual amounts  
 13.24 are transferred from the petroleum tank fund  
 13.25 to the remediation fund.

13.26	<b><u>Subd. 9. Environmental Quality Board</u></b>		<u>1,264,000</u>	<u>1,264,000</u>
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13.27	<u>Appropriations by Fund</u>		
13.28		<u>2018</u>	<u>2019</u>
13.29	<u>General</u>	<u>1,072,000</u>	<u>1,072,000</u>
13.30	<u>Environmental</u>	<u>192,000</u>	<u>192,000</u>

13.31 **Subd. 10. Transfers**

13.32 The commissioner shall transfer up to  
 13.33 \$44,000,000 from the environmental fund to  
 13.34 the remediation fund for the purposes of the



15.1 future mineral income, and projects to promote  
 15.2 new mineral resource opportunities.

15.3 (c) \$206,000 the first year and \$212,000 the  
 15.4 second year are from the state forest suspense  
 15.5 account in the permanent school fund to secure  
 15.6 maximum long-term economic return from  
 15.7 the school trust lands consistent with fiduciary  
 15.8 responsibilities and sound natural resources  
 15.9 conservation and management principles.

15.10 (d) \$125,000 the first year and \$125,000 the  
 15.11 second year are for conservation easement  
 15.12 stewardship.

15.13 **Subd. 3. Ecological and Water Resources** 32,740,000 32,629,000

15.14 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
15.15		
15.16 <u>General</u>	<u>17,213,000</u>	<u>17,046,000</u>
15.17 <u>Natural Resources</u>	<u>10,576,000</u>	<u>10,576,000</u>
15.18 <u>Game and Fish</u>	<u>4,951,000</u>	<u>5,007,000</u>

15.19 (a) \$3,242,000 the first year and \$3,242,000  
 15.20 the second year are from the invasive species  
 15.21 account in the natural resources fund and  
 15.22 \$3,206,000 the first year and \$3,206,000 the  
 15.23 second year are from the general fund for  
 15.24 management, public awareness, assessment  
 15.25 and monitoring research, and water access  
 15.26 inspection to prevent the spread of invasive  
 15.27 species; management of invasive plants in  
 15.28 public waters; and management of terrestrial  
 15.29 invasive species on state-administered lands.

15.30 (b) \$5,000,000 the first year and \$5,000,000  
 15.31 the second year are from the water  
 15.32 management account in the natural resources  
 15.33 fund for only the purposes specified in  
 15.34 Minnesota Statutes, section 103G.27,  
 15.35 subdivision 2.

16.1 (c) \$124,000 the first year and \$124,000 the  
16.2 second year are for a grant to the Mississippi  
16.3 Headwaters Board for up to 50 percent of the  
16.4 cost of implementing the comprehensive plan  
16.5 for the upper Mississippi within areas under  
16.6 the board's jurisdiction.

16.7 (d) \$10,000 the first year and \$10,000 the  
16.8 second year are for payment to the Leech Lake  
16.9 Band of Chippewa Indians to implement the  
16.10 band's portion of the comprehensive plan for  
16.11 the upper Mississippi.

16.12 (e) \$264,000 the first year and \$264,000 the  
16.13 second year are for grants for up to 50 percent  
16.14 of the cost of implementation of the Red River  
16.15 mediation agreement.

16.16 (f) \$2,078,000 the first year and \$2,134,000  
16.17 the second year are from the heritage  
16.18 enhancement account in the game and fish  
16.19 fund for only the purposes specified in  
16.20 Minnesota Statutes, section 297A.94,  
16.21 paragraph (e), clause (1).

16.22 (g) \$950,000 the first year and \$950,000 the  
16.23 second year are from the nongame wildlife  
16.24 management account in the natural resources  
16.25 fund for the purpose of nongame wildlife  
16.26 management. Notwithstanding Minnesota  
16.27 Statutes, section 290.431, \$100,000 the first  
16.28 year and \$100,000 the second year may be  
16.29 used for nongame wildlife information,  
16.30 education, and promotion.

16.31 (h) Notwithstanding Minnesota Statutes,  
16.32 section 84.943, \$13,000 the first year and  
16.33 \$13,000 the second year from the critical  
16.34 habitat private sector matching account may



- 17.1 be used to publicize the critical habitat license  
17.2 plate match program.
- 17.3 (i) \$6,000,000 the first year and \$6,000,000  
17.4 the second year are from the general fund for  
17.5 the following activities:
- 17.6 (1) financial reimbursement and technical  
17.7 support to soil and water conservation districts  
17.8 or other local units of government for  
17.9 groundwater level monitoring;
- 17.10 (2) surface water monitoring and analysis,  
17.11 including installation of monitoring gauges;
- 17.12 (3) groundwater analysis to assist with water  
17.13 appropriation permitting decisions;
- 17.14 (4) permit application review incorporating  
17.15 surface water and groundwater technical  
17.16 analysis;
- 17.17 (5) precipitation data and analysis to improve  
17.18 the use of irrigation;
- 17.19 (6) information technology, including  
17.20 electronic permitting and integrated data  
17.21 systems; and
- 17.22 (7) compliance and monitoring.
- 17.23 (j) \$167,000 the first year is for a grant to the  
17.24 Koronis Lake Association for purposes of  
17.25 removing and preventing aquatic invasive  
17.26 species. This is a onetime appropriation and  
17.27 is available until June 30, 2022.
- 17.28 (k) \$410,000 the first year and \$410,000 the  
17.29 second year are from the heritage enhancement  
17.30 account in the game and fish fund for grants  
17.31 to the Minnesota Aquatic Invasive Species  
17.32 Research Center at the University of  
17.33 Minnesota to prioritize, support, and develop

18.1 research-based solutions that can reduce the  
 18.2 effects of aquatic invasive species in  
 18.3 Minnesota by preventing spread, controlling  
 18.4 populations, and managing ecosystems and to  
 18.5 advance knowledge to inspire action by others.

18.6 **Subd. 4. Forest Management** 47,185,000 45,981,000

18.7	<u>Appropriations by Fund</u>	
18.8	<u>2018</u>	<u>2019</u>
18.9	<u>General</u>	<u>31,719,000</u> <u>30,481,000</u>
18.10	<u>Natural Resources</u>	<u>14,144,000</u> <u>14,144,000</u>
18.11	<u>Game and Fish</u>	<u>1,322,000</u> <u>1,356,000</u>

18.12 (a) \$7,145,000 the first year and \$7,145,000  
 18.13 the second year are for prevention,  
 18.14 presuppression, and suppression costs of  
 18.15 emergency firefighting and other costs  
 18.16 incurred under Minnesota Statutes, section  
 18.17 88.12. The amount necessary to pay for  
 18.18 presuppression and suppression costs during  
 18.19 the biennium is appropriated from the general  
 18.20 fund. By January 15 of each year, the  
 18.21 commissioner of natural resources shall submit  
 18.22 a report to the chairs and ranking minority  
 18.23 members of the house and senate committees  
 18.24 and divisions having jurisdiction over  
 18.25 environment and natural resources finance,  
 18.26 identifying all firefighting costs incurred and  
 18.27 reimbursements received in the prior fiscal  
 18.28 year. These appropriations may not be  
 18.29 transferred. Any reimbursement of firefighting  
 18.30 expenditures made to the commissioner from  
 18.31 any source other than federal mobilizations  
 18.32 must be deposited into the general fund.

18.33 (b) \$11,644,000 the first year and \$11,644,000  
 18.34 the second year are from the forest  
 18.35 management investment account in the natural

- 19.1 resources fund for only the purposes specified  
19.2 in Minnesota Statutes, section 89.039,  
19.3 subdivision 2.
- 19.4 (c) \$1,322,000 the first year and \$1,356,000  
19.5 the second year are from the heritage  
19.6 enhancement account in the game and fish  
19.7 fund to advance ecological classification  
19.8 systems (ECS) scientific management tools  
19.9 for forest and invasive species management.
- 19.10 (d) \$780,000 the first year and \$780,000 the  
19.11 second year are for the Forest Resources  
19.12 Council to implement the Sustainable Forest  
19.13 Resources Act.
- 19.14 (e) \$500,000 the first year is from the general  
19.15 fund for a study of the ability to sustainably  
19.16 harvest at least 1,000,000 cords of wood  
19.17 annually on state-administered forest lands.  
19.18 No later than March 1, 2018, the commissioner  
19.19 must report the study's findings to the  
19.20 legislative committees with jurisdiction over  
19.21 environment and natural resources policy and  
19.22 finance. This is a onetime appropriation.
- 19.23 (f) \$2,000,000 the first year and \$2,000,000  
19.24 the second year are from the forest  
19.25 management investment account in the natural  
19.26 resources fund for state forest reforestation.  
19.27 The base from the forest management  
19.28 investment account in the natural resources  
19.29 fund for fiscal year 2020 and later is  
19.30 \$1,250,000.
- 19.31 (g) \$1,869,000 the first year and \$1,131,000  
19.32 the second year are from the general fund for  
19.33 the Next Generation Core Forestry data

20.1 system. The appropriation is available until  
 20.2 June 30, 2021.

20.3 (h) \$500,000 the first year and \$500,000 the  
 20.4 second year are from the forest management  
 20.5 investment account in the natural resources  
 20.6 fund for forest road maintenance on state  
 20.7 forest roads.

20.8 (i) \$500,000 the first year and \$500,000 the  
 20.9 second year are from the general fund for  
 20.10 forest road maintenance on county forest  
 20.11 roads.

20.12 (j) \$500,000 the first year and \$500,000 the  
 20.13 second year are from the general fund for  
 20.14 additional private forest management.

20.15 (k) The base for the natural resources fund in  
 20.16 fiscal year 2020 and later is \$13,394,000.

20.17 Subd. 5. **Parks and Trails Management** 79,830,000 81,100,000

20.18	<u>Appropriations by Fund</u>	
20.19	<u>2018</u>	<u>2019</u>
20.20	<u>General</u>	<u>25,057,000</u>
20.21	<u>Natural Resources</u>	<u>52,500,000</u>
20.22	<u>Game and Fish</u>	<u>2,273,000</u>

20.23 (a) \$1,075,000 the first year and \$1,075,000  
 20.24 the second year are from the water recreation  
 20.25 account in the natural resources fund for  
 20.26 enhancing and maintaining public  
 20.27 water-access facilities.

20.28 (b) \$5,740,000 the first year and \$5,740,000  
 20.29 the second year are from the natural resources  
 20.30 fund for state trail, park, and recreation area  
 20.31 operations. This appropriation is from the  
 20.32 revenue deposited in the natural resources fund  
 20.33 under Minnesota Statutes, section 297A.94,  
 20.34 paragraph (e), clause (2).

- 21.1 (c) \$17,350,000 the first year and \$17,750,000  
21.2 the second year are from the state parks  
21.3 account in the natural resources fund for state  
21.4 park and state recreation area operation and  
21.5 maintenance.
- 21.6 (d) \$1,005,000 the first year and \$1,005,000  
21.7 the second year are from the natural resources  
21.8 fund for park and trail grants to local units of  
21.9 government on land to be maintained for at  
21.10 least 20 years for the purposes of the grants.  
21.11 This appropriation is from the revenue  
21.12 deposited in the natural resources fund under  
21.13 Minnesota Statutes, section 297A.94,  
21.14 paragraph (e), clause (4). Any unencumbered  
21.15 balance does not cancel at the end of the first  
21.16 year and is available for the second year.
- 21.17 (e) \$130,000 the first year is from the general  
21.18 fund, and \$8,424,000 the first year and  
21.19 \$9,624,000 the second year are from the  
21.20 snowmobile trails and enforcement account  
21.21 in the natural resources fund for the  
21.22 snowmobile grants-in-aid program. Any  
21.23 unencumbered balance does not cancel at the  
21.24 end of the first year and is available for the  
21.25 second year.
- 21.26 (f) \$1,835,000 the first year and \$1,835,000  
21.27 the second year are from the natural resources  
21.28 fund for the off-highway vehicle grants-in-aid  
21.29 program. Of this amount, \$1,360,000 the first  
21.30 year and \$1,360,000 the second year are from  
21.31 the all-terrain vehicle account; \$150,000 each  
21.32 year is from the off-highway motorcycle  
21.33 account; and \$325,000 each year is from the  
21.34 off-road vehicle account. Any unencumbered

- 22.1 balance does not cancel at the end of the first  
22.2 year and is available for the second year.
- 22.3 (g) \$75,000 the first year and \$75,000 the  
22.4 second year are from the cross-country ski  
22.5 account in the natural resources fund for  
22.6 grooming and maintaining cross-country ski  
22.7 trails in state parks, trails, and recreation areas.
- 22.8 (h) \$250,000 the first year and \$250,000 the  
22.9 second year are from the state land and water  
22.10 conservation account in the natural resources  
22.11 fund for priorities established by the  
22.12 commissioner for eligible state projects and  
22.13 administrative and planning activities  
22.14 consistent with Minnesota Statutes, section  
22.15 84.0264, and the federal Land and Water  
22.16 Conservation Fund Act. Any unencumbered  
22.17 balance does not cancel at the end of the first  
22.18 year and is available for the second year.
- 22.19 (i) \$150,000 the first year is from the  
22.20 all-terrain vehicle account in the natural  
22.21 resources fund for a grant to the city of Orr to  
22.22 predesign, design, and construct the Voyageur  
22.23 all-terrain vehicle trail system, including:
- 22.24 (1) design of the alignment for phase I of the  
22.25 Voyageur all-terrain vehicle trail system and  
22.26 development of a preliminary phase II  
22.27 alignment;
- 22.28 (2) completion of wetland delineation and  
22.29 wetland permitting;
- 22.30 (3) completion of the engineering design and  
22.31 cost estimates for a snowmobile and  
22.32 off-highway vehicle bridge over the Vermilion  
22.33 River to establish a trail connection; and

23.1 (4) completion of the master plan for the  
 23.2 Voyageur all-terrain vehicle trail system.

23.3 This is a onetime appropriation and is  
 23.4 available until June 30, 2020.

23.5 (j) \$250,000 the first year and \$250,000 the  
 23.6 second year are from the general fund for  
 23.7 matching grants for local parks and outdoor  
 23.8 recreation areas under Minnesota Statutes,  
 23.9 section 85.019, subdivision 2.

23.10 (k) \$250,000 the first year and \$250,000 the  
 23.11 second year are from the general fund for  
 23.12 matching grants for local trail connections  
 23.13 under Minnesota Statutes, section 85.019,  
 23.14 subdivision 4c.

23.15 (l) \$50,000 the first year is from the all-terrain  
 23.16 vehicle account in the natural resources fund  
 23.17 for a grant to the city of Virginia to assist the  
 23.18 Virginia Area All-Terrain Vehicle Club to  
 23.19 plan, design, engineer, and permit a  
 23.20 comprehensive all-terrain vehicle system in  
 23.21 the Virginia area and to connect with the Iron  
 23.22 Range Off-Highway Vehicle Recreation Area.

23.23 This is a onetime appropriation and is  
 23.24 available until June 30, 2020.

23.25 Subd. 6. Fish and Wildlife Management 68,207,000 67,750,000

23.26	<u>Appropriations by Fund</u>	
23.27	<u>2018</u>	<u>2019</u>
23.28	<u>Natural Resources</u>	<u>1,912,000</u> <u>1,912,000</u>
23.29	<u>Game and Fish</u>	<u>66,295,000</u> <u>65,838,000</u>

23.30 (a) \$8,283,000 the first year and \$8,386,000  
 23.31 the second year are from the heritage  
 23.32 enhancement account in the game and fish  
 23.33 fund only for activities specified in Minnesota  
 23.34 Statutes, section 297A.94, paragraph (e),

24.1 clause (1). Notwithstanding Minnesota  
24.2 Statutes, section 297A.94, five percent of this  
24.3 appropriation may be used for expanding  
24.4 hunter and angler recruitment and retention.

24.5 (b) Notwithstanding Minnesota Statutes,  
24.6 section 297A.94, \$30,000 the first year is from  
24.7 the heritage enhancement account in the game  
24.8 and fish fund for the commissioner of natural  
24.9 resources to contract with a private entity to  
24.10 search for a site to construct a world-class  
24.11 shooting range and club house for use by the  
24.12 Minnesota State High School League and for  
24.13 other regional, statewide, national, and  
24.14 international shooting events. The  
24.15 commissioner must provide public notice of  
24.16 the search, including making the public aware  
24.17 of the process through the Department of  
24.18 Natural Resources' media outlets, and solicit  
24.19 input on the location and building options for  
24.20 the facility. The siting search process must  
24.21 include a public process to determine if any  
24.22 business or individual is interested in donating  
24.23 land for the facility, anticipated to be at least  
24.24 500 acres. The site search team must meet  
24.25 with interested third parties affected by or  
24.26 interested in the facility. The commissioner  
24.27 must submit a report with the results of the  
24.28 site search to the chairs and ranking minority  
24.29 members of the legislative committees and  
24.30 divisions with jurisdiction over environment  
24.31 and natural resources by March 1, 2018. This  
24.32 is a onetime appropriation.

24.33 (c) Notwithstanding Minnesota Statutes,  
24.34 section 297A.94, \$30,000 the first year is from  
24.35 the heritage enhancement account in the game



25.1 and fish fund for a study of lead shot  
 25.2 deposition on state lands. By March 1, 2018,  
 25.3 the commissioner shall provide a report of the  
 25.4 study to the chairs and ranking minority  
 25.5 members of the legislative committees with  
 25.6 jurisdiction over natural resources policy and  
 25.7 finance. This is a onetime appropriation.

25.8 (d) Notwithstanding Minnesota Statutes,  
 25.9 section 297A.94, \$500,000 the first year is  
 25.10 from the heritage enhancement account in the  
 25.11 game and fish fund for planning and  
 25.12 emergency response to disease outbreaks in  
 25.13 wildlife. This is a onetime appropriation and  
 25.14 is available until June 30, 2019.

25.15 **Subd. 7. Enforcement** 40,879,000 40,880,000

25.16	<u>Appropriations by Fund</u>	
25.17	<u>2018</u>	<u>2019</u>
25.18 <u>General</u>	<u>6,640,000</u>	<u>6,640,000</u>
25.19 <u>Natural Resources</u>	<u>10,309,000</u>	<u>10,309,000</u>
25.20 <u>Game and Fish</u>	<u>23,828,000</u>	<u>23,828,000</u>
25.21 <u>Remediation</u>	<u>102,000</u>	<u>103,000</u>

25.22 (a) \$1,718,000 the first year and \$1,718,000  
 25.23 the second year are from the general fund for  
 25.24 enforcement efforts to prevent the spread of  
 25.25 aquatic invasive species.

25.26 (b) \$1,580,000 the first year and \$1,580,000  
 25.27 the second year are from the heritage  
 25.28 enhancement account in the game and fish  
 25.29 fund for only the purposes specified in  
 25.30 Minnesota Statutes, section 297A.94,  
 25.31 paragraph (e), clause (1).

25.32 (c) \$1,082,000 the first year and \$1,082,000  
 25.33 the second year are from the water recreation  
 25.34 account in the natural resources fund for grants  
 25.35 to counties for boat and water safety. Any

26.1 unencumbered balance does not cancel at the  
26.2 end of the first year and is available for the  
26.3 second year.

26.4 (d) \$315,000 the first year and \$315,000 the  
26.5 second year are from the snowmobile trails  
26.6 and enforcement account in the natural  
26.7 resources fund for grants to local law  
26.8 enforcement agencies for snowmobile  
26.9 enforcement activities. Any unencumbered  
26.10 balance does not cancel at the end of the first  
26.11 year and is available for the second year.

26.12 (e) \$250,000 the first year and \$250,000 the  
26.13 second year are from the all-terrain vehicle  
26.14 account for grants to qualifying organizations  
26.15 to assist in safety and environmental education  
26.16 and monitoring trails on public lands under  
26.17 Minnesota Statutes, section 84.9011. Grants  
26.18 issued under this paragraph must be issued  
26.19 through a formal agreement with the  
26.20 organization. By December 15 each year, an  
26.21 organization receiving a grant under this  
26.22 paragraph shall report to the commissioner  
26.23 with details on expenditures and outcomes  
26.24 from the grant. Of this appropriation, \$25,000  
26.25 each year is for administration of these grants.  
26.26 Any unencumbered balance does not cancel  
26.27 at the end of the first year and is available for  
26.28 the second year.

26.29 (f) \$510,000 the first year and \$510,000 the  
26.30 second year are from the natural resources  
26.31 fund for grants to county law enforcement  
26.32 agencies for off-highway vehicle enforcement  
26.33 and public education activities based on  
26.34 off-highway vehicle use in the county. Of this  
26.35 amount, \$498,000 each year is from the

27.1 all-terrain vehicle account; \$11,000 each year  
 27.2 is from the off-highway motorcycle account;  
 27.3 and \$1,000 each year is from the off-road  
 27.4 vehicle account. The county enforcement  
 27.5 agencies may use money received under this  
 27.6 appropriation to make grants to other local  
 27.7 enforcement agencies within the county that  
 27.8 have a high concentration of off-highway  
 27.9 vehicle use. Of this appropriation, \$25,000  
 27.10 each year is for administration of these grants.  
 27.11 Any unencumbered balance does not cancel  
 27.12 at the end of the first year and is available for  
 27.13 the second year.

27.14 (g) \$1,000,000 each year is for recruiting,  
 27.15 training, and maintaining additional  
 27.16 conservation officers.

27.17 (h) The commissioner may hold a conservation  
 27.18 officer academy if necessary.

27.19 **Subd. 8. Operations Support** 8,436,000 12,157,000

27.20	<u>Appropriations by Fund</u>		
27.21		<u>2018</u>	<u>2019</u>
27.22	<u>General</u>	<u>4,169,000</u>	<u>3,895,000</u>
27.23	<u>Natural Resources</u>	<u>1,591,000</u>	<u>3,220,000</u>
27.24	<u>Game and Fish</u>	<u>2,676,000</u>	<u>5,042,000</u>

27.25 (a) \$1,965,000 the first year is available for  
 27.26 legal costs. Of this amount, up to \$500,000  
 27.27 may be transferred to the Minnesota Pollution  
 27.28 Control Agency. This is a onetime  
 27.29 appropriation and is available until June 30,  
 27.30 2021.

27.31 (b) \$2,204,000 the first year and \$3,895,000  
 27.32 the second year are from the general fund for  
 27.33 agency operating adjustments. The  
 27.34 commissioner shall make necessary  
 27.35 adjustments to program appropriations in this

28.1 article to distribute these funds. By September  
 28.2 1, 2017, the commissioner shall report to the  
 28.3 chairs of the legislative committees with  
 28.4 jurisdiction over environment and natural  
 28.5 resources finance the distribution of funds and  
 28.6 resulting base-level appropriations for each  
 28.7 program.

28.8 (c) \$2,676,000 the first year and \$5,042,000  
 28.9 the second year are from the game and fish  
 28.10 fund for agency operating adjustments. The  
 28.11 commissioner shall make necessary

28.12 adjustments to program appropriations in this  
 28.13 article to distribute these funds. By September  
 28.14 1, 2017, the commissioner shall report to the  
 28.15 chairs of the legislative committees with  
 28.16 jurisdiction over environment and natural  
 28.17 resources finance the distribution of funds and  
 28.18 resulting base-level appropriations for each  
 28.19 program.

28.20 (d) \$1,591,000 the first year and \$3,220,000  
 28.21 the second year are from the natural resources  
 28.22 fund for agency operating adjustments. The  
 28.23 commissioner shall make necessary

28.24 adjustments to program appropriations in this  
 28.25 article to distribute these funds. By September  
 28.26 1, 2017, the commissioner shall report to the  
 28.27 chairs of the legislative committees with  
 28.28 jurisdiction over environment and natural  
 28.29 resources finance the distribution of funds and  
 28.30 resulting base-level appropriations for each  
 28.31 program.

28.32 **Subd. 9. Pass Through Funds** 320,000 320,000

28.33	<u>Appropriations by Fund</u>		
28.34		<u>2018</u>	<u>2019</u>
28.35	<u>Natural Resources</u>	<u>320,000</u>	<u>320,000</u>

29.1 \$320,000 the first year and \$320,000 the  
 29.2 second year are from the natural resources  
 29.3 fund for grants to be divided equally between  
 29.4 the city of St. Paul for the Como Park Zoo and  
 29.5 Conservatory and the city of Duluth for the  
 29.6 Duluth Zoo. This appropriation is from the  
 29.7 revenue deposited to the natural resources fund  
 29.8 under Minnesota Statutes, section 297A.94,  
 29.9 paragraph (e), clause (5).

29.10 **Subd. 10. Cancellation**

29.11 The remaining amount of the general fund  
 29.12 appropriation in Laws 2016, chapter 189,  
 29.13 article 3, section 3, subdivision 3, for a grant  
 29.14 to the Koronis Lake Association, estimated to  
 29.15 be \$167,000, is canceled on June 30, 2017.

29.16 This subdivision is effective the day following  
 29.17 final enactment.

29.18 **Sec. 4. BOARD OF WATER AND SOIL**  
 29.19 **RESOURCES**

**\$ 14,311,000 \$ 14,164,000**

29.20 (a) \$3,423,000 the first year and \$3,423,000  
 29.21 the second year are for natural resources block  
 29.22 grants to local governments. Grants must be  
 29.23 matched with a combination of local cash or  
 29.24 in-kind contributions. The base grant portion  
 29.25 related to water planning must be matched by  
 29.26 an amount as specified by Minnesota Statutes,  
 29.27 section 103B.3369. The board may reduce the  
 29.28 amount of the natural resources block grant  
 29.29 to a county by an amount equal to any  
 29.30 reduction in the county's general services  
 29.31 allocation to a soil and water conservation  
 29.32 district from the county's previous year  
 29.33 allocation when the board determines that the  
 29.34 reduction was disproportionate.

30.1 (b) \$3,116,000 the first year and \$3,116,000  
30.2 the second year are for grants to soil and water  
30.3 conservation districts for the purposes of  
30.4 Minnesota Statutes, sections 103C.321 and  
30.5 103C.331, and for general purposes, nonpoint  
30.6 engineering, and implementation and  
30.7 stewardship of the reinvest in Minnesota  
30.8 reserve program. Expenditures may be made  
30.9 from these appropriations for supplies and  
30.10 services benefiting soil and water conservation  
30.11 districts. Any district receiving a payment  
30.12 under this paragraph shall maintain a Web  
30.13 page that publishes, at a minimum, its annual  
30.14 report, annual audit, annual budget, and  
30.15 meeting notices.

30.16 (c) \$260,000 the first year and \$260,000 the  
30.17 second year are for feedlot water quality cost  
30.18 share grants for feedlots under 300 animal  
30.19 units and nutrient and manure management  
30.20 projects in watersheds where there are  
30.21 impaired waters.

30.22 (d) \$1,200,000 the first year and \$1,200,000  
30.23 the second year are for soil and water  
30.24 conservation district cost-sharing contracts for  
30.25 perennially vegetated riparian buffers, erosion  
30.26 control, water retention and treatment, and  
30.27 other high-priority conservation practices.

30.28 (e) \$100,000 the first year and \$100,000 the  
30.29 second year are for county cooperative weed  
30.30 management cost-share programs and to  
30.31 restore native plants in selected invasive  
30.32 species management sites.

30.33 (f) \$761,000 the first year and \$761,000 the  
30.34 second year are for implementation,  
30.35 enforcement, and oversight of the Wetland

31.1 Conservation Act, including administration of  
31.2 the wetland banking program and in-lieu fee  
31.3 mechanism.

31.4 (g) \$300,000 the first year is for improving  
31.5 the efficiency and effectiveness of Minnesota's  
31.6 wetland regulatory programs through  
31.7 continued examination of United States Clean  
31.8 Water Act section 404 assumption including  
31.9 negotiation of draft agreements with the  
31.10 United States Environmental Protection  
31.11 Agency and the United States Army Corps of  
31.12 Engineers, planning for an online permitting  
31.13 system, upgrading the existing wetland  
31.14 banking database, and developing an in-lieu  
31.15 fee wetland banking program as authorized  
31.16 by statute. This is a onetime appropriation.

31.17 (h) \$166,000 the first year and \$166,000 the  
31.18 second year are to provide technical assistance  
31.19 to local drainage management officials and  
31.20 for the costs of the Drainage Work Group. The  
31.21 Board of Water and Soil Resources must  
31.22 coordinate the stakeholder drainage work  
31.23 group in accordance with Minnesota Statutes,  
31.24 section 103B.101, subdivision 13, to evaluate  
31.25 and make recommendations to accelerate  
31.26 drainage system acquisition and establishment  
31.27 of ditch buffer strips under Minnesota Statutes,  
31.28 chapter 103E, or compatible alternative  
31.29 practices required by Minnesota Statutes,  
31.30 section 103F.48. The evaluation and  
31.31 recommendations must be submitted in a  
31.32 report to the senate and house of  
31.33 representatives committees with jurisdiction  
31.34 over agriculture and environment policy by  
31.35 February 1, 2018.

- 32.1 (i) \$100,000 the first year and \$100,000 the  
32.2 second year are for a grant to the Red River  
32.3 Basin Commission for water quality and  
32.4 floodplain management, including  
32.5 administration of programs. This appropriation  
32.6 must be matched by nonstate funds. If the  
32.7 appropriation in either year is insufficient, the  
32.8 appropriation in the other year is available for  
32.9 it.
- 32.10 (j) \$140,000 the first year and \$140,000 the  
32.11 second year are for grants to Area II  
32.12 Minnesota River Basin Projects for floodplain  
32.13 management.
- 32.14 (k) \$125,000 the first year and \$125,000 the  
32.15 second year are for conservation easement  
32.16 stewardship.
- 32.17 (l) \$240,000 the first year and \$240,000 the  
32.18 second year are for a grant to the Lower  
32.19 Minnesota River Watershed District to defray  
32.20 the annual cost of operating and maintaining  
32.21 sites for dredge spoil to sustain the state,  
32.22 national, and international commercial and  
32.23 recreational navigation on the lower Minnesota  
32.24 River.
- 32.25 (m) \$4,380,000 the first year and \$4,533,000  
32.26 the second year are for Board of Water and  
32.27 Soil Resources agency administration and  
32.28 operations.
- 32.29 (n) Notwithstanding Minnesota Statutes,  
32.30 section 103C.501, the board may shift  
32.31 cost-share funds in this section and may adjust  
32.32 the technical and administrative assistance  
32.33 portion of the grant funds to leverage federal  
32.34 or other nonstate funds or to address



33.1 high-priority needs identified in local water  
 33.2 management plans or comprehensive water  
 33.3 management plans.

33.4 (o) The appropriations for grants in this section  
 33.5 are available until June 30, 2021, except  
 33.6 returned grants are available for two years  
 33.7 after they are returned. If an appropriation for  
 33.8 grants in either year is insufficient, the  
 33.9 appropriation in the other year is available for  
 33.10 it.

33.11 (p) Notwithstanding Minnesota Statutes,  
 33.12 section 16B.97, the appropriations for grants  
 33.13 in this section are exempt from Department  
 33.14 of Administration, Office of Grants  
 33.15 Management Policy 08-08 Grant Payments  
 33.16 and 08-10 Grant Monitoring.

33.17 Sec. 5. **METROPOLITAN COUNCIL**                    \$                    **8,540,000** \$                    **8,540,000**

33.18                    Appropriations by Fund

33.19		<u>2018</u>	<u>2019</u>
33.20	<u>General</u>	<u>2,540,000</u>	<u>2,540,000</u>
33.21	<u>Natural Resources</u>	<u>6,000,000</u>	<u>6,000,000</u>

33.22 (a) \$2,540,000 the first year and \$2,540,000  
 33.23 the second year are for metropolitan area  
 33.24 regional parks operation and maintenance  
 33.25 according to Minnesota Statutes, section  
 33.26 473.351.

33.27 (b) \$6,000,000 the first year and \$6,000,000  
 33.28 the second year are from the natural resources  
 33.29 fund for metropolitan area regional parks and  
 33.30 trails maintenance and operations. This  
 33.31 appropriation is from the revenue deposited  
 33.32 in the natural resources fund under Minnesota  
 33.33 Statutes, section 297A.94, paragraph (e),  
 33.34 clause (3).

34.1 **Sec. 6. CONSERVATION CORPS**34.2 **MINNESOTA****\$****945,000** \$**945,000**34.3 Appropriations by Fund34.4 2018 201934.5 General 455,000 455,00034.6 Natural Resources 490,000 490,000

34.7 Conservation Corps Minnesota may receive  
 34.8 money appropriated from the natural resources  
 34.9 fund under this section only as provided in an  
 34.10 agreement with the commissioner of natural  
 34.11 resources.

34.12 **Sec. 7. ZOOLOGICAL BOARD****\$****9,227,000** \$**9,303,000**34.13 Appropriations by Fund34.14 2018 201934.15 General 9,067,000 9,143,00034.16 Natural Resources 160,000 160,000

34.17 \$160,000 the first year and \$160,000 the  
 34.18 second year are from the natural resources  
 34.19 fund from the revenue deposited under  
 34.20 Minnesota Statutes, section 297A.94,  
 34.21 paragraph (e), clause (5).

34.22 **Sec. 8. SCIENCE MUSEUM****\$****1,079,000** \$**1,079,000**34.23 **Sec. 9. ADMINISTRATION****\$****800,000** \$**300,000**

34.24 (a) \$300,000 the first year and \$300,000 the  
 34.25 second year are from the state forest suspense  
 34.26 account in the permanent school fund for the  
 34.27 school trust lands director. This appropriation  
 34.28 is to be used for securing long-term economic  
 34.29 return from the school trust lands consistent  
 34.30 with fiduciary responsibilities and sound  
 34.31 natural resources conservation and  
 34.32 management principles.

35.1 (b) \$500,000 the first year is from the state  
 35.2 forest suspense account in the permanent  
 35.3 school fund for the school trust lands director  
 35.4 to initiate the private sale of surplus school  
 35.5 trust lands identified according to Minnesota  
 35.6 Statutes, section 92.82, paragraph (d),  
 35.7 including but not limited to valuation  
 35.8 expenses, legal fees, and transactional staff  
 35.9 costs. This is a onetime appropriation and is  
 35.10 available until June 30, 2019.

35.11 **Sec. 10. EXPLORE MINNESOTA TOURISM \$ 15,684,000 \$ 14,321,000**

35.12 (a) To develop maximum private sector  
 35.13 involvement in tourism, \$500,000 the first  
 35.14 year and \$500,000 the second year must be  
 35.15 matched by Explore Minnesota Tourism from  
 35.16 nonstate sources. Each \$1 of state incentive  
 35.17 must be matched with \$6 of private sector  
 35.18 funding. Cash match is defined as revenue to  
 35.19 the state or documented cash expenditures  
 35.20 directly expended to support Explore  
 35.21 Minnesota Tourism programs. Up to one-half  
 35.22 of the private sector contribution may be  
 35.23 in-kind or soft match. The incentive in fiscal  
 35.24 year 2018 shall be based on fiscal year 2017  
 35.25 private sector contributions. The incentive in  
 35.26 fiscal year 2019 shall be based on fiscal year  
 35.27 2018 private sector contributions. This  
 35.28 incentive is ongoing.

35.29 (b) Funding for the marketing grants is  
 35.30 available either year of the biennium.  
 35.31 Unexpended grant funds from the first year  
 35.32 are available in the second year.

35.33 (c) \$100,000 each year is for a grant to the  
 35.34 Northern Lights International Music Festival.

36.1 (d) \$900,000 the first year is for the major  
 36.2 events grant program. This is a onetime  
 36.3 appropriation and is available until June 30,  
 36.4 2021.

36.5 (e) \$500,000 the first year is for updating the  
 36.6 board's Web site, developing digital content,  
 36.7 and making system upgrades. This is a  
 36.8 onetime appropriation and is available until  
 36.9 June 30, 2019.

36.10 Sec. 11. **REVENUE** **\$ 2,000,000 \$ 2,000,000**

36.11 \$2,000,000 each year is for riparian protection  
 36.12 aid payments under Minnesota Statutes,  
 36.13 section 477A.21. Notwithstanding Minnesota  
 36.14 Statutes, section 477A.21, subdivisions 3 and  
 36.15 4, the first year appropriation may be paid only  
 36.16 to counties. Unexpended funds from the first  
 36.17 year are available the second year.

36.18 Sec. 12. Laws 2016, chapter 189, article 3, section 6, is amended to read:

36.19 Sec. 6. **ADMINISTRATION** **\$ 250,000 \$ -0-**

36.20 \$250,000 the first year is from the state forest  
 36.21 suspense account in the permanent school fund  
 36.22 for the school trust lands director to initiate  
 36.23 real estate development projects on school  
 36.24 trust lands as determined by the school trust  
 36.25 lands director. This is a onetime appropriation  
 36.26 and is available until June 30, 2019.

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

36.28 **ARTICLE 2**

36.29 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

36.30 Section 1. Minnesota Statutes 2016, section 84.01, is amended by adding a subdivision  
 36.31 to read:

37.1 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys  
 37.2 or outside counsel to render title opinions, represent the department in severed mineral  
 37.3 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute  
 37.4 to the contrary, represent the state in quiet title or title registration actions affecting land or  
 37.5 interests in land administered by the commissioner.

37.6 Sec. 2. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:

37.7 Subd. 14a. **Permitting efficiency; public notice.** (a) It is the goal of the state that  
 37.8 environmental and resource management permits be issued or denied within 90 days for  
 37.9 Tier 1 permits or 150 days for Tier 2 permits following submission of a permit application.  
 37.10 The commissioner of natural resources shall establish management systems designed to  
 37.11 achieve the goal.

37.12 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
 37.13 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1 and~~ Tier 2 by permit  
 37.14 categories. The report is due August 1 each year. For permit applications that have not met  
 37.15 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
 37.16 for not meeting the goal, the commissioner shall separately identify delays caused by the  
 37.17 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
 37.18 level of public engagement. The report must specify the number of days from initial  
 37.19 submission of the application to the day of determination that the application is complete.  
 37.20 The report must aggregate the data for the year and assess whether program or system  
 37.21 changes are necessary to achieve the goal. The report must be posted on the department's  
 37.22 Web site and submitted to the governor and the chairs and ranking minority members of  
 37.23 the house of representatives and senate committees having jurisdiction over natural resources  
 37.24 policy and finance.

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

37.27 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
 37.28 to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~  
 37.29 permit applicant, in writing, whether the application is complete or incomplete. If the  
 37.30 commissioner determines that an application is incomplete, the notice to the applicant must  
 37.31 enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
 37.32 and advise the applicant on how the deficiencies can be remedied. If the commissioner  
 37.33 determines that the application is complete, the notice must confirm the application's Tier  
 37.34 1 or Tier 2 permit status. If the commissioner believes that a complete application for a Tier

38.1 2 construction permit cannot be issued within the 150-day goal, the commissioner must  
 38.2 provide notice to the applicant with the commissioner's notice that the application is complete  
 38.3 and, upon request of the applicant, provide the permit applicant with a schedule estimating  
 38.4 when the agency will begin drafting the permit and issue the public notice of the draft permit.  
 38.5 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
 38.6 agreement under chapter 446A.

38.7 (e) When public notice of a draft individual Tier 2 permit is required, the commissioner  
 38.8 must provide the applicant a draft permit for review by the applicant within 30 days after  
 38.9 determining the proposal conforms to all federal and state laws and rules, unless the permit  
 38.10 applicant and the commissioner mutually agree to a different date. The commissioner must  
 38.11 consider all comments submitted by the applicant before issuing the permit.

38.12 Sec. 3. Minnesota Statutes 2016, section 84.027, subdivision 14b, is amended to read:

38.13 Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct,~~  
 38.14 ~~reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of  
 38.15 natural resources to construct, reconstruct, or modify a project or to operate a facility may  
 38.16 offer to reimburse the department for the costs of staff time or consultant services needed  
 38.17 to expedite the preapplication process and permit development process through the final  
 38.18 decision on the permit, including the analysis of environmental review documents. The  
 38.19 reimbursement shall be in addition to permit application fees imposed by law. When the  
 38.20 commissioner determines that additional resources are needed to develop the permit  
 38.21 application in an expedited manner, and that expediting the development is consistent with  
 38.22 permitting program priorities, the commissioner may accept the reimbursement. The  
 38.23 commissioner must give the permit applicant an estimate of costs for the expedited service  
 38.24 to be incurred by the commissioner. The estimate must include a brief description of the  
 38.25 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each  
 38.26 task. The proposer and the commissioner shall enter into a written agreement detailing the  
 38.27 estimated costs for the expedited service to be incurred by the department. The agreement  
 38.28 must also identify staff anticipated to be assigned to the project. The commissioner must  
 38.29 not issue a permit until the applicant has paid all fees in full. The commissioner must refund  
 38.30 any unobligated balance of fees paid. Reimbursements accepted by the commissioner are  
 38.31 appropriated to the commissioner for the purpose of developing the permit or analyzing  
 38.32 environmental review documents. Reimbursement by a permit applicant shall precede and  
 38.33 not be contingent upon issuance of a permit; shall not affect the commissioner's decision  
 38.34 on whether to issue or deny a permit, what conditions are included in a permit, or the

39.1 application of state and federal statutes and rules governing permit determinations; and shall  
 39.2 not affect final decisions regarding environmental review.

39.3 Sec. 4. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

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

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

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

39.9 (3) registered under chapter 168, when operated on forest roads to gain access to a state  
 39.10 forest campground;

39.11 (4) used exclusively in organized track racing events;

39.12 (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident  
 39.13 off-highway motorcycle state trail pass; ~~or~~

39.14 (6) operated by a person participating in an event for which the commissioner has issued  
 39.15 a special use permit; or

39.16 (7) operated on boundary trails and registered in another state or country providing equal  
 39.17 reciprocal registration or licensing exemptions for registrants of this state.

39.18 Sec. 5. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

39.19 Subdivision 1. **Prohibitions on youthful operators.** (a) A person six years or older but  
 39.20 less than 16 years of age operating an off-highway motorcycle on public lands or waters  
 39.21 must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

39.22 (b) Except for operation on public road rights-of-way that is permitted under section  
 39.23 84.795, subdivision 1, a driver's license issued by the state or another state is required to  
 39.24 operate an off-highway motorcycle along or on a public road right-of-way.

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

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

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

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

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

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

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

40.13 Sec. 6. Minnesota Statutes 2016, section 84.8031, is amended to read:

40.14 **84.8031 GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

40.15 The commissioner must review an off-road vehicle grant-in-aid application and, if  
 40.16 approved, ~~commence~~ begin public review of the application within 60 days after the  
 40.17 completed application has been locally approved and submitted to an area parks and trails  
 40.18 office. If the commissioner fails to approve or deny the application within 60 days after  
 40.19 submission, the application is deemed approved and the commissioner must provide for a  
 40.20 30-day public review period. If the commissioner denies an application, the commissioner  
 40.21 must provide the applicant with a written explanation for denying the application at the time  
 40.22 the applicant is notified of the denial.

40.23 Sec. 7. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

40.24 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or  
 40.25 reregistration shall be made to the commissioner or an authorized deputy registrar of motor  
 40.26 vehicles in a format prescribed by the commissioner and shall state the legal name and  
 40.27 address of every owner of the snowmobile.

40.28 (b) A person who purchases a snowmobile from a retail dealer shall make application  
 40.29 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary  
 40.30 21-day registration permit to each purchaser who applies to the dealer for registration. The  
 40.31 temporary permit must contain the dealer's identification number and phone number. Each  
 40.32 retail dealer shall submit completed registration and fees to the deputy registrar at least once



41.1 a week. No fee may be charged by a dealer to a purchaser for providing the temporary  
41.2 permit.

41.3 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy  
41.4 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number  
41.5 or a commissioner or deputy registrar temporary 21-day permit. Once issued, the registration  
41.6 number must be affixed to the snowmobile in a clearly visible and permanent manner for  
41.7 enforcement purposes as the commissioner of natural resources shall prescribe. A dealer  
41.8 subject to paragraph (b) shall provide the registration materials or temporary permit to the  
41.9 purchaser within the temporary 21-day permit period. The registration is not valid unless  
41.10 signed by at least one owner.

41.11 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also  
41.12 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement  
41.13 with the commissioner of public safety may prescribe the accounting and procedural  
41.14 requirements necessary to assure efficient handling of registrations and registration fees.  
41.15 Deputy registrars shall strictly comply with these accounting and procedural requirements.

41.16 (e) ~~A fee of \$2~~ In addition to ~~that otherwise~~ other fees prescribed by law ~~shall be charged~~  
41.17 ~~for~~, an issuing fee of \$4.50 is charged for each snowmobile registration renewal, duplicate  
41.18 or replacement registration card, and replacement decal and an issuing fee of \$7 is charged  
41.19 for each snowmobile registration and registration transfer issued by:

41.20 (1) ~~each snowmobile registered by the~~ a registrar or a deputy registrar and ~~the additional~~  
41.21 ~~fee shall be disposed of~~ must be deposited in the manner provided in section 168.33,  
41.22 subdivision 2; or

41.23 (2) ~~each snowmobile registered by the commissioner and the additional fee shall~~ must  
41.24 be deposited in the state treasury and credited to the snowmobile trails and enforcement  
41.25 account in the natural resources fund.

41.26 Sec. 8. Minnesota Statutes 2016, section 84.82, subdivision 3, is amended to read:

41.27 Subd. 3. **Fees for registration.** (a) The fee for registration of each snowmobile, other  
41.28 than those used for an agricultural purpose, as defined in section 84.92, subdivision 1c,  
41.29 those registered by a dealer or manufacturer pursuant to paragraph (b) or (c), or those  
41.30 registered under subdivision 2a shall be as follows: ~~\$75~~ \$105 for three years and \$10 for a  
41.31 duplicate or transfer.

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

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

42.4 (d) The onetime fee for registration of an exempt snowmobile under subdivision 6a is  
42.5 \$6.

42.6 Sec. 9. Minnesota Statutes 2016, section 84.8205, subdivision 1, is amended to read:

42.7 Subdivision 1. **Sticker required; fee.** (a) A snowmobile that is not registered in the state  
42.8 under section 84.82, subdivision 3, paragraph (a), or that is registered by a manufacturer or  
42.9 dealer under section 84.82, subdivision 3, paragraph (b) or (c), may not be operated on a  
42.10 state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to  
42.11 the snowmobile.

42.12 (b) The commissioner of natural resources shall issue a sticker upon application and  
42.13 payment of a fee. The fee is:

42.14 (1) ~~\$35~~ \$50 for a one-year snowmobile state trail sticker purchased by an individual;  
42.15 and

42.16 (2) \$15 for a one-year snowmobile state trail sticker purchased by a dealer or  
42.17 manufacturer.

42.18 (c) In addition to other penalties prescribed by law, an individual in violation of this  
42.19 subdivision must purchase an annual state trail sticker for a fee of \$70. The sticker is valid  
42.20 from November 1 through June 30. Fees collected under this section, except for the issuing  
42.21 fee for licensing agents, shall be deposited in the state treasury and credited to the snowmobile  
42.22 trails and enforcement account in the natural resources fund and, except for the electronic  
42.23 licensing system commission established by the commissioner under section 84.027,  
42.24 subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement  
42.25 acquisition.

42.26 (d) A state trail sticker is not required under this section for:

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

42.30 (2) a collector snowmobile that is operated as provided in a special permit issued for the  
42.31 collector snowmobile under section 84.82, subdivision 7a;

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

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

43.4 Sec. 10. Minnesota Statutes 2016, section 84.922, subdivision 5, is amended to read:

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

43.8 (1) for public use, ~~\$45~~ \$60;

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

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

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

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

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

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

43.19 Sec. 11. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

43.20 Subdivision 1. **Program established.** (a) The commissioner shall establish a  
43.21 comprehensive all-terrain vehicle environmental and safety education and training program,  
43.22 including the preparation and dissemination of vehicle information and safety advice to the  
43.23 public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle  
43.24 safety certificates to vehicle operators over the age of 12 years who successfully complete  
43.25 the all-terrain vehicle environmental and safety education and training course. A parent or  
43.26 guardian must be present at the hands-on training portion of the program for youth who are  
43.27 six through ten years of age.

43.28 (b) For the purpose of administering the program and to defray the expenses of training  
43.29 and certifying vehicle operators, the commissioner shall collect a fee from each person who  
43.30 receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for  
43.31 licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The

44.1 commissioner shall establish both fees in a manner that neither significantly overrecovers  
44.2 nor underrecovers costs, including overhead costs, involved in providing the services. The  
44.3 fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not  
44.4 apply. The fees may be established by the commissioner notwithstanding section 16A.1283.  
44.5 Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall  
44.6 be deposited in the all-terrain vehicle account in the natural resources fund and the amount  
44.7 thereof, except for the electronic licensing system commission established by the  
44.8 commissioner under section 84.027, subdivision 15, and issuing fees collected by the  
44.9 commissioner, is appropriated annually to the Enforcement Division of the Department of  
44.10 Natural Resources for the administration of the programs. In addition to the fee established  
44.11 by the commissioner, instructors may charge each person up to the established fee amount  
44.12 for class materials and expenses.

44.13 (c) The commissioner shall cooperate with private organizations and associations, private  
44.14 and public corporations, and local governmental units in furtherance of the program  
44.15 established under this section. School districts may cooperate with the commissioner and  
44.16 volunteer instructors to provide space for the classroom portion of the training. The  
44.17 commissioner shall consult with the commissioner of public safety in regard to training  
44.18 program subject matter and performance testing that leads to the certification of vehicle  
44.19 operators. The commissioner shall incorporate a riding component in the safety education  
44.20 and training program.

44.21 Sec. 12. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

44.31 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age  
44.32 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,  
44.33 county state-aid, or county highway or operate on public lands and waters or state or

45.1 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate  
45.2 issued by the commissioner and is accompanied by a person 18 years of age or older who  
45.3 holds a valid driver's license.

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

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

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

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

45.13 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain  
45.14 vehicle with an engine capacity up to ~~90cc~~ 110cc if the vehicle is a class 1 all-terrain vehicle  
45.15 with straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with  
45.16 side-by-side-style seating on public lands or waters if accompanied by a parent or legal  
45.17 guardian.

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

45.19 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands  
45.20 or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

45.21 (1) the handle bars and reach the foot pegs while sitting upright on the seat of the  
45.22 all-terrain vehicle with straddle-style seating; or

45.23 (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with  
45.24 side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

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

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

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

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

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

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

46.9 Sec. 13. Minnesota Statutes 2016, section 84.9256, subdivision 2, is amended to read:

46.10 Subd. 2. **Helmet and seat belts required.** (a) A person less than 18 years of age shall  
46.11 not ride as a passenger or as an operator of an all-terrain vehicle on public land, public  
46.12 waters, or on a public road right-of-way unless wearing a safety helmet approved by the  
46.13 commissioner of public safety.

46.14 (b) A person less than 18 years of age shall not ride as a passenger or as an operator of  
46.15 ~~a class 2~~ an all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

46.16 Sec. 14. Minnesota Statutes 2016, section 84.9275, subdivision 1, is amended to read:

46.17 Subdivision 1. **Pass required; fee.** (a) A tribal member exempt from registration under  
46.18 section 84.922, subdivision 1a, clause (2), or a nonresident may not operate an all-terrain  
46.19 vehicle on a state or grant-in-aid all-terrain vehicle trail unless the operator carries a valid  
46.20 nonresident all-terrain vehicle state trail pass in immediate possession. The pass must be  
46.21 available for inspection by a peace officer, a conservation officer, or an employee designated  
46.22 under section 84.0835.

46.23 (b) The commissioner of natural resources shall issue a pass upon application and payment  
46.24 of a ~~\$20~~ \$30 fee. The pass is valid from January 1 through December 31. Fees collected  
46.25 under this section, except for the issuing fee for licensing agents, shall be deposited in the  
46.26 state treasury and credited to the all-terrain vehicle account in the natural resources fund  
46.27 and, except for the electronic licensing system commission established by the commissioner  
46.28 under section 84.027, subdivision 15, must be used for grants-in-aid to counties and  
46.29 municipalities for all-terrain vehicle organizations to construct and maintain all-terrain  
46.30 vehicle trails and use areas.

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

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

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

47.6 (3) a nonresident operating an all-terrain vehicle that is registered according to section  
47.7 84.922.

47.8 Sec. 15. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

47.9 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a  
47.10 capital expenditure on a capital asset previously owned by the state, within the meaning of  
47.11 generally accepted accounting principles as applied to public expenditures. The commissioner  
47.12 of natural resources will consult with the commissioner of management and budget to the  
47.13 extent necessary to ensure this and will furnish the commissioner of management and budget  
47.14 a list of projects to be financed from the account in order of their priority. The legislature  
47.15 assumes that many projects for preservation and replacement of portions of existing capital  
47.16 assets will constitute betterments and capital improvements within the meaning of the  
47.17 Constitution and capital expenditures under generally accepted accounting principles, and  
47.18 will be financed more efficiently and economically under this section than by direct  
47.19 appropriations for specific projects.

47.20 (b) An appropriation for asset preservation must not be used to acquire land or to acquire  
47.21 or construct buildings or other facilities.

47.22 (c) Capital budget expenditures for natural resource asset preservation and replacement  
47.23 projects must be for one or more of the following types of capital projects that support the  
47.24 existing programmatic mission of the department: code compliance including health and  
47.25 safety, Americans with Disabilities Act requirements, hazardous material abatement, access  
47.26 improvement, or air quality improvement; building energy efficiency improvements using  
47.27 current best practices; building or infrastructure repairs necessary to preserve the interior  
47.28 and exterior of existing buildings; projects to remove life safety hazards such as building  
47.29 code violations or structural defects; or renovation of other existing improvements to land,  
47.30 including but not limited to trails and bridges.

47.31 (d) Up to ten percent of an appropriation awarded under this section may be used for  
47.32 design costs for projects eligible to be funded from this account in anticipation of future  
47.33 funding from the account.

48.1 Sec. 16. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to  
48.2 read:

48.3 Subd. 4. **Priorities; report.** The commissioner of natural resources must establish  
48.4 priorities for natural resource asset preservation and replacement projects. By January 15  
48.5 each year, the commissioner must submit to the commissioner of management and budget  
48.6 a list of the projects that have been paid for with money from a natural resource asset  
48.7 preservation and replacement appropriation during the preceding calendar year.

48.8 Sec. 17. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

48.9 Subd. 3. **Training and mentoring.** The commissioner must develop and implement a  
48.10 training program that adequately prepares Minnesota Naturalist Corps members for the  
48.11 tasks assigned. Each corps member ~~shall be~~ is assigned a ~~state park~~ an interpretive naturalist  
48.12 as a mentor.

48.13 Sec. 18. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

48.14 Subd. 4. **Uniform ~~patch~~ pin.** Uniforms worn by members of the Minnesota Naturalist  
48.15 Corps must have a ~~patch~~ pin that includes the name of the Minnesota Naturalist Corps and  
48.16 information that the program is funded by the clean water, land, and legacy amendment to  
48.17 the Minnesota Constitution adopted by the voters in November 2008.

48.18 Sec. 19. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

48.19 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if  
48.20 the person:

48.21 (1) is a permanent resident of the state;

48.22 (2) is a participant in an approved college internship program ~~or has a postsecondary~~  
48.23 ~~degree~~ in a field related to natural resource resources, cultural history, interpretation, or  
48.24 ~~conservation related field~~; and

48.25 (3) has completed at least one year of postsecondary education.

48.26 Sec. 20. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

48.27 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible  
48.28 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~  
48.29 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members  
48.30 are not employees of the state within the meaning of section 43A.02, subdivision 21.



49.1 Sec. 21. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

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

49.5 (b) In waters that are listed as infested waters, except those listed as infested with  
49.6 prohibited invasive species of fish or certifiable diseases of fish, as defined under section  
49.7 17.4982, subdivision 6, taking wild animals may be permitted for:

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

49.10 (2) bait purposes for noncommercial personal use in waters that contain Eurasian  
49.11 watermilfoil, when the infested waters are listed solely because they contain Eurasian  
49.12 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not  
49.13 exceeding 16 inches in diameter and 32 inches in length.

49.14 (c) In streams or rivers that are listed as infested waters, except those listed as infested  
49.15 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest  
49.16 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by  
49.17 hook and line for noncommercial personal use is allowed as follows:

49.18 (1) fish taken under this paragraph must be used on the same body of water where caught  
49.19 and while still on that water body. Where the river or stream is divided by barriers such as  
49.20 dams, the fish must be caught and used on the same section of the river or stream;

49.21 (2) fish taken under this paragraph may not be transported live from or off the water  
49.22 body;

49.23 (3) fish harvested under this paragraph may only be used in accordance with this section;

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

49.25 (5) fish taken under this paragraph must meet all other size restrictions and requirements  
49.26 as established in rules; and

49.27 (6) all species listed under this paragraph shall be included in the person's daily limit as  
49.28 established in rules, if applicable.

49.29 (d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River  
49.30 downstream of the dam at Taylors Falls, including portions described as  
49.31 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items

50.1 A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for  
50.2 angling, as provided in a permit issued under section 84D.11, is allowed as follows:

50.3 (1) nontarget species must immediately be returned to the water;

50.4 (2) gizzard shad taken under this paragraph must be used on the same body of water  
50.5 where caught and while still on that water body. Where the river is divided by barriers such  
50.6 as dams, the gizzard shad must be caught and used on the same section of the river;

50.7 (3) gizzard shad taken under this paragraph may not be transported off the water body;  
50.8 and

50.9 (4) gizzard shad harvested under this paragraph may only be used in accordance with  
50.10 this section.

50.11 This paragraph expires December 1, 2017.

50.12 (e) Equipment authorized for minnow harvest in a listed infested water by permit issued  
50.13 under paragraph (b) may not be transported to, or used in, any waters other than waters  
50.14 specified in the permit.

50.15 (f) Bait intended for sale may not be held in infested water after taking and before sale,  
50.16 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

50.17 Sec. 22. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

50.18 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**  
50.19 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines  
50.20 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that  
50.21 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined  
50.22 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~  
50.23 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~  
50.24 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~  
50.25 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~  
50.26 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~  
50.27 tagged with tags provided by the commissioner, as specified in the commercial licensee's  
50.28 license or permit. Tagged gear must not be used in water bodies other than those specified  
50.29 in the license or permit. The permit may authorize department staff to remove tags after the  
50.30 gear is decontaminated. This tagging requirement does not apply to commercial fishing  
50.31 equipment used in Lake Superior.

51.1 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,  
 51.2 frog, or crayfish harvesting in an infested water that is listed solely because it contains  
 51.3 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum  
 51.4 of two days before they are used in any other waters, except as provided in this paragraph.  
 51.5 Commercial licensees must notify the department's regional or area fisheries office or a  
 51.6 conservation officer before removing nets or equipment from an infested water listed solely  
 51.7 because it contains Eurasian watermilfoil and before resetting those nets or equipment in  
 51.8 any other waters. Upon notification, the commissioner may authorize a commercial licensee  
 51.9 to move nets or equipment to another water without freezing or drying, if that water is listed  
 51.10 as infested solely because it contains Eurasian watermilfoil.

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

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

51.15 Sec. 23. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

51.16 Subdivision 1. **Classes.** The commissioner shall, as provided in this chapter, classify  
 51.17 nonnative species of aquatic plants and wild animals, including subspecies, genotypes,  
 51.18 cultivars, hybrids, or genera of nonnative species, according to the following categories:

51.19 (1) prohibited invasive species, which may not be possessed, imported, purchased, sold,  
 51.20 propagated, transported, or introduced except as provided in section 84D.05;

51.21 (2) regulated invasive species, which may not be introduced except as provided in section  
 51.22 84D.07;

51.23 (3) unlisted nonnative species, which are subject to the classification procedure in section  
 51.24 84D.06; and

51.25 (4) unregulated nonnative species, which are not subject to regulation under this chapter.

51.26 Sec. 24. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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

52.4 (5) when being transported for disposal as part of a harvest or control activity when  
 52.5 specifically authorized under a permit issued by the commissioner according to section  
 52.6 103G.615, when being transported for disposal as specified under a commercial fishing  
 52.7 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,  
 52.8 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

52.9 (6) when being removed from watercraft and equipment, or caught while angling, and  
 52.10 immediately returned to the water from which they came; ~~or~~

52.11 (7) when being transported from riparian property to a legal disposal site that is at least  
 52.12 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited  
 52.13 invasive species are in a covered commercial vehicle specifically designed and used for  
 52.14 hauling trash; or

52.15 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

52.16 Sec. 25. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

52.17 Subd. 2a. **Lake Minnetonka pilot study.** (a) The commissioner may issue an additional  
 52.18 permit to service providers to return to Lake Minnetonka water-related equipment with  
 52.19 zebra mussels attached after the equipment has been seasonally stored, serviced, or repaired.  
 52.20 The permit must include verification and documentation requirements and any other  
 52.21 conditions the commissioner deems necessary.

52.22 (b) Water-related equipment with zebra mussels attached may be returned only to Lake  
 52.23 Minnetonka (DNR Division of Waters number 27-0133) by service providers permitted  
 52.24 under subdivision 1.

52.25 (c) The service provider's place of business must be within the Lake Minnetonka  
 52.26 Conservation District as established according to sections 103B.601 to 103B.645 or within  
 52.27 a municipality immediately bordering the Lake Minnetonka Conservation District's  
 52.28 boundaries.

52.29 (d) A service provider applying for a permit under this subdivision must, if approved  
 52.30 for a permit and before the permit is valid, furnish a corporate surety bond in favor of the  
 52.31 state for \$50,000 payable upon violation of this chapter while the service provider is acting  
 52.32 under a permit issued according to this subdivision.

53.1 (e) This subdivision expires December 1, ~~2018~~ 2019.

53.2 Sec. 26. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision  
53.3 to read:

53.4 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional  
53.5 targeted pilot study to include water-related equipment with zebra mussels attached for the  
53.6 Gull Narrows State Water Access Site, Government Point State Water Access Site, and  
53.7 Gull East State Water Access Site on Gull Lake (DNR Division of Waters number 11-0305)  
53.8 in Cass and Crow Wing Counties using the same authorities, general procedures, and  
53.9 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake service  
53.10 providers participating in the Gull Lake targeted pilot study place of business must be located  
53.11 in Cass or Crow Wing County.

53.12 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,  
53.13 the report to the chairs and ranking minority members of the senate and house of  
53.14 representatives committees having jurisdiction over natural resources required under Laws  
53.15 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study  
53.16 recommendations and assessments.

53.17 (c) This subdivision expires December 1, 2019.

53.18 Sec. 27. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision  
53.19 to read:

53.20 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional  
53.21 targeted pilot study to include water-related equipment with zebra mussels attached for the  
53.22 Cross Lake #1 State Water Access Site on Cross Lake (DNR Division of Waters number  
53.23 18-0312) in Crow Wing County using the same authorities, general procedures, and  
53.24 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place  
53.25 of business of lake service providers participating in the Cross Lake targeted pilot study  
53.26 must be located in Cass or Crow Wing County.

53.27 (b) If an additional targeted pilot project for Cross Lake is implemented under this  
53.28 section, the report to the chairs and ranking minority members of the senate and house of  
53.29 representatives committees having jurisdiction over natural resources required under Laws  
53.30 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot  
53.31 study recommendations and assessments.

53.32 (c) This subdivision expires December 1, 2019.

54.1 Sec. 28. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to  
54.2 read:

54.3 Subd. 1a. **Permit for invasive carp.** The commissioner may issue a permit to  
54.4 departmental divisions for tagging bighead, black, grass, or silver carp for research or  
54.5 control. Under the permit, the carp may be released into the water body from which the carp  
54.6 was captured. This subdivision expires December 31, 2021.

54.7 Sec. 29. **[85.0507] FORT RIDGELY GOLF COURSE; GOLF CARTS.**

54.8 The commissioner may by contract, concession agreement, or lease, authorize the use  
54.9 of golf carts on the golf course at Fort Ridgely State Park.

54.10 Sec. 30. Minnesota Statutes 2016, section 85.052, subdivision 1, is amended to read:

54.11 Subdivision 1. **Authority to establish.** (a) The commissioner may establish, by written  
54.12 order, provisions for the use of state parks for the following:

54.13 (1) special parking space for automobiles or other motor-driven vehicles in a state park  
54.14 or state recreation area;

54.15 (2) special parking spurs, campgrounds for automobiles, sites for tent camping, other  
54.16 types of lodging, camping, or day use facilities, and special auto trailer coach parking spaces,  
54.17 for the use of the individual charged for the space or facility;

54.18 (3) improvement and maintenance of golf courses already established in state parks, and  
54.19 charging reasonable use fees; and

54.20 (4) providing water, sewer, and electric service to trailer or tent campsites and charging  
54.21 a reasonable use fee.

54.22 (b) Provisions established under paragraph (a) are exempt from section 16A.1283 and  
54.23 the rulemaking provisions of chapter 14. Section 14.386 does not apply.

54.24 (c) For the purposes of this subdivision, "lodging" means an enclosed shelter, room, or  
54.25 building with furnishings for overnight use.

54.26 Sec. 31. Minnesota Statutes 2016, section 85.053, subdivision 8, is amended to read:

54.27 Subd. 8. **Free permit; military personnel; exemption.** (a) ~~A one-day permit, Annual~~  
54.28 ~~permits under subdivision 4, shall~~ 1 must be issued without a fee for a motor vehicle being  
54.29 ~~used by a person who is serving in~~ to active military service personnel in any branch or unit  
54.30 ~~of the United States armed forces and who is stationed outside Minnesota, during the period~~

55.1 ~~of active service and for 90 days immediately thereafter, if the~~ or their dependents and to  
 55.2 recipients of a Purple Heart medal. To qualify for a free permit under this subdivision, a  
 55.3 ~~person presents the person's current military orders~~ must present qualifying military  
 55.4 identification or an annual pass for the United States military issued through the National  
 55.5 Parks and Federal Recreational Lands Pass program to the park attendant on duty or other  
 55.6 designee of the commissioner.

55.7 (b) For purposes of this section, ~~"active service" has the meaning given under section~~  
 55.8 ~~190.05, subdivision 5e, when performed outside Minnesota~~ subdivision, the commissioner  
 55.9 shall establish what constitutes qualifying military identification in the State Register.

55.10 (c) ~~A permit is not required for a motor vehicle being used by military personnel or their~~  
 55.11 ~~dependents who have in their possession the annual pass for United States military and their~~  
 55.12 ~~dependents issued by the federal government for access to federal recreation sites~~ For  
 55.13 vehicles permitted under paragraph (a), the permit or decal issued under this subdivision is  
 55.14 valid only when displayed on a vehicle owned and occupied by the person to whom the  
 55.15 permit is issued.

55.16 (d) The commissioner may issue a daily vehicle permit free of charge to an individual  
 55.17 who qualifies under paragraph (a) and does not own or operate a motor vehicle.

55.18 Sec. 32. Minnesota Statutes 2016, section 85.053, subdivision 10, is amended to read:

55.19 Subd. 10. **Free ~~entrance~~ permit; disabled veterans.** (a) The commissioner shall issue  
 55.20 an annual park permit for no charge to any veteran with a total and permanent  
 55.21 ~~service-connected disability, and a daily park permit to any resident veteran~~ with any level  
 55.22 of service-connected disability, as determined by the United States Department of Veterans  
 55.23 Affairs, who presents each year a copy of the veteran's determination letter or other official  
 55.24 form of validation issued by the United States Department of Veterans Affairs or the United  
 55.25 States Department of Defense to a park attendant or commissioner's designee. For the  
 55.26 purposes of this section subdivision, "veteran" has the meaning given in section 197.447.

55.27 (b) For vehicles permitted under paragraph (a), the permit or decal issued under this  
 55.28 subdivision is valid only when displayed on a vehicle owned and occupied by the person  
 55.29 to whom the permit is issued.

55.30 (c) The commissioner may issue a daily vehicle permit free of charge to an individual  
 55.31 who qualifies under paragraph (a) and does not own or operate a motor vehicle.

56.1 Sec. 33. Minnesota Statutes 2016, section 85.054, is amended by adding a subdivision to  
56.2 read:

56.3 Subd. 19. **Fort Ridgely golf course.** The commissioner may by contract, concession  
56.4 agreement, or lease waive a state park permit and associated fee for motor vehicle entry or  
56.5 parking for persons playing golf at the Fort Ridgely State Park golf course provided that  
56.6 the contract, concession agreement, or lease payment to the state is set, in part, to compensate  
56.7 the state park system for the loss of the state park fees.

56.8 Sec. 34. Minnesota Statutes 2016, section 85.055, subdivision 1, is amended to read:

56.9 Subdivision 1. **Fees.** The fee for state park permits for:

56.10 (1) an annual use of state parks is ~~\$25~~ \$35;

56.11 (2) a second or subsequent vehicle state park permit is ~~\$18~~ \$26;

56.12 (3) a state park permit valid for one day is ~~\$5~~ \$7;

56.13 (4) a daily vehicle state park permit for groups is ~~\$3~~ \$5;

56.14 (5) an annual permit for motorcycles is ~~\$20~~ \$30;

56.15 (6) an employee's state park permit is without charge; and

56.16 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,  
56.17 paragraph (a), clauses (1) to (3), is \$12.

56.18 The fees specified in this subdivision include any sales tax required by state law.

56.19 Sec. 35. Minnesota Statutes 2016, section 85.22, subdivision 2a, is amended to read:

56.20 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state  
56.21 park items, tours at ~~Forestville-Mystery Cave State Park~~, interpretation programs, educational  
56.22 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be  
56.23 credited to the state parks working capital account. Receipts and expenses from Douglas  
56.24 Lodge shall be tracked separately within the account. Money in the account is annually  
56.25 appropriated for the purchase and payment of expenses attributable to items for resale or  
56.26 rental and operation of Douglas Lodge. Any excess receipts in this account are annually  
56.27 appropriated for state park management and interpretive programs.

56.28 Sec. 36. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

56.29 Subdivision 1. ~~Areas marked~~ **Designation.** The commissioner of natural resources is  
56.30 authorized in cooperation with local units of government and private individuals and groups



57.1 when feasible to ~~mark~~ manage state water trails on the Lake Superior water trail under  
 57.2 section 85.0155 and on the following rivers, which have historic, recreational, and scenic  
 57.3 values: Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon,  
 57.4 Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro,  
 57.5 Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa  
 57.6 from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River  
 57.7 of the North, Sauk, Otter Tail, Redwood, Blue Earth, Cedar, Shell Rock, and Vermilion in  
 57.8 St. Louis County, North Fork of the Crow, and South Fork of the Crow Rivers, which have  
 57.9 historic and scenic values, and to mark appropriately. The commissioner may map and sign  
 57.10 points of interest, public water access sites, portages, camp sites, and ~~all~~ dams, rapids,  
 57.11 waterfalls, ~~whirlpools,~~ and other serious hazards that are dangerous to canoe, kayak, and  
 57.12 watercraft travelers. The commissioner may maintain passageway for watercraft on state  
 57.13 water trails.

57.14 Sec. 37. **[85.47] SPECIAL USE PERMITS; FEES.**

57.15 Fees collected for special use permits to use state trails not on state forest, state park, or  
 57.16 state recreation area lands and for use of state water access sites must be deposited in the  
 57.17 natural resources fund.

57.18 Sec. 38. Minnesota Statutes 2016, section 86B.301, subdivision 2, is amended to read:

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

57.20 (1) a watercraft that is covered by a license or number in full force and effect under  
 57.21 federal law or a federally approved licensing or numbering system of another state, or a  
 57.22 watercraft that is owned by a person from another state and that state does not require  
 57.23 licensing that type of watercraft, and the watercraft has not been within this state for more  
 57.24 than 90 consecutive days, which does not include days that a watercraft is laid up at dock  
 57.25 over winter or for repairs at a Lake Superior port or another port in the state;

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

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

57.31 (4) a ship's lifeboat;

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

58.3 (6) a waterfowl boat during waterfowl-hunting season;

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

58.5 (8) a seaplane;

58.6 (9) a nonmotorized watercraft ten feet in length or less; and

58.7 (10) a watercraft that is covered by a valid license or number issued by a federally  
58.8 recognized Indian tribe in the state under a federally approved licensing or numbering system  
58.9 and that is owned by a member of that tribe.

58.10 Sec. 39. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

58.11 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws  
58.12 relating to watercraft, a person may not operate or permit the operation of a personal  
58.13 watercraft:

58.14 (1) without each person on board the personal watercraft wearing a ~~United States Coast~~  
58.15 ~~Guard (USCG)-approved~~ wearable personal flotation device ~~with a~~ that is approved by the  
58.16 United States Coast Guard (USCG) and has a USCG label indicating ~~it~~ the flotation device  
58.17 ~~either is approved for or does not prohibit use with personal watercraft or water skiing;~~

58.18 (2) between one hour before sunset and 9:30 a.m.;

58.19 (3) at greater than slow-no wake speed within 150 feet of:

58.20 (i) a shoreline;

58.21 (ii) a dock;

58.22 (iii) a swimmer;

58.23 (iv) a raft used for swimming or diving; or

58.24 (v) a moored, anchored, or nonmotorized watercraft;

58.25 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other  
58.26 device unless:

58.27 (i) an observer is on board; or

58.28 (ii) the personal watercraft is equipped with factory-installed or factory-specified  
58.29 accessory mirrors that give the operator a wide field of vision to the rear;

59.1 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,  
 59.2 or personal flotation device of the operator, if the personal watercraft is equipped by the  
 59.3 manufacturer with such a device;

59.4 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or  
 59.5 tampered with so as to interfere with the return-to-idle system;

59.6 (7) to chase or harass wildlife;

59.7 (8) through emergent or floating vegetation at other than a slow-no wake speed;

59.8 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,  
 59.9 including weaving through congested watercraft traffic, jumping the wake of another  
 59.10 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing  
 59.11 backwards;

59.12 (10) in any other manner that is not reasonable and prudent; or

59.13 (11) without a personal watercraft rules decal, issued by the commissioner, attached to  
 59.14 the personal watercraft so as to be in full view of the operator.

59.15 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft  
 59.16 to launch or land a person on water skis, a kneeboard, or similar device by the most direct  
 59.17 route to open water.

59.18 Sec. 40. Minnesota Statutes 2016, section 86B.701, subdivision 3, is amended to read:

59.19 Subd. 3. **Allocation of funding.** (a) Notwithstanding section 16A.41, expenditures  
 59.20 directly related to each appropriation's purpose made on or after January 1 of the fiscal year  
 59.21 in which the grant is made or the date of work plan approval, whichever is later, are eligible  
 59.22 for reimbursement unless otherwise provided.

59.23 (b) The amount of funds to be allocated under subdivisions 1 and 2 and shall be  
 59.24 determined by the commissioner on the basis of the following criteria:

59.25 (1) the number of watercraft using the waters wholly or partially within the county;

59.26 (2) the number of watercraft using particular bodies of water, wholly or partially within  
 59.27 the county, in relation to the size of the body of water and the type, speed, and size of the  
 59.28 watercraft utilizing the water body;

59.29 (3) the amount of water acreage wholly or partially within the county;

59.30 (4) the overall performance of the county in the area of boat and water safety;

60.1 (5) special considerations, such as volume of transient or nonresident watercraft use,  
 60.2 number of rental watercraft, extremely large bodies of water wholly or partially in the  
 60.3 county; or

60.4 (6) any other factor as determined by the commissioner.

60.5 ~~(b)~~ (c) The commissioner may require reports from the counties, make appropriate  
 60.6 surveys or studies, or utilize local surveys or studies to determine the criteria required in  
 60.7 allocation funds.

60.8 Sec. 41. Minnesota Statutes 2016, section 88.01, subdivision 28, is amended to read:

60.9 Subd. 28. **Prescribed burn.** "Prescribed burn" means a fire that is intentionally ignited,  
 60.10 managed, and controlled for the purpose of managing forests, prairies, or wildlife habitats  
 60.11 by an entity meeting certification requirements established by the commissioner ~~for the~~  
 60.12 ~~purpose of managing vegetation~~. A prescribed burn that has exceeded its prescribed  
 60.13 boundaries and requires immediate suppression action by a local fire department or other  
 60.14 agency with wildfire suppression responsibilities is considered a wildfire.

60.15 Sec. 42. Minnesota Statutes 2016, section 88.523, is amended to read:

60.16 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

60.17 Upon application of the owner, any auxiliary forest contract may be made subject to any  
 60.18 provisions of law enacted subsequent to the execution of the contract and in force at the  
 60.19 time of application, so far as not already applicable, with the approval of the county board  
 60.20 and the commissioner of natural resources. A supplemental agreement in a ~~form~~ format  
 60.21 prescribed by the commissioner ~~and approved by the attorney general~~ must be executed by  
 60.22 the commissioner in behalf of the state and by the owner. The supplemental agreement must  
 60.23 be filed and recorded in like manner as the supplemental contract under section 88.49,  
 60.24 subdivision 9, and takes effect upon filing and recording.

60.25 Sec. 43. Minnesota Statutes 2016, section 89.39, is amended to read:

60.26 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

60.27 Every individual, partnership, or private corporation to whom any planting stock is  
 60.28 supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must  
 60.29 execute an agreement, ~~upon a form~~ in a format approved by the ~~attorney general~~  
 60.30 commissioner, to comply with ~~all~~ the requirements of sections 89.35 to 89.39 and ~~all~~  
 60.31 conditions prescribed by the commissioner ~~hereunder~~ thereunder. Any party to such an

61.1 agreement who ~~shall violate any provision thereof shall,~~ violates the agreement is, in addition  
 61.2 to any other penalties that may be applicable, ~~be~~ liable to the state in a sum equal to three  
 61.3 times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees  
 61.4 were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for  
 61.5 any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty ~~shall be~~  
 61.6 is equal to three times the sale price. ~~Such~~ The penalties ~~shall be~~ are recoverable in a civil  
 61.7 action brought in the name of the state by the attorney general.

61.8 Sec. 44. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to  
 61.9 read:

61.10 Subd. 1a. **Affiliate.** "Affiliate" means a person who:

61.11 (1) controls, is controlled by, or is under common control with any other person,  
 61.12 including, without limitation, a partner, business entity with common ownership, or principal  
 61.13 of any business entity or a subsidiary, parent company, or holding company of any person;  
 61.14 or

61.15 (2) bids as a representative for another person.

61.16 Sec. 45. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

61.17 Subd. 8. **Permit holder.** "Permit holder" means the person or affiliate of the person who  
 61.18 is the signatory of a permit to cut timber on state lands.

61.19 Sec. 46. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

61.20 Subd. 12. **Responsible bidder.** "Responsible bidder" means a person or affiliate of a  
 61.21 person who is financially responsible; demonstrates the judgment, skill, ability, capacity,  
 61.22 and integrity requisite and necessary to perform according to the terms of a permit issued  
 61.23 under this chapter; and is not currently debarred by ~~another~~ a government entity for any  
 61.24 cause.

61.25 Sec. 47. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

61.26 Subd. 2. **Trespass on state lands.** The commissioner may compromise and settle, ~~with~~  
 61.27 ~~notification to the attorney general,~~ upon terms the commissioner deems just, any claim of  
 61.28 the state for casual and involuntary trespass upon state lands or timber; provided that no  
 61.29 claim shall be settled for less than the full value of all timber or other materials taken in  
 61.30 casual trespass or the full amount of all actual damage or loss suffered by the state as a  
 61.31 result. Upon request, the commissioner shall advise the Executive Council of any information

62.1 acquired by the commissioner concerning any trespass on state lands, giving all details and  
 62.2 names of witnesses and all compromises and settlements made under this subdivision.

62.3 Sec. 48. Minnesota Statutes 2016, section 90.051, is amended to read:

62.4 **90.051 SUPERVISION OF SALES; BOND.**

62.5 The department employee delegated to supervise state timber appraisals and sales shall  
 62.6 be bonded in a form to be prescribed by the ~~attorney general~~ commissioner and in the sum  
 62.7 of not less than \$25,000, conditioned upon the faithful and honest performance of duties.

62.8 Sec. 49. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

62.9 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner  
 62.10 shall compile a list containing a description of each tract of land upon which any timber to  
 62.11 be offered is situated and a statement of the estimated quantity of timber and of the appraised  
 62.12 price of each kind of timber thereon as shown by the report of the state appraiser. No  
 62.13 description shall be added after the list is posted and no timber shall be sold from land not  
 62.14 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.  
 62.15 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet  
 62.16 or conspicuously posted in the forest office or other public facility most accessible to potential  
 62.17 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to  
 62.18 be published once not less than one week before the date of sale in a legal newspaper in the  
 62.19 county or counties where the land is situated. The notice shall state the time and place of  
 62.20 the sale and the location at which further information regarding the sale may be obtained.  
 62.21 The commissioner may give other published or posted notice as the commissioner deems  
 62.22 proper to reach prospective bidders.

62.23 Sec. 50. Minnesota Statutes 2016, section 90.14, is amended to read:

62.24 **90.14 AUCTION SALE PROCEDURE.**

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

62.29 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,  
 62.30 or, if unsold at public auction, at the time of purchase at a subsequent sale under section  
 62.31 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the  
 62.32 appraised value. In case any purchaser fails to make such payment, the purchaser shall be

63.1 liable therefor to the state in a civil action, and the commissioner may reoffer the timber  
63.2 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been  
63.3 made.

63.4 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state  
63.5 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of  
63.6 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~  
63.7 commissioner to purchase a permit based solely on the appraiser's estimate of the volume  
63.8 of timber described in the permit, provided that the commissioner has expressly designated  
63.9 the availability of such option for that tract on the list of tracts available for sale as required  
63.10 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the  
63.11 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate  
63.12 of the volume of timber described on the permit does not have recourse to the provisions  
63.13 of section 90.281.

63.14 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall be  
63.15 awarded to the high bidder, who shall pay to the commissioner a down payment of 15  
63.16 percent of the appraised value that must be received or postmarked within 14 days of the  
63.17 date of the sealed bid opening. If a purchaser fails to make the down payment, the purchaser  
63.18 is liable for the down payment to the state and the commissioner may offer the timber for  
63.19 sale to the next highest bidder as though no higher bid had been made.

63.20 (e) Except as otherwise provided by law, at the time the purchaser signs a permit issued  
63.21 under section 90.151, the commissioner shall require the purchaser to make a bid guarantee  
63.22 payment to the commissioner in an amount equal to 15 percent of the total purchase price  
63.23 of the permit less the down payment amount required by paragraph (b) for any bid increase  
63.24 in excess of \$10,000 of the appraised value. If a required bid guarantee payment is not  
63.25 submitted with the signed permit, no harvesting may occur, the permit cancels, and the  
63.26 down payment for timber forfeits to the state. The bid guarantee payment forfeits to the  
63.27 state if the purchaser and successors in interest fail to execute an effective permit.

63.28 Sec. 51. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

63.29 Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section  
63.30 90.151, the commissioner may establish a registration system to verify the qualifications  
63.31 of a person or affiliate as a responsible bidder to purchase a timber permit. Any system  
63.32 implemented by the commissioner shall be limited in scope to only that information that is  
63.33 required for the efficient administration of the purchaser qualification requirements of this

64.1 chapter. The registration system established under this subdivision is not subject to the  
64.2 rulemaking provisions of chapter 14 and section 14.386 does not apply.

64.3 Sec. 52. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

64.4 Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for  
64.5 state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered  
64.6 permit to the purchaser, in a ~~form~~ format approved by the ~~attorney general~~ commissioner,  
64.7 by the terms of which the purchaser ~~shall be~~ is authorized to enter upon the land; and to cut  
64.8 and remove the timber ~~therein~~ described in the permit as designated for cutting in the report  
64.9 of the state appraiser, according to the provisions of this chapter. The permit ~~shall~~ must be  
64.10 correctly dated and executed by the commissioner and signed by the purchaser. If a permit  
64.11 is not signed by the purchaser within 45 days from the date of purchase, the permit cancels  
64.12 and the down payment for timber required under section 90.14 forfeits to the state. The  
64.13 commissioner may grant an additional period for the purchaser to sign the permit, not to  
64.14 exceed ten business days, provided the purchaser pays a \$200 penalty fee.

64.15 (b) The permit ~~shall expire~~ expires no later than five years after the date of sale as the  
64.16 commissioner shall specify or as specified under section 90.191, and the timber ~~shall~~ must  
64.17 be cut and removed within the time specified ~~therein~~. If additional time is needed, the permit  
64.18 holder must request, ~~prior to~~ before the expiration date, and may be granted, for good and  
64.19 sufficient reasons, up to 90 additional days for the completion of skidding, hauling, and  
64.20 removing all equipment and buildings. All cut timber, equipment, and buildings not removed  
64.21 from the land after expiration of the permit becomes the property of the state.

64.22 (c) The commissioner may grant ~~an additional period of~~ time not to exceed 240 days  
64.23 ~~for the removal of~~ removing cut timber, equipment, and buildings upon receipt of a written  
64.24 request by the permit holder for good and sufficient reasons. The permit holder may combine  
64.25 in the written request under this paragraph the request for additional time under paragraph  
64.26 (b).

64.27 Sec. 53. Minnesota Statutes 2016, section 90.162, is amended to read:

64.28 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

64.29 In lieu of the security deposit equal to the value of all timber covered by the permit  
64.30 required by section 90.161, a purchaser of state timber may elect in ~~writing on~~ a ~~form~~ format  
64.31 prescribed by the ~~attorney general~~ commissioner to give good and valid surety to the state  
64.32 of Minnesota equal to the purchase price for any designated cutting block identified on the



65.1 permit before the date the purchaser enters upon the land to begin harvesting the timber on  
65.2 the designated cutting block.

65.3 Sec. 54. Minnesota Statutes 2016, section 90.252, is amended to read:

65.4 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**  
65.5 **FEES.**

65.6 Subdivision 1. **Scaling agreement.** The commissioner may enter into an agreement with  
65.7 either a timber sale permittee, or the purchaser of the cut products, or both, so that the scaling  
65.8 of the cut timber and the collection of the payment for the same can be consummated by  
65.9 the state. ~~Such an~~ The agreement shall must be approved as to form and content by the  
65.10 ~~attorney general~~ commissioner and ~~shall~~ must provide for a bond or cash in lieu of a bond  
65.11 and ~~such~~ other safeguards as are necessary to protect the interests of the state. The scaling  
65.12 and payment collection procedure may be used for any state timber sale, except that no  
65.13 permittee who is also the consumer shall both cut and scale the timber sold unless ~~such~~ the  
65.14 scaling is supervised by a state scaler.

65.15 Subd. 2. **Weight measurement services; fees.** The commissioner may enter into an  
65.16 agreement with the owner or operator of any weight scale inspected, tested, and approved  
65.17 under chapter 239 to provide weight measurements for ~~the~~ scaling of state timber according  
65.18 to section 90.251. The agreement ~~shall~~ must be ~~on a form~~ in a format prescribed by the  
65.19 ~~attorney general~~ commissioner, ~~shall become a~~ becomes part of the official record of any  
65.20 state timber permit so scaled, and ~~shall~~ must contain safeguards that are necessary to protect  
65.21 the interests of the state. Except as otherwise provided by the commissioner, the cost of any  
65.22 agreement to provide weight measurement of state timber ~~shall~~ must be paid by the permit  
65.23 holder of any state timber permit so measured and the cost ~~shall~~ must be included in the  
65.24 statement of the amount due for the permit under section 90.181, subdivision 1.

65.25 Sec. 55. Minnesota Statutes 2016, section 93.25, subdivision 2, is amended to read:

65.26 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals or petroleum  
65.27 must be approved by the Executive Council, and any other mineral lease issued pursuant  
65.28 to this section that covers 160 or more acres must be approved by the Executive Council.  
65.29 The rents, royalties, terms, conditions, and covenants of all such leases shall be fixed by  
65.30 the commissioner according to rules adopted by the commissioner, but no lease shall be for  
65.31 a longer term than 50 years, and all rents, royalties, terms, conditions, and covenants shall  
65.32 be fully set forth in each lease issued. No lease shall be canceled by the state for failure to

66.1 meet production requirements prior to the 36th year of the lease. The rents and royalties  
 66.2 shall be credited to the funds as provided in section 93.22.

66.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 66.4 applies to leases in effect or issued on or after that date.

66.5 Sec. 56. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

66.6 Subd. 4. **Administration and enforcement.** The commissioner shall administer and  
 66.7 enforce sections 93.44 to 93.51 and the rules adopted pursuant hereto. In so doing the  
 66.8 commissioner may (1) conduct such investigations and inspections as the commissioner  
 66.9 deems necessary for the proper administration of sections 93.44 to 93.51; (2) enter upon  
 66.10 any parts of the mining areas in connection with any such investigation and inspection  
 66.11 without liability to the operator or landowner provided that reasonable prior notice of  
 66.12 intention to do so shall have been given the operator or landowner; (3) conduct such research  
 66.13 or enter into contracts related to mining areas and the reclamation thereof as may be necessary  
 66.14 to carry out the provisions of sections 93.46 to 93.50; and (4) allocate surplus wetland credits  
 66.15 that are approved by the commissioner under a permit to mine on or after July 1, 1991, and  
 66.16 that are not otherwise deposited in a state wetland bank.

66.17 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 1991.

66.18 Sec. 57. Minnesota Statutes 2016, section 93.481, subdivision 2, is amended to read:

66.19 Subd. 2. **Commissioner's review; hearing; ~~burden of proof.~~** Within 120 days after  
 66.20 receiving the an application, ~~or after receiving additional information requested, or after~~  
 66.21 ~~holding a hearing as provided in this section~~ the commissioner has deemed complete and  
 66.22 filed, the commissioner shall grant the permit applied for, with or without modifications or  
 66.23 conditions, or deny the application unless a contested case hearing is requested or ordered  
 66.24 under section 93.483. ~~If written objections to the proposed application are filed with the~~  
 66.25 ~~commissioner within 30 days after the last publication required pursuant to this section or~~  
 66.26 ~~within seven days after publication in the case of an application to conduct lean ore stockpile~~  
 66.27 ~~removal, by any person owning property which will be affected by the proposed operation~~  
 66.28 ~~or by any federal, state, or local governmental agency having responsibilities affected by~~  
 66.29 ~~the proposed operations, a public hearing shall be held by the commissioner in the locality~~  
 66.30 ~~of the proposed operations within 30 days of receipt of such written objections and after~~  
 66.31 ~~appropriate notice and publication of the date, time, and location of the hearing.~~ The  
 66.32 commissioner's decision to grant the permit, with or without modifications, or deny the  
 66.33 application constitutes a final order for purposes of section 93.50. The commissioner in

67.1 granting a permit with or without modifications shall determine that the reclamation or  
67.2 restoration planned for the operation complies with lawful requirements and can be  
67.3 accomplished under available technology and that a proposed reclamation or restoration  
67.4 technique is practical and workable under available technology. The commissioner may  
67.5 hold public meetings on the application.

67.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
67.7 applies to all pending applications submitted before that date.

67.8 Sec. 58. **[93.483] CONTESTED CASE.**

67.9 Subdivision 1. **Petition for contested case hearing.** Any person owning property that  
67.10 will be affected by the proposed operation or any federal, state, or local government having  
67.11 responsibilities affected by the proposed operation identified in the application for a permit  
67.12 to mine under section 93.481 may file a petition with the commissioner to hold a contested  
67.13 case hearing on the completed application. To be considered by the commissioner, a petition  
67.14 must be submitted in writing, must contain the information specified in subdivision 2, and  
67.15 must be submitted to the commissioner within 30 days after the application is deemed  
67.16 complete and filed. In addition, the commissioner may, on the commissioner's own motion,  
67.17 order a contested case hearing on the completed application.

67.18 Subd. 2. **Petition contents.** (a) A petition for a contested case hearing must include the  
67.19 following information:

67.20 (1) a statement of reasons or proposed findings supporting the commissioner's decision  
67.21 to hold a contested case hearing pursuant to the criteria in subdivision 3; and

67.22 (2) a statement of the issues proposed to be addressed by a contested case hearing and  
67.23 the specific relief requested or resolution of the matter.

67.24 (b) To the extent known by the petitioner, a petition for a contested case hearing may  
67.25 also include:

67.26 (1) a proposed list of prospective witnesses to be called, including experts, with a brief  
67.27 description of the proposed testimony or a summary of evidence to be presented at a contested  
67.28 case hearing;

67.29 (2) a proposed list of publications, references, or studies to be introduced and relied  
67.30 upon at a contested case hearing; and

67.31 (3) an estimate of time required for the petitioner to present the matter at a contested  
67.32 case hearing.

68.1 (c) A petitioner is not bound or limited to the witnesses, materials, or estimated time  
68.2 identified in the petition if the requested contested case is granted by the commissioner.

68.3 (d) Any person may serve timely responses to a petition for a contested case hearing.  
68.4 The commissioner shall establish deadlines for responses to be submitted.

68.5 **Subd. 3. Commissioner's decision to hold hearing.** (a) The commissioner must grant  
68.6 the petition to hold a contested case hearing or order upon the commissioner's own motion  
68.7 that a contested case hearing be held if the commissioner finds that:

68.8 (1) there is a material issue of fact in dispute concerning the completed application before  
68.9 the commissioner;

68.10 (2) the commissioner has jurisdiction to make a determination on the disputed material  
68.11 issue of fact; and

68.12 (3) there is a reasonable basis underlying a disputed material issue of fact so that a  
68.13 contested case hearing would allow the introduction of information that would aid the  
68.14 commissioner in resolving the disputed facts in order to make a final decision on the  
68.15 completed application.

68.16 (b) The commissioner must make the determination of whether to grant a petition or  
68.17 otherwise order a contested case hearing within 120 days after the commissioner deems the  
68.18 application complete and filed.

68.19 **Subd. 4. Hearing upon request of applicant.** The applicant may, within 30 days after  
68.20 the application is deemed complete and filed, submit a request for a contested case. Within  
68.21 30 days of the applicant's request, the commissioner shall grant the petition and initiate the  
68.22 contested case hearing process.

68.23 **Subd. 5. Scope of hearing.** If the commissioner decides to hold a contested case hearing,  
68.24 the commissioner shall identify the issues to be resolved and limit the scope and conduct  
68.25 of the hearing in accordance with applicable law, due process, and fundamental fairness.  
68.26 The commissioner may, before granting or ordering a contested case hearing, develop a  
68.27 proposed permit or permit conditions to inform the contested case. The contested case  
68.28 hearing must be conducted in accordance with sections 14.57 to 14.62. The final decision  
68.29 by the commissioner to grant, with or without modifications or conditions, or deny the  
68.30 application after a contested case shall constitute a final order for purposes of section 93.50.

68.31 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
68.32 applies to all pending applications submitted before that date.

69.1 Sec. 59. Minnesota Statutes 2016, section 93.50, is amended to read:

69.2 **93.50 APPEAL.**

69.3 Any person aggrieved by any final order, ruling, or decision of the commissioner may  
 69.4 ~~appeal~~ obtain judicial review of such order, ruling, or decision in the manner provided in  
 69.5 ~~chapter 14~~ under sections 14.63 to 14.69.

69.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 69.7 applies to all final orders, rulings, and decisions issued after that date.

69.8 Sec. 60. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

69.9 Subd. 9. **Approval by ~~attorney general~~ commissioner.** No exchange of class A land  
 69.10 shall be consummated unless the ~~attorney general shall have given an opinion in writing~~  
 69.11 commissioner determines that the title to the land proposed to be conveyed to the state is  
 69.12 good and ~~marketable~~, free from all liens ~~and~~, with all encumbrances identified except  
 69.13 reservations herein authorized. The commissioner may use title insurance to aid in the title  
 69.14 determination. If required by the ~~attorney general~~ commissioner, the landowner ~~shall~~ must  
 69.15 submit an abstract of title and make and file with the commissioner an affidavit as to  
 69.16 possession of the land, improvements, liens, and encumbrances thereon, and other matters  
 69.17 affecting the title.

69.18 Sec. 61. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

69.19 Subd. 9. **Approval of county attorney.** No exchange of class B land shall be  
 69.20 consummated unless the title to the land proposed to be exchanged therefor ~~shall~~ is first be  
 69.21 approved by the county attorney in like manner as provided for approval by the ~~attorney~~  
 69.22 ~~general~~ commissioner in case of class A land. The county attorney's opinion on the title  
 69.23 ~~shall be~~ is subject to approval by the ~~attorney general~~ commissioner.

69.24 Sec. 62. Minnesota Statutes 2016, section 97A.015, is amended by adding a subdivision  
 69.25 to read:

69.26 Subd. 35a. **Portable shelter.** "Portable shelter" means a fish house, dark house, or other  
 69.27 shelter that is set on the ice of state waters to provide shelter and that collapses, folds, or is  
 69.28 disassembled for transportation.

70.1 Sec. 63. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

70.2 Subd. 39. **Protected wild animals.** "~~Protected wild animals~~" ~~are the following wild~~  
 70.3 ~~animals:~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,  
 70.4 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,  
 70.5 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal  
 70.6 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter  
 70.7 6134, and wild animals that are protected by a restriction in the time or manner of taking,  
 70.8 other than a restriction in the use of artificial lights, poison, or motor vehicles.

70.9 Sec. 64. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

70.10 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,  
 70.11 burbot, cisco, gar, goldeye, and bullhead, except for any fish species listed as endangered,  
 70.12 threatened, or of special concern in Minnesota Rules, chapter 6134.

70.13 Sec. 65. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

70.14 Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel,  
 70.15 cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, short-tailed weasel,  
 70.16 long-tailed weasel, wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar,  
 70.17 wolverine, muskrat, mink, otter, and beaver.

70.18 Sec. 66. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

70.19 Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, ~~blackbird,~~  
 70.20 starling, ~~maggie,~~ cormorant, common pigeon, Eurasian collared dove, chukar partridge,  
 70.21 quail other than bobwhite quail, and mute swan.

70.22 Sec. 67. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

70.23 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals  
 70.24 that are not protected wild animals including ~~weasel,~~ coyote, plains pocket gopher, porcupine,  
 70.25 striped skunk, and unprotected birds, except any animal species listed as endangered,  
 70.26 threatened, or of special concern in Minnesota Rules, chapter 6134.

70.27 Sec. 68. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

70.28 Subd. 10. **Reciprocal agreements on violations.** The commissioner, ~~with the approval~~  
 70.29 ~~of the attorney general,~~ may enter into reciprocal agreements with game and fish authorities  
 70.30 in other states and the United States government to provide for:

71.1 (1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents  
 71.2 for violations of game and fish laws committed in signatory jurisdictions ~~which~~ that result  
 71.3 in license revocation in that jurisdiction;

71.4 (2) reporting convictions and license revocations of residents of signatory states for  
 71.5 violations of game and fish laws of Minnesota to game and fish authorities in the  
 71.6 nonresident's state of residence; and

71.7 (3) release upon signature without posting of bail for residents of signatory states accused  
 71.8 of game and fish law violations in this state, providing for recovery, in the resident  
 71.9 jurisdiction, of fines levied if the citation is not answered in this state.

71.10 As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

71.11 Sec. 69. Minnesota Statutes 2016, section 97A.055, subdivision 2, is amended to read:

71.12 Subd. 2. **Receipts.** The commissioner of management and budget shall credit to the  
 71.13 game and fish fund all money received under the game and fish laws and all income from  
 71.14 state lands acquired by purchase or gift for game or fish purposes, including receipts from:

71.15 (1) licenses and permits issued;

71.16 (2) fines and forfeited bail;

71.17 (3) sales of contraband, wild animals, and other property under the control of the division,  
 71.18 except as provided in section 97A.225, subdivision 8, clause (2);

71.19 (4) fees from advanced education courses for hunters and trappers;

71.20 (5) reimbursements of expenditures by the division;

71.21 (6) contributions to the division; and

71.22 (7) revenue credited to the game and fish fund under section 297A.94, paragraph (e),  
 71.23 clause (1).

71.24 Sec. 70. Minnesota Statutes 2016, section 97A.075, subdivision 1, is amended to read:

71.25 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,  
 71.26 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),  
 71.27 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and  
 71.28 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

71.29 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife  
 71.30 trust fund, established in section 97A.4742, for each license issued under section 97A.473,

72.1 subdivision 4, shall be credited to the deer management account and is appropriated to the  
72.2 commissioner for deer habitat improvement or deer management programs.

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

72.8 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild  
72.9 cervidae health management account and is appropriated for emergency deer feeding and  
72.10 wild cervidae health management. Money appropriated for emergency deer feeding and  
72.11 wild cervidae health management is available until expended.

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

72.16 ~~(e) Fifty cents from each annual deer license and 50 cents annually from the lifetime~~  
72.17 ~~fish and wildlife trust fund established in section 97A.4742, for each license issued under~~  
72.18 ~~section 97A.473, subdivision 4, shall be credited to the wolf management and monitoring~~  
72.19 ~~account under subdivision 7.~~

72.20 **EFFECTIVE DATE.** This section is effective July 1 of the year following the year the  
72.21 wolf is delisted under the federal Endangered Species Act.

72.22 Sec. 71. Minnesota Statutes 2016, section 97A.137, subdivision 5, is amended to read:

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

72.30 (b) From November 1 through December 31, a portable stand may be left overnight by  
72.31 a person possessing a license to take deer in a wildlife management area located in whole  
72.32 or in part north and west of a line described as follows:



73.1 State Trunk Highway 1 from the west boundary of the state to State Trunk Highway 89;  
 73.2 then north along State Trunk Highway 89 to Fourtown; then north on County State-Aid  
 73.3 Highway 44, Beltrami County, to County Road 704, Beltrami County; then north on County  
 73.4 Road 704 to Dick's Parkway State Forest Road; then north on Dick's Parkway to County  
 73.5 State-Aid Highway 5, Roseau County; then north on County State-Aid Highway 5 to  
 73.6 Warroad; then north on State Trunk Highway 11 to State Trunk Highway 313; then north  
 73.7 on State Trunk Highway 313 to the north boundary of the state.

73.8 A person leaving a portable stand overnight under this paragraph must affix a tag with: (1)  
 73.9 the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#"  
 73.10 license identification number issued to the licensee. The tag must be affixed to the stand so  
 73.11 that it can be read from the ground and must be made of a material sufficient to withstand  
 73.12 weather conditions. A person leaving a portable stand overnight in a wildlife management  
 73.13 area under this paragraph may not leave more than two portable stands in any one wildlife  
 73.14 management area. Unoccupied portable stands left overnight under this paragraph may be  
 73.15 used by any member of the public. This paragraph expires December 31, 2019.

73.16 Sec. 72. Minnesota Statutes 2016, section 97A.201, subdivision 2, is amended to read:

73.17 Subd. 2. **Duty of ~~county attorneys and~~ peace officers.** ~~County attorneys and~~ All peace  
 73.18 officers must enforce the game and fish laws.

73.19 Sec. 73. Minnesota Statutes 2016, section 97A.201, is amended by adding a subdivision  
 73.20 to read:

73.21 Subd. 3. **Prosecuting authority.** County attorneys are the primary prosecuting authority  
 73.22 for violations under section 97A.205, clause (5). Prosecution includes associated civil  
 73.23 forfeiture actions provided by law.

73.24 Sec. 74. Minnesota Statutes 2016, section 97A.225, subdivision 8, is amended to read:

73.25 Subd. 8. **Proceeds of sale.** ~~After determining the expense~~ The proceeds from the sale  
 73.26 after payment of the costs of seizing, towing, keeping, and selling the property, the  
 73.27 commissioner must pay the and satisfying valid liens ~~from the proceeds according to the~~  
 73.28 court order. The remaining proceeds against the property must be distributed as follows:

73.29 (1) 70 percent of the money or proceeds shall be deposited in the state treasury and  
 73.30 credited to the game and fish fund; and

74.1 (2) 30 percent of the money or proceeds is considered a cost of forfeiting the property  
 74.2 and must be forwarded to the prosecuting authority that handled the forfeiture for deposit  
 74.3 as a supplement to its operating fund or similar fund for prosecutorial purposes.

74.4 Sec. 75. Minnesota Statutes 2016, section 97A.301, subdivision 1, is amended to read:

74.5 Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person is guilty  
 74.6 of a misdemeanor if that person:

74.7 (1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates the  
 74.8 game and fish laws;

74.9 (2) aids or assists in committing the violation;

74.10 (3) knowingly shares in the proceeds of the violation;

74.11 (4) fails to perform a duty or comply with a requirement of the game and fish laws;

74.12 (5) knowingly makes a false statement related to an affidavit regarding a violation or  
 74.13 requirement of the game and fish laws; or

74.14 (6) violates or attempts to violate a rule under the game and fish laws.

74.15 Sec. 76. Minnesota Statutes 2016, section 97A.338, is amended to read:

74.16 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

74.17 (a) A person who takes, possesses, or transports wild animals over the legal limit, in  
 74.18 closed season, or without a valid license, when the restitution value of the wild animals is  
 74.19 over \$1,000 is guilty of a gross overlimit violation. Except as provided in paragraph (b), a  
 74.20 violation under this section paragraph is a gross misdemeanor.

74.21 (b) If a wild animal involved in a gross overlimit violation is listed as a threatened or  
 74.22 endangered wild animal, the penalty in paragraph (a) does not apply unless more than one  
 74.23 animal is taken, possessed, or transported in violation of the game and fish laws.

74.24 Sec. 77. Minnesota Statutes 2016, section 97A.420, subdivision 1, is amended to read:

74.25 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license  
 74.26 of a person who unlawfully takes, transports, or possesses wild animals when the restitution  
 74.27 value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the  
 74.28 person may not use or obtain any license to take the same type of wild animals involved,  
 74.29 including a duplicate license, until an action is taken under subdivision 6. If the license  
 74.30 seized under this paragraph was for a big game animal, the license seizure applies to all

75.1 licenses to take big game issued to the individual. If the license seized under this paragraph  
 75.2 was for small game animals, the license seizure applies to all licenses to take small game  
 75.3 issued to the individual.

75.4 (b) In addition to the license seizure under paragraph (a), if the restitution value of the  
 75.5 wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all other  
 75.6 game and fish licenses held by the person shall be immediately seized. Except as provided  
 75.7 in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit,  
 75.8 including a duplicate license, until an action is taken under subdivision 6.

75.9 (c) A person may not take wild animals covered by a license seized under this subdivision  
 75.10 until an action is taken under subdivision 6.

75.11 Sec. 78. Minnesota Statutes 2016, section 97A.421, subdivision 2a, is amended to read:

75.12 Subd. 2a. **Issuance after conviction; gross overlimits.** (a) A person may not obtain a  
 75.13 license to take a wild animal and is prohibited from taking wild animals for ten years after  
 75.14 the date of conviction of a violation when the restitution value of the wild animals is \$2,000  
 75.15 or more.

75.16 (b) A person may not obtain a license to take a wild animal and is prohibited from taking  
 75.17 wild animals for ~~a period of~~ five years after the date of conviction of:

75.18 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or more,  
 75.19 but less than \$2,000; or

75.20 (2) a violation when the restitution value of the wild animals exceeds \$500 and the  
 75.21 violation occurs within ten years of one or more previous license revocations under this  
 75.22 subdivision.

75.23 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in a  
 75.24 violation when the restitution value of the wild animals exceeds \$500 and is prohibited from  
 75.25 taking the type of wild animals involved in the violation for ~~a period of~~ three years after the  
 75.26 date of conviction of a violation.

75.27 ~~(e)~~ (d) The time period of multiple revocations under paragraph (a) or (b), clause (2),  
 75.28 ~~shall be~~ are consecutive and no wild animals of any kind may be taken during the entire  
 75.29 revocation period.

75.30 (e) If a wild animal involved in the conviction is listed as a threatened or endangered  
 75.31 wild animal, the revocations under this subdivision do not apply unless more than one animal  
 75.32 is taken, possessed, or transported in violation of the game and fish laws.

76.1 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation provisions  
76.2 under this subdivision.

76.3 Sec. 79. Minnesota Statutes 2016, section 97A.441, subdivision 1, is amended to read:

76.4 Subdivision 1. **Angling and spearing; disabled residents.** (a) A person authorized to  
76.5 issue licenses must issue, without a fee, licenses to take fish by angling or spearing to a  
76.6 resident who is:

76.7 (1) blind;

76.8 (2) a recipient of Supplemental Security Income for the aged, blind, and disabled;

76.9 (3) a recipient of Social Security aid to the disabled under United States Code, title 42,  
76.10 section 416, paragraph (i)(l), or section 423(d);

76.11 (4) a recipient of workers' compensation based on a finding of total and permanent  
76.12 disability;

76.13 (5) 65 years of age or older and was qualified under clause (2) or (3) at the age of 64;

76.14 ~~or~~

76.15 (6) permanently disabled and meets the disability requirements for Supplemental Security  
76.16 Income or Social Security aid to the disabled under United States Code, title 42, section  
76.17 416, paragraph (i)(l), or section 423(d);

76.18 (7) receiving aid under the federal Railroad Retirement Act of 1974, United States Code,  
76.19 title 45, section 231a(a)(1)(v); or

76.20 (8) a former employee of the United States Postal Service receiving disability pay under  
76.21 United States Code, title 5, section 8337.

76.22 (b) A driver's license or Minnesota identification card bearing the applicable designation  
76.23 under section 171.07, subdivision 17, serves as satisfactory evidence to obtain a license  
76.24 under this subdivision at all agent locations.

76.25 Sec. 80. Minnesota Statutes 2016, section 97A.473, subdivision 2, is amended to read:

76.26 Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license authorizes  
76.27 a person to take fish by angling in the state. The license authorizes those activities authorized  
76.28 by the annual resident angling license. The license does not include a trout-and-salmon  
76.29 stamp validation, a walleye stamp validation, or other stamps required by law.

76.30 (b) The fees for a resident lifetime angling license are:

77.1 (1) age 3 and under, ~~\$304~~ \$344;

77.2 (2) age 4 to age 15, ~~\$415~~ \$469;

77.3 (3) age 16 to age 50, ~~\$508~~ \$574; and

77.4 (4) age 51 and over, ~~\$335~~ \$379.

77.5 **EFFECTIVE DATE.** This section is effective March 1, 2018.

77.6 Sec. 81. Minnesota Statutes 2016, section 97A.473, subdivision 2a, is amended to read:

77.7 Subd. 2a. **Lifetime spearing license; fee.** (a) A resident lifetime spearing license  
77.8 authorizes a person to take fish by spearing in the state. The license authorizes those activities  
77.9 authorized by the annual resident spearing license.

77.10 (b) The fees for a resident lifetime spearing license are:

77.11 (1) age 3 and under, ~~\$77~~ \$90;

77.12 (2) age 4 to age 15, ~~\$106~~ \$124;

77.13 (3) age 16 to age 50, ~~\$100~~ \$117; and

77.14 (4) age 51 and over, ~~\$52~~ \$61.

77.15 **EFFECTIVE DATE.** This section is effective March 1, 2018.

77.16 Sec. 82. Minnesota Statutes 2016, section 97A.473, subdivision 2b, is amended to read:

77.17 Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime angling  
77.18 and spearing license authorizes a person to take fish by angling or spearing in the state. The  
77.19 license authorizes those activities authorized by the annual resident angling and spearing  
77.20 licenses.

77.21 (b) The fees for a resident lifetime angling and spearing license are:

77.22 (1) age 3 and under, ~~\$380~~ \$432;

77.23 (2) age 4 to age 15, ~~\$509~~ \$579;

77.24 (3) age 16 to age 50, ~~\$596~~ \$678; and

77.25 (4) age 51 and over, ~~\$386~~ \$439.

77.26 **EFFECTIVE DATE.** This section is effective March 1, 2018.

78.1 Sec. 83. Minnesota Statutes 2016, section 97A.473, subdivision 4, is amended to read:

78.2 Subd. 4. **Lifetime deer-hunting license; fee.** (a) A resident lifetime deer-hunting license  
 78.3 authorizes a person to take deer with firearms or by archery in the state. The license  
 78.4 authorizes those activities authorized by the annual resident firearm deer-hunting license  
 78.5 or the annual resident archery deer-hunting license. The licensee must register and receive  
 78.6 tags each year that the license is used. The tags shall be issued at no charge to the licensee.

78.7 (b) The fees for a resident lifetime firearm or archery deer-hunting license are:

78.8 (1) age 3 and under, ~~\$406~~ \$458;

78.9 (2) age 4 to age 15, ~~\$538~~ \$607;

78.10 (3) age 16 to age 50, ~~\$656~~ \$741; and

78.11 (4) age 51 and over, ~~\$468~~ \$528.

78.12 **EFFECTIVE DATE.** This section is effective March 1, 2018.

78.13 Sec. 84. Minnesota Statutes 2016, section 97A.473, subdivision 5, is amended to read:

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

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

78.22 (1) age 3 and under, ~~\$485~~ \$522;

78.23 (2) age 4 to age 15, ~~\$659~~ \$710;

78.24 (3) age 16 to age 50, ~~\$864~~ \$927; and

78.25 (4) age 51 and over, ~~\$560~~ \$603.

78.26 **EFFECTIVE DATE.** This section is effective March 1, 2018.

78.27 Sec. 85. Minnesota Statutes 2016, section 97A.473, subdivision 5a, is amended to read:

78.28 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident lifetime  
 78.29 sporting with spearing option license authorizes a person to take fish by angling or spearing

79.1 and hunt and trap small game, other than wolves, in the state. The license authorizes those  
 79.2 activities authorized by the annual resident angling, spearing, and resident  
 79.3 small-game-hunting licenses and the resident trapping license for fur-bearing animals other  
 79.4 than wolves. The license does not include a trout-and-salmon stamp validation, a turkey  
 79.5 stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

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

79.7 (1) age 3 and under, ~~\$562~~ \$612;

79.8 (2) age 4 to age 15, ~~\$765~~ \$833;

79.9 (3) age 16 to age 50, ~~\$961~~ \$1,046; and

79.10 (4) age 51 and over, ~~\$612~~ \$666.

79.11 **EFFECTIVE DATE.** This section is effective March 1, 2018.

79.12 Sec. 86. Minnesota Statutes 2016, section 97A.474, subdivision 2, is amended to read:

79.13 Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime angling  
 79.14 license authorizes a person to take fish by angling in the state. The license authorizes those  
 79.15 activities authorized by the annual nonresident angling license. The license does not include  
 79.16 a trout-and-salmon stamp validation, a walleye stamp validation, or other stamps required  
 79.17 by law.

79.18 (b) The fees for a nonresident lifetime angling license are:

79.19 (1) age 3 and under, ~~\$726~~ \$821;

79.20 (2) age 4 to age 15, ~~\$925~~ \$1,046;

79.21 (3) age 16 to age 50, ~~\$1,054~~ \$1,191; and

79.22 (4) age 51 and over, ~~\$702~~ \$794.

79.23 **EFFECTIVE DATE.** This section is effective March 1, 2018.

79.24 Sec. 87. Minnesota Statutes 2016, section 97A.475, subdivision 2, is amended to read:

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

79.27 (1) for persons age 18 or over and under age 65 to take small game, \$15.50;

79.28 (2) for persons age 65 or over, \$7 to take small game;

79.29 (3) for persons age 18 or over to take turkey, \$26;

- 80.1 (4) for persons age 13 or over and under age 18 to take turkey, \$5;
- 80.2 (5) for persons age 18 or over to take deer with firearms during the regular firearms  
80.3 season, ~~\$30~~ \$34;
- 80.4 (6) for persons age 18 or over to take deer by archery, ~~\$30~~ \$34;
- 80.5 (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
80.6 season, ~~\$30~~ \$34;
- 80.7 (8) to take moose, for a party of not more than six persons, \$356;
- 80.8 (9) for persons age 18 or over to take bear, \$44;
- 80.9 (10) to take elk, for a party of not more than two persons, \$287;
- 80.10 (11) to take Canada geese during a special season, \$4;
- 80.11 (12) to take prairie chickens, \$23;
- 80.12 (13) for persons age 13 or over and under age 18 to take deer with firearms during the  
80.13 regular firearms season, \$5;
- 80.14 (14) for persons age 13 or over and under age 18 to take deer by archery, \$5;
- 80.15 (15) for persons age 13 or over and under age 18 to take deer by muzzleloader during  
80.16 the muzzleloader season, \$5;
- 80.17 (16) for persons age 10, 11, or 12 to take bear, no fee;
- 80.18 (17) for persons age 13 or over and under age 18 to take bear, \$5;
- 80.19 (18) for persons age 18 or over to take small game for a consecutive 72-hour period  
80.20 selected by the licensee, \$19, of which an amount equal to: one-half of the fee for the  
80.21 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
80.22 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of  
80.23 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the  
80.24 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half  
80.25 of the small-game surcharge under subdivision 4, shall be deposited in the wildlife acquisition  
80.26 account;
- 80.27 (19) for persons age 16 or over and under age 18 to take small game, \$5;
- 80.28 (20) to take wolf, \$30;
- 80.29 (21) for persons age 12 and under to take turkey, no fee;
- 80.30 (22) for persons age 10, 11, or 12 to take deer by firearm, no fee;



81.1 (23) for persons age 10, 11, or 12 to take deer by archery, no fee; and

81.2 (24) for persons age 10, 11, or 12 to take deer by muzzleloader during the muzzleloader  
81.3 season, no fee.

81.4 **EFFECTIVE DATE.** This section is effective March 1, 2018.

81.5 Sec. 88. Minnesota Statutes 2016, section 97A.475, subdivision 3, is amended to read:

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

81.8 (1) for persons age 18 or over to take small game, \$90.50;

81.9 (2) for persons age 18 or over to take deer with firearms during the regular firearms  
81.10 season, ~~\$160~~ \$180;

81.11 (3) for persons age 18 or over to take deer by archery, ~~\$160~~ \$180;

81.12 (4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader  
81.13 season, ~~\$160~~ \$180;

81.14 (5) for persons age 18 or over to take bear, \$225;

81.15 (6) for persons age 18 or over to take turkey, \$91;

81.16 (7) for persons age 13 or over and under age 18 to take turkey, \$5;

81.17 (8) to take raccoon or bobcat, \$178;

81.18 (9) to take Canada geese during a special season, \$4;

81.19 (10) for persons age 13 or over and under age 18 to take deer with firearms during the  
81.20 regular firearms season in any open season option or time period, \$5;

81.21 (11) for persons age 13 or over and under age 18 to take deer by archery, \$5;

81.22 (12) for persons age 13 or over and under age 18 to take deer during the muzzleloader  
81.23 season, \$5;

81.24 (13) for persons age 13 or over and under 18 to take bear, \$5;

81.25 (14) for persons age 18 or over to take small game for a consecutive 72-hour period  
81.26 selected by the licensee, \$75, of which an amount equal to: one-half of the fee for the  
81.27 migratory-waterfowl stamp under subdivision 5, clause (1), shall be deposited in the  
81.28 waterfowl habitat improvement account under section 97A.075, subdivision 2; one-half of  
81.29 the fee for the pheasant stamp under subdivision 5, clause (2), shall be deposited in the  
81.30 pheasant habitat improvement account under section 97A.075, subdivision 4; and one-half

82.1 of the small-game surcharge under subdivision 4, shall be deposited into the wildlife  
82.2 acquisition account;

82.3 (15) for persons age 16 or 17 to take small game, \$5;

82.4 (16) to take wolf, \$250;

82.5 (17) for persons age 12 and under to take turkey, no fee;

82.6 (18) for persons age ten, 11, or 12 to take deer by firearm, no fee;

82.7 (19) for persons age ten, 11, or 12 to take deer by archery, no fee;

82.8 (20) for persons age ten, 11, or 12 to take deer by muzzleloader during the muzzleloader  
82.9 season, no fee; and

82.10 (21) for persons age 10, 11, or 12 to take bear, no fee.

82.11 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph  
82.12 (a), clauses (1) to (6) and (8). An additional commission may not be assessed on this  
82.13 surcharge.

82.14 **EFFECTIVE DATE.** This section is effective March 1, 2018.

82.15 Sec. 89. Minnesota Statutes 2016, section 97A.475, subdivision 6, is amended to read:

82.16 Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents only,  
82.17 are:

82.18 (1) for persons age 18 or over to take fish by angling, ~~\$22~~ \$25;

82.19 (2) for persons age 18 or over to take fish by angling, for a combined license for a married  
82.20 couple, ~~\$35~~ \$40;

82.21 (3) for persons age 18 or over to take fish by spearing from a dark house, ~~\$5~~ \$6, and the  
82.22 person must possess an angling license;

82.23 (4) for persons age 18 or over to take fish by angling for a 24-hour period selected by  
82.24 the licensee, ~~\$10~~ \$12;

82.25 (5) for persons age 18 or over to take fish by angling for a consecutive 72-hour period  
82.26 selected by the licensee, ~~\$12~~ \$14;

82.27 (6) for persons age 18 or over to take fish by angling for three consecutive years, ~~\$63~~  
82.28 \$71; and

82.29 (7) for persons age 16 or over and under age 18 to take fish by angling, \$5.

83.1 **EFFECTIVE DATE.** This section is effective March 1, 2018.

83.2 Sec. 90. Minnesota Statutes 2016, section 97A.475, subdivision 7, is amended to read:

83.3 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to  
83.4 nonresidents, are:

83.5 (1) for persons age 18 or over to take fish by angling, ~~\$40~~ \$46;

83.6 (2) for persons age 18 or over to take fish by angling limited to seven consecutive days  
83.7 selected by the licensee, ~~\$33~~ \$38;

83.8 (3) for persons age 18 or over to take fish by angling for a consecutive 72-hour period  
83.9 selected by the licensee, ~~\$27~~ \$31;

83.10 (4) for persons age 18 or over to take fish by angling for a combined license for a family  
83.11 for one or both parents and dependent children under the age of 16, ~~\$55~~ \$63;

83.12 (5) for persons age 18 or over to take fish by angling for a 24-hour period selected by  
83.13 the licensee, ~~\$12~~ \$14;

83.14 (6) to take fish by angling for a combined license for a married couple, limited to 14  
83.15 consecutive days selected by one of the licensees, ~~\$43~~ \$49;

83.16 (7) for persons age 18 or over to take fish by spearing from a dark house, ~~\$10~~ \$12, and  
83.17 the person must possess an angling license; and

83.18 (8) for persons age 16 or over and under age 18 to take fish by angling, \$5.

83.19 (b) A \$5 surcharge shall be added to all nonresident fishing licenses, except licenses  
83.20 issued under paragraph (a), clauses (5) and (8). An additional commission may not be  
83.21 assessed on this surcharge.

83.22 **EFFECTIVE DATE.** This section is effective March 1, 2018.

83.23 Sec. 91. Minnesota Statutes 2016, section 97A.475, subdivision 8, is amended to read:

83.24 Subd. 8. **Minnesota sporting; supersports.** (a) The commissioner shall issue Minnesota  
83.25 sporting licenses to residents only. The licensee may take fish by angling and small game.  
83.26 The fee for the license is:

83.27 (1) for an individual, ~~\$31.50~~ \$34.50; and

83.28 (2) for a combined license for a married couple to take fish and for one spouse to take  
83.29 small game, ~~\$45.50~~ \$50.50.

84.1 (b) The commissioner shall issue Minnesota supersports licenses to residents only. The  
 84.2 licensee may take fish by angling, including trout; small game, including pheasant and  
 84.3 waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the supersports  
 84.4 license, including all required stamp validations is:

84.5 (1) for an individual age 18 or over, ~~\$86.50~~ \$93.50; and

84.6 (2) for a combined license for a married couple to take fish, including the  
 84.7 trout-and-salmon stamp validation, and for one spouse to take small game, including pheasant  
 84.8 and waterfowl, and deer, ~~\$110.50~~ \$119.50.

84.9 (c) Revenue for the stamp endorsements under paragraph (b) shall be deposited according  
 84.10 to section 97A.075, subdivisions 2, 3, and 4.

84.11 (d) Revenue for the deer license endorsement under paragraph (b) shall be deposited  
 84.12 according to section 97A.075, subdivision 1.

84.13 **EFFECTIVE DATE.** This section is effective March 1, 2018.

84.14 Sec. 92. Minnesota Statutes 2016, section 97A.475, subdivision 45, is amended to read:

84.15 Subd. 45. **Camp Ripley archery deer hunt.** The application fee for the Camp Ripley  
 84.16 archery deer hunt is ~~\$12~~ \$14.

84.17 **EFFECTIVE DATE.** This section is effective March 1, 2018.

84.18 Sec. 93. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

84.19 Subd. 6. **Scopes; ~~age 60 or over.~~** A person ~~age 60 or over~~ may use a muzzleloader with  
 84.20 a scope to take deer during the muzzleloader season. The scope may have magnification  
 84.21 capabilities.

84.22 Sec. 94. Minnesota Statutes 2016, section 97B.071, is amended to read:

84.23 **97B.071 ~~BLAZE ORANGE~~ CLOTHING REQUIREMENTS; BLAZE ORANGE**  
 84.24 **OR BLAZE PINK.**

84.25 (a) Except as provided in rules adopted under paragraph (c), a person may not hunt or  
 84.26 trap during the open season where deer may be taken by firearms under applicable laws and  
 84.27 ordinances, unless the visible portion of the person's cap and outer clothing above the waist,  
 84.28 excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze pink  
 84.29 includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within each

85.1 foot square. This section does not apply to migratory-waterfowl hunters on waters of this  
85.2 state or in a stationary shooting location or to trappers on waters of this state.

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

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

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

85.14 Sec. 95. Minnesota Statutes 2016, section 97B.405, is amended to read:

85.15 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

85.16 (a) The commissioner may limit the number of persons that may hunt bear in an area,  
85.17 if it is necessary to prevent an overharvest or improve the distribution of hunters. The  
85.18 commissioner may establish, by rule, a method, including a drawing, to impartially select  
85.19 the hunters for an area. The commissioner shall give preference to hunters that have  
85.20 previously applied and have not been selected.

85.21 (b) If the commissioner limits the number of persons that may hunt bear in an area under  
85.22 paragraph (a), the commissioner must reserve one permit and give first preference for that  
85.23 permit to a resident of a Minnesota veterans home.

85.24 ~~(b)~~ (c) A person selected through a drawing must purchase a license by August 1. Any  
85.25 remaining available licenses not purchased shall be issued to any eligible person as prescribed  
85.26 by the commissioner on a first-come, first-served basis beginning three business days after  
85.27 August 1.

85.28 Sec. 96. Minnesota Statutes 2016, section 97B.431, is amended to read:

85.29 **97B.431 BEAR-HUNTING OUTFITTERS.**

85.30 (a) A person may not place bait for bear, or guide hunters to take bear, for compensation  
85.31 without a bear-hunting-outfitter license. A bear-hunting outfitter is not required to have a

86.1 license to take bear unless the outfitter is attempting to shoot a bear. The commissioner  
86.2 shall adopt rules for qualifications for issuance and administration of the licenses.

86.3 (b) The commissioner shall establish a resident master bear-hunting-outfitter license  
86.4 under which one person serves as the bear-hunting outfitter and one other person is eligible  
86.5 to guide and bait bear. Additional persons may be added to the license and are eligible to  
86.6 guide and bait bear under the license, provided the additional fee under section 97A.475,  
86.7 subdivision 16, is paid for each person added. The commissioner shall adopt rules for  
86.8 qualifications for issuance and administration of the licenses. The commissioner must not  
86.9 require a person to have certification or training in first aid or CPR to be eligible for a license  
86.10 under this section.

86.11 Sec. 97. Minnesota Statutes 2016, section 97B.516, is amended to read:

86.12 **97B.516 ELK MANAGEMENT PLAN.**

86.13 (a) The commissioner of natural resources must adopt an elk management plan that:

86.14 (1) recognizes the value and uniqueness of elk;

86.15 (2) provides for integrated management of an elk population in harmony with the  
86.16 environment; and

86.17 (3) affords optimum recreational opportunities.

86.18 (b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in  
86.19 Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size  
86.20 of the herd, including adoption or implementation of an elk management plan designed to  
86.21 increase an elk herd, unless the commissioner of agriculture verifies that crop and fence  
86.22 damages paid under section 3.7371 and attributed to the herd have not increased for at least  
86.23 two years.

86.24 (c) At least 60 days prior to implementing a plan to increase an elk herd, the  
86.25 commissioners of natural resources and agriculture must hold a joint public meeting in the  
86.26 county where the elk herd to be increased is located. At the meeting, the commissioners  
86.27 must present evidence that crop and fence damages have not increased in the prior two years  
86.28 and must detail the practices that will be used to reduce elk conflicts with area landowners.

86.29 Sec. 98. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

86.30 Subdivision 1. **Owners and occupants may take certain animals.** A person or the  
86.31 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,

87.1 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the  
 87.2 person where the animal is causing damage. The person or the person's agent may take the  
 87.3 animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed  
 87.4 season or by poison. Raccoons may be taken under this subdivision with artificial lights  
 87.5 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,  
 87.6 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer  
 87.7 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

87.8 Sec. 99. Minnesota Statutes 2016, section 97C.081, subdivision 3, is amended to read:

87.9 Subd. 3. **Contests requiring a permit.** (a) Unless subdivision 3a applies, a person must  
 87.10 have a permit from the commissioner to conduct a fishing contest if:

87.11 (1) there are more than 25 boats for open water contests, more than 150 participants for  
 87.12 ice fishing contests, or more than 100 participants for shore fishing contests;

87.13 (2) entry fees are more than \$25 per person; or

87.14 (3) the contest is limited to trout species.

87.15 (b) The commissioner shall charge a fee for the permit that recovers the costs of issuing  
 87.16 the permit and of monitoring the activities allowed by the permit. Notwithstanding section  
 87.17 16A.1283, the commissioner may, by written order published in the State Register, establish  
 87.18 contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and  
 87.19 section 14.386 does not apply.

87.20 (c) The commissioner may require the applicant to furnish evidence of financial  
 87.21 responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000  
 87.22 if entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and  
 87.23 if the applicant has either:

87.24 (1) not previously conducted a fishing contest requiring a permit under this subdivision;

87.25 or

87.26 (2) ever failed to make required prize awards in a fishing contest conducted by the  
 87.27 applicant.

87.28 (d) The permit fee for any individual contest may not exceed the following amounts:

87.29 (1) ~~\$60~~ \$70 for an open water contest not exceeding 50 boats and without off-site  
 87.30 weigh-in;

87.31 (2) ~~\$200~~ \$225 for an open water contest with more than 50 boats and without off-site  
 87.32 weigh-in;

- 88.1 (3) ~~\$250~~ \$280 for an open water contest not exceeding 50 boats with off-site weigh-in;
- 88.2 (4) ~~\$500~~ \$560 for an open water contest with more than 50 boats with off-site weigh-in;
- 88.3 or
- 88.4 (5) ~~\$120~~ \$135 for an ice fishing contest with more than 150 participants.

88.5 **EFFECTIVE DATE.** This section is effective March 1, 2018.

88.6 Sec. 100. Minnesota Statutes 2016, section 97C.355, subdivision 2, is amended to read:

88.7 Subd. 2. **License required.** (a) A person may not ~~leave~~ place a dark house, fish house,

88.8 or shelter ~~unattended~~, except a portable shelter, on the ice ~~at any time between midnight~~

88.9 ~~and one hour before sunrise~~ unless:

88.10 (1) the house or shelter is licensed; and

88.11 (2) has the license tag attached to the exterior in a readily visible location, except as

88.12 provided in this subdivision.

88.13 (b) The commissioner must issue a tag with a dark house, fish house, or shelter license,

88.14 marked with a number to correspond with the license and the year of issue. A dark house,

88.15 fish house, or shelter license is not required of a resident on boundary waters where the

88.16 adjacent state does not charge a fee for the same activity.

88.17 Sec. 101. Minnesota Statutes 2016, section 97C.355, subdivision 2a, is amended to read:

88.18 Subd. 2a. **Portable shelters.** (a) A person using a portable shelter that is not identified

88.19 under subdivision 1 may not leave the portable shelter unattended between midnight and

88.20 sunrise and must remain within 200 feet of the shelter while the shelter is on the ice of state

88.21 waters.

88.22 (b) If a person leaves the portable shelter unattended any time between midnight and

88.23 one hour before sunrise or is not within 200 feet of the portable shelter, the portable shelter

88.24 must be licensed as provided under subdivision 2.

88.25 Sec. 102. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

88.26 Subd. 2. **Walleye; northern pike.** (a) ~~Except as provided in paragraph (b),~~ A person

88.27 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~

88.28 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

88.29 (b) ~~The restrictions in paragraph (a) do not apply to boundary waters.~~



89.1 Sec. 103. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

89.2 Subdivision 1. **Minnow retailers.** (a) A person may not be a minnow retailer without  
89.3 a minnow retailer license except as provided in subdivisions 2, paragraph (d), and 3. A  
89.4 person must purchase a minnow retailer license for each minnow retail outlet operated,  
89.5 except as provided by subdivision 2, paragraph (d).

89.6 (b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor  
89.7 vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow  
89.8 retailer's place of business, ~~except as provided in subdivision 3.~~ A minnow retailer is not  
89.9 required to obtain a minnow retailer's vehicle license:

89.10 (1) as provided in subdivision 3;

89.11 (2) if the minnow retailer is licensed as a resort under section 157.16, is transporting  
89.12 minnows purchased from a minnow dealer's place of business directly to the resort, possesses  
89.13 a detailed receipt, including the date and time of purchase, and presents the receipt and  
89.14 minnows for inspection upon request; or

89.15 (3) if minnows are being transported by common carrier and information is provided  
89.16 that allows the commissioner to find out the location of the shipment in the state.

89.17 Sec. 104. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision  
89.18 to read:

89.19 Subd. 7. **Harvesting mussel shells.** Live mussels may not be harvested. A person  
89.20 possessing a valid resident or nonresident angling license or a person not required to have  
89.21 an angling license to take fish may take and possess at any time, for personal use only, not  
89.22 more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may  
89.23 be harvested in waters of the state where fish may be taken by angling. Mussel shells must  
89.24 be harvested by hand-picking only and may not be purchased or sold.

89.25 Sec. 105. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

89.26 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
89.27 the meanings given them.

89.28 (b) "Board" means the Board of Water and Soil Resources.

89.29 (c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants  
89.30 and noxious weeds, adjacent to all bodies of water within the state and that protects the

90.1 water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and  
 90.2 protects or provides riparian corridors.

90.3 (d) "Buffer protection map" means buffer maps established and maintained by the  
 90.4 commissioner of natural resources.

90.5 (e) "Commissioner" means the commissioner of natural resources.

90.6 (f) "Executive director" means the executive director of the Board of Water and Soil  
 90.7 Resources.

90.8 (g) "Local water management authority" means a watershed district, metropolitan water  
 90.9 management organization, or county operating separately or jointly in its role as local water  
 90.10 management authority under chapter 103B or 103D.

90.11 (h) "Normal water level" means the level evidenced by the long-term presence of surface  
 90.12 water as indicated directly by hydrophytic plants or hydric soils or indirectly determined  
 90.13 via hydrological models or analysis.

90.14 (i) "Public waters" ~~has the meaning given in section 103G.005, subdivision 15. The term~~  
 90.15 means public waters as used in this section applies to waters that are on the public waters  
 90.16 inventory as provided in section 103G.201.

90.17 (j) "With jurisdiction" means a board determination that the county or watershed district  
 90.18 has adopted a rule, ordinance, or official controls providing procedures for the issuance of  
 90.19 administrative penalty orders, enforcement, and appeals for purposes of this section and  
 90.20 section 103B.101, subdivision 12a.

90.21 Sec. 106. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

90.22 Subd. 3. **Water resources riparian protection requirements on public waters and**  
 90.23 **public drainage systems.** (a) Except as provided in paragraph (b), landowners owning  
 90.24 property adjacent to a water body identified and mapped on a buffer protection map must  
 90.25 maintain a buffer to protect the state's water resources as follows:

90.26 (1) for all public waters, the more restrictive of:

90.27 (i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially  
 90.28 rooted vegetation; or

90.29 (ii) the state shoreland standards and criteria adopted by the commissioner under section  
 90.30 103F.211; and

91.1 (2) for public drainage systems established under chapter 103E , a 16.5-foot minimum  
 91.2 width continuous buffer as provided in section 103E.021, subdivision 1. The buffer vegetation  
 91.3 shall not impede future maintenance of the ditch.

91.4 (b) A landowner owning property adjacent to a water body identified in a buffer protection  
 91.5 map and whose property is used for cultivation farming may meet the requirements under  
 91.6 paragraph (a) by adopting an alternative riparian water quality practice, or combination of  
 91.7 structural, vegetative, and management practices, based on the Natural Resources  
 91.8 Conservation Service Field Office Technical Guide ~~or~~, common alternative practices adopted  
 91.9 and published by the board, other practices approved by the board, or practices based on  
 91.10 local conditions approved by the local soil and water conservation district that are consistent  
 91.11 with the Field Office Technical Guide, that provide water quality protection comparable to  
 91.12 the buffer protection for the water body that the property abuts. Included in these practices  
 91.13 are retention ponds and alternative measures that prevent overland flow to the water resource.

91.14 (c) The width of a buffer on public waters must be measured from the top or crown of  
 91.15 the bank. Where there is no defined bank, measurement must be from the edge of the normal  
 91.16 water level. The width of the buffer on public drainage systems must be measured as provided  
 91.17 in section 103E.021, subdivision 1.

91.18 (d) Upon request by a landowner or authorized agent or operator of a landowner, a  
 91.19 technical professional employee or contractor of the soil and water conservation district or  
 91.20 its delegate may issue a validation of compliance with the requirements of this subdivision.  
 91.21 The soil and water conservation district validation may be appealed to the board as described  
 91.22 in subdivision 9.

91.23 (e) Buffers or alternative water quality practices required under paragraph (a) or (b)  
 91.24 must be in place on or before:

91.25 (1) November 1, 2017, for public waters; and

91.26 (2) November 1, 2018, for public drainage systems.

91.27 (f) Nothing in this section limits the eligibility of a landowner or authorized agent or  
 91.28 operator of a landowner to participate in federal or state conservation programs, including  
 91.29 enrolling or reenrolling in federal conservation programs.

91.30 (g) After the effective date of this section, a person planting buffers or water quality  
 91.31 protection practices to meet the requirements in paragraph (a) must use only seed mixes  
 91.32 verified by the Department of Agriculture as consistent with chapter 18G or 21 to prevent  
 91.33 contamination with Palmer amaranth or other noxious weed seeds.

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

92.2 Sec. 107. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision  
92.3 to read:

92.4 **Subd. 8a. Constructed management facilities for storm water.** "Constructed  
92.5 management facilities for storm water" means ponds, basins, holding tanks, cisterns,  
92.6 infiltration trenches and swales, or other best management practices that have been designed,  
92.7 constructed, and operated to store or treat storm water in accordance with local, state, or  
92.8 federal requirements.

92.9 Sec. 108. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to  
92.10 read:

92.11 **Subd. 10b. Greater than 80 percent area.** "Greater than 80 percent area" means a  
92.12 county or watershed, or, for purposes of wetland replacement, bank service area where 80  
92.13 percent or more of the presettlement wetland acreage is intact and:

92.14 (1) ten percent or more of the current total land area is wetland; or

92.15 (2) 50 percent or more of the current total land area is state or federal land.

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

92.17 Sec. 109. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to  
92.18 read:

92.19 **Subd. 10h. Less than 50 percent area.** "Less than 50 percent area" means a county or  
92.20 watershed, or, for purposes of wetland replacement, bank service area with less than 50  
92.21 percent of the presettlement wetland acreage intact or any county or watershed, or bank  
92.22 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

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

92.24 Sec. 110. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

92.25 **Subdivision 1. Requirements.** (a) Wetlands must not be drained or filled, wholly or  
92.26 partially, unless replaced by actions that provide at least equal public value under a  
92.27 replacement plan approved as provided in section 103G.2242, a replacement plan under a  
92.28 local governmental unit's comprehensive wetland protection and management plan approved  
92.29 by the board under section 103G.2243, or, if a permit to mine is required under section  
92.30 93.481, under a mining reclamation plan approved by the commissioner under the permit

93.1 to mine. Project-specific wetland replacement plans submitted as part of a project for which  
93.2 a permit to mine is required and approved by the commissioner on or after July 1, 1991,  
93.3 may include surplus wetland credits to be allocated by the commissioner to offset future  
93.4 mining-related wetland impacts under any permits to mine held by the permittee, the operator,  
93.5 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an  
93.6 assignment under section 93.481, subdivision 5. For project-specific wetland replacement  
93.7 completed prior to wetland impacts authorized or conducted under a permit to mine within  
93.8 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
93.9 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
93.10 plans shall apply the same principles and standards for replacing wetlands that are applicable  
93.11 to mitigation plans approved as provided in section 103G.2242. The commissioner must  
93.12 provide notice of an application for wetland replacement under a permit to mine to the  
93.13 county in which the impact is proposed and the county in which a mitigation site is proposed.  
93.14 Public value must be determined in accordance with section 103B.3355 or a comprehensive  
93.15 wetland protection and management plan established under section 103G.2243. Sections  
93.16 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently  
93.17 flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

93.31 For a project involving the draining or filling of wetlands in an amount not exceeding  
93.32 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,

94.1 paragraph (a), the local government unit may make an on-site sequencing determination  
94.2 without a written alternatives analysis from the applicant.

94.3 (c) If a wetland is located in a cultivated field, then replacement must be accomplished  
94.4 through restoration only without regard to the priority order in paragraph (b), provided that  
94.5 the altered wetland is not converted to a nonagricultural use for at least ten years.

94.6 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,  
94.7 subdivision 2, paragraph (b) or (e), the local government unit may require a deed restriction  
94.8 that prohibits nonagricultural use for at least ten years. The local government unit may  
94.9 require the deed restriction if it determines the wetland area drained is at risk of conversion  
94.10 to a nonagricultural use within ten years based on the zoning classification, proximity to a  
94.11 municipality or full service road, or other criteria as determined by the local government  
94.12 unit.

94.13 (e) Restoration and replacement of wetlands must be accomplished in accordance with  
94.14 the ecology of the landscape area affected and ponds that are created primarily to fulfill  
94.15 storm water management, and water quality treatment requirements may not be used to  
94.16 satisfy replacement requirements under this chapter unless the design includes pretreatment  
94.17 of runoff and the pond is functioning as a wetland.

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

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

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

94.26 (i) Except in a greater than 80 percent area, only wetlands that have been restored from  
94.27 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
94.28 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
94.29 created by dikes or dams associated with the restoration of previously drained or filled  
94.30 wetlands may be used for wetland replacement according to rules adopted under section  
94.31 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring  
94.32 wetlands from one type to another are not eligible for wetland replacement.

95.1 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
95.2 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
95.3 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
95.4 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
95.5 to believe that the wetland characteristics may change substantially, the panel shall postpone  
95.6 its recommendation until the wetland has stabilized.

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

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

95.15 (m) A replacement plan for wetlands is not required for individual projects that result  
95.16 in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or  
95.17 replacement of a currently serviceable existing state, city, county, or town public road  
95.18 necessary, as determined by the public transportation authority, to meet state or federal  
95.19 design or safety standards or requirements, excluding new roads or roads expanded solely  
95.20 for additional traffic capacity lanes. This paragraph only applies to authorities for public  
95.21 transportation projects that:

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

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

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

95.33 Those required to receive notice of public transportation projects may appeal  
95.34 minimization, delineation, and on-site mitigation decisions made by the public transportation

96.1 authority to the board according to the provisions of section 103G.2242, subdivision 9. The  
96.2 Technical Evaluation Panel shall review minimization and delineation decisions made by  
96.3 the public transportation authority and provide recommendations regarding on-site mitigation  
96.4 if requested to do so by the local government unit, a contiguous landowner, or a member  
96.5 of the Technical Evaluation Panel.

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

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

96.18 (n) If a landowner seeks approval of a replacement plan after the proposed project has  
96.19 already affected the wetland, the local government unit may require the landowner to replace  
96.20 the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

96.21 (o) A local government unit may request the board to reclassify a county or watershed  
96.22 on the basis of its percentage of presettlement wetlands remaining. After receipt of  
96.23 satisfactory documentation from the local government, the board shall change the  
96.24 classification of a county or watershed. If requested by the local government unit, the board  
96.25 must assist in developing the documentation. Within 30 days of its action to approve a  
96.26 change of wetland classifications, the board shall publish a notice of the change in the  
96.27 Environmental Quality Board Monitor.

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

96.34 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 1991.



97.1 Sec. 111. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

97.2 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Impacted  
 97.3 wetlands outside of a greater than 80 percent area must not be replaced in a 50 to greater  
 97.4 than 80 percent area or in a less than 50 percent area. ~~Impacted wetlands in a less than 50~~  
 97.5 ~~percent area must be replaced in a less than 50 percent area.~~ All wetland replacement must  
 97.6 follow this priority order:

97.7 (1) ~~on-site or~~ in the same minor watershed as the impacted wetland;

97.8 (2) in the same watershed as the impacted wetland;

97.9 (3) in the same ~~county or~~ wetland bank service area as the impacted wetland; and

97.10 (4) in another wetland bank service area.

97.11 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a  
 97.12 complete wetland banking application submitted to a local government unit by April 1,  
 97.13 1996, may be used to replace wetland impacts resulting from public transportation projects  
 97.14 statewide.

97.15 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement  
 97.16 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under  
 97.17 section 103G.2242, subdivision 1.

97.18 (d) When reasonable, practicable, and environmentally beneficial replacement  
 97.19 opportunities are not available in siting priorities listed in paragraph (a), the applicant may  
 97.20 seek opportunities at the next level.

97.21 (e) For the purposes of this section, "reasonable, practicable, and environmentally  
 97.22 beneficial replacement opportunities" are defined as opportunities that:

97.23 (1) take advantage of naturally occurring hydrogeomorphological conditions and require  
 97.24 minimal landscape alteration;

97.25 (2) have a high likelihood of becoming a functional wetland that will continue in  
 97.26 perpetuity;

97.27 (3) do not adversely affect other habitat types or ecological communities that are  
 97.28 important in maintaining the overall biological diversity of the area; and

97.29 (4) are available and capable of being done after taking into consideration cost, existing  
 97.30 technology, and logistics consistent with overall project purposes.

98.1 (f) Regulatory agencies, local government units, and other entities involved in wetland  
 98.2 restoration shall collaborate to identify potential replacement opportunities within their  
 98.3 jurisdictional areas.

98.4 (g) The board must establish wetland replacement ratios and wetland bank service area  
 98.5 priorities to implement the siting and targeting of wetland replacement and encourage the  
 98.6 use of high priority areas for wetland replacement.

98.7 (h) Wetland replacement sites identified in accordance with the priority order for  
 98.8 replacement siting in paragraph (a) as part of the completion of an adequate environmental  
 98.9 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,  
 98.10 or 103G.2243 without further modification related to the priority order, notwithstanding  
 98.11 availability of new mitigation sites or availability of credits after completion of an adequate  
 98.12 environmental impact statement. Wetland replacement plan applications must be submitted  
 98.13 within one year of the adequacy determination of the environmental impact statement to be  
 98.14 eligible for approval under this paragraph.

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

98.16 Sec. 112. Minnesota Statutes 2016, section 103G.223, is amended to read:

98.17 **103G.223 CALCAREOUS FENS.**

98.18 (a) Calcareous fens, as identified by the commissioner by written order published in the  
 98.19 State Register, may not be filled, drained, or otherwise degraded, wholly or partially, by  
 98.20 any activity, unless the commissioner, under an approved management plan, decides some  
 98.21 alteration is necessary or as provided in paragraph (b). Identifications made by the  
 98.22 commissioner are not subject to the rulemaking provisions of chapter 14 and section 14.386  
 98.23 does not apply.

98.24 (b) The commissioner may allow water appropriations that result in temporary reductions  
 98.25 in groundwater resources on a seasonal basis under an approved calcareous fen management  
 98.26 plan.

98.27 Sec. 113. Minnesota Statutes 2016, section 103G.2242, subdivision 1, is amended to read:

98.28 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt  
 98.29 rules governing the approval of wetland value replacement plans under this section and  
 98.30 public-waters-work permits affecting public waters wetlands under section 103G.245. These  
 98.31 rules must address the criteria, procedure, timing, and location of acceptable replacement  
 98.32 of wetland values and may address the state establishment and administration of a wetland

99.1 banking program for public and private projects, including provisions for an in-lieu fee  
99.2 program; the administrative, monitoring, and enforcement procedures to be used; and a  
99.3 procedure for the review and appeal of decisions under this section. In the case of peatlands,  
99.4 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program  
99.5 established by the board must conform with Code of Federal Regulations, title 33, section  
99.6 332.8, as amended.

99.7 (b) After the adoption of the rules, a replacement plan must be approved by a resolution  
99.8 of the governing body of the local government unit, consistent with the provisions of the  
99.9 rules or a comprehensive wetland protection and management plan approved under section  
99.10 103G.2243.

99.11 (c) If the local government unit fails to apply the rules, or fails to implement a local  
99.12 comprehensive wetland protection and management plan established under section  
99.13 103G.2243, the government unit is subject to penalty as determined by the board.

99.14 (d) When making a determination under rules adopted pursuant to this subdivision on  
99.15 whether a rare natural community will be permanently adversely affected, consideration of  
99.16 measures to mitigate any adverse effect on the community must be considered.

99.17 Sec. 114. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

99.18 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type  
99.19 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an  
99.20 on-site inspection. The Technical Evaluation Panel shall be composed of a technical  
99.21 professional employee of the board, a technical professional employee of the local soil and  
99.22 water conservation district or districts, a technical professional with expertise in water  
99.23 resources management appointed by the local government unit, and a technical professional  
99.24 employee of the Department of Natural Resources for projects affecting public waters or  
99.25 wetlands adjacent to public waters. The panel shall use the "United States Army Corps of  
99.26 Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary  
99.27 guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and  
99.28 Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater  
99.29 Habitats of the United States" (1979 edition). The panel shall provide the wetland  
99.30 determination and recommendations on other technical matters to the local government unit  
99.31 that must approve a replacement plan, sequencing, exemption determination, no-loss  
99.32 determination, or wetland boundary or type determination and may recommend approval  
99.33 or denial of the plan. The authority must consider and include the decision of the Technical  
99.34 Evaluation Panel in their approval or denial of a plan or determination.

100.1 (b) A member of the Technical Evaluation Panel that has a financial interest in a wetland  
 100.2 bank or management responsibility to sell or make recommendations in their official capacity  
 100.3 to sell credits from a publicly owned wetland bank must disclose that interest, in writing,  
 100.4 to the Technical Evaluation Panel and the local government unit.

100.5 ~~(b)~~ (c) Persons conducting wetland or public waters boundary delineations or type  
 100.6 determinations are exempt from the requirements of chapter 326. The board may develop  
 100.7 a professional wetland delineator certification program.

100.8 ~~(e)~~ (d) The board must establish an interagency team to assist in identifying and evaluating  
 100.9 potential wetland replacement sites. The team must consist of members of the Technical  
 100.10 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution  
 100.11 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other  
 100.12 organizations as determined by the board.

100.13 Sec. 115. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to read:

100.14 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,  
 100.15 conservation officers, and peace officers shall enforce laws preserving and protecting  
 100.16 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,  
 100.17 a conservation officer, or a peace officer may issue a cease and desist order to stop any  
 100.18 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

100.19 (b) In the order, or by separate order, the commissioner, conservation officer, or peace  
 100.20 officer may require restoration or replacement of the wetland or public waters, as determined  
 100.21 by the local soil and water conservation district for wetlands and the commissioner of natural  
 100.22 resources for public waters. Restoration or replacement orders may be recorded or filed in  
 100.23 the office of the county recorder or registrar of titles, as appropriate, in the county where  
 100.24 the real property is located by the commissioner of natural resources, conservation officers,  
 100.25 or peace officers as a deed restriction on the property that runs with the land and is binding  
 100.26 on the owners, successors, and assigns until the conditions of the order are met or the order  
 100.27 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee  
 100.28 for any document filed under this section.

100.29 (c) If a court has ruled that there has not been a violation of the restoration or replacement  
 100.30 order, an order may not be recorded or filed under this section.

100.31 (d) The commissioner must remove a deed restriction filed or recorded under this section  
 100.32 on homesteaded property if the owner requests that it be removed and a court has found  
 100.33 that the owner of the property is not guilty or that there has not been a violation of the

101.1 restoration or replacement order. Within 30 days of receiving the request for removal from  
101.2 the owner, the commissioner must contact, in writing, the office of the county recorder or  
101.3 registrar of titles where the order is recorded or filed, along with all applicable fees, and  
101.4 have the order removed. Within 30 days of receiving notification from the office of the  
101.5 county recorder or registrar of titles that the order has been removed, the commissioner  
101.6 must inform the owner that the order has been removed and provide the owner with a copy  
101.7 of any documentation provided by the office of the county recorder or registrar of titles.

101.8 Sec. 116. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

101.9 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state, a  
101.10 person, partnership, or association, private or public corporation, county, municipality, or  
101.11 other political subdivision of the state may not appropriate or use waters of the state without  
101.12 a water-use permit from the commissioner.

101.13 (b) This section does not apply to the following water uses:

101.14 (1) use for a water supply by less than 25 persons for domestic purposes, except as  
101.15 required by the commissioner under section 103G.287, subdivision 4, paragraph (b)-<sub>2</sub>

101.16 (2) nonconsumptive diversion of a surface water of the state from its natural channel for  
101.17 the production of hydroelectric or hydromechanical power at structures that were in existence  
101.18 on and before July 1, 1937, including repowering, upgrades, or additions to those facilities;  
101.19 or

101.20 (3) appropriation or use of storm water collected and used to reduce storm-water runoff  
101.21 volume, treat storm water, or sustain groundwater supplies when water is extracted from  
101.22 constructed management facilities for storm water.

101.23 (c) The commissioner may issue a state general permit for appropriation of water to a  
101.24 governmental subdivision or to the general public. The general permit may authorize more  
101.25 than one project and the appropriation or use of more than one source of water. Water-use  
101.26 permit processing fees and reports required under subdivision 6 and section 103G.281,  
101.27 subdivision 3, are required for each project or water source that is included under a general  
101.28 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

101.29 Sec. 117. Minnesota Statutes 2016, section 103G.271, subdivision 6, is amended to read:

101.30 Subd. 6. **Water-use permit processing fee.** (a) Except as described in paragraphs (b)  
101.31 to (g), a water-use permit processing fee must be prescribed by the commissioner in  
101.32 accordance with the schedule of fees in this subdivision for each water-use permit in force

102.1 at any time during the year. Fees collected under this paragraph are credited to the water  
102.2 management account in the natural resources fund. The schedule is as follows, with the  
102.3 stated fee in each clause applied to the total amount appropriated:

102.4 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

102.5 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less  
102.6 than 100,000,000 gallons per year;

102.7 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than  
102.8 150,000,000 gallons per year;

102.9 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less  
102.10 than 200,000,000 gallons per year;

102.11 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than  
102.12 250,000,000 gallons per year;

102.13 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less  
102.14 than 300,000,000 gallons per year;

102.15 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than  
102.16 350,000,000 gallons per year;

102.17 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less  
102.18 than 400,000,000 gallons per year;

102.19 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than  
102.20 450,000,000 gallons per year;

102.21 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less  
102.22 than 500,000,000 gallons per year; and

102.23 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

102.24 (b) For once-through cooling systems, a water-use processing fee must be prescribed  
102.25 by the commissioner in accordance with the following schedule of fees for each water-use  
102.26 permit in force at any time during the year:

102.27 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

102.28 (2) for all other users, \$420 per 1,000,000 gallons.

102.29 (c) The fee is payable based on the amount of water appropriated during the year and,  
102.30 except as provided in paragraph (f), the minimum fee is \$100.

102.31 (d) For water-use processing fees other than once-through cooling systems:

- 103.1 (1) the fee for a city of the first class may not exceed \$250,000 per year;
- 103.2 (2) the fee for other entities for any permitted use may not exceed:
- 103.3 (i) \$60,000 per year for an entity holding three or fewer permits;
- 103.4 (ii) \$90,000 per year for an entity holding four or five permits; or
- 103.5 (iii) \$300,000 per year for an entity holding more than five permits;
- 103.6 (3) the fee for agricultural irrigation may not exceed \$750 per year;
- 103.7 (4) the fee for a municipality that furnishes electric service and cogenerates steam for
- 103.8 home heating may not exceed \$10,000 for its permit for water use related to the cogeneration
- 103.9 of electricity and steam; ~~and~~
- 103.10 (5) the fee for a facility that temporarily diverts a water of the state from its natural
- 103.11 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per
- 103.12 year. A permit for such a facility does not count toward the number of permits held by an
- 103.13 entity as described in paragraph (d); and
- 103.14 ~~(5)~~ (6) no fee is required for a project involving the appropriation of surface water to
- 103.15 prevent flood damage or to remove flood waters during a period of flooding, as determined
- 103.16 by the commissioner.
- 103.17 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ten
- 103.18 percent per month calculated from the original due date must be imposed on the unpaid
- 103.19 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee
- 103.20 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal
- 103.21 governmental agency holding a water appropriation permit.
- 103.22 (f) The minimum water-use processing fee for a permit issued for irrigation of agricultural
- 103.23 land is \$20 for years in which:
- 103.24 (1) there is no appropriation of water under the permit; or
- 103.25 (2) the permit is suspended for more than seven consecutive days between May 1 and
- 103.26 October 1.
- 103.27 (g) The commissioner shall waive the water-use permit fee for installations and projects
- 103.28 that use storm water runoff or where public entities are diverting water to treat a water
- 103.29 quality issue and returning the water to its source without using the water for any other
- 103.30 purpose, unless the commissioner determines that the proposed use adversely affects surface
- 103.31 water or groundwater.

104.1 (h) A surcharge of \$30 per million gallons in addition to the fee prescribed in paragraph  
104.2 (a) shall be applied to the volume of water used in each of the months of June, July, and  
104.3 August that exceeds the volume of water used in January for municipal water use, irrigation  
104.4 of golf courses, and landscape irrigation. The surcharge for municipalities with more than  
104.5 one permit shall be determined based on the total appropriations from all permits that supply  
104.6 a common distribution system.

104.7 Sec. 118. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

104.8 Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water  
104.9 without a required permit under subdivision 1 must pay the applicable water-use permit  
104.10 processing fee specified in subdivision 6 for the period during which the unpermitted  
104.11 appropriation occurred. The fees for unpermitted appropriations are required for the previous  
104.12 seven calendar years after being notified of the need for a permit. This fee is in addition to  
104.13 any other fee or penalty assessed. The commissioner may waive payment of fees for past  
104.14 unpermitted appropriations for a residential system permitted under subdivision 5, paragraph  
104.15 (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of  
104.16 the state from its natural channel.

104.17 Sec. 119. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

104.18 Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive  
104.19 owner of real property if the permittee conveys the real property where the source of water  
104.20 is located. The new owner must notify the commissioner immediately after the conveyance  
104.21 and request transfer of the permit. The commissioner must not deny the transfer of a permit  
104.22 if the permittee is in compliance with all permit conditions and the permit meets the  
104.23 requirements of sections 103G.255 to 103G.301.

104.24 Sec. 120. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

104.25 Subdivision 1. **Applications for groundwater appropriations; preliminary well**  
104.26 **construction approval.** (a) Groundwater use permit applications are not complete until the  
104.27 applicant has supplied:

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

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



105.1 (3) information on groundwater quality in terms of the measures of quality commonly  
 105.2 specified for the proposed water use and details on water treatment necessary for the proposed  
 105.3 use;

105.4 (4) the results of an aquifer test completed according to specifications approved by the  
 105.5 commissioner. The test must be conducted at the maximum pumping rate requested in the  
 105.6 application and for a length of time adequate to assess or predict impacts to other wells and  
 105.7 surface water and groundwater resources. The permit applicant is responsible for all costs  
 105.8 related to the aquifer test, including the construction of groundwater and surface water  
 105.9 monitoring installations, and water level readings before, during, and after the aquifer test;  
 105.10 and

105.11 (5) the results of any assessments conducted by the commissioner under paragraph (c).

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

105.16 (c) The commissioner shall provide an assessment of a proposed well needing a  
 105.17 groundwater appropriation permit. The commissioner shall evaluate the information submitted  
 105.18 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the  
 105.19 anticipated appropriation request is likely to meet the applicable requirements of this chapter.  
 105.20 If the appropriation request is likely to meet applicable requirements, the commissioner  
 105.21 shall provide the person submitting the information with a letter providing preliminary  
 105.22 approval to construct the well and the requirements, including test-well information, that  
 105.23 will be needed to obtain the permit.

105.24 (d) The commissioner must provide an applicant denied a groundwater use permit or  
 105.25 issued a groundwater use permit that is reduced or restricted from the original request with  
 105.26 all information the commissioner used in making the determination, including hydrographs,  
 105.27 flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment  
 105.28 calibration.

105.29 Sec. 121. Minnesota Statutes 2016, section 103G.411, is amended to read:

105.30 **103G.411 STIPULATION OF LOW-WATER MARK.**

105.31 If the state is a party in a civil action relating to the navigability or ownership of the bed  
 105.32 of a body of water, river, or stream, the commissioner, in behalf of the state, ~~with the approval~~  
 105.33 ~~of the attorney general,~~ may agree by written stipulation with a riparian owner who is a

106.1 party to the action on the location of the ordinary low-water mark on the riparian land of  
 106.2 the party. After the stipulation is executed by all parties, it must be presented to the judge  
 106.3 of the district court where the action is pending for approval. If the stipulation is approved,  
 106.4 the judge shall make and enter an order providing that the final judgment when entered shall  
 106.5 conform to the location of the ordinary, low-water mark as provided for in the stipulation  
 106.6 as it relates to the parties to the stipulation.

106.7 Sec. 122. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision  
 106.8 to read:

106.9 Subd. 6. **Impaired waters list; public notice and process.** The commissioner of the  
 106.10 Pollution Control Agency must allow at least 60 days for public comment after publishing  
 106.11 the draft impaired waters list required under the federal Clean Water Act. In making  
 106.12 impairment designations, the Pollution Control Agency must use available water-quality  
 106.13 data that takes into consideration recent relevant pollutant reductions resulting from controls  
 106.14 on municipal point sources and nonpoint sources.

106.15 Sec. 123. [115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED  
 106.16 WASTEWATER TREATMENT FACILITIES.

106.17 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have  
 106.18 the meanings given:

106.19 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit  
 106.20 or state disposal system (SDS) permit; and

106.21 (2) "permit applicant" means a person or entity submitting an application for a new  
 106.22 permit or renewal, modification, or revocation of an existing permit for a publicly owned  
 106.23 wastewater treatment facility.

106.24 Subd. 2. **Applicability.** This section applies to all draft permits and permits for publicly  
 106.25 owned wastewater treatment facilities for which the commissioner of the Pollution Control  
 106.26 Agency makes a preliminary determination whether to issue or deny.

106.27 Subd. 3. **Notice requirements.** The commissioner of the Pollution Control Agency must  
 106.28 provide a permit applicant with a copy of the draft permit and any fact sheets required by  
 106.29 agency rules at least 30 days before the distribution and public notice of the permit application  
 106.30 and preliminary determination.

106.31 Subd. 4. **Permitting efficiency.** The commissioner must prepare and issue a public  
 106.32 notice of a completed application and the commissioner's preliminary determination as to

107.1 whether the permit should be issued or denied. The public comment period must be at least  
107.2 60 days for permit applications under this section. Notwithstanding section 116.03, it is the  
107.3 goal of the state that Tier 2 permits for publicly owned wastewater treatment facilities be  
107.4 issued or denied within 210 days following submission of a permit application.

107.5 Sec. 124. Minnesota Statutes 2016, section 115B.39, subdivision 2, is amended to read:

107.6 Subd. 2. **Definitions.** (a) In addition to the definitions in this subdivision, the definitions  
107.7 in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445, except as  
107.8 specifically modified in this subdivision.

107.9 (b) "Cleanup order" means a consent order between responsible persons and the agency  
107.10 or an order issued by the United States Environmental Protection Agency under section 106  
107.11 of the federal Superfund Act.

107.12 (c) "Closure" means actions to prevent or minimize the threat to public health and the  
107.13 environment posed by a mixed municipal solid waste disposal facility that has stopped  
107.14 accepting waste by controlling the sources of releases or threatened releases at the facility.  
107.15 "Closure" includes removing contaminated equipment and liners; applying final cover;  
107.16 grading and seeding final cover; installing wells, borings, and other monitoring devices;  
107.17 constructing groundwater and surface water diversion structures; and installing gas control  
107.18 systems and site security systems, as necessary. The commissioner may authorize use of  
107.19 final cover that includes processed materials that meet the requirements in Code of Federal  
107.20 Regulations, title 40, section 503.32, paragraph (a).

107.21 (d) "Closure upgrade" means construction activity that will, at a minimum, modify an  
107.22 existing cover so that it satisfies current rule requirements for mixed municipal solid waste  
107.23 land disposal facilities.

107.24 (e) "Contingency action" means organized, planned, or coordinated courses of action to  
107.25 be followed in case of fire, explosion, or release of solid waste, waste by-products, or  
107.26 leachate that could threaten human health or the environment.

107.27 (f) "Corrective action" means steps taken to repair facility structures including liners,  
107.28 monitoring wells, separation equipment, covers, and aeration devices and to bring the facility  
107.29 into compliance with design, construction, groundwater, surface water, and air emission  
107.30 standards.

107.31 (g) "Custodial" or "custodial care" means actions taken for the care, maintenance, and  
107.32 monitoring of closure actions at a mixed municipal solid waste disposal facility after  
107.33 completion of the postclosure period.

108.1 (h) "Decomposition gases" means gases produced by chemical or microbial activity  
 108.2 during the decomposition of solid waste.

108.3 ~~(h)~~ (i) "Dump materials" means nonhazardous mixed municipal solid wastes disposed  
 108.4 at a Minnesota waste disposal site other than a qualified facility prior to 1973.

108.5 ~~(i)~~ (j) "Environmental response action" means response action at a qualified facility or  
 108.6 priority qualified facility, including corrective action, closure, postclosure care; contingency  
 108.7 action; environmental studies, including remedial investigations and feasibility studies;  
 108.8 engineering, including remedial design; removal; remedial action; site construction; and  
 108.9 other similar cleanup-related activities.

108.10 ~~(j)~~ (k) "Environmental response costs" means:

108.11 (1) costs of environmental response action, not including legal or administrative expenses;  
 108.12 and

108.13 (2) costs required to be paid to the federal government under section 107(a) of the federal  
 108.14 Superfund Act, as amended.

108.15 (l) "Owner or operator of a priority qualified facility" means a person, personal  
 108.16 representative, trustee, beneficiary, partnership, sole proprietorship, firm, limited liability  
 108.17 company, cooperative, association, corporation, or other entity that:

108.18 (1) has possession of, holds title to, or owns a controlling interest in a priority qualified  
 108.19 facility;

108.20 (2) participates in decision making related to compliance with federal and state  
 108.21 environmental laws and regulations for a priority qualified facility; or

108.22 (3) has authority or control to make decisions regarding state and federal environmental  
 108.23 laws and regulations for a priority qualified facility.

108.24 (m) "Priority qualified facility" means:

108.25 (1) a qualified facility:

108.26 (i) that is listed on the National Priorities List pursuant to the federal Comprehensive  
 108.27 Environmental Response, Compensation, and Liability Act;

108.28 (ii) that is listed on the Permanent List of Priorities pursuant to the Minnesota  
 108.29 Environmental Response and Liability Act;

109.1 (iii) for which a binding agreement pursuant to section 115B.40, subdivision 4, has not  
 109.2 been entered into between the owner or operator of the qualified facility and the  
 109.3 commissioner; and

109.4 (iv) that is not an excluded facility pursuant to section 115B.405; and

109.5 (2) property located within 750 feet from the boundary of a facility described in clause  
 109.6 (1), including any contiguous property:

109.7 (i) that is listed on the Permanent List of Priorities pursuant to the Minnesota  
 109.8 Environmental Response and Liability Act, as of the effective date of this section;

109.9 (ii) where mixed municipal solid waste was disposed of within the boundaries of the  
 109.10 property, which disposal did not occur under a permit from the agency; and

109.11 (iii) for which the commissioner determines an environmental response action is necessary  
 109.12 to protect public health or welfare or the environment at and in the vicinity of the facility  
 109.13 described in clause (1).

109.14 ~~(n)~~ "Postclosure" or "postclosure care" means actions taken for the care, maintenance,  
 109.15 and monitoring of closure actions at a mixed municipal solid waste disposal facility.

109.16 ~~(o)~~ "Qualified facility" means a mixed municipal solid waste disposal facility as  
 109.17 described in the most recent agency permit, including adjacent property used for solid waste  
 109.18 disposal that did not occur under a permit from the agency, that:

109.19 (1)(i) is or was permitted by the agency;

109.20 (ii) stopped accepting solid waste, except demolition debris, for disposal by April 9,  
 109.21 1994; and

109.22 (iii) stopped accepting demolition debris for disposal by June 1, 1994, except that  
 109.23 demolition debris may be accepted until May 1, 1995, at a permitted area where disposal  
 109.24 of demolition debris is allowed, if the area where the demolition debris is deposited is at  
 109.25 least 50 feet from the fill boundary of the area where mixed municipal solid waste was  
 109.26 deposited; ~~or~~

109.27 (2) is or was permitted by the agency; and

109.28 (i) stopped accepting waste by January 1, 2000, except that demolition debris, industrial  
 109.29 waste, and municipal solid waste combustor ash may be accepted until January 1, 2001, at  
 109.30 a permitted area where disposal of such waste is allowed, if the area where the waste is  
 109.31 deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid  
 109.32 waste was deposited; or

110.1 (ii) stopped accepting waste by January 1, 2019, and is located in a county that meets  
 110.2 all applicable recycling goals in section 115A.551 and that has arranged for all mixed  
 110.3 municipal solid waste generated in the county to be delivered to and processed by a resource  
 110.4 recovery facility located in the county for at least 20 years; or

110.5 (3) is or was permitted by the agency and stopped accepting waste for disposal by January  
 110.6 1, 2009, and for which the postclosure care period ended on July 26, 2013.

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

110.8 Sec. 125. Minnesota Statutes 2016, section 115B.40, subdivision 4, is amended to read:

110.9 Subd. 4. **Qualified facility not under cleanup order; duties.** (a) The owner or operator  
 110.10 of a qualified facility that is not subject to a cleanup order shall:

110.11 (1) complete closure activities at the facility, or enter into a binding agreement with the  
 110.12 commissioner to do so, as provided in paragraph (e), within one year from the date the  
 110.13 owner or operator is notified by the commissioner under subdivision 3 of the closure activities  
 110.14 that are necessary to properly close the facility in compliance with facility's permit, closure  
 110.15 orders, or enforcement agreement with the agency, and with the solid waste rules in effect  
 110.16 at the time the facility stopped accepting waste;

110.17 (2) undertake or continue postclosure and custodial care at the facility until the date of  
 110.18 notice of compliance under subdivision 7;

110.19 (3) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
 110.20 ~~(o)~~ (o), clause (1), transfer to the commissioner of revenue for deposit in the remediation  
 110.21 fund established in section 116.155 any funds required for proof of financial responsibility  
 110.22 under section 116.07, subdivision 4h, that remain after facility closure and any postclosure  
 110.23 care and response action undertaken by the owner or operator at the facility including, if  
 110.24 proof of financial responsibility is provided through a letter of credit or other financial  
 110.25 instrument or mechanism that does not accumulate money in an account, the amount that  
 110.26 would have accumulated had the owner or operator utilized a trust fund, less any amount  
 110.27 used for closure, postclosure care, and response action at the facility; ~~and~~

110.28 (4) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
 110.29 ~~(o)~~ (o), clause (2), transfer to the commissioner of revenue for deposit in the remediation  
 110.30 fund established in section 116.155 an amount of cash that is equal to the sum of their  
 110.31 approved current contingency action cost estimate and the present value of their approved  
 110.32 estimated remaining postclosure care costs required for proof of financial responsibility  
 110.33 under section 116.07, subdivision 4h; and

111.1 (5) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
111.2 (o), clause (3), transfer to the commissioner of revenue for deposit in the remediation fund  
111.3 established in section 116.155 an amount of cash that is equal to the sum of their approved  
111.4 current contingency action cost estimate and any funds required for proof of financial  
111.5 responsibility under section 116.07, subdivision 4h, that remain after facility closure and  
111.6 any postclosure and custodial care and response action undertaken by the owner or operator  
111.7 at the facility.

111.8 (b) The owner or operator of a qualified facility that is not subject to a cleanup order  
111.9 shall:

111.10 (1) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
111.11 ~~(o)~~ (o), clause (1), provide the commissioner with a copy of all applicable comprehensive  
111.12 general liability insurance policies and other liability policies relating to property damage,  
111.13 certificates, or other evidence of insurance coverage held during the life of the facility; and

111.14 (2) enter into a binding agreement with the commissioner to:

111.15 (i) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph  
111.16 ~~(o)~~ (o), clause (1), take any actions necessary to preserve the owner or operator's rights to  
111.17 payment or defense under insurance policies included in clause (1); cooperate with the  
111.18 commissioner in asserting claims under the policies; and, within 60 days of a request by  
111.19 the commissioner, but no earlier than July 1, 1996, assign only those rights under the policies  
111.20 related to environmental response costs;

111.21 (ii) cooperate with the commissioner or other persons acting at the direction of the  
111.22 commissioner in taking additional environmental response actions necessary to address  
111.23 releases or threatened releases and to avoid any action that interferes with environmental  
111.24 response actions, including allowing entry to the property and to the facility's records and  
111.25 allowing entry and installation of equipment; and

111.26 (iii) refrain from developing or altering the use of property described in any permit for  
111.27 the facility except after consultation with the commissioner and in conformance with any  
111.28 conditions established by the commissioner for that property, including use restrictions, to  
111.29 protect public health and welfare and the environment.

111.30 (c) The owner or operator of a qualified facility defined in section 115B.39, subdivision  
111.31 2, paragraph ~~(o)~~ (o), clause (1), that is a political subdivision may use a portion of any funds  
111.32 established for response at the facility, which are available directly or through a financial  
111.33 instrument or other financial arrangement, for closure or postclosure care at the facility if

112.1 funds available for closure or postclosure care are inadequate and shall assign the rights to  
112.2 any remainder to the commissioner.

112.3 (d) The agreement required in paragraph (b), clause (2), must be in writing and must  
112.4 apply to and be binding upon the successors and assigns of the owner. The owner shall  
112.5 record the agreement, or a memorandum approved by the commissioner that summarizes  
112.6 the agreement, with the county recorder or registrar of titles of the county where the property  
112.7 is located.

112.8 (e) A binding agreement entered into under paragraph (a), clause (1), may include a  
112.9 provision that the owner or operator will reimburse the commissioner for the costs of closing  
112.10 the facility to the standard required in that clause.

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

112.12 Sec. 126. **[115B.406] PRIORITY QUALIFIED FACILITIES.**

112.13 **Subdivision 1. Legislative findings.** The legislature recognizes the need to protect the  
112.14 public health and welfare and the environment at priority qualified facilities. To implement  
112.15 a timely and effective cleanup and prevent multiparty litigation, the legislature finds it is in  
112.16 the public interest to direct the commissioner of the Pollution Control Agency to take  
112.17 environmental response actions that the commissioner deems reasonable and necessary to  
112.18 protect the public health or welfare or the environment at priority qualified facilities and to  
112.19 acquire real property interests at priority qualified facilities to ensure the completion and  
112.20 long-term effectiveness of environmental response actions.

112.21 **Subd. 2. Notifying owner or operator of priority qualified facility.** Within 30 days  
112.22 after the effective date of this section, or within 30 days after section 115B.39, subdivision  
112.23 2, paragraph (m), applies to a facility, whichever is later, the commissioner must notify the  
112.24 owner or operator of a qualified facility that the facility is a priority qualified facility under  
112.25 section 115B.39, subdivision 2, paragraph (m). Within 60 days after being notified under  
112.26 this subdivision, the owner or operator of a priority qualified facility must enter into a  
112.27 binding agreement with the commissioner according to section 115B.40, subdivision 4,  
112.28 paragraph (b).

112.29 **Subd. 3. State response.** If the owner or operator of a priority qualified facility fails to  
112.30 enter into a binding agreement according to subdivision 2:

112.31 (1) the commissioner must assume all obligations for environmental response actions  
112.32 under the federal Superfund Act and any federal or state cleanup orders and undertake



113.1 further action under section 115B.40, subdivision 1, at or related to the priority qualified  
113.2 facility that the commissioner deems reasonable and necessary;

113.3 (2) the commissioner must not seek recovery against responsible persons who are not  
113.4 the owner or operator of a priority qualified facility of any costs incurred by the commissioner  
113.5 for environmental response action at or related to the facility, except as provided under  
113.6 section 115B.40, subdivision 7, paragraph (b), clause (2), item (i) or (ii); and

113.7 (3) the commissioner and the attorney general must communicate with the United States  
113.8 Environmental Protection Agency regarding the manner and procedure for the state's  
113.9 assumption of federal obligations at the priority qualified facility.

113.10 Subd. 4. **Civil penalty.** An owner or operator of a priority qualified facility is subject  
113.11 to a civil penalty in an amount to be determined by the court of not more than \$20,000 per  
113.12 day for each day that the owner or operator fails to comply with subdivision 2. The penalty  
113.13 ceases to accrue when the owner or operator enters into a binding agreement with the  
113.14 commissioner according to section 115B.40, subdivision 4, paragraph (b), and a payment  
113.15 agreement for environmental response costs incurred by the commissioner at or related to  
113.16 the priority qualified facility. The civil penalty may be recovered by an action brought by  
113.17 the attorney general in the name of the state in connection with an action to recover expenses  
113.18 of the agency under subdivision 7 or by a separate action in the District Court of Ramsey  
113.19 County. All penalties recovered under this subdivision must be deposited in the remediation  
113.20 fund.

113.21 Subd. 5. **Disqualification; permits.** If an owner or operator of a priority qualified facility  
113.22 that is not a local government unit fails to comply with subdivision 2, the owner or operator  
113.23 is ineligible to obtain or renew a state or local permit or license to engage in a business that  
113.24 manages solid waste. Failure of an owner or operator of a priority qualified facility that is  
113.25 not a local government unit to comply with subdivision 2 is prima facie evidence of the  
113.26 lack of fitness of the owner or operator to conduct any solid waste business and is grounds  
113.27 for revocation of any solid waste permit or license held by the owner or operator.

113.28 Subd. 6. **Duty to provide information.** Any person that the commissioner determines  
113.29 has information regarding the priority qualified facility or the owner or operator of the  
113.30 priority qualified facility must furnish to the commissioner any information that person may  
113.31 have or may reasonably obtain that is relevant to the priority qualified facility or the owner  
113.32 or operator of the priority qualified facility. The commissioner upon presentation of  
113.33 credentials may examine and copy any books, papers, records, memoranda, or data of a  
113.34 person that has a duty to provide information to the commissioner and may enter upon any

114.1 property, public or private, to take any action authorized by this section, including obtaining  
114.2 information from a person that has a duty to provide the information.

114.3 Subd. 7. **Recovering expenses.** Any reasonable and necessary expenses incurred by the  
114.4 commissioner pursuant to this section, including all environmental response costs and  
114.5 administrative and legal expenses, may be recovered in a civil action brought by the attorney  
114.6 general against the owner or operator of a priority qualified facility. The commissioner's  
114.7 certification of expenses is prima facie evidence that the expenses are reasonable and  
114.8 necessary. Any expenses incurred pursuant to this section that are recovered by the attorney  
114.9 general, including any award of attorney fees, must be deposited in the remediation fund.

114.10 Subd. 8. **Claims prohibited.** The owner or operator of a priority qualified facility is  
114.11 barred from bringing any claim based on contract, tort, or statute or using any remedy  
114.12 available under any other provision of state law, including common law, for personal injury,  
114.13 disease, economic loss, environmental response costs incurred by the owner or operator,  
114.14 environmental response costs incurred by the state, or legal and administrative expenses  
114.15 arising out of a release or threat of release of any hazardous substance, pollutant, contaminant,  
114.16 or decomposition gases related to the priority qualified facility.

114.17 Subd. 9. **Environmental response costs; liens.** All environmental response costs,  
114.18 including administrative and legal expenses, incurred by the commissioner at a priority  
114.19 qualified facility constitute a lien in favor of the state upon any real property located in the  
114.20 state, other than homestead property, owned by the owner or operator of the priority qualified  
114.21 facility who is subject to the requirements of section 115B.40, subdivision 4 or 5. A lien  
114.22 under this subdivision attaches when the environmental response costs are first incurred.  
114.23 Notwithstanding section 514.672, a lien under this subdivision continues until the lien is  
114.24 satisfied or six years after completion of construction of the final environmental response  
114.25 action, not including operation and maintenance. Notice, filing, and release of the lien are  
114.26 governed by sections 514.671 to 514.676, except where those requirements specifically are  
114.27 related to only cleanup action expenses as defined in section 514.671. Relative priority of  
114.28 a lien under this subdivision is governed by section 514.672, except that a lien attached to  
114.29 property that was included in any permit for the priority qualified facility takes precedence  
114.30 over all other liens regardless of when the other liens were or are perfected. Amounts received  
114.31 to satisfy all or a part of a lien must be deposited in the remediation fund.

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

115.1 Sec. 127. [115B.407] ACQUISITION AND DISPOSITION OF REAL PROPERTY  
115.2 AT PRIORITY QUALIFIED FACILITIES.

115.3 (a) The commissioner may acquire interests in real property by donation or eminent  
115.4 domain at all or a portion of a priority qualified facility. Condemnation under this section  
115.5 includes acquisition of fee title or an easement. After acquiring an interest in real property  
115.6 under this section, the commissioner must take environmental response actions at the priority  
115.7 qualified facility according to sections 115B.39 to 115B.414 after the legislature makes an  
115.8 appropriation for that purpose.

115.9 (b) The commissioner may dispose of real property acquired under this section according  
115.10 to section 115B.17, subdivision 16.

115.11 (c) Chapter 117 governs condemnation proceedings by the commissioner under this  
115.12 section. The exceptions under section 117.189 apply to the use of eminent domain authority  
115.13 under this section.

115.14 (d) The state is not liable under this chapter solely as a result of acquiring an interest in  
115.15 real property under this section.

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

115.17 Sec. 128. [115B.408] DEPOSIT OF PROCEEDS.

115.18 All amounts paid to the state under sections 115B.406 and 115B.407 must be deposited  
115.19 in the state treasury and credited to the remediation fund.

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

115.21 Sec. 129. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

115.22 Subdivision 1. **General rule.** Except as provided in subdivisions 2 to 45, a person is  
115.23 responsible for a release from a tank if the person is an owner or operator of the tank at any  
115.24 time during or after the release.

115.25 Sec. 130. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision  
115.26 to read:

115.27 Subd. 5. **Heating fuel oil vendor.** A heating fuel oil vendor is not a responsible person  
115.28 for a heating fuel oil release at a residential location if the release was caused solely by the  
115.29 failure of a tank owned by the homeowner.

116.1 Sec. 131. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

116.2 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and  
116.3 resource management permits be issued or denied within 90 days for Tier 1 permits or 150  
116.4 days for Tier 2 permits following submission of a permit application. The commissioner of  
116.5 the Pollution Control Agency shall establish management systems designed to achieve the  
116.6 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require  
116.7 individualized actions or public comment periods, and "Tier 2 permits" are permits that  
116.8 require individualized actions or public comment periods.

116.9 (b) The commissioner shall prepare an annual permitting efficiency report that includes  
116.10 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit  
116.11 categories. The report is due August 1 each year. For permit applications that have not met  
116.12 the goal, the report must state the reasons for not meeting the goal. In stating the reasons  
116.13 for not meeting the goal, the commissioner shall separately identify delays caused by the  
116.14 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the  
116.15 level of public engagement. The report must specify the number of days from initial  
116.16 submission of the application to the day of determination that the application is complete.  
116.17 The report must aggregate the data for the year and assess whether program or system  
116.18 changes are necessary to achieve the goal. The report must be posted on the agency's Web  
116.19 site and submitted to the governor and the chairs and ranking minority members of the house  
116.20 of representatives and senate committees having jurisdiction over environment policy and  
116.21 finance.

116.22 (c) The commissioner shall allow electronic submission of environmental review and  
116.23 permit documents to the agency.

116.24 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject  
116.25 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~  
116.26 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If  
116.27 the commissioner determines that an application is incomplete, the notice to the applicant  
116.28 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,  
116.29 and advise the applicant on how the deficiencies can be remedied. If the commissioner  
116.30 determines that the application is complete, the notice must confirm the application's Tier  
116.31 1 or Tier 2 permit status. If the commissioner believes that a complete application for a Tier  
116.32 2 construction permit cannot be issued within the 150-day goal, the commissioner must  
116.33 provide notice to the applicant with the commissioner's notice that the application is complete  
116.34 and, upon request of the applicant, provide the permit applicant with a schedule estimating  
116.35 when the agency will begin drafting the permit and issue the public notice of the draft permit.

117.1 This paragraph does not apply to an application for a permit that is subject to a grant or loan  
117.2 agreement under chapter 446A.

117.3 (e) For purposes of this subdivision, "permit professional" means an individual not  
117.4 employed by the Pollution Control Agency who:

117.5 (1) has a professional license issued by the state of Minnesota in the subject area of the  
117.6 permit;

117.7 (2) has at least ten years of experience in the subject area of the permit; and

117.8 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency  
117.9 under agency rules and complies with all applicable requirements under chapter 326.

117.10 (f) Upon the agency's request, an applicant relying on a permit professional must  
117.11 participate in a meeting with the agency before submitting an application:

117.12 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at  
117.13 least the following:

117.14 (i) project description, including, but not limited to, scope of work, primary emissions  
117.15 points, discharge outfalls, and water intake points;

117.16 (ii) location of the project, including county, municipality, and location on the site;

117.17 (iii) business schedule for project completion; and

117.18 (iv) other information requested by the agency at least four weeks prior to the scheduled  
117.19 meeting; and

117.20 (2) during the preapplication meeting, the agency shall provide for the applicant at least  
117.21 the following:

117.22 (i) an overview of the permit review program;

117.23 (ii) a determination of which specific application or applications will be necessary to  
117.24 complete the project;

117.25 (iii) a statement notifying the applicant if the specific permit being sought requires a  
117.26 mandatory public hearing or comment period;

117.27 (iv) a review of the timetable established in the permit review program for the specific  
117.28 permit being sought; and

117.29 (v) a determination of what information must be included in the application, including  
117.30 a description of any required modeling or testing.

118.1 (g) The applicant may select a permit professional to undertake the preparation of the  
118.2 permit application and draft permit.

118.3 (h) If a preapplication meeting was held, the agency shall, within seven business days  
118.4 of receipt of an application, notify the applicant and submitting permit professional that the  
118.5 application is complete or is denied, specifying the deficiencies of the application.

118.6 (i) Upon receipt of notice that the application is complete, the permit professional shall  
118.7 submit to the agency a timetable for submitting a draft permit. The permit professional shall  
118.8 submit a draft permit on or before the date provided in the timetable. Within 60 days after  
118.9 the close of the public comment period, the commissioner shall notify the applicant whether  
118.10 the permit can be issued.

118.11 (j) Nothing in this section shall be construed to modify:

118.12 (1) any requirement of law that is necessary to retain federal delegation to or assumption  
118.13 by the state; or

118.14 (2) the authority to implement a federal law or program.

118.15 (k) The permit application and draft permit shall identify or include as an appendix all  
118.16 studies and other sources of information used to substantiate the analysis contained in the  
118.17 permit application and draft permit. The commissioner shall request additional studies, if  
118.18 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and  
118.19 information necessary for the commissioner to perform the commissioner's responsibility  
118.20 to review, modify, and determine the completeness of the application and approve the draft  
118.21 permit.

118.22 Sec. 132. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision  
118.23 to read:

118.24 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2  
118.25 permit is required, the commissioner must provide to the applicant a draft permit for review  
118.26 by the applicant within 30 days after determining the proposal conforms to all federal and  
118.27 state laws and rules, unless the permit applicant and the commissioner mutually agree to a  
118.28 different date. The commissioner must consider all comments submitted by the applicant  
118.29 before issuing the permit.

118.30 Sec. 133. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

118.31 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
118.32 than those necessary to cover the reasonable costs of developing, reviewing, and acting

119.1 upon applications for agency permits and implementing and enforcing the conditions of the  
119.2 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The  
119.3 fee schedule must reflect reasonable and routine direct and indirect costs associated with  
119.4 permitting, implementation, and enforcement. The agency may impose an additional  
119.5 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
119.6 of implementing and enforcing the conditions of a permit under the rules of the agency.  
119.7 Any money collected under this paragraph shall be deposited in the environmental fund.

119.8 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner  
119.9 or operator of all stationary sources, emission facilities, emissions units, air contaminant  
119.10 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage  
119.11 facilities subject to a notification, permit, or license requirement under this chapter,  
119.12 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401  
119.13 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and  
119.14 indirect reasonable costs, including legal costs, required to develop and administer the  
119.15 notification, permit, or license program requirements of this chapter, subchapters I and V  
119.16 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules  
119.17 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon  
119.18 an application for a permit; implementing and enforcing statutes, rules, and the terms and  
119.19 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally  
119.20 applicable regulations; responding to federal guidance; modeling, analyses, and  
119.21 demonstrations; preparing inventories and tracking emissions; and providing information  
119.22 to the public about these activities.

119.23 (c) The agency shall set fees that:

119.24 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
119.25 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
119.26 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of  
119.27 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national  
119.28 primary ambient air quality standard has been promulgated;

119.29 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
119.30 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
119.31 regulated under this chapter or air quality rules adopted under this chapter; and

119.32 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount  
119.33 needed to match grant funds received by the state under United States Code, title 42, section  
119.34 7405 (section 105 of the federal Clean Air Act).

120.1 The agency must not include in the calculation of the aggregate amount to be collected  
120.2 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
120.3 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge  
120.4 on existing fees. The commissioner may not collect the surcharge after the grant funds  
120.5 become unavailable. In addition, the commissioner shall use nonfee funds to the extent  
120.6 practical to match the grant funds so that the fee surcharge is minimized.

120.7 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
120.8 in the rules promulgated under paragraph (c) for an increase in the fee collected in each  
120.9 year by the percentage, if any, by which the Consumer Price Index for the most recent  
120.10 calendar year ending before the beginning of the year the fee is collected exceeds the  
120.11 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the  
120.12 Consumer Price Index for any calendar year is the average of the Consumer Price Index for  
120.13 all-urban consumers published by the United States Department of Labor, as of the close  
120.14 of the 12-month period ending on August 31 of each calendar year. The revision of the  
120.15 Consumer Price Index that is most consistent with the Consumer Price Index for calendar  
120.16 year 1989 shall be used.

120.17 (e) Any money collected under paragraphs (b) to (d) must be deposited in the  
120.18 environmental fund and must be used solely for the activities listed in paragraph (b).

120.19 (f) Permit applicants who wish to construct, reconstruct, or modify a facility project may  
120.20 offer to reimburse the agency for the costs of staff time or consultant services needed to  
120.21 expedite the preapplication process and permit development process through the final  
120.22 decision on the permit, including the analysis of environmental review documents. The  
120.23 reimbursement shall be in addition to permit application fees imposed by law. When the  
120.24 agency determines that it needs additional resources to develop the permit application in  
120.25 an expedited manner, and that expediting the development is consistent with permitting  
120.26 program priorities, the agency may accept the reimbursement. The commissioner must give  
120.27 the applicant an estimate of costs to be incurred by the commissioner. The estimate must  
120.28 include a brief description of the tasks to be performed, a schedule for completing the tasks,  
120.29 and the estimated cost for each task. The applicant and the commissioner must enter into a  
120.30 written agreement detailing the estimated costs for the expedited permit decision-making  
120.31 process to be incurred by the agency. The agreement must also identify staff anticipated to  
120.32 be assigned to the project. The commissioner must not issue a permit until the applicant has  
120.33 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.  
120.34 Reimbursements accepted by the agency are appropriated to the agency for the purpose of  
120.35 developing the permit or analyzing environmental review documents. Reimbursement by



121.1 a permit applicant shall precede and not be contingent upon issuance of a permit; shall not  
 121.2 affect the agency's decision on whether to issue or deny a permit, what conditions are  
 121.3 included in a permit, or the application of state and federal statutes and rules governing  
 121.4 permit determinations; and shall not affect final decisions regarding environmental review.

121.5 (g) The fees under this subdivision are exempt from section 16A.1285.

121.6 Sec. 134. Minnesota Statutes 2016, section 116.0714, is amended to read:

121.7 **116.0714 NEW OPEN AIR SWINE BASINS.**

121.8 The commissioner of the Pollution Control Agency or a county board shall not approve  
 121.9 any permits for the construction of new open air swine basins, except that existing facilities  
 121.10 may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment  
 121.11 program for resolving pollution problems or to allow conversion of an existing basin of less  
 121.12 than 1,000,000 gallons to a different animal type, provided all standards are met. This section  
 121.13 expires June 30, ~~2017~~ 2022.

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

121.15 Sec. 135. Minnesota Statutes 2016, section 116C.03, subdivision 2, is amended to read:

121.16 Subd. 2. **Membership.** The members of the board are the commissioner of administration,  
 121.17 the commissioner of commerce, the commissioner of the Pollution Control Agency, the  
 121.18 commissioner of natural resources, the commissioner of agriculture, the commissioner of  
 121.19 health, the commissioner of employment and economic development, the commissioner of  
 121.20 transportation, and the chair of the Board of Water and Soil Resources, ~~and a representative~~  
 121.21 ~~of the governor's office designated by the governor.~~ The governor shall appoint ~~five~~ members  
 121.22 from the general public to the board, one from each congressional district, subject to the  
 121.23 advice and consent of the senate. At least ~~two of the five~~ four public members must have  
 121.24 knowledge of and be conversant in ~~water management issues in the state~~ environmental  
 121.25 review or permitting. The governor must appoint the chair of the board. Notwithstanding  
 121.26 the provisions of section 15.06, subdivision 6, members of the board may not delegate their  
 121.27 powers and responsibilities as board members to any other person. Members appointed  
 121.28 under this subdivision must not be registered lobbyists or legislators.

121.29 Sec. 136. Minnesota Statutes 2016, section 116C.04, subdivision 2, is amended to read:

121.30 Subd. 2. **Jurisdiction.** (a) The board shall determine which environmental problems of  
 121.31 interdepartmental concern to state government shall be considered by the board. The board  
 121.32 shall initiate interdepartmental investigations into those matters that it determines are in

122.1 need of study. Topics for investigation may include but need not be limited to ~~future~~  
 122.2 ~~population and settlement patterns~~, air and water resources and quality, solid waste  
 122.3 management, transportation and utility corridors, ~~economically productive open space~~,  
 122.4 energy policy and need, ~~growth and development~~, and land use and planning.

122.5 (b) The board shall review programs of state agencies that significantly affect the  
 122.6 environment and coordinate those it determines are interdepartmental in nature, and insure  
 122.7 agency compliance with state environmental policy.

122.8 (c) The board may review environmental rules and criteria for granting and denying  
 122.9 permits by state agencies and may resolve conflicts involving state agencies with regard to  
 122.10 programs, rules, permits and procedures significantly affecting the environment, provided  
 122.11 that such resolution of conflicts is consistent with state environmental policy.

122.12 ~~(d) State agencies shall submit to the board all proposed legislation of major significance~~  
 122.13 ~~relating to the environment and the board shall submit a report to the governor and the~~  
 122.14 ~~legislature with comments on such major environmental proposals of state agencies.~~

122.15 Sec. 137. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

122.16 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental  
 122.17 effects resulting from any major governmental action, the action shall be preceded by a  
 122.18 detailed environmental impact statement prepared by the responsible governmental unit.  
 122.19 The environmental impact statement shall be an analytical rather than an encyclopedic  
 122.20 document which describes the proposed action in detail, analyzes its significant environmental  
 122.21 impacts, discusses appropriate alternatives to the proposed action and their impacts, and  
 122.22 explores methods by which adverse environmental impacts of an action could be mitigated.  
 122.23 The environmental impact statement shall also analyze those economic, employment, and  
 122.24 sociological effects that cannot be avoided should the action be implemented. To ensure its  
 122.25 use in the decision-making process, the environmental impact statement shall be prepared  
 122.26 as early as practical in the formulation of an action.

122.27 ~~(a)~~ (b) The board shall by rule establish categories of actions for which environmental  
 122.28 impact statements and for which environmental assessment worksheets shall be prepared  
 122.29 as well as categories of actions for which no environmental review is required under this  
 122.30 section. A mandatory environmental assessment worksheet ~~shall~~ is not be required for the  
 122.31 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),  
 122.32 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol  
 122.33 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded  
 122.34 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or

123.1 biobutanol facility meets or exceeds thresholds of other categories of actions for which  
 123.2 environmental assessment worksheets must be prepared. The responsible governmental unit  
 123.3 for an ethanol plant or biobutanol facility project for which an environmental assessment  
 123.4 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for  
 123.5 supervising or approving the project as a whole.

123.6 (c) A mandatory environmental impact statement ~~shall be~~ is not be required for a facility  
 123.7 or plant located outside the seven-county metropolitan area that produces less than  
 123.8 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less  
 123.9 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as  
 123.10 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined  
 123.11 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that  
 123.12 only uses a cellulosic feedstock to produce chemical products for use by another facility as  
 123.13 a feedstock ~~shall be~~ is not be considered a fuel conversion facility as used in rules adopted  
 123.14 under this chapter.

123.15 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion  
 123.16 of an environmental assessment worksheet by publishing the notice in at least one newspaper  
 123.17 of general circulation in the geographic area where the project is proposed, by posting the  
 123.18 notice on a Web site that has been designated as the official publication site for publication  
 123.19 of proceedings, public notices, and summaries of a political subdivision in which the project  
 123.20 is proposed, or in any other manner determined by the board and shall provide copies of  
 123.21 the environmental assessment worksheet to the board and its member agencies. Comments  
 123.22 on the need for an environmental impact statement may be submitted to the responsible  
 123.23 governmental unit during a 30-day period following publication of the notice that an  
 123.24 environmental assessment worksheet has been completed. The responsible governmental  
 123.25 unit's decision on the need for an environmental impact statement shall be based on the  
 123.26 environmental assessment worksheet and the comments received during the comment period,  
 123.27 and shall be made within 15 days after the close of the comment period. The board's chair  
 123.28 may extend the 15-day period by not more than 15 additional days upon the request of the  
 123.29 responsible governmental unit.

123.30 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed  
 123.31 action whenever material evidence accompanying a petition by not less than 100 individuals  
 123.32 who reside or own property in the state, submitted before the proposed project has received  
 123.33 final approval by the appropriate governmental units, demonstrates that, because of the  
 123.34 nature or location of a proposed action, there may be potential for significant environmental  
 123.35 effects. Petitions requesting the preparation of an environmental assessment worksheet shall

124.1 be submitted to the board. The chair of the board shall determine the appropriate responsible  
 124.2 governmental unit and forward the petition to it. A decision on the need for an environmental  
 124.3 assessment worksheet shall be made by the responsible governmental unit within 15 days  
 124.4 after the petition is received by the responsible governmental unit. The board's chair may  
 124.5 extend the 15-day period by not more than 15 additional days upon request of the responsible  
 124.6 governmental unit.

124.7 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part  
 124.8 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
 124.9 review under this chapter and rules of the board, if:

124.10 (1) the proposed action is:

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

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

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

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

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

124.26 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental  
 124.27 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or  
 124.28 location of the project, have the potential for significant environmental effects. The same  
 124.29 process shall be utilized to determine the form, content, and level of detail of the statement  
 124.30 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In  
 124.31 addition, the permits ~~which~~ that will be required for the proposed action shall be identified  
 124.32 during the scoping process. Further, the process shall identify those permits for which  
 124.33 information will be developed concurrently with the environmental impact statement. The

125.1 board shall provide in its rules for the expeditious completion of the scoping process. The  
 125.2 determinations reached in the process shall be incorporated into the order requiring the  
 125.3 preparation of an environmental impact statement.

125.4 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication  
 125.5 and ensure coordination between state and federal environmental review and between  
 125.6 environmental review and environmental permitting. Whenever practical, information  
 125.7 needed by a governmental unit for making final decisions on permits or other actions required  
 125.8 for a proposed project shall be developed in conjunction with the preparation of an  
 125.9 environmental impact statement. When an environmental impact statement is prepared for  
 125.10 a project requiring multiple permits for which two or more agencies' decision processes  
 125.11 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before  
 125.12 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to  
 125.13 the contrary, conduct the hearings in a single consolidated hearing process if requested by  
 125.14 the proposer. All agencies having jurisdiction over a permit that is included in the  
 125.15 consolidated hearing shall participate. The responsible governmental unit shall establish  
 125.16 appropriate procedures for the consolidated hearing process, including procedures to ensure  
 125.17 that the consolidated hearing process is consistent with the applicable requirements for each  
 125.18 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest  
 125.19 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over  
 125.20 a permit identified in the draft environmental assessment worksheet scoping document must  
 125.21 begin reviewing any permit application upon publication of the notice of preparation of the  
 125.22 environmental impact statement.

125.23 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined  
 125.24 within 280 days after notice of its preparation unless the time is extended by consent of the  
 125.25 parties or by the governor for good cause. The responsible governmental unit shall determine  
 125.26 the adequacy of an environmental impact statement, unless within 60 days after notice is  
 125.27 published that an environmental impact statement will be prepared, the board chooses to  
 125.28 determine the adequacy of an environmental impact statement. If an environmental impact  
 125.29 statement is found to be inadequate, the responsible governmental unit shall have 60 days  
 125.30 to prepare an adequate environmental impact statement.

125.31 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the  
 125.32 responsible governmental unit a preliminary draft environmental impact statement under  
 125.33 this section on that action for review, modification, and determination of completeness and  
 125.34 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
 125.35 statement prepared by the project proposer and submitted to the responsible governmental

126.1 unit shall identify or include as an appendix all studies and other sources of information  
 126.2 used to substantiate the analysis contained in the preliminary draft environmental impact  
 126.3 statement. The responsible governmental unit shall require additional studies, if needed,  
 126.4 and obtain from the project proposer all additional studies and information necessary for  
 126.5 the responsible governmental unit to perform its responsibility to review, modify, and  
 126.6 determine the completeness and adequacy of the environmental impact statement.

126.7 Sec. 138. Minnesota Statutes 2016, section 116D.04, subdivision 5b, is amended to read:

126.8 Subd. 5b. **Review of environmental assessment worksheets and environmental**  
 126.9 **impact statements.** By December 1, ~~2012~~ 2018, and every ~~five~~ three years thereafter, the  
 126.10 Environmental Quality Board, Pollution Control Agency, Department of Natural Resources,  
 126.11 and Department of Transportation, after consultation with political subdivisions, shall submit  
 126.12 to the governor and the chairs of the house of representatives and senate committees having  
 126.13 jurisdiction over environment and natural resources a list of mandatory environmental  
 126.14 assessment worksheet and mandatory environmental impact statement categories for which  
 126.15 the agency or a political subdivision is designated as the responsible government unit, and  
 126.16 for each worksheet or statement category, a document including:

126.17 (1) intended historical purposes of the category;

126.18 (2) whether projects that fall within the category are also subject to local, state, or federal  
 126.19 permits; and

126.20 (3) an analysis of and recommendations for whether the mandatory category should be  
 126.21 modified, eliminated, or unchanged based on its intended outcomes and relationship to  
 126.22 existing permits or other federal, state, or local laws or ordinances.

126.23 Sec. 139. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

126.24 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an  
 126.25 environmental assessment worksheet, the need for an environmental impact statement, or  
 126.26 the adequacy of an environmental impact statement is entitled to judicial review of the  
 126.27 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved  
 126.28 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of  
 126.29 Appeals and served on the responsible governmental unit not more than 30 days after the  
 126.30 ~~party receives the final decision and order of the responsible governmental unit~~ provides  
 126.31 notice of the decision in the EQB Monitor. Proceedings for review under this section must  
 126.32 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon  
 126.33 the responsible governmental unit and by promptly filing the proof of service in the Office

127.1 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by  
 127.2 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the  
 127.3 attorney general at the time of service. Copies of the writ must be served, personally or by  
 127.4 certified mail, upon the responsible governmental unit and the project proposer. The filing  
 127.5 of the writ of certiorari does not stay the enforcement of any other governmental action,  
 127.6 provided that the responsible governmental unit may stay enforcement or the Court of  
 127.7 Appeals may order a stay upon terms it deems proper. A bond may be required under section  
 127.8 562.02 unless at the time of hearing on the application for the bond the petitioner-relator  
 127.9 has shown that the claim is likely to succeed on the merits. The board may initiate judicial  
 127.10 review of decisions referred to herein and the board or a project proposer may intervene as  
 127.11 of right in any proceeding brought under this subdivision.

127.12 Sec. 140. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

127.13 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

127.14 (1) assess the proposer of a specific action for the responsible governmental unit's  
 127.15 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.  
 127.16 The costs ~~shall~~ must be determined by the responsible governmental unit ~~pursuant~~ according  
 127.17 to the rules ~~promulgated~~ adopted by the board; and

127.18 (2) authorize a responsible governmental unit to allow a proposer of a specific action to  
 127.19 prepare a draft environmental impact statement according to section 116D.04, subdivision  
 127.20 2a, paragraph (i).

127.21 Sec. 141. Minnesota Statutes 2016, section 160.06, is amended to read:

127.22 **160.06 TRAIL OR PORTAGE DEDICATION.**

127.23 Any trail or portage between public or navigable bodies of water or from public or  
 127.24 navigable water to a public highway in this state ~~which~~ that has been in continued and  
 127.25 uninterrupted use by the general public for 15 years or more as a trail or portage for the  
 127.26 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or  
 127.27 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~  
 127.28 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of travel~~  
 127.29 to the same extent as public highways. The width of all trails and portages dedicated by  
 127.30 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.

128.1 Sec. 142. Minnesota Statutes 2016, section 168.1295, subdivision 1, is amended to read:

128.2 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall  
128.3 issue state parks and trails plates to an applicant who:

128.4 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton pickup  
128.5 truck, or motorcycle;

128.6 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

128.7 (3) pays the registration tax required under section 168.013;

128.8 (4) pays the fees required under this chapter;

128.9 (5) contributes a minimum of ~~\$50~~ \$60 annually to the state parks and trails donation  
128.10 account established in section 85.056; and

128.11 (6) complies with this chapter and rules governing registration of motor vehicles and  
128.12 licensing of drivers.

128.13 (b) The state parks and trails plate application must indicate that the contribution specified  
128.14 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the  
128.15 applicant may make an additional contribution to the account.

128.16 (c) State parks and trails plates may be personalized according to section 168.12,  
128.17 subdivision 2a.

128.18 Sec. 143. Minnesota Statutes 2016, section 282.018, subdivision 1, is amended to read:

128.19 Subdivision 1. **Land on or adjacent to public waters.** (a) All land which is the property  
128.20 of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether  
128.21 the land is held in trust for taxing districts, and which borders on or is adjacent to meandered  
128.22 lakes and other public waters and watercourses, and the live timber growing or being thereon,  
128.23 is hereby withdrawn from sale except as hereinafter provided. The authority having  
128.24 jurisdiction over the timber on any ~~such~~ of these lands may sell the timber as otherwise  
128.25 provided by law for cutting and removal under ~~such~~ the conditions as the authority may  
128.26 prescribe in accordance with approved, sustained yield forestry practices. The authority  
128.27 having jurisdiction over the timber shall reserve ~~such~~ the timber and impose ~~such~~ the  
128.28 conditions as the authority deems necessary for the protection of watersheds, wildlife habitat,  
128.29 shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties  
128.30 described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on  
128.31 tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on  
128.32 federal lands.



129.1 (b) Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public  
 129.2 waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary  
 129.3 high-water mark being the waterside boundary thereof, and the land side boundary thereof  
 129.4 being a line drawn parallel to the ordinary high-water mark and two rods distant landward  
 129.5 therefrom, hereby is reserved for public travel thereon, and whatever the conformation of  
 129.6 the shore line or conditions require, the authority having jurisdiction over ~~such~~ these lands  
 129.7 shall reserve a wider strip for ~~such~~ these purposes.

129.8 (c) Any tract or parcel of land which has 150 feet or less of waterfront may be sold by  
 129.9 the authority having jurisdiction over the land, in the manner otherwise provided by law  
 129.10 for the sale of ~~such~~ the lands, if the authority determines that it is in the public interest to  
 129.11 do so. Any tract or parcel of land within a plat of record bordering on or adjacent to  
 129.12 meandered lakes and other public waters and watercourses may be sold by the authority  
 129.13 having jurisdiction over the land, in the manner otherwise provided by law for the sale of  
 129.14 the lands, if the authority determines that it is in the public interest to do so. If the authority  
 129.15 having jurisdiction over the land is not the commissioner of natural resources, the land may  
 129.16 not be offered for sale without the prior approval of the commissioner of natural resources.

129.17 (d) Where the authority having jurisdiction over lands withdrawn from sale under this  
 129.18 section is not the commissioner of natural resources, the authority may submit proposals  
 129.19 for disposition of the lands to the commissioner. The commissioner of natural resources  
 129.20 shall evaluate the lands and their public benefits and make recommendations on the proposed  
 129.21 dispositions to the committees of the legislature with jurisdiction over natural resources.  
 129.22 The commissioner shall include any recommendations of the commissioner for disposition  
 129.23 of lands withdrawn from sale under this section over which the commissioner has jurisdiction.  
 129.24 The commissioner's recommendations may include a public sale, sale to a private party,  
 129.25 acquisition by the Department of Natural Resources for public purposes, or a cooperative  
 129.26 management agreement with, or transfer to, another unit of government.

129.27 Sec. 144. Minnesota Statutes 2016, section 282.04, subdivision 1, is amended to read:

129.28 Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor, with terms  
 129.29 and conditions set by the county board, may sell timber upon any tract that may be approved  
 129.30 by the natural resources commissioner. The sale of timber shall be made for cash at not less  
 129.31 than the appraised value determined by the county board to the highest bidder after not less  
 129.32 than one week's published notice in an official paper within the county. Any timber offered  
 129.33 at the public sale and not sold may thereafter be sold at private sale by the county auditor  
 129.34 at not less than the appraised value thereof, until the time as the county board may withdraw

130.1 the timber from sale. The appraised value of the timber and the forestry practices to be  
130.2 followed in the cutting of said timber shall be approved by the commissioner of natural  
130.3 resources.

130.4 (b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made  
130.5 in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales,  
130.6 the down payment shall be no less than 15 percent of the appraised value, and the balance  
130.7 shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a  
130.8 single sale with predetermined cutting blocks, the down payment shall be no less than 15  
130.9 percent of the appraised price of the entire timber sale which may be held until the satisfactory  
130.10 completion of the sale or applied in whole or in part to the final cutting block. The value of  
130.11 each separate block must be paid in full before any cutting may begin in that block. With  
130.12 the permission of the county contract administrator the purchaser may enter unpaid blocks  
130.13 and cut necessary timber incidental to developing logging roads as may be needed to log  
130.14 other blocks provided that no timber may be removed from an unpaid block until separately  
130.15 scaled and paid for. If payment is provided as specified in this paragraph as security under  
130.16 paragraph (a) and no cutting has taken place on the contract, the county auditor may credit  
130.17 the security provided, less any down payment required for an auction sale under this  
130.18 paragraph, to any other contract issued to the contract holder by the county under this chapter  
130.19 to which the contract holder requests in writing that it be credited, provided the request and  
130.20 transfer is made within the same calendar year as the security was received.

130.21 (c) The county board may sell any timber, including biomass, as appraised or scaled.  
130.22 Any parcels of land from which timber is to be sold by scale of cut products shall be so  
130.23 designated in the published notice of sale under paragraph (a), in which case the notice shall  
130.24 contain a description of the parcels, a statement of the estimated quantity of each species  
130.25 of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per  
130.26 piece, as the case may be. In those cases any bids offered over and above the appraised  
130.27 prices shall be by percentage, the percent bid to be added to the appraised price of each of  
130.28 the different species of timber advertised on the land. The purchaser of timber from the  
130.29 parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the  
130.30 notice of sale as estimated to be standing on the land, and in addition shall pay at the same  
130.31 rate for any additional amounts which the final scale shows to have been cut or was available  
130.32 for cutting on the land at the time of sale under the terms of the sale. Where the final scale  
130.33 of cut products shows that less timber was cut or was available for cutting under terms of  
130.34 the sale than was originally paid for, the excess payment shall be refunded from the forfeited  
130.35 tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board

131.1 as in case of other claims against the county. No timber, except hardwood pulpwood, may  
131.2 be removed from the parcels of land or other designated landings until scaled by a person  
131.3 or persons designated by the county board and approved by the commissioner of natural  
131.4 resources. Landings other than the parcel of land from which timber is cut may be designated  
131.5 for scaling by the county board by written agreement with the purchaser of the timber. The  
131.6 county board may, by written agreement with the purchaser and with a consumer designated  
131.7 by the purchaser when the timber is sold by the county auditor, and with the approval of  
131.8 the commissioner of natural resources, accept the consumer's scale of cut products delivered  
131.9 at the consumer's landing. No timber shall be removed until fully paid for in cash. Small  
131.10 amounts of timber not exceeding ~~\$3,000~~ 500 cords in appraised ~~valuation~~ volume may be  
131.11 sold for not less than the full appraised value at private sale to individual persons without  
131.12 first publishing notice of sale or calling for bids, provided that in case of a sale involving a  
131.13 total appraised value of more than \$200 the sale shall be made subject to final settlement  
131.14 on the basis of a scale of cut products in the manner above provided and not more than two  
131.15 of the sales, directly or indirectly to any individual shall be in effect at one time.

131.16 (d) As directed by the county board, the county auditor may lease tax-forfeited land to  
131.17 individuals, corporations or organized subdivisions of the state at public or private sale, and  
131.18 at the prices and under the terms as the county board may prescribe, for use as cottage and  
131.19 camp sites and for agricultural purposes and for the purpose of taking and removing of hay,  
131.20 stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites  
131.21 and other temporary uses provided that no leases shall be for a period to exceed ten years;  
131.22 provided, further that any leases involving a consideration of more than \$12,000 per year,  
131.23 except to an organized subdivision of the state shall first be offered at public sale in the  
131.24 manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain  
131.25 subject to the lease for not to exceed one year from the beginning of the term of the lease.  
131.26 Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be  
131.27 refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and  
131.28 allowed by the county board as in case of other claims against the county.

131.29 (e) As directed by the county board, the county auditor may lease tax-forfeited land to  
131.30 individuals, corporations, or organized subdivisions of the state at public or private sale, at  
131.31 the prices and under the terms as the county board may prescribe, for the purpose of taking  
131.32 and removing for use for road construction and other purposes tax-forfeited stockpiled  
131.33 iron-bearing material. The county auditor must determine that the material is needed and  
131.34 suitable for use in the construction or maintenance of a road, tailings basin, settling basin,  
131.35 dike, dam, bank fill, or other works on public or private property, and that the use would

132.1 be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile  
132.2 for these purposes must first be approved by the commissioner of natural resources. The  
132.3 request shall be deemed approved unless the requesting county is notified to the contrary  
132.4 by the commissioner of natural resources within six months after receipt of a request for  
132.5 approval for use of a stockpile. Once use of a stockpile has been approved, the county may  
132.6 continue to lease it for these purposes until approval is withdrawn by the commissioner of  
132.7 natural resources.

132.8 (f) The county auditor, with the approval of the county board is authorized to grant  
132.9 permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores,  
132.10 tailings, or waste products from mines or ore milling plants, or to use for facilities needed  
132.11 to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed  
132.12 for a mining operation, upon the conditions and for the consideration and for the period of  
132.13 time, not exceeding 25 years, as the county board may determine. The permits, licenses, or  
132.14 leases are subject to approval by the commissioner of natural resources.

132.15 (g) Any person who removes any timber from tax-forfeited land before said timber has  
132.16 been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

132.17 (h) The county auditor may, with the approval of the county board, and without first  
132.18 offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of  
132.19 peat and for the production or removal of farm-grown closed-loop biomass as defined in  
132.20 section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands  
132.21 upon the terms and conditions as the county board may prescribe. Any lease for the removal  
132.22 of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited  
132.23 lands must first be reviewed and approved by the commissioner of natural resources if the  
132.24 lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop  
132.25 biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this  
132.26 section without first holding a public hearing on the auditor's intention to lease. One printed  
132.27 notice in a legal newspaper in the county at least ten days before the hearing, and posted  
132.28 notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

132.29 (i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County  
132.30 auditor may, at the discretion of the county board, sell timber to the party who bids the  
132.31 highest price for all the several kinds of timber, as provided for sales by the commissioner  
132.32 of natural resources under section 90.14. Bids offered over and above the appraised price  
132.33 need not be applied proportionately to the appraised price of each of the different species  
132.34 of timber.

133.1 (j) In lieu of any payment or deposit required in paragraph (b), as directed by the county  
 133.2 board and under terms set by the county board, the county auditor may accept an irrevocable  
 133.3 bank letter of credit in the amount equal to the amount otherwise determined in paragraph  
 133.4 (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written  
 133.5 request of the purchaser, the county may periodically allow the bank letter of credit to be  
 133.6 reduced by an amount proportionate to the value of timber that has been harvested and for  
 133.7 which the county has received payment. The remaining amount of the bank letter of credit  
 133.8 after a reduction under this paragraph must not be less than 20 percent of the value of the  
 133.9 timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the  
 133.10 down payment required in paragraph (b), and no cutting of timber has taken place on the  
 133.11 contract for which a letter of credit has been provided, the county may allow the transfer  
 133.12 of the letter of credit to any other contract issued to the contract holder by the county under  
 133.13 this chapter to which the contract holder requests in writing that it be credited.

133.14 Sec. 145. Minnesota Statutes 2016, section 296A.18, subdivision 6a, is amended to read:

133.15 Subd. 6a. **Computation of nonhighway use amounts.** The nonhighway use amounts  
 133.16 determined in subdivisions 2 to 6 must be transferred from the highway user tax distribution  
 133.17 fund to the accounts as provided for in sections 84.794, 84.803, 84.83, 84.927, and 86B.706.  
 133.18 These amounts, together with interest and penalties for delinquency in payment, paid or  
 133.19 collected pursuant to the provisions of this chapter, must be computed for each six-month  
 133.20 period ending June 30 and December 31 and must be transferred on November 1 and ~~June~~  
 133.21 April 1 following each six-month period.

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

133.23 Sec. 146. **[477A.21] RIPARIAN PROTECTION AID.**

133.24 Subdivision 1. Definitions. For purposes of this section, the following terms have the  
 133.25 meanings given:

133.26 (1) "buffer protection map" has the meaning given under section 103F.48, subdivision  
 133.27 1; and

133.28 (2) "public watercourses" means public waters and public drainage systems subject to  
 133.29 riparian protection requirements under section 103F.48.

133.30 Subd. 2. Certifications to commissioner. (a) The Board of Water and Soil Resources  
 133.31 must certify to the commissioner of revenue, on or before July 1 each year, which counties  
 133.32 and watershed districts have affirmed their jurisdiction under section 103F.48 and the

134.1 proportion of centerline miles of public watercourses, and miles of public drainage system  
 134.2 ditches on the buffer protection map, within each county and each watershed district within  
 134.3 the county with affirmed jurisdiction.

134.4 (b) On or before July 1 each year, the commissioner of natural resources shall certify to  
 134.5 the commissioner of revenue the statewide and countywide number of centerline miles of  
 134.6 public watercourses and miles of public drainage system ditches on the buffer protection  
 134.7 map.

134.8 Subd. 3. **Distribution.** (a) A county that is certified under subdivision 2, or that portion  
 134.9 of a county containing a watershed district certified under subdivision 2, is eligible to receive  
 134.10 aid under this section to enforce and implement the riparian protection and water quality  
 134.11 practices under section 103F.48. Each county's preliminary aid amount is equal to the  
 134.12 proportion calculated under paragraph (b) multiplied by the appropriation received each  
 134.13 year by the commissioner for purposes of payments under this section.

134.14 (b) The commissioner must compute each county's proportion. A county's proportion is  
 134.15 equal to the ratio of the sum in clause (1) to the sum in clause (2):

134.16 (1) the sum of the total number of acres in the county classified as class 2a under section  
 134.17 273.13, subdivision 23, the countywide number of centerline miles of public watercourses  
 134.18 on the buffer protection map, and the countywide number of miles of public drainage system  
 134.19 ditches on the buffer protection map; and

134.20 (2) the sum of the statewide total number of acres classified as class 2a under section  
 134.21 273.13, subdivision 23, the statewide total number of centerline miles of public watercourses  
 134.22 on the buffer protection map, and the statewide total number of public drainage system  
 134.23 miles on the buffer protection map.

134.24 (c) Aid to a county must not be greater than \$200,000 or less than \$50,000. If the sum  
 134.25 of the preliminary aids payable to counties under paragraph (a) is greater or less than the  
 134.26 appropriation received by the commissioner, the commissioner of revenue must calculate  
 134.27 the percentage of adjustment necessary so that the total of the aid under paragraph (a) equals  
 134.28 the total amount received by the commissioner, subject to the minimum and maximum  
 134.29 amounts specified in this paragraph. The minimum and maximum amounts under this  
 134.30 paragraph must be adjusted by the ratio of the actual amount appropriated to \$10,000,000.

134.31 (d) If only a portion of a county is certified as eligible to receive aid under subdivision  
 134.32 2, the aid otherwise payable to that county under this section must be multiplied by a fraction,  
 134.33 the numerator of which is the buffer protection map miles of the certified watershed districts

135.1 contained within the county and the denominator of which is the total buffer protection map  
 135.2 miles of the county.

135.3 (e) Any aid that would otherwise be paid to a county or portion of a county that is not  
 135.4 certified under subdivision 2 shall be paid to the Board of Water and Soil Resources for  
 135.5 enforcing and implementing the riparian protection and water quality practices under section  
 135.6 103F.48.

135.7 Subd. 4. **Payments.** The commissioner of revenue must compute the amount of riparian  
 135.8 protection aid payable to each eligible county and to the Board of Water and Soil Resources  
 135.9 under this section. On or before August 1 each year, the commissioner must certify the  
 135.10 amount to be paid to each county and the Board of Water and Soil Resources in the following  
 135.11 year, except that the payments for 2017 must be certified by July 15, 2017. The commissioner  
 135.12 must pay riparian protection aid to counties and to the Board of Water and Soil Resources  
 135.13 in the same manner and at the same time as aid payments under section 477A.015.

135.14 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 135.15 applies to aids payable in 2017 and thereafter.

135.16 Sec. 147. Laws 2000, chapter 486, section 4, as amended by Laws 2001, chapter 182,  
 135.17 section 2, is amended to read:

135.18 Sec. 4. [**BOATHOUSE LEASES; SOUDAN UNDERGROUND MINE STATE**  
 135.19 **PARK.]**

135.20 (a) In 1965, United States Steel Corporation conveyed land to the state of Minnesota  
 135.21 that was included in the Soudan underground mine state park, with certain lands at Stuntz  
 135.22 Bay subject to leases outstanding for employee boathouse sites.

135.23 (b) Notwithstanding Minnesota Statutes, sections 85.011, 85.012, subdivision 1, and  
 135.24 86A.05, subdivision 2, upon the expiration of a boathouse lease described under paragraph  
 135.25 (a), the commissioner of natural resources shall offer a new lease to the party in possession  
 135.26 at the time of lease expiration, or, if there has been a miscellaneous lease issued by the  
 135.27 Department of Natural Resources due to expiration of a lease described under paragraph  
 135.28 (a), upon its expiration to the lessee. The new lease shall be issued under the terms and  
 135.29 conditions of Minnesota Statutes, section 92.50, ~~with the following limitations~~ except as  
 135.30 follows:

135.31 (1) the term of the lease shall be for the lifetime of the party being issued a renewed  
 135.32 lease and, if transferred, for the lifetime of the party to whom the lease is transferred;

136.1 (2) the new lease shall provide that the lease may be transferred only once and the transfer  
 136.2 must be to a person within the third degree of kindred or first cousin according to civil law;  
 136.3 ~~and~~

136.4 (3) the commissioner shall limit the number of lessees per lease to no more than two  
 136.5 persons who have attained legal age; and

136.6 (4) the lease amount must not exceed 50 percent of the average market rate, based on  
 136.7 comparable private lease rates, as determined once every five years per lease.

136.8 At the time of the new lease, the commissioner may offer, and after agreement with the  
 136.9 leaseholder, lease equivalent alternative sites to the leaseholder.

136.10 (c) The commissioner shall not cancel a boathouse lease described under paragraphs (a)  
 136.11 and (b) except for noncompliance with the lease agreement.

136.12 ~~(d) By January 15, 2001, the commissioner of natural resources shall report to the senate~~  
 136.13 ~~and house environment and natural resources policy and finance committees on boathouse~~  
 136.14 ~~leases in state parks. The report shall include information on:~~

136.15 ~~(1) the number of boathouse leases;~~

136.16 ~~(2) the number of leases that have forfeited;~~

136.17 ~~(3) the expiration dates of the leases;~~

136.18 ~~(4) the historical significance of the boathouses;~~

136.19 ~~(5) recommendations on the inclusion of the land described in paragraph (d) within the~~  
 136.20 ~~park boundary; and~~

136.21 ~~(6) any other relevant information on the leases.~~

136.22 (d) The commissioner must issue a written receipt to the lessee for each lease payment.

136.23 (e) The commissioner of natural resources shall contact U.S.X. Corporation and local  
 136.24 units of government regarding the inclusion of the following lands within Soudan  
 136.25 underground mine state park:

136.26 (1) all lands located South of Vermillion Lake shoreline in Section 13, Township 62  
 136.27 North, Range 15 West;

136.28 (2) all lands located South of Vermillion Lake shoreline in the S1/2-SE1/4 of Section  
 136.29 14, Township 62 North, Range 15 West;

136.30 (3) NE1/4-SE1/4 and E1/2-NE1/4 of Section 22, Township 62 North, Range 15 West;



137.1 (4) all lands located South of Vermillion Lake shoreline in Section 23, Township 62  
137.2 North, Range 15 West;

137.3 (5) all of Section 24, Township 62 North, Range 15 West;

137.4 (6) all lands North of trunk highway No. 169 located in Section 25, Township 62 North,  
137.5 Range 15 West;

137.6 (7) all lands North of trunk highway No. 169 located in Section 26, Township 62 North,  
137.7 Range 15 West;

137.8 (8) NE1/4-SE1/4 and SE1/4-NE1/4 of Section 27, Township 62 North, Range 15 West;  
137.9 and

137.10 (9) NW1/4 of Section 19, Township 62 North, Range 14 West.

137.11 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
137.12 applies to monthly lease payments made on or after that date.

137.13 Sec. 148. Laws 2013, chapter 114, article 4, section 105, is amended to read:

137.14 Sec. 105. **RULES; SILICA SAND.**

137.15 (a) The commissioner of the Pollution Control Agency ~~shall~~ may adopt rules pertaining  
137.16 to the control of particulate emissions from silica sand projects. The rulemaking is exempt  
137.17 from Minnesota Statutes, section 14.125.

137.18 (b) The commissioner of natural resources shall adopt rules pertaining to the reclamation  
137.19 of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section 14.125.

137.20 (c) By January 1, 2014, the Department of Health shall adopt an air quality health-based  
137.21 value for silica sand.

137.22 (d) The Environmental Quality Board ~~shall~~ may amend its rules for environmental  
137.23 review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and  
137.24 processing to take into account the increased activity in the state and concerns over the size  
137.25 of specific operations. The Environmental Quality Board shall consider whether the  
137.26 requirements of Minnesota Statutes, section 116C.991, should remain part of the  
137.27 environmental review requirements for silica sand and whether the requirements should be  
137.28 different for different geographic areas of the state. The rulemaking is exempt from Minnesota  
137.29 Statutes, section 14.125.

138.1 Sec. 149. Laws 2015, First Special Session chapter 4, article 4, section 136, is amended  
138.2 to read:

138.3 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

138.4 (a) Until the commissioner of the Pollution Control Agency amends rules refining the  
138.5 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider  
138.6 all independent research and publicly funded research and to include criteria for identifying  
138.7 waters and a list of waters subject to the standard, implementation of the wild rice water  
138.8 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the  
138.9 following, unless the permittee requests additional conditions:

138.10 (1) when issuing, modifying, or renewing national pollutant discharge elimination system  
138.11 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild  
138.12 rice, and in doing so shall be limited by the following conditions:

138.13 (i) the agency shall not require permittees to expend money for design or implementation  
138.14 of sulfate treatment technologies or other forms of sulfate mitigation; and

138.15 (ii) the agency may require sulfate minimization plans in permits; and

138.16 (2) the agency shall not list waters containing natural beds of wild rice as impaired for  
138.17 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,  
138.18 section 1313, until the rulemaking described in this paragraph takes effect.

138.19 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits  
138.20 issued or reissued after the effective date of this section as needed to include numeric permit  
138.21 limits based on the wild rice water quality standard.

138.22 (c) The commissioner shall complete the rulemaking described in paragraph (a) by  
138.23 January 15, ~~2018~~ 2019.

138.24 Sec. 150. Laws 2015, First Special Session chapter 4, article 4, section 146, is amended  
138.25 to read:

138.26 Sec. 146. **INITIAL IMPLEMENTATION; WAIVERS.**

138.27 A soil and water conservation district must grant a conditional compliance waiver under  
138.28 Minnesota Statutes, section 103F.48, to landowners or authorized agents who have applied  
138.29 for and maintained eligibility for financial or technical assistance within one year of the  
138.30 dates listed in Minnesota Statutes, section 103F.48, subdivision 3, paragraph (e), according  
138.31 to Minnesota Statutes, section 103F.48. A conditional compliance waiver also must be  
138.32 granted to landowners who are subject to a drainage proceeding commenced under Minnesota

139.1 Statutes, sections 103E.011, subdivision 5; 103E.021, subdivision 6; and 103E.715. The  
 139.2 conditional compliance waiver is valid until financial or technical assistance is available  
 139.3 for buffer or alternative practices installation, but not later than November 1, 2018. A  
 139.4 landowner or authorized agent that has filed a parcel-specific riparian protection compliance  
 139.5 plan with the soil and water conservation district by November 1, 2017, shall be granted a  
 139.6 conditional compliance waiver until July 1, 2018.

139.7 Sec. 151. Laws 2016, chapter 189, article 3, section 26, the effective date, is amended to  
 139.8 read:

139.9 **EFFECTIVE DATE.** This section is effective May 1, ~~2017~~ 2018.

139.10 **EFFECTIVE DATE.** This section is effective retroactively from April 30, 2017.

139.11 Sec. 152. Laws 2016, chapter 189, article 3, section 46, is amended to read:

139.12 Sec. 46. **PRESCRIBED BURN REQUIREMENTS; REPORT.**

139.13 The commissioner of natural resources, in cooperation with prescribed burning  
 139.14 professionals, nongovernmental organizations, and local and federal governments, must  
 139.15 develop criteria for certifying an entity to conduct a prescribed burn under a ~~general~~ an open  
 139.16 burning permit. The certification requirements must include training, equipment, and  
 139.17 experience requirements and include an apprentice program to allow entities without  
 139.18 experience to become certified. The commissioner must establish provisions for decertifying  
 139.19 entities. The commissioner must not require additional certification or requirements for  
 139.20 burns conducted as part of normal agricultural practices not currently subject to prescribed  
 139.21 burn specifications. The commissioner must submit a report with recommendations and  
 139.22 any legislative changes needed to the chairs and ranking minority members of the house of  
 139.23 representatives and senate committees and divisions with jurisdiction over environment and  
 139.24 natural resources by January 15, 2017.

139.25 Sec. 153. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

139.26 A solid waste permit issued by the Pollution Control Agency to an existing class I  
 139.27 demolition debris landfill facility that is operating under the Pollution Control Agency  
 139.28 Demolition Landfill Guidance, issued August 2005, is extended pursuant to Minnesota  
 139.29 Rules, part 7001.0160, for a period of five years, unless a new permit is issued for the facility  
 139.30 by the Pollution Control Agency after the effective date of this section.

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

140.1 Sec. 154. **ENVIRONMENTAL QUALITY BOARD MEMBERSHIP TRANSITION.**

140.2 (a) Until the governor has appointed members of the Environmental Quality Board from  
140.3 each congressional district as required under this act, this section governs membership of  
140.4 the board.

140.5 (b) The citizen members of the board as of July 1, 2017, shall continue to serve until the  
140.6 expiration of their terms.

140.7 (c) No later than October 1, 2017, the governor shall appoint board members from the  
140.8 First, Second, Seventh, and Eighth Congressional Districts for terms to begin January 2,  
140.9 2018.

140.10 (d) No later than October 1, 2018, the governor shall appoint a board member from the  
140.11 Third Congressional District for a term to begin January 8, 2019.

140.12 (e) No later than October 1, 2019, the governor shall appoint a board member from the  
140.13 Fourth Congressional District for a term to begin January 7, 2020.

140.14 (f) No later than October 1, 2020, the governor shall appoint a board member from the  
140.15 Fifth Congressional District for a term to begin January 5, 2021.

140.16 (g) No later than October 1, 2021, the governor shall appoint a commissioner from the  
140.17 Sixth Congressional District for a term to begin January 4, 2022.

140.18 Sec. 155. **SAND DUNES STATE FOREST MANAGEMENT.**

140.19 Subdivision 1. **Forest management.** When managing the Sand Dunes State Forest, the  
140.20 commissioner of natural resources must:

140.21 (1) not convert additional land to oak savanna or convert oak savanna to nonforest land  
140.22 unless it is done as a result of a contract entered into before the effective date of this section;

140.23 (2) require all prairie seeds planted to be from native species of a local ecotype to  
140.24 Sherburne or Benton County; and

140.25 (3) comply with the Minnesota Forest Resources Council's guidelines for aesthetics in  
140.26 residential areas.

140.27 Subd. 2. **Prescribed burns; notification.** At least 40 days before conducting a prescribed  
140.28 burn, the commissioner must:

140.29 (1) publish a notice in a newspaper of general circulation in the area;

140.30 (2) notify the county and township in writing; and

141.1 (3) notify residents within a quarter mile of the prescribed burn in writing.

141.2 Subd. 3. **School trust lands.** Nothing in this section restricts the ability of the  
 141.3 commissioner or the school trust lands director from managing school trust lands within  
 141.4 the Sand Dunes State Forest for long-term economic return.

141.5 Subd. 4. **Township road.** If the commissioner of natural resources finds that any portion  
 141.6 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the  
 141.7 commissioner must convey an easement over and across state-owned lands administered  
 141.8 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width  
 141.9 of 233rd Avenue.

141.10 Subd. 5. **Sunset.** This section expires two years from the day following final enactment.

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

141.12 Sec. 156. **HILL-ANNEX MINE STATE PARK MANAGEMENT AND OPERATION**  
 141.13 **PLAN.**

141.14 (a) The commissioner of natural resources must work with the commissioner of the Iron  
 141.15 Range Resources and Rehabilitation Board and representatives from the city of Calumet,  
 141.16 Itasca County, and the Western Mesabi Mine Planning Board to create an alternate operating  
 141.17 model for local management and operation of Hill-Annex Mine State Park until mining  
 141.18 resumes on the property. The commissioner of natural resources must submit a management  
 141.19 and operation plan to the chairs and ranking minority members of the house of representatives  
 141.20 and senate committees and divisions with jurisdiction over environment and natural resources  
 141.21 by January 15, 2018.

141.22 (b) In fiscal year 2018 and fiscal year 2019, the level of service and hours of operation  
 141.23 at Hill-Annex Mine State Park must be maintained at fiscal year 2016 levels.

141.24 Sec. 157. **BASE BUDGET REPORT.**

141.25 (a) The commissioners of natural resources and the Pollution Control Agency must each  
 141.26 submit a report that contains the details of their base budgets, by fiscal year, including:

141.27 (1) appropriation riders for the previous biennium and the year the rider was first used;

141.28 (2) anticipated appropriation riders for the fiscal years 2020-2021 biennium;

141.29 (3) statutory appropriations; and

141.30 (4) an explanation on the use of funds for each appropriation not covered by a rider.

142.1 (b) The reports must be submitted to the chairs and ranking minority members of the  
142.2 house of representatives and senate committees and divisions with jurisdiction over  
142.3 environment and natural resources by October 15, 2018.

142.4 Sec. 158. **RULEMAKING; MINNOW LICENSES.**

142.5 The commissioner of natural resources shall amend Minnesota Rules, part 6254.0100,  
142.6 subpart 2, to conform with Minnesota Statutes, section 97C.501, subdivision 1. The  
142.7 commissioner may use the good cause exemption under Minnesota Statutes, section 14.388,  
142.8 subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section  
142.9 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

142.10 Sec. 159. **CANCELLATION OF PERMITS.**

142.11 Water-use permits issued before July 1, 2017, for water use exempted under Minnesota  
142.12 Statutes, section 103G.271, subdivision 1, paragraph (b), clause (3), are canceled effective  
142.13 July 1, 2017.

142.14 Sec. 160. **RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

142.15 (a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,  
142.16 part 7001.0150, subpart 2, item A, by inserting the following:

142.17 "For a municipality that constructs a publicly owned treatment works facility to comply  
142.18 with a new or modified effluent limitation, compliance with any new or modified effluent  
142.19 limitation adopted after construction begins that would require additional capital investment  
142.20 is required no sooner than 16 years after the date of initiation of operation of the facility."

142.21 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
142.22 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
142.23 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,  
142.24 section 14.388.

142.25 Sec. 161. **DISPOSITION OF PROCEEDS; ST. LOUIS COUNTY**  
142.26 **ENVIRONMENTAL TRUST FUND.**

142.27 Notwithstanding Minnesota Statutes, chapter 282, and any other law relating to the  
142.28 disposition of proceeds from the sale of tax-forfeited land, the St. Louis County Board must  
142.29 deposit any money received from the sale of tax-forfeited land purchased by the Fond du  
142.30 Lac Band of Lake Superior Chippewa with money appropriated under Laws 2014, chapter  
142.31 256, article 1, section 2, subdivision 3, paragraph (a), into an environmental trust fund

143.1 established by the county. The principal from the sale of the land may not be expended.

143.2 The county may spend interest earned on the principal only for purposes related to improving  
143.3 natural resources.

143.4 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after  
143.5 the St. Louis County Board and its chief clerical officer timely complete their compliance  
143.6 with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

143.7 Sec. 162. **MINNOW IMPORTATION RISK REPORT.**

143.8 By January 15, 2018, the commissioner of natural resources must report to the chairs of  
143.9 the legislative committees with jurisdiction over natural resources regarding potential risks  
143.10 of importing golden shiner minnows into Minnesota. The commissioner of natural resources  
143.11 must coordinate with the University of Minnesota and may use a third party to produce the  
143.12 report. The report must:

143.13 (1) review the Arkansas bait certification program to determine specific risks and potential  
143.14 mitigation measures of allowing the importation of golden shiner minnows by a person that  
143.15 holds a Minnesota wholesale minnow dealers license issued under Minnesota Statutes,  
143.16 section 97C.501, subdivision 2; and

143.17 (2) include recommendations on testing protocols or procedures needed to protect  
143.18 Minnesota's waters from invasive species and fish disease introduction.

143.19 Sec. 163. **ACTION TO OBTAIN ACCESS PROHIBITED; CLEARWATER**  
143.20 **COUNTY.**

143.21 Before July 1, 2018, the commissioner of natural resources must not initiate a civil action  
143.22 to obtain access to Island Lake FMHA Wildlife Management Area in Clearwater County.

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

143.24 Sec. 164. **RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

143.25 Until July 1, 2019, the commissioner of natural resources shall not adopt rules further  
143.26 restricting the use of lead shot.

143.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
143.28 applies to rules adopted on or after that date.

144.1 Sec. 165. **REVISOR'S INSTRUCTION.**

144.2 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall replace all  
 144.3 references to Minnesota Statutes, section 115B.39, subdivision 2, paragraph (l), with  
 144.4 Minnesota Statutes, section 115B.39, subdivision 2, paragraph (o), and shall make all other  
 144.5 necessary changes to preserve the meaning of the text and to conform with the paragraph  
 144.6 relettering in this act.

144.7 Sec. 166. **REPEALER.**

144.8 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;  
 144.9 97C.701, subdivisions 1a and 6; 97C.705; 97C.711; 116C.03, subdivision 3a; and 116C.04,  
 144.10 subdivision 3, are repealed.

144.11 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;  
 144.12 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed."

144.13 Delete the title and insert:

144.14 "A bill for an act  
 144.15 relating to state government; appropriating money for environment, natural  
 144.16 resources, and tourism purposes; modifying fees; providing for disposition of  
 144.17 certain receipts; modifying grant, contract, and lease provisions; modifying state  
 144.18 park permit requirements; modifying water safety provisions; modifying provisions  
 144.19 to take, possess, and transport wildlife; modifying duties and authority; modifying  
 144.20 Minnesota Naturalist Corps provisions; modifying prescribed burn provisions;  
 144.21 modifying timber sales provisions; providing for certain hearings, appeals, and  
 144.22 reviews; modifying buffer requirements; modifying landfill cleanup program;  
 144.23 modifying tax-forfeited land provisions; providing for riparian protection aid;  
 144.24 modifying the Water Law; modifying invasive species provisions; modifying  
 144.25 off-highway vehicle provisions; modifying permit and license requirements;  
 144.26 modifying Petroleum Tank Release Cleanup Act; extending ban on open air swine  
 144.27 basins; modifying environmental review; modifying Environmental Quality Board;  
 144.28 requiring reports; requiring rulemaking; amending Minnesota Statutes 2016,  
 144.29 sections 84.01, by adding a subdivision; 84.027, subdivisions 14a, 14b; 84.788,  
 144.30 subdivision 2; 84.793, subdivision 1; 84.8031; 84.82, subdivisions 2, 3; 84.8205,  
 144.31 subdivision 1; 84.922, subdivision 5; 84.925, subdivision 1; 84.9256, subdivisions  
 144.32 1, 2; 84.9275, subdivision 1; 84.946, subdivision 2, by adding a subdivision; 84.992,  
 144.33 subdivisions 3, 4, 5, 6; 84D.03, subdivisions 3, 4; 84D.04, subdivision 1; 84D.05,  
 144.34 subdivision 1; 84D.108, subdivision 2a, by adding subdivisions; 84D.11, by adding  
 144.35 a subdivision; 85.052, subdivision 1; 85.053, subdivisions 8, 10; 85.054, by adding  
 144.36 a subdivision; 85.055, subdivision 1; 85.22, subdivision 2a; 85.32, subdivision 1;  
 144.37 86B.301, subdivision 2; 86B.313, subdivision 1; 86B.701, subdivision 3; 88.01,  
 144.38 subdivision 28; 88.523; 89.39; 90.01, subdivisions 8, 12, by adding a subdivision;  
 144.39 90.041, subdivision 2; 90.051; 90.101, subdivision 2; 90.14; 90.145, subdivision  
 144.40 2; 90.151, subdivision 1; 90.162; 90.252; 93.25, subdivision 2; 93.47, subdivision  
 144.41 4; 93.481, subdivision 2; 93.50; 94.343, subdivision 9; 94.344, subdivision 9;  
 144.42 97A.015, subdivisions 39, 43, 45, 52, 53, by adding a subdivision; 97A.045,  
 144.43 subdivision 10; 97A.055, subdivision 2; 97A.075, subdivision 1; 97A.137,  
 144.44 subdivision 5; 97A.201, subdivision 2, by adding a subdivision; 97A.225,  
 144.45 subdivision 8; 97A.301, subdivision 1; 97A.338; 97A.420, subdivision 1; 97A.421,  
 144.46 subdivision 2a; 97A.441, subdivision 1; 97A.473, subdivisions 2, 2a, 2b, 4, 5, 5a;



145.1 97A.474, subdivision 2; 97A.475, subdivisions 2, 3, 6, 7, 8, 45; 97B.031,  
145.2 subdivision 6; 97B.071; 97B.405; 97B.431; 97B.516; 97B.655, subdivision 1;  
145.3 97C.081, subdivision 3; 97C.355, subdivisions 2, 2a; 97C.401, subdivision 2;  
145.4 97C.501, subdivision 1; 97C.701, by adding a subdivision; 103F.48, subdivisions  
145.5 1, 3; 103G.005, subdivisions 10b, 10h, by adding a subdivision; 103G.222,  
145.6 subdivisions 1, 3; 103G.223; 103G.2242, subdivisions 1, 2; 103G.2372, subdivision  
145.7 1; 103G.271, subdivisions 1, 6, 6a, 7; 103G.287, subdivision 1; 103G.411; 114D.25,  
145.8 by adding a subdivision; 115B.39, subdivision 2; 115B.40, subdivision 4; 115C.021,  
145.9 subdivision 1, by adding a subdivision; 116.03, subdivision 2b, by adding a  
145.10 subdivision; 116.07, subdivision 4d; 116.0714; 116C.03, subdivision 2; 116C.04,  
145.11 subdivision 2; 116D.04, subdivisions 2a, 5b, 10; 116D.045, subdivision 1; 160.06;  
145.12 168.1295, subdivision 1; 282.018, subdivision 1; 282.04, subdivision 1; 296A.18,  
145.13 subdivision 6a; Laws 2000, chapter 486, section 4, as amended; Laws 2013, chapter  
145.14 114, article 4, section 105; Laws 2015, First Special Session chapter 4, article 4,  
145.15 sections 136; 146; Laws 2016, chapter 189, article 3, sections 6; 26; 46; proposing  
145.16 coding for new law in Minnesota Statutes, chapters 85; 93; 115; 115B; 477A;  
145.17 repealing Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031,  
145.18 subdivision 5; 97C.701, subdivisions 1a, 6; 97C.705; 97C.711; 116C.03, subdivision  
145.19 3a; 116C.04, subdivision 3; Minnesota Rules, parts 6258.0100; 6258.0200;  
145.20 6258.0300; 6258.0400; 6258.0500; 6258.0600; 6258.0700, subparts 1, 4, 5;  
145.21 6258.0800; 6258.0900."

We request the adoption of this report and repassage of the bill.

Senate Conferees:

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Bill Ingebrigtsen

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Carrie Ruud

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Torrey N. Westrom

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Andrew Mathews

.....  
David J. Tomassoni

House Conferees:

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Dan Fabian

.....  
Mark Uglem

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Josh Heintzeman

.....  
Chris Swedzinski

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Rob Ecklund