

**CHAPTER 4--S.F.No. 7**

*An act relating to state government; appropriating money for environment and natural resources and tourism; modifying fees, surcharges, and programs; creating accounts and providing for disposition of certain receipts; authorizing sales and conveyances of certain state land; modifying forestry provisions; modifying game and fish laws; modifying Water Law; modifying natural resource and environment provisions; requiring reports; making technical corrections; amending Minnesota Statutes 2018, sections 17.035, subdivision 1; 35.155, subdivisions 4, 6, 7, 9, 10, 11, by adding a subdivision; 84.026, by adding a subdivision; 84.027, subdivision 18; 84.0273; 84.0895, subdivision 2; 84.775, subdivision 1; 84.788, subdivision 2; 84.794, subdivision 2; 84.83, subdivision 3; 84.86, subdivision 1; 84.925, subdivision 1; 84.9256, subdivision 1; 84.928, subdivision 2; 84D.03, subdivisions 3, 4; 84D.108, subdivisions 2b, 2c; 84D.15, subdivision 2; 85.054, subdivision 1; 85.32, subdivision 1; 85.42; 85.44; 85.47; 86B.415, subdivision 7; 88.10, by adding a subdivision; 88.642, subdivisions 1, 3; 88.6435; 90.01, by adding a subdivision; 90.195; 92.115, subdivision 1; 92.50, subdivision 1; 94.09, subdivision 3; 94.10; 97A.015, subdivisions 25, 43; 97A.051, subdivision 2; 97A.055, subdivision 4b; 97A.075, subdivision 1; 97A.321, subdivision 1; 97A.405, by adding a subdivision; 97A.433, subdivisions 4, 5; 97A.505, subdivision 8; 97B.011; 97B.015, subdivision 6; 97B.081, subdivision 3; 97B.086; 97B.1055; 97B.106, subdivision 2; 97B.1115; 97B.205; 97B.426; 97B.655; 97B.665, by adding a subdivision; 97B.667, subdivisions 2, 3, 4, by adding a subdivision; 97B.722; 97C.345, by adding a subdivision; 97C.391, subdivision 1; 97C.395, subdivision 2; 97C.815, subdivision 2; 103B.3369, subdivisions 5, 9; 103B.611, subdivision 3; 103B.801, subdivisions 2, 4, 5; 103D.315, subdivision 8; 103F.361, subdivision 2; 103F.363, subdivision 1; 103F.365, by adding a subdivision; 103F.371; 103F.373, subdivisions 1, 3, 4; 103G.2242, subdivision 14; 103G.241, subdivisions 1, 3; 103G.287, subdivision 1; 103G.301, subdivision 2; 103G.311, subdivisions 2, 5; 103G.315, subdivision 8; 103G.408; 103G.615, subdivision 3a; 114D.15, subdivisions 7, 11, 13, by adding subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding subdivisions; 114D.26; 114D.35, subdivisions 1, 3; 115.03, subdivision 5, by adding a subdivision; 115.035; 115A.51; 116.155, subdivisions 1, 3, by adding a subdivision; 116.993, subdivisions 2, 6; 116D.04, subdivision 2a; 116U.55; 127A.353, subdivision 1; 282.01, subdivision 4; Laws 2012, chapter 236, section 28, subdivisions 2, as amended, 9, as amended; Laws 2013, chapter 114, article 4, section 105, as amended; Laws 2015, chapter 76, section 2, subdivision 9, as amended; Laws 2016, chapter 189, article 3, section 6, as amended; Laws 2017, chapter 93, article 1, section 9; Laws 2017, chapter 96, section 2, subdivision 9; proposing coding for new law in Minnesota Statutes, chapters 1; 35; 84; 92; 93; 97B; 103C; 114D; 115B; repealing Minnesota Statutes 2018, section 92.121.*

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

**ARTICLE 1****ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS****Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and

are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021. Appropriations for the fiscal year ending June 30, 2019, are effective the day following final enactment.

**APPROPRIATIONS**

**Available for the Year**

**Ending June 30**

**2020**

**2021**

**Sec. 2. POLLUTION CONTROL AGENCY**

**Subdivision 1. Total Appropriation** \$ **106,908,000** \$ **104,363,000**

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>6,815,000</u>	<u>6,524,000</u>
<u>State Government Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>83,986,000</u>	<u>83,654,000</u>
<u>Remediation</u>	<u>14,410,000</u>	<u>14,110,000</u>
<u>Closed Landfill Investment</u>	<u>1,622,000</u>	<u>-0-</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

The commissioner must present the agency's biennial budget for fiscal years 2022 and 2023 to the legislature in a transparent way by agency division, including the proposed budget bill and presentations of the budget to committees and divisions with jurisdiction over the agency's budget.

**Subd. 2. Environmental Analysis and Outcomes** 13,277,000 13,308,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>205,000</u>	<u>205,000</u>

<u>Environmental</u>	<u>12,871,000</u>	<u>12,902,000</u>
<u>Remediation</u>	<u>201,000</u>	<u>201,000</u>

(a) \$89,000 the first year and \$89,000 the second year are for:

(1) a municipal liaison to assist municipalities in implementing and participating in the rulemaking process for water quality standards and navigating the NPDES/SDS permitting process;

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

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

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

(b) \$205,000 the first year and \$205,000 the second year are from the environmental fund for a monitoring program under Minnesota Statutes, section 116.454.

(c) \$115,000 the first year and \$115,000 the second year are for monitoring water quality and operating assistance programs.

(d) \$347,000 the first year and \$347,000 the second year are from the environmental fund for monitoring ambient air for hazardous pollutants.

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

(f) \$109,000 the first year and \$109,000 the second year are from the environmental fund for registering wastewater laboratories.

(g) \$926,000 the first year and \$926,000 the second year are from the environmental fund to continue perfluorochemical biomonitoring in eastern

metropolitan communities, as recommended by the Environmental Health Tracking and Biomonitoring Advisory Panel, and to address other environmental health risks, including air quality. The communities must include Hmong and other immigrant farming communities. Of this amount, up to \$689,000 the first year and \$689,000 the second year are for transfer to the Department of Health.

(h) \$51,000 the first year and \$51,000 the second year are from the environmental fund for the listing procedures for impaired waters required under this act.

(i) \$141,000 the second year is to implement and enforce Minnesota Statutes, section 325F.071. Of this amount, up to \$65,000 each year may be transferred to the commissioner of health.

(j) \$200,000 the first year is from the environmental fund for transfer to the commissioner of health for enhanced blood lead testing, lead poisoning prevention efforts, and asthma education as recommended by the Northern Metals Consent Decree Advisory Committee. This is a onetime appropriation.

(k) The base for the general fund in fiscal year 2022 and later is \$204,000.

**Subd. 3. Industrial**

15,473,000

15,606,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>Environmental</u>	<u>14,472,000</u>	<u>14,605,000</u>
<u>Remediation</u>	<u>1,001,000</u>	<u>1,001,000</u>

(a) \$1,001,000 the first year and \$1,001,000 the second year are from the remediation fund for the leaking underground storage tank program to investigate, clean up, and prevent future releases from underground petroleum storage tanks and for the petroleum remediation program for vapor assessment and remediation. These same annual amounts are transferred from the petroleum tank fund to the remediation fund.

(b) \$393,000 the first year and \$393,000 the second year are from the environmental fund to further evaluate the use and reduction of trichloroethylene

around Minnesota and identify its potential health effects on communities. Of this amount, up to \$121,000 each year may be transferred to the commissioner of health.

**Subd. 4. Municipal**

8,232,000

7,859,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>164,000</u>	<u>164,000</u>
<u>Environmental</u>	<u>8,068,000</u>	<u>7,695,000</u>

(a) \$164,000 the first year and \$164,000 the second year are for:

(1) a municipal liaison to assist municipalities in implementing and participating in the rulemaking process for water quality standards and navigating the NPDES/SDS permitting process;

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

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

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

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

(c) \$671,000 the first year and \$671,000 the second year are from the environmental fund for subsurface sewage treatment system (SSTS) program administration and community technical assistance and education, including grants and technical assistance to communities for water-quality protection. Of this amount, \$129,000 each year is for assistance to counties through grants for SSTS program administration. A county receiving a grant from this

appropriation must submit the results achieved with the grant to the commissioner as part of its annual SSTS report. Any unexpended balance in the first year does not cancel but is available in the second year.

(d) \$784,000 the first year and \$784,000 the second year are from the environmental fund to address the need for continued increased activity in new technology review, technical assistance for local governments, and enforcement under Minnesota Statutes, sections 115.55 to 115.58, and to complete the requirements of Laws 2003, chapter 128, article 1, section 165.

(e) \$373,000 the first year is from the environmental fund to meet the increased demand for technical assistance and review of municipal water infrastructure projects that will be generated by increased grant funding through the Public Facilities Authority. This is a onetime appropriation and is available until June 30, 2021.

(f) Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2021, as grants or contracts for subsurface sewage treatment systems, surface water and groundwater assessments, storm water, and water-quality protection in this subdivision are available until June 30, 2024.

**Subd. 5. Operations**

8,326,000

8,337,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>2,490,000</u>	<u>2,490,000</u>
<u>Environmental</u>	<u>5,008,000</u>	<u>5,019,000</u>
<u>Remediation</u>	<u>828,000</u>	<u>828,000</u>

(a) \$180,000 the first year and \$180,000 the second year are from the remediation fund for the leaking underground storage tank program to investigate, clean up, and prevent future releases from underground petroleum storage tanks and for the petroleum remediation program for vapor assessment and remediation. These same annual amounts are

transferred from the petroleum tank fund to the remediation fund.

(b) \$2,490,000 the first year and \$2,490,000 the second year are to support agency information technology services provided at the enterprise and agency level.

(c) \$800,000 the first year and \$800,000 the second year are from the environmental fund to develop and maintain systems to support permitting and regulatory business processes and agency data.

**Subd. 6. Remediation**

14,516,000

12,945,000

<u>Appropriations by Fund</u>		
	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>216,000</u>	<u>-0-</u>
<u>Environmental</u>	<u>832,000</u>	<u>1,099,000</u>
<u>Remediation</u>	<u>11,846,000</u>	<u>11,846,000</u>
<u>Closed Landfill Investment</u>	<u>1,622,000</u>	<u>-0-</u>

(a) All money for environmental response, compensation, and compliance in the remediation fund not otherwise appropriated is appropriated to the commissioners of the Pollution Control Agency and agriculture for purposes of Minnesota Statutes, section 115B.20, subdivision 2, clauses (1), (2), (3), (6), and (7). At the beginning of each fiscal year, the two commissioners must jointly submit to the commissioner of management and budget an annual spending plan that maximizes resource use and appropriately allocates the money between the two departments. This appropriation is available until June 30, 2021.

(b) \$216,000 the first year from the general fund is a onetime appropriation and \$217,000 the first year and \$484,000 the second year are from the environmental fund to manage contaminated sediment projects at multiple sites identified in the St. Louis River remedial action plan to restore water quality in the St. Louis River Area of Concern. The base for the environmental fund in fiscal year 2022 and later is \$363,000.

(c) \$3,961,000 the first year and \$3,961,000 the second year are from the remediation fund for the leaking underground storage tank program to investigate, clean up, and prevent future releases from underground petroleum storage tanks and for the petroleum remediation program for vapor assessment and remediation. These same annual amounts are transferred from the petroleum tank fund to the remediation fund.

(d) \$257,000 the first year and \$257,000 the second year are from the remediation fund for transfer to the commissioner of health for private water-supply monitoring and health assessment costs in areas contaminated by unpermitted mixed municipal solid waste disposal facilities and drinking water advisories and public information activities for areas contaminated by hazardous releases.

(e) Notwithstanding Minnesota Statutes, section 115B.421, \$1,622,000 the first year is from the closed landfill investment fund for settling obligations with the federal government, remedial investigations, feasibility studies, engineering, and cleanup-related activities for purposes of environmental response actions at a priority qualified facility under Minnesota Statutes, sections 115B.406 and 115B.407. This is a onetime appropriation and is available until June 30, 2021.

**Subd. 7. Resource Management and Assistance**

35,675,000

35,699,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>700,000</u>	<u>625,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>34,900,000</u>	<u>34,999,000</u>

(a) Up to \$150,000 the first year and \$150,000 the second year may be transferred from the environmental fund to the small business environmental improvement loan account under Minnesota Statutes, section 116.993.



(b) \$1,000,000 the first year and \$1,000,000 the second year are for competitive recycling grants under Minnesota Statutes, section 115A.565. Of this amount, \$700,000 the first year and \$625,000 the second year are from the general fund, and \$300,000 the first year and \$375,000 the second year are from the environmental fund. This appropriation is available until June 30, 2023. Any unencumbered grant balances in the first year do not cancel but are available for grants in the second year. The base distribution for this appropriation in fiscal year 2022 and later is \$300,000 each year from the general fund and \$700,000 each year from the environmental fund.

(c) \$694,000 the first year and \$694,000 the second year are from the environmental fund for emission-reduction activities and grants to small businesses and other nonpoint-emission-reduction efforts. Of this amount, \$100,000 the first year and \$100,000 the second year are to continue work with Clean Air Minnesota, and the commissioner may enter into an agreement with Environmental Initiative to support this effort. Any unencumbered grant balances in the first year do not cancel but are available for grants in the second year.

(d) \$17,750,000 the first year and \$17,750,000 the second year are from the environmental fund for SCORE block grants to counties. Any unencumbered grant balances in the first year do not cancel but are available for grants in the second year.

(e) \$119,000 the first year and \$119,000 the second year are from the environmental fund for environmental assistance grants or loans under Minnesota Statutes, section 115A.0716. Any unencumbered grant and loan balances in the first year do not cancel but are available for grants and loans in the second year.

(f) \$112,000 the first year and \$112,000 the second year are from the environmental fund for subsurface sewage treatment system (SSTS) program administration and community technical assistance and education, including grants and technical assistance to communities for water-quality protection.

(g) \$169,000 the first year and \$169,000 the second year are from the environmental fund to address the need for continued increased activity in new

technology review, technical assistance for local governments, and enforcement under Minnesota Statutes, sections 115.55 to 115.58, and to complete the requirements of Laws 2003, chapter 128, article 1, section 165.

(h) \$400,000 the first year and \$400,000 the second year are from the environmental fund for grants to develop and expand recycling markets for Minnesota businesses.

(i) \$750,000 the first year and \$750,000 the second year are from the environmental fund for reducing and diverting food waste, redirecting edible food for consumption, and removing barriers to collecting and recovering organic waste. Of this amount, \$500,000 each year is for grants to increase food rescue and waste prevention. This appropriation is available until June 30, 2023. Any unencumbered grant balances in the first year do not cancel but are available for grants in the second year.

(j) All money deposited in the environmental fund for the metropolitan solid waste landfill fee in accordance with Minnesota Statutes, section 473.843, and not otherwise appropriated, is appropriated for the purposes of Minnesota Statutes, section 473.844.

(k) Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered on or before June 30, 2021, as contracts or grants for environmental assistance awarded under Minnesota Statutes, section 115A.0716; technical and research assistance under Minnesota Statutes, section 115A.152; technical assistance under Minnesota Statutes, section 115A.52; and pollution prevention assistance under Minnesota Statutes, section 115D.04, are available until June 30, 2023.

**Subd. 8. Watershed**

9,635,000

9,335,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>1,959,000</u>	<u>1,959,000</u>
<u>Environmental</u>	<u>7,442,000</u>	<u>7,142,000</u>
<u>Remediation</u>	<u>234,000</u>	<u>234,000</u>

(a) \$1,959,000 the first year and \$1,959,000 the second year are for grants to delegated counties to administer the county feedlot program under Minnesota Statutes, section 116.0711, subdivisions 2 and 3. Money remaining after the first year is available for the second year.

(b) \$208,000 the first year and \$208,000 the second year are from the environmental fund for the costs of implementing general operating permits for feedlots over 1,000 animal units.

(c) \$122,000 the first year and \$122,000 the second year are from the remediation fund for the leaking underground storage tank program to investigate, clean up, and prevent future releases from underground petroleum storage tanks and for the petroleum remediation program for vapor assessment and remediation. These same annual amounts are transferred from the petroleum tank fund to the remediation fund.

(d) \$300,000 the first year is from the environmental fund for a grant to the Minnesota Association of County Feedlot Officers to develop, in coordination with the Pollution Control Agency and the University of Minnesota Extension program, an online training curriculum related to animal feedlot requirements under Minnesota Rules, chapter 7020. This is a onetime appropriation. The curriculum must be developed to:

(1) provide base-level knowledge to new and existing county feedlot pollution control officers on feedlot registration, permitting, compliance, enforcement, and program administration;

(2) provide assistance to new and existing county feedlot pollution control officers for working efficiently and effectively with producers; and

(3) reduce the incidence of manure or nutrients entering surface water or groundwater.

**Subd. 9. Environmental Quality Board**

1,774,000

1,274,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>1,081,000</u>	<u>1,081,000</u>

<u>Environmental</u>	<u>393,000</u>	<u>193,000</u>
<u>Remediation</u>	<u>300,000</u>	<u>-0-</u>

(a) \$200,000 the first year is from the environmental fund to begin to develop and assemble the material required under Code of Federal Regulations, title 40, section 233.10, to have the state of Minnesota assume the section 404 permitting program of the Federal Clean Water Act. The Board may execute contracts or interagency agreements to facilitate developing the required agreements and materials. By February 1, 2021, the board must submit a report on the additional funding necessary to secure section 404 assumption and the additional funding needed to fully implement the state-assumed program to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources. This is a onetime appropriation.

(b) \$300,000 the first year is from the remediation fund to conduct a study of the potential to deploy solar photovoltaic devices on closed landfill program sites. This is a onetime appropriation. By December 1, 2020, the board, in consultation with the Pollution Control Agency and the commissioners of administration, commerce, and management and budget, must provide to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources policy and finance and energy policy and finance a report on the use of properties in the state's closed landfill program for solar energy production. The report must include:

(1) identification and assessment of properties in the closed landfill program with the highest potential for solar energy production;

(2) identification of potential barriers to solar energy production and potential ways to address those barriers; and

(3) policy recommendations that would facilitate solar energy production on closed landfill program sites in a manner that would contribute to state and local government sustainability goals.

#### Subd. 10. Transfers

(a) The commissioner must transfer up to \$44,000,000 from the environmental fund to the remediation fund for purposes of the remediation fund under Minnesota Statutes, section 116.155, subdivision 2.

(b) \$600,000 the first year is transferred from the remediation fund to the dry cleaner environmental response and reimbursement account for purposes of Minnesota Statutes, section 115B.49, with reimbursement prioritized to persons who meet the definition in Minnesota Statutes, section 115B.48, subdivision 10, clause (2), and who have made a request to the commissioner, as required under Minnesota Statutes, section 115B.50, subdivision 2.

(c) \$600,000 the first year is from the remediation fund to the commissioner for preparing a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources finance that includes an assessment of the possibility of recovering environmental response costs from insurance held by dry cleaning facilities. The report must be submitted by January 15, 2021.

(d) \$600,000 the second year is transferred from the remediation fund to the dry cleaner environmental response and reimbursement account for purposes of Minnesota Statutes, section 115B.49, if legislation is enacted in the 2020 legislative session to address the insolvency of the dry cleaner environmental response and reimbursement account.

#### **Subd. 11. Cancellations**

(a) The unencumbered amount of the environmental fund appropriation in Laws 2016, chapter 189, article 3, section 2, subdivision 2, for technical assistance and review of municipal wastewater infrastructure projects, estimated to be \$373,000, is canceled on June 29, 2019.

(b) The unencumbered amount of the closed landfill investment fund appropriation in Laws 2017, chapter 93, article 1, section 2, subdivision 6, for settling obligations, remedial investigations, feasibility studies, engineering, and cleanup-related activities for purposes of environmental response actions at a priority qualified facility, estimated to be \$1,622,000, is canceled on June 29, 2019.

**EFFECTIVE DATE.** Subdivision 11 is effective the day following final enactment.

Sec. 3. **NATURAL RESOURCES**

Subdivision 1. **Total Appropriation** \$ **312,128,000** \$ **307,840,000**

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>93,208,000</u>	<u>89,235,000</u>
<u>Natural Resources</u>	<u>106,792,000</u>	<u>104,619,000</u>
<u>Game and Fish</u>	<u>111,507,000</u>	<u>113,359,000</u>
<u>Remediation</u>	<u>106,000</u>	<u>109,000</u>
<u>Permanent School</u>	<u>515,000</u>	<u>518,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Land and Mineral Resources Management** 6,324,000 6,406,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>1,825,000</u>	<u>1,846,000</u>
<u>Natural Resources</u>	<u>3,940,000</u>	<u>3,998,000</u>
<u>Game and Fish</u>	<u>344,000</u>	<u>344,000</u>
<u>Permanent School</u>	<u>215,000</u>	<u>218,000</u>

(a) \$319,000 the first year and \$319,000 the second year are for environmental research relating to mine permitting, of which \$200,000 each year is from the minerals management account and \$119,000 each year is from the general fund.

(b) \$3,032,000 the first year and \$3,083,000 the second year are from the minerals management account in the natural resources fund for use as provided under Minnesota Statutes, section 93.2236, paragraph (c), for mineral resource management, projects to enhance future mineral income, and projects to promote new mineral-resource opportunities.

(c) \$215,000 the first year and \$218,000 the second year are from the state forest suspense account in the permanent school fund to secure maximum long-term economic return from the school trust lands consistent with fiduciary responsibilities and sound natural resources conservation and management principles.

(d) \$331,000 the first year and \$338,000 the second year are from the water management account in the natural resources fund for mining hydrology.

**Subd. 3. Ecological and Water Resources**

36,423,000

36,812,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>18,818,000</u>	<u>18,922,000</u>
<u>Natural Resources</u>	<u>12,094,000</u>	<u>12,266,000</u>
<u>Game and Fish</u>	<u>5,511,000</u>	<u>5,624,000</u>

(a) \$4,173,000 the first year and \$4,222,000 the second year are from the invasive species account in the natural resources fund and \$3,206,000 the first year and \$3,206,000 the second year are from the general fund for management, public awareness, assessment and monitoring research, and water access inspection to prevent the spread of invasive species; management of invasive plants in public waters; and management of terrestrial invasive species on state-administered lands. The general fund base for fiscal year 2022 and beyond is \$2,831,000 each year.

(b) \$5,476,000 the first year and \$5,556,000 the second year are from the water management account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 103G.27, subdivision 2.

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

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

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

(f) \$2,259,000 the first year and \$2,298,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (h), clause (1).

(g) \$971,000 the first year and \$985,000 the second year are from the nongame wildlife management account in the natural resources fund for nongame wildlife management. Notwithstanding Minnesota Statutes, section 290.431, \$100,000 the first year and \$100,000 the second year may be used for nongame wildlife information, education, and promotion.

(h) Notwithstanding Minnesota Statutes, section 84.943, \$13,000 the first year and \$13,000 the second year from the critical habitat private sector matching account may be used to publicize the critical habitat license plate match program.

(i) \$6,000,000 the first year and \$6,000,000 the second year are for the following activities:

(1) financial reimbursement and technical support to soil and water conservation districts or other local units of government for groundwater-level monitoring;

(2) surface water monitoring and analysis, including installing monitoring gauges;

(3) groundwater analysis to assist with water-appropriation permitting decisions;

(4) permit application review incorporating surface water and groundwater technical analysis;

(5) precipitation data and analysis to improve irrigation use;

(6) information technology, including electronic permitting and integrated data systems; and

(7) compliance and monitoring.

(j) \$510,000 the first year and \$510,000 the second year are from the heritage enhancement account in the game and fish fund for grants to the Minnesota Aquatic Invasive Species Research Center at the University of



Minnesota to prioritize, support, and develop research-based solutions that can reduce the effects of aquatic invasive species in Minnesota by preventing spread, controlling populations, and managing ecosystems and to advance knowledge to inspire action by others. Of the first year amount, \$100,000 is to develop, in conjunction with the commissioner of natural resources, the commissioner of the Pollution Control Agency, counties, and other stakeholders, recommendations for establishing a statewide surveillance and early detection system for aquatic invasive species. By March 1, 2020, the Minnesota Aquatic Invasive Species Research Center must submit a report and recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources policy and finance. The report must include recommendations on all of the following:

(1) the most effective structure for a statewide surveillance and early detection system for aquatic invasive species;

(2) whether to employ eco-epidemiological models, optimized decision models, or related tools as a mechanism for determining how best to deploy limited resources;

(3) how the statewide system should be funded and at what levels; and

(4) regulatory, policy, and statutory changes that would be needed to fully implement the statewide system.

The base amount for this appropriation in fiscal year 2022 and later is \$410,000.

(k) \$100,000 the first year is for a grant to Rice County to reimburse lake associations for removing storm debris from Roberds Lake. This is a onetime appropriation and is available until June 30, 2021.

(l) \$50,000 the first year is from the general fund for a grant to Waseca County for the removal of debris and trees from land adjacent to Lake Elysian and Iosco Creek. This is a onetime appropriation and is available until June 30, 2021.

**Subd. 4. Forest Management**

50,668,000

50,603,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>33,651,000</u>	<u>33,300,000</u>
<u>Natural Resources</u>	<u>15,619,000</u>	<u>15,886,000</u>
<u>Game and Fish</u>	<u>1,398,000</u>	<u>1,417,000</u>

(a) \$7,521,000 the first year and \$7,521,000 the second year are for prevention, presuppression, and suppression costs of emergency firefighting and other costs incurred under Minnesota Statutes, section 88.12. The amount necessary to pay for presuppression and suppression costs during the biennium is appropriated from the general fund. By January 15 of each year, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over environment and natural resources finance that identifies all firefighting costs incurred and reimbursements received in the prior fiscal year. These appropriations may not be transferred. Any reimbursement of firefighting expenditures made to the commissioner from any source other than federal mobilizations must be deposited into the general fund.

(b) \$13,869,000 the first year and \$14,136,000 the second year are from the forest management investment account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 89.039, subdivision 2.

(c) \$1,398,000 the first year and \$1,417,000 the second year are from the heritage enhancement account in the game and fish fund to advance ecological classification systems (ECS) scientific management tools for forest and invasive species management.

(d) \$836,000 the first year and \$847,000 the second year are for the Forest Resources Council to implement the Sustainable Forest Resources Act.

(e) \$1,131,000 the first year and \$1,131,000 the second year are for the Next Generation Core Forestry data system. For fiscal year 2022 and later, the distribution for this appropriation is \$868,000 from the general fund and \$275,000 from the forest management investment account in the natural resources fund.

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

(g) \$500,000 the first year and \$500,000 the second year are for forest road maintenance on county forest roads.

(h) \$700,000 the first year is for grants to local units of government to develop community ash management plans; to identify and convert ash stands to more diverse, climate-adapted species; and to replace removed ash trees. This is a onetime appropriation.

(i) Grants awarded under paragraph (h) may cover up to 75 percent of eligible costs and may not exceed \$500,000. Matching grants provided through the appropriation are available to cities, counties, regional authorities, joint powers boards, towns, and parks and recreation boards in cities of the first class. The commissioner, in consultation with the commissioner of agriculture, must establish appropriate criteria for determining funding priorities between submitted requests and to determine activities and expenses that qualify to meet local match requirements. Money appropriated for grants under paragraph (h) may be used to pay reasonable costs incurred by the commissioner of natural resources to administer paragraph (h).

**Subd. 5. Parks and Trails Management**

90,858,000

88,194,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>26,968,000</u>	<u>27,230,000</u>
<u>Natural Resources</u>	<u>61,598,000</u>	<u>58,664,000</u>
<u>Game and Fish</u>	<u>2,292,000</u>	<u>2,300,000</u>

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

(b) \$6,344,000 the first year and \$6,435,000 the second year are from the natural resources fund for state trail, park, and recreation area operations. This appropriation

is from revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (h), clause (2).

(c) \$18,552,000 the first year and \$18,828,000 the second year are from the state parks account in the natural resources fund to operate and maintain state parks and state recreation areas.

(d) \$890,000 the first year and \$890,000 the second year are from the natural resources fund for park and trail grants to local units of government on land to be maintained for at least 20 years for parks or trails. This appropriation is from revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (h), clause (4). Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

(e) \$9,624,000 the first year and \$9,624,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for the snowmobile grants-in-aid program. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

(f) \$1,835,000 the first year and \$2,135,000 the second year are from the natural resources fund for the off-highway vehicle grants-in-aid program. Of this amount, \$1,360,000 the first year and \$1,660,000 the second year are from the all-terrain vehicle account; \$150,000 each year is from the off-highway motorcycle account; and \$325,000 each year is from the off-road vehicle account. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

(g) \$116,000 the first year and \$117,000 the second year are from the cross-country-ski account in the natural resources fund for grooming and maintaining cross-country-ski trails in state parks, trails, and recreation areas.

(h) \$266,000 the first year and \$269,000 the second year are from the state land and water conservation account in the natural resources fund for priorities established by the commissioner for eligible state projects and administrative and planning activities consistent with Minnesota Statutes, section 84.0264, and the federal Land and Water Conservation Fund

Act. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

(i) \$250,000 the first year and \$250,000 the second year are for matching grants for local parks and outdoor recreation areas under Minnesota Statutes, section 85.019, subdivision 2.

(j) \$250,000 the first year and \$250,000 the second year are for matching grants for local trail connections under Minnesota Statutes, section 85.019, subdivision 4c.

(k) \$600,000 the first year is from the off-road vehicle account for off-road vehicle touring routes and trails. Of this amount:

(1) \$200,000 is for a contract with a project administrator to assist the commissioner in planning, designing, and providing a system of state touring routes and trails for off-road vehicles by identifying sustainable, legal routes suitable for licensed four-wheel drive vehicles and a system of recreational trails for registered off-road vehicles. Any portion of this appropriation not used for the project administrator is available for signage or promotion and implementation of the system. This is a onetime appropriation.

(2) \$200,000 is for a contract and related work to prepare a comprehensive, statewide, strategic master plan for off-road vehicle touring routes and trails. This is a onetime appropriation and is available until June 30, 2022. Any portion of this appropriation not used for the master plan is returned to the off-road vehicle account. At a minimum, the plan must: identify opportunities to develop or enhance new, high-quality, comprehensive touring routes and trails for off-road vehicles in a system that serves regional and tourist destinations; enhance connectivity with touring routes and trails for off-road vehicles; provide opportunities for promoting economic development in greater Minnesota; help people connect with the outdoors in a safe and environmentally sustainable manner; create new and support existing opportunities for social, economic, and cultural benefits and meaningful and mutually beneficial relationships for users of off-road vehicles and the communities that host trails for off-road vehicles; and promote cooperation with local,

state, tribal, and federal governments; organizations; and other interested partners.

(3) \$200,000 is to share the cost by reimbursing federal, tribal, state, county, and township entities for additional needs on roads under their jurisdiction when the needs are a result of increased use by off-road vehicles and are attributable to a border-to-border touring route established by the commissioner. This paragraph applies to roads that are operated by a public road authority as defined in Minnesota Statutes, section 160.02, subdivision 25. This is a onetime appropriation and is available until June 30, 2023. To be eligible for reimbursement under this paragraph, the claimant must demonstrate that: the needs result from additional traffic generated by the border-to-border touring route; and increased use attributable to a border-to-border touring route has caused at least a 50 percent increase in maintenance costs for roads under the claimant's jurisdiction, based on a ten-year maintenance average. The commissioner may accept an alternative to the ten-year maintenance average if a jurisdiction does not have sufficient maintenance records. The commissioner has discretion to accept an alternative based on a good-faith effort by the jurisdiction. Any alternative should include baseline maintenance costs for at least two years before the year the route begins operating. The ten-year maintenance average or any alternative must be calculated from the years immediately preceding the year the route begins operating. Before reimbursing a claim under this paragraph, the commissioner must consider whether the claim is consistent with claims made by other entities that administer roads on the touring route, in terms of the amount requested for reimbursement and the frequency of claims made.

(l) \$600,000 the first year is from the all-terrain vehicle account in the natural resources fund for grants to St. Louis County. Of this amount, \$100,000 is for a grant to St. Louis County for an environmental assessment worksheet for the overall construction of the Voyageur Country ATV Trail system and connections, and \$500,000 is for a grant to St. Louis County to design, plan, permit, acquire right-of-way for, and construct Voyageur Country ATV Trail from Buyck to Holmes Logging Road and to Shuster Road toward Cook. This is a onetime appropriation.

(m) \$2,400,000 the first year is from the all-terrain vehicle account in the natural resources fund. Of this amount, \$1,300,000 is for a grant to Lake County to match other funding sources to develop the Prospector Loop Trail system and \$1,100,000 is for acquisition, design, environmental review, permitting, and construction for all-terrain vehicle use on the Taconite State Trail between Ely and Purvis Forest Management Road.

(n) \$950,000 the first year and \$950,000 the second year are from the all-terrain vehicle account in the natural resources fund for grants to St. Louis County for the Quad Cities ATV Club trail construction program for planning, design, environmental permitting, right-of-way acquisition, and construction of up to 24 miles of trail connecting the cities of Mountain Iron, Virginia, Eveleth, Gilbert, Hibbing, and Chisholm to the Laurentian Divide, County Road 303, the Taconite State Trail, and Biwabik and from Pfeiffer Lake Forest Road to County Road 361. This is a onetime appropriation.

(o) \$75,000 the first year is from the general fund for signage and interpretative resources necessary for naming state park assets and a segment of the St. Croix River State Water Trail after Walter F. Mondale as provided in this act.

(p) \$150,000 the first year is from the all-terrain vehicle account in the natural resources fund for a grant to Crow Wing County to plan and design a multipurpose bridge on the Mississippi River Northwoods Trail across Sand Creek located five miles northeast of Brainerd along the Mississippi River.

(q) \$75,000 the first year is from the off-highway motorcycle account in the natural resources fund to complete a master plan for off-highway motorcycle trail planning and development.

Subd. 6. Fish and Wildlife Management

78,978,000

78,402,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>1,777,000</u>	<u>275,000</u>

<u>Natural Resources</u>	<u>1,954,000</u>	<u>1,982,000</u>
<u>Game and Fish</u>	<u>75,247,000</u>	<u>76,145,000</u>

(a) \$8,539,000 the first year and \$8,658,000 the second year are from the heritage enhancement account in the game and fish fund only for activities specified under Minnesota Statutes, section 297A.94, paragraph (h), clause (1). Notwithstanding Minnesota Statutes, section 297A.94, five percent of this appropriation may be used for expanding hunter and angler recruitment and retention.

(b) \$1,595,000 the first year and \$275,000 the second year are from the general fund, and \$1,125,000 the first year and \$1,675,000 the second year are from the game and fish fund for planning for and emergency response to disease outbreaks in wildlife. The commissioner and board must each submit quarterly reports on the activities funded under this paragraph to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources and agriculture.

(c) \$50,000 in the first year is from the wild cervidae health management account in the game and fish fund to establish a chronic wasting disease adopt-a-dumpster program to provide dumpsters dedicated to disposing of deer carcasses in areas where chronic wasting disease has been detected. The commissioner must work with solid waste haulers and other interested parties and encourage volunteer support to ensure the dumpsters are located at convenient locations with appropriate signage, lined, and maintained. The commissioner must ensure the carcasses collected are properly disposed of to minimize the spread of chronic wasting disease. The commissioner, in consultation with the commissioners of health and the Pollution Control Agency, must develop guidelines to prevent the spread of chronic wasting disease and protect public health that take into consideration infectious waste as defined under Minnesota Statutes, section 116.76, subdivision 12, for:

(1) hunters for handling deer in the field and transporting and disposing of carcasses;



(2) solid waste facilities and solid waste haulers for proper handling, transportation, and disposal of deer carcasses; and

(3) taxidermists and meat processors for proper handling, processing, and disposal of deer carcasses.

By January 15, 2020, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources with the results of the program and guidelines developed under this paragraph.

(d) Notwithstanding Minnesota Statutes, section 297A.94, \$182,000 the first year from the general fund and \$318,000 the first year from the heritage enhancement account in the game and fish fund are for grants for natural-resource-based education and recreation programs under Minnesota Statutes, section 84.976. This is a onetime appropriation.

(e) \$500,000 the first year is from the game and fish fund for grants to school districts and American Indian-controlled tribal contract or grant schools to increase firearms safety, trap shooting, archery, hunting, and angling activities in courses that are consistent with required state standards for physical education. In developing the grant program, the commissioner must consult with stakeholders, including representatives from the tribal governments. The grants must be administered through the no child left inside grant program established under Minnesota Statutes, section 84.976. Grants must be awarded on a geographically balanced, statewide basis. This is a onetime appropriation.

(f) Notwithstanding Minnesota Statutes, section 297A.94, \$200,000 the first year is from the heritage enhancement account in the game and fish fund for grants to nonprofit organizations operating high school fishing leagues and providing basic angling curriculum. The grants must be administered through the no child left inside grant program established under Minnesota Statutes, section 84.976. This is a onetime appropriation.

(g) \$8,546,000 the first year and \$8,546,000 the second year are from the deer management account for the

purposes identified in Minnesota Statutes, section 97A.075, subdivision 1.

(h) Notwithstanding Minnesota Statutes, section 297A.94, \$100,000 the first year and \$100,000 the second year are from the heritage enhancement account in the game and fish fund for shooting sports facility grants under Minnesota Statutes, section 87A.10, including grants for archery facilities. Grants must be matched with a nonstate match, which may include in-kind contributions. This is a onetime appropriation.

**Subd. 7. Enforcement**

45,310,000

46,556,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>7,282,000</u>	<u>7,475,000</u>
<u>Natural Resources</u>	<u>11,207,000</u>	<u>11,443,000</u>
<u>Game and Fish</u>	<u>26,715,000</u>	<u>27,529,000</u>
<u>Remediation</u>	<u>106,000</u>	<u>109,000</u>

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

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

(c) \$1,082,000 the first year and \$1,082,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

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

(e) \$250,000 the first year and \$250,000 the second year are from the all-terrain vehicle account in the natural resources fund for grants to qualifying organizations to assist in safety and environmental education and monitoring trails on public lands under Minnesota Statutes, section 84.9011. Grants issued under this paragraph must be issued through a formal agreement with the organization. By December 15 each year, an organization receiving a grant under this paragraph must report to the commissioner with details on expenditures and outcomes from the grant. Of this appropriation, \$25,000 each year is for administering these grants. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

(f) \$510,000 the first year and \$510,000 the second year are from the natural resources fund for grants to county law enforcement agencies for off-highway vehicle enforcement and public education activities based on off-highway vehicle use in the county. Of this amount, \$498,000 each year is from the all-terrain vehicle account, \$11,000 each year is from the off-highway motorcycle account, and \$1,000 each year is from the off-road vehicle account. The county enforcement agencies may use money received under this appropriation to make grants to other local enforcement agencies within the county that have a high concentration of off-highway vehicle use. Of this appropriation, \$25,000 each year is for administering these grants. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

(g) \$176,000 the first year and \$176,000 the second year are from the game and fish fund for an ice safety program.

(h) \$60,000 the first year is from the game and fish fund to provide outreach and education, in coordination with interested organizations, to communities concerned about cultural artifacts regarding the new requirements established under Minnesota Statutes, section 84.0896. This is a onetime appropriation.

(i) The base for fiscal year 2022 is \$7,361,000 from the general fund, \$28,143,000 from the game and fish fund, \$11,530,000 from the natural resources fund, and \$111,000 from the remediation fund. The base for

fiscal year 2023 and thereafter is \$7,362,000 from the general fund, \$11,530,000 from the natural resources fund, \$28,142,000 from the game and fish fund, and \$111,000 from the remediation fund. These base level adjustments include pension costs as provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a).

**Subd. 8. Operations Support**

2,700,000

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\$2,700,000 the first year is for legal costs. Of this amount, up to \$700,000 the first year may be transferred to the Minnesota Pollution Control Agency. This is a onetime appropriation and is available until June 30, 2023.

**Subd. 9. Pass Through Funds**

867,000

867,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>187,000</u>	<u>187,000</u>
<u>Natural Resources</u>	<u>380,000</u>	<u>380,000</u>
<u>Permanent School</u>	<u>300,000</u>	<u>300,000</u>

(a) \$380,000 the first year and \$380,000 the second year are from the natural resources fund for grants to be divided equally between the city of St. Paul for the Como Park Zoo and Conservatory and the city of Duluth for the Lake Superior Zoo. This appropriation is from revenue deposited to the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (h), clause (5).

(b) \$187,000 the first year and \$187,000 the second year are for the Office of School Trust Lands.

(c) \$300,000 the first year and \$300,000 the second year are from the forestry suspense account in the permanent school fund for the Office of School Trust Lands.

**Subd. 10. Cancellation**

The unencumbered amount of the general fund appropriation in Laws 2016, chapter 189, article 3, section 3, subdivision 8, for legal costs, estimated to be \$1,000,000, is canceled on June 29, 2019.

EFFECTIVE DATE. Subdivision 10 is effective the day following final enactment.

Sec. 4. BOARD OF WATER AND SOIL RESOURCES \$ 15,207,000 \$ 14,872,000

(a) \$3,423,000 the first year and \$3,423,000 the second year are for natural resources block grants to local governments to implement the Wetland Conservation Act and shoreland management under Minnesota Statutes, chapter 103F, and local water management under Minnesota Statutes, chapter 103B. The board may reduce the amount of the natural resources block grant to a county by an amount equal to any reduction in the county's general services allocation to a soil and water conservation district from the county's previous year allocation when the board determines that the reduction was disproportionate.

(b) \$3,116,000 the first year and \$3,116,000 the second year are for grants to soil and water conservation districts for the purposes of Minnesota Statutes, sections 103C.321 and 103C.331, and for general purposes, nonpoint engineering, and implementation and stewardship of the reinvest in Minnesota reserve program. Expenditures may be made from these appropriations for supplies and services benefiting soil and water conservation districts. Any district receiving a payment under this paragraph must maintain a web page that publishes, at a minimum, its annual report, annual audit, annual budget, and meeting notices.

(c) \$761,000 the first year and \$761,000 the second year are to implement, enforce, and provide oversight for the Wetland Conservation Act, including administering the wetland banking program and in-lieu fee mechanism.

(d) \$1,560,000 the first year and \$1,560,000 the second year are for the following cost-share programs:

(1) \$260,000 each year is for the feedlot water quality cost-sharing program for feedlots under 500 animal units and nutrient and manure management projects in watersheds where there are impaired waters;

(2) \$1,200,000 each year is for cost-sharing programs of soil and water conservation districts for perennially vegetated riparian buffers, erosion control, water retention and treatment, and other high-priority conservation practices; and

(3) \$100,000 each year is for county cooperative weed management programs and to restore native plants in selected invasive species management sites.

(e) \$166,000 the first year and \$166,000 the second year are to provide technical assistance to local drainage management officials and for the costs of the Drainage Work Group. The board must coordinate with the Drainage Work Group according to Minnesota Statutes, section 103B.101, subdivision 13.

(f) \$100,000 the first year and \$100,000 the second year are for a grant to the Red River Basin Commission for water quality and floodplain management, including administration of programs. This appropriation must be matched by nonstate funds.

(g) \$140,000 the first year and \$140,000 the second year are for grants to Area II Minnesota River Basin Projects for floodplain management.

(h) \$125,000 the first year and \$125,000 the second year are for conservation easement stewardship.

(i) \$150,000 the first year is for critical information technology upgrades, development, and security improvements. This is a onetime appropriation.

(j) \$240,000 the first year and \$240,000 the second year are for a grant to the Lower Minnesota River Watershed District to defray the annual cost of operating and maintaining sites for dredge spoil to sustain the state, national, and international commercial and recreational navigation on the lower Minnesota River.

(k) \$5,426,000 the first year and \$5,241,000 the second year are for agency administration and operation of the Board of Water and Soil Resources.

(l) Notwithstanding Minnesota Statutes, section 103C.501, the board may shift money in this section and may adjust the technical and administrative assistance portion of the funds to leverage federal or other nonstate funds or to address accountability, oversight, local government performance, or high-priority needs identified in local water management plans or comprehensive water management plans.

(m) The appropriations for grants in this section are available until June 30, 2023. Returned grant funds must be regranted consistent with the purposes of this section. If an appropriation for grants in either year is insufficient, the appropriation in the other year is available for it.

(n) Notwithstanding Minnesota Statutes, section 16B.97, the appropriations for grants in this section are exempt from the Department of Administration, Office of Grants Management Policy 08-10 Grant Monitoring.

Sec. 5. METROPOLITAN COUNCIL \$ 9,140,000 \$ 9,140,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>2,540,000</u>	<u>2,540,000</u>
<u>Natural Resources</u>	<u>6,600,000</u>	<u>6,600,000</u>

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

(b) \$6,600,000 the first year and \$6,600,000 the second year are from the natural resources fund for metropolitan-area regional parks and trails maintenance and operations. This appropriation is from revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (h), clause (3).

Sec. 6. CONSERVATION CORPS MINNESOTA \$ 945,000 \$ 945,000

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>455,000</u>	<u>455,000</u>
<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

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

Sec. 7. **ZOOLOGICAL BOARD** \$ **9,855,000** \$ **9,999,000**

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>9,665,000</u>	<u>9,809,000</u>
<u>Natural Resources</u>	<u>190,000</u>	<u>190,000</u>

\$190,000 the first year and \$190,000 the second year are from the natural resources fund from revenue deposited under Minnesota Statutes, section 297A.94, paragraph (h), clause (5).

Sec. 8. **SCIENCE MUSEUM** \$ **1,079,000** \$ **1,079,000**

Sec. 9. **EXPLORE MINNESOTA TOURISM** \$ **14,404,000** \$ **14,344,000**

(a) \$500,000 the first year and \$500,000 the second year must be matched from nonstate sources to develop maximum private sector involvement in tourism. Each \$1 of state incentive must be matched with \$6 of private sector money. "Matched" means revenue to the state or documented cash expenditures directly expended to support Explore Minnesota Tourism programs. Up to one-half of the private sector contribution may be in-kind or soft match. The incentive in fiscal year 2020 is based on fiscal year 2019 private sector contributions. The incentive in fiscal year 2021 is based on fiscal year 2020 private sector contributions. This incentive is ongoing.

(b) Money for marketing grants is available either year of the biennium. Unexpended grant money from the first year is available in the second year.

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

(d) \$60,000 the first year is to assist in funding and securing new events benefiting communities in the state. This is a onetime appropriation.

Sec. 10. **BOARD OF ANIMAL HEALTH** \$ **120,000** \$ **200,000**

\$120,000 the first year and \$200,000 the second year are for the board's regulatory responsibilities and oversight over farmed Cervidae.



Sec. 11. Laws 2016, chapter 189, article 3, section 6, as amended by Laws 2017, chapter 93, article 1, section 12, is amended to read:

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

\$250,000 the first year is from the state forest suspense account in the permanent school fund for the school trust lands director to initiate ~~real estate development projects on~~ and complete a 25-year framework for managing school trust lands as determined by the school trust lands director described in Minnesota Statutes, section 127A.353, subdivision 4, paragraph (a), clause (11). This is a onetime appropriation and is available until June 30, ~~2019~~ 2021.

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

Sec. 12. Laws 2017, chapter 93, article 1, section 9, is amended to read:

Sec. 9. **ADMINISTRATION** \$ 800,000 \$ 300,000

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

(b) \$500,000 the first year is from the state forest suspense account in the permanent school fund for the school trust lands director to initiate the ~~private sale of surplus school trust lands identified according to Minnesota Statutes, section 92.82, paragraph (d)~~ Boundary Waters Canoe Area Wilderness private forest land alternative with the United States Department of Agriculture Forest Service and a nonprofit partner. The school trust lands director may use these funds for project costs, including but not limited to environmental assessments, valuation expenses, legal fees, closing costs, and transactional staff costs. This is a onetime appropriation and is available until June 30, ~~2019~~ 2021.

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

**ARTICLE 2****ENVIRONMENT AND NATURAL RESOURCES TRUST FUND**Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the environment and natural resources trust fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021.

	<u>2019</u>	<u>APPROPRIATIONS</u> <u>Available for the Year</u> <u>Ending June 30</u>	
		<u>2020</u>	<u>2021</u>
Sec. 2. <b><u>MINNESOTA RESOURCES</u></b>			
Subdivision 1. <b><u>Total</u></b>			
<b><u>Appropriation</u></b>	\$ <u>2,940,000</u>	\$ <u>61,387,000</u>	\$ <u>-0-</u>

The amounts that may be spent for each purpose are specified in the following subdivisions. Appropriations for fiscal year 2019 are available the day following final enactment and are available until June 30, 2022, unless otherwise stated in the appropriation. Appropriations in the first year are available for three years beginning July 1, 2019, unless otherwise stated in the appropriation. Any unencumbered balance remaining in the first year does not cancel and is available for the second year or until the end of the appropriation.

Subd. 2. **Definition**

"Trust fund" means the Minnesota environment and natural resources trust fund established under the Minnesota Constitution, article XI, section 14.

Subd. 3. **Foundational Natural Resource Data and Information**1,804,00013,601,000-0-(a) **Minnesota Biological Survey**

\$1,500,000 the first year is from the trust fund to the commissioner of natural resources for the Minnesota

biological survey to complete the statewide field surveys begun in 1987 to provide a foundation for conserving biological diversity by systematically collecting, interpreting, and delivering data on native and rare species, pollinators, and native plant communities throughout Minnesota. Any revenues generated through the publication of books or other resources created through this appropriation may be reinvested as described in the work plan approved by the Legislative-Citizen Commission on Minnesota Resources according to Minnesota Statutes, section 116P.10.

**(b) Restoring Native Mussels in Streams and Lakes**

\$500,000 the first year is from the trust fund to the commissioner of natural resources to restore native freshwater mussel assemblages, and the ecosystem services they provide, in the Mississippi, Cedar, and Cannon Rivers and to inform the public on mussels and mussel conservation. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(c) Quantifying Exposure of Minnesota's Raptors to Mercury and PFAS**

\$250,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Hawk Ridge Bird Observatory to quantify the exposure and health risk of two environmental neurotoxins to Minnesota raptors.

**(d) Minnesota Trumpeter Swan Migration Ecology and Conservation**

\$300,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to document the movement and habitat use of Minnesota trumpeter swans to provide foundational information necessary for trumpeter swan management and conservation. This appropriation is available until June 30, 2023, by which time the project must be completed and final products delivered.

**(e) Spruce Grouse as Indicators for Boreal Forest Connectivity**

\$350,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota for the Raptor Center to evaluate how to best harvest timber in the boreal forest to enable wildlife with small home ranges, such as spruce grouse, to thrive in a changing landscape. This appropriation is available until June 30, 2023, by which time the project must be completed and final products delivered.

**(f) Understanding Brainworm Transmission to Find Solutions for Minnesota Moose Decline**

\$400,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to identify key habitats and vectors of brainworm transmission between deer and moose that may be targeted by resource management to mitigate moose exposure to this deadly condition.

**(g) Mapping Habitat Use and Disease of Urban Carnivores**

\$500,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to map habitat use and diseases of urban foxes and coyotes, evaluate risks these animals may pose to people and pets, and generate information needed to reduce human-wildlife conflicts.

**(h) Accelerated Aggregate Resource Mapping**

\$700,000 the first year is from the trust fund to the commissioner of natural resources to map the aggregate resource potential for four counties and make this information available in print and electronic format to local units of government for use in planning and zoning.

**(i) Den Boxes for Fishers and Other Nesting Wildlife**

\$190,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota for the Natural Resources Research Institute in Duluth to build, install, and evaluate den boxes as habitat enhancement for fishers and other cavity-nesting wildlife in managed forests where a lack of large trees may be threatening population survival. The final

outcome for the project must include guidelines and best practices for use of den boxes for fisher habitat.

**(j) Red-Headed Woodpeckers as Indicators of Oak Savanna Health**

\$171,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to evaluate red-headed woodpecker survival and habitat needs and to use this data to develop and disseminate a long-term oak savanna management plan that supports red-headed woodpeckers and other oak savanna habitat-dependent species.

**(k) Implementing Conservation Plans for Avian Species of Concern**

\$124,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the National Audubon Society, Minnesota office, to establish benchmark survey sites for implementing and tracking outcomes of collaborative restoration and enhancement activities within Important Bird Areas for three bird species of conservation concern.

**(l) Mapping Aquatic Habitats for Moose**

\$199,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to determine key water habitats used by moose in northern forested regions of Minnesota, measure the effects of moose foraging on aquatic plant and fish diversity, and provide educational programming materials for the public.

**(m) Improving Statewide GIS Data by Restoring the Public Land Survey**

\$135,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Association of County Surveyors to conduct a pilot project with Grant County to remonument and certify the public land survey corners in Lawrence Township. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(n) County Geologic Atlases - Part A, Mapping Geology**

\$2,000,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, Minnesota Geological Survey, to continue producing county geologic atlases to inform management of surface water and groundwater resources. This appropriation is to complete Part A, which focuses on the properties and distribution of earth materials to define aquifer boundaries and the connection of aquifers to the land surface and surface water resources.

**(o) County Geologic Atlases - Part B, Mapping Aquifer Hydrology**

\$2,400,000 the first year is from the trust fund to the commissioner of natural resources to continue producing county geologic atlases to inform management of surface water and groundwater resources for drinking water and other purposes. This appropriation is for Part B, which uses the geologic formations mapped in Part A of the county geologic atlases to characterize the potential water yields of aquifers and the aquifers' sensitivity to contamination.

**(p) Unlocking Science of Minnesota's Moose Decline**

\$199,000 the first year is from the trust fund to the Minnesota Zoological Garden to develop educational displays, interactive exhibits, and engaging online programs that summarize and share scientific findings about moose decline in Minnesota. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(q) Forest and Bioeconomy Research**

\$2,200,000 the first year is to the Board of Regents of the University of Minnesota for academic and applied research through MnDRIVE at the Natural Resources Research Institute to develop and demonstrate technologies that enhance the long-term health of Minnesota's forests, extend the viability of current forest-based industries, and accelerate emerging industry opportunities. Of this amount, \$500,000 is to support development of a forest optimization tool for Minnesota forest resources, \$800,000 is for maintenance and expansion of the Natural Resource Atlas to statewide coverage, \$400,000 is to the

Minnesota Forest Resource Council for continued advancement of biochar development and application to forest health, and \$500,000 is to advance emerging Minnesota technologies to produce clean syngas to drive high-value markets for forest biomass feedstocks.

**(r) Minerals and Water Research**

\$883,000 the first year is to the Board of Regents of the University of Minnesota for academic and applied research through MnDRIVE at the Natural Resources Research Institute to develop and demonstrate technologies that enhance long-term Minnesota mineral opportunities. Of this amount:

(1) \$300,000 is to support continued applied research to advance new technologies to improve water quality;

(2) \$275,000 is to initiate the characterization of western Mesabi iron resources and development of next-generation Minnesota iron products;

(3) \$158,000 is to develop emerging hydrometallurgy technology to support high-value mineral product development in Minnesota; and

(4) \$150,000 is to support efforts of the Natural Resources Research Institute to accelerate demonstration of high-capacity, cost-effective energy storage using Minnesota's historical auxiliary mine lands.

This research must be conducted in consultation with the Minerals Coordinating Committee established under Minnesota Statutes, section 93.0015.

**(s) Native Bee Survey**

\$600,000 the first year is from the trust fund to the commissioner of natural resources to continue to assess the current status and distribution of native bee pollinators in Minnesota by expanding surveys into the coniferous-deciduous forest region of Minnesota and facilitating interagency collaboration and public outreach on pollinators.

**(t) Diagnostic Test for Chronic Wasting Disease**

\$1,804,000 in fiscal year 2019 is from the trust fund to the Board of Regents of the University of Minnesota

to develop diagnostic testing for chronic wasting disease that can be used to perform animal testing and environmental monitoring. This appropriation is subject to Minnesota Statutes, section 116P.10.

**Subd. 4. Water Resources**

5,416,000

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**(a) Determining Influence of Insecticides on Algal Blooms**

\$350,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to quantify the occurrence of neonicotinoid insecticides in Minnesota's surface waters and groundwaters and assess if the insecticides are contributing to the formation of algal blooms.

**(b) Benign Design: Environmental Studies Leading to Sustainable Pharmaceuticals**

\$415,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to determine how to best remove harmful fluorinated pharmaceuticals during wastewater treatment and to develop alternate versions of these compounds that are medically useful but environmentally harmless. This appropriation is subject to Minnesota Statutes, section 116P.10.

**(c) Wastewater Nutrient Reduction through Industrial Source Reduction Assistance**

\$200,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to provide technical assistance for industrial facilities to optimize their processes, reduce nutrient loads to wastewater treatment facilities, and improve water quality. The economic savings and water quality improvements achieved through this work must be documented.

**(d) Quantifying Microplastics in Minnesota's Inland Lakes**

\$200,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota for the Natural Resources Research Institute in Duluth to quantify the amount, type, and source of microplastics



in the water, sediment, and fishes of a range of Minnesota lakes.

**(e) Improving Nitrogen Removal in Greater Minnesota Wastewater Treatment Ponds**

\$325,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to assess cold weather nitrogen cycling and different aeration methods to improve the efficacy of Minnesota's underperforming wastewater treatment ponds.

**(f) Improving Drinking Water for Minnesotans through Pollution Prevention**

\$345,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to reduce exposure of Minnesotans to a toxic, cancer-causing chemical by identifying key pollutant precursor sources in the upper Mississippi River watershed and assessing options to reduce the formation of this chemical during drinking water treatment.

**(g) Protecting Minnesota Waters by Removing Contaminants from Wastewater**

\$250,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to develop methods for treatment plants to remove harmful polyfluoroalkyl substances and microplastics from wastewater before the wastewater is released to the environment. This appropriation is subject to Minnesota Statutes, section 116P.10.

**(h) Reducing Municipal Wastewater Mercury Pollution to Lake Superior**

\$250,000 the first year is from the trust fund to the commissioner of the Minnesota Pollution Control Agency to evaluate and summarize current technologies to help municipal wastewater plants in the Lake Superior basin save money and reduce mercury pollution to Lake Superior and other Minnesota waters.

**(i) Extracting Deicing Salt from Roadside Soils with Plants**

\$360,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to collaborate with the Department of Transportation to evaluate potential native plants that can be grown on roadsides to adsorb and remove toxic salts accumulated from deicing roads and assess uses for the harvested material.

**(j) Transformation of Plastic Waste into Valued Resource**

\$225,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to develop technologies that use microbes to convert plastic waste into useful chemical compounds and fuels, lowering the likelihood that these materials end up in the environment. This appropriation is subject to Minnesota Statutes, section 116P.10.

**(k) Accelerating Perennial Crop Production to Prevent Nitrate Leaching**

\$440,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Stearns County Soil and Water Conservation District to reduce nitrate leaching on sandy soils of central Minnesota by developing water-efficient production methods, supply chains, and end-use markets for three perennial crops: Kernza, prairie species, and alfalfa. Net income from the sale of products or assets developed or acquired through this project may be reinvested as described in the work plan approved by the Legislative-Citizen Commission on Minnesota Resources according to Minnesota Statutes, section 116P.10.

**(l) Farm-Ready Cover Crops for Protecting Water Quality**

\$741,000 the first year is from the trust fund to the Minnesota State Colleges and Universities System for Central Lakes College to demonstrate conservation benefits of using camelina and kura clover as continuous living cover with corn-soybean rotations and to develop secondary markets to increase farmer adoption of this practice for protecting water quality

in vulnerable wellhead protection areas. This appropriation is subject to Minnesota Statutes, section 116P.10.

**(m) Setting Realistic Nitrate Reduction Goals in Southeast Minnesota**

\$350,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to develop advanced water-flow and age-dating tools to improve the ability of state agencies to assess how well nitrate reduction best management practices are working in southeastern Minnesota.

**(n) Mapping Unprofitable Cropland for Water and Wildlife**

\$100,000 the first year is from the trust fund to the Science Museum of Minnesota for the St. Croix Watershed Research Station to conduct the first statewide analysis that maps the extent of Minnesota's unprofitable cropland and estimates both the water-quality and habitat benefits of converting these lands to perennial crops and vegetation. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(o) Evaluating Locally Sourced Materials for Road Salt Reduction**

\$162,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota for the Natural Resources Research Institute in Duluth to evaluate the effectiveness and benefits of using locally sourced wood chips, corncobs, and iron-bearing minerals as alternative abrasive materials to lower salt use for protecting Minnesota's water resources. This appropriation is subject to Minnesota Statutes, section 116P.10. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(p) Minnesota Spring Inventory Final Phase**

\$71,000 the first year is from the trust fund to the commissioner of natural resources to complete the Minnesota Spring Inventory that identifies, catalogs,

and assists resource managers in monitoring, assessing, and protecting important and threatened statewide water springs. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(q) Restoring Impaired Lakes through Citizen-Aided Carp Management**

\$106,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Carver County Water Management Organization to quantify water quality improvements and the cost-effectiveness of a new citizen-aided carp management method for restoring impaired lakes in Minnesota.

**(r) Spring Biological Nitrate Removal to Protect Drinking Water**

\$175,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Fairmont to build and demonstrate the effectiveness of an experimental passive biological treatment system to reduce nitrates that enter the city's springtime water supply source.

**(s) Degrading Chlorinated Industrial Contaminants with Bacteria**

\$1,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to determine the best way to stimulate bacteria to more quickly and completely remove industrial chlorinated pollutants from contaminated sites. On the day following final enactment, the following amounts from unobligated appropriations to the Board of Regents of the University of Minnesota are transferred and added to this appropriation: \$75,000 in Laws 2016, chapter 186, section 2, subdivision 4, paragraph (1), and \$74,000 in Laws 2016, chapter 186, section 2, subdivision 6, paragraph (b).

**(t) Managed Aquifer Recharge**

\$350,000 the first year is to the Board of Regents of the University of Minnesota, Water Resources Center, for a comprehensive study of the economic benefits

of managed aquifer recharge and to make recommendations to enhance and replenish Minnesota's groundwater resources. The study must include, but is not limited to:

(1) examining the potential benefits of enhancing groundwater recharge in water-stressed areas;

(2) assessing the relationship to changing seasonality and intensity of precipitation on groundwater recharge rates;

(3) reviewing the approaches to manage recharge in geologically appropriate areas;

(4) identifying policy options, costs, and barriers to recharging groundwater; and

(5) assessing the economic returns of options for groundwater recharge.

In conducting the study, the Water Resources Center must convene a stakeholder group and provide for public participation.

**Subd. 5. Technical Assistance,  
Outreach, and Environmental  
Education**

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1,136,000-0-

**(a) Expanding Camp Sunrise Environmental Program**

\$237,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with YouthCare Minnesota to expand camp opportunities to more school districts and implement improved hands-on environmental education programs for economically disadvantaged youth.

**(b) Connecting Students to Boundary Waters**

\$450,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Friends of the Boundary Waters Wilderness to connect approximately 6,500 students to the boundary waters through classroom education and wilderness canoe experiences for diverse and underserved populations across Minnesota. This appropriation is available until June 30, 2023, by which time the project must be completed and final products delivered.

**(c) Mississippi National River and Recreation Area Forest Restoration**

\$199,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Mississippi Park Connection to work with Conservation Corps Minnesota, local communities, and volunteers to address the loss of ash trees to emerald ash borer by planting approximately 15,000 native trees and plants in affected areas in the Mississippi National River and Recreation Area.

**(d) Increasing Diversity in Environmental Careers**

\$250,000 the first year is from the trust fund to the commissioner of natural resources in cooperation with Conservation Corps Minnesota and Iowa to encourage a diversity of students to pursue careers in environment and natural resources through internships and mentorships with the Department of Natural Resources, the Board of Water and Soil Resources, and the Pollution Control Agency. This appropriation is available until June 30, 2024, by which time the project must be completed and final products delivered.

**Subd. 6. Aquatic and Terrestrial Invasive Species**5,400,000-0-**(a) Building Knowledge and Capacity to Solve AIS Problems**

\$4,000,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to support the Minnesota Aquatic Invasive Species Research Center in developing solutions to Minnesota's aquatic invasive species problems through research, control, prevention, outreach, and early detection of existing and emerging aquatic invasive species threats. This appropriation is available until June 30, 2023, by which time the project must be completed and final products delivered.

**(b) Oak Wilt Suppression at its Northern Edge**

\$100,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Morrison Soil and Water Conservation District to eradicate the northern-most occurrences of oak wilt

in the state through mechanical means on select private properties to prevent oak wilt's spread to healthy state forest habitats.

**(c) Noxious Weed Detection and Eradication**

\$1,000,000 the first year is from the trust fund to the commissioner of agriculture to continue to monitor, detect, and eradicate noxious weeds, including Palmer Amaranth, primarily in conservation plantings and to develop and implement methods to prevent infestation and protect prairies, other natural areas, and agricultural crops. Of this amount, \$650,000 is for grants to local communities to help combat infestations.

**(d) Emerald Ash Borer Response Grants**

\$300,000 the first year is from the trust fund to the commissioner of natural resources for grants to local units of government to replace ash trees removed from public lands in response to emerald ash borer with ecologically appropriate trees.

**Subd. 7. Air Quality and Renewable Energy**

1,485,000

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**(a) Development of Clean Energy Storage Systems for Farms**

\$650,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota for the West Central Research and Outreach Center at Morris to develop and test novel clean energy storage systems for farms using wind-generated ammonia to displace fossil fuels and reduce greenhouse gas emissions. This appropriation is subject to Minnesota Statutes, section 116P.10.

**(b) White Earth Nation Community Solar for Economic Resilience**

\$500,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Rural Renewable Energy Alliance to install a 200-kW White Earth community-owned solar garden to reduce greenhouse gas emissions, increase economic development through environmental education and

solar workforce training, and improve energy resilience.

**(c) Sustainable Solar Energy from Agricultural Plant By-Products**

\$185,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota, Morris, to use regional plant-based agricultural by-products to fabricate solar cells for creating renewable and affordable energy.

**(d) Morris Energy and Environment Community Resilience Plan**

\$150,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Morris to develop and begin implementing community resilience plans for energy and the environment and to create a model guide for other Minnesota communities to create and implement their own plans.

**Subd. 8. Methods to Protect or Restore Land, Water, and Habitat**

806,000

5,960,000

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**(a) Saving Endangered Pollinators through Data-Driven Prairie Restoration**

\$800,000 the first year is from the trust fund. Of this amount, \$630,000 is to the Minnesota Zoological Garden and \$170,000 is to the commissioner of natural resources to reestablish populations of Minnesota's imperiled butterflies through reintroductions and prairie restorations and by developing foundational habitat recommendations for preventing future extinctions. This appropriation is available until June 30, 2023, by which time the project must be completed and final products delivered.

**(b) Promoting and Restoring Oak Savanna Using Silvopasture**

\$750,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to demonstrate, evaluate, and increase adoption of the combined use of intensive tree, forage, and livestock



management as a method to restore threatened oak savanna habitats.

**(c) Sauk River Dam Removal and Rock Rapids Replacement**

\$2,768,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Melrose to remove an existing fixed-elevation dam, construct a rock arch rapids, and conduct in-stream and shoreline habitat restoration to improve water quality and native fish passage in the Sauk River. This project requires a match of at least \$1,400,000 that must be secured before trust fund money is spent. At least \$700,000 of this match must come from the city of Melrose. City of Melrose expenses for the Sauk River dam removal and rock rapids replacement incurred before July 1, 2019, may be counted toward the match.

**(d) Conserving and Monitoring Minnesota's Rare Arctic Plants**

\$135,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to provide monitoring and invasive species removal to conserve rare and endangered arctic plants on Minnesota's North Shore. This appropriation is available until June 30, 2023, by which time the project must be completed and final products delivered.

**(e) Nongame Wildlife Program Acceleration**

\$513,000 the first year is from the trust fund to the commissioner of natural resources to accelerate the nongame wildlife program, including rare wildlife data collection, habitat management, collaborative land protection, conservation education, and a new emphasis on promoting nature tourism to benefit wildlife, visitors, and rural communities.

**(f) Lawns to Legumes**

\$806,000 in fiscal year 2019 and \$94,000 the first year are from the trust fund to the Board of Water and Soil Resources for demonstration projects that provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and

legumes to protect a diversity of pollinators. The board must establish criteria for grants or payments awarded under this section. Grants or payments awarded under this section may be made for up to 75 percent of the costs of the project, except that in areas identified by the United States Fish and Wildlife Service as areas where there is a high potential for rusty patched bumble bees to be present, grants may be awarded for up to 90 percent of the costs of the project.

**(g) Agricultural Weed Control Using Autonomous Mowers**

\$900,000 is from the trust fund to the Board of Regents of the University of Minnesota for the West Central Research and Outreach Center at Morris to design, integrate, and field-test new technology mowers to control weeds, reduce herbicide use, reduce energy costs, and improve native vegetation and forage quality on agricultural lands. This appropriation is subject to Minnesota Statutes, section 116P.10.

**Subd. 9. Land Acquisition, Habitat, and Recreation**

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26,351,000

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**(a) Minnesota Scientific and Natural Areas**

\$3,500,000 the first year is from the trust fund to the commissioner of natural resources for the scientific and natural areas (SNA) program to restore and enhance wildlife habitat on SNAs, increase public involvement and outreach, and strategically acquire high-quality lands that meet criteria for SNAs under Minnesota Statutes, section 86A.05, from willing sellers. A list of proposed acquisitions and restorations is required in the work plan.

**(b) Grants for Local Parks, Trails, and Natural Areas**

\$3,000,000 the first year is from the trust fund to the commissioner of natural resources to solicit, rank, and fund competitive matching grants for local parks, trail connections, and natural and scenic areas under Minnesota Statutes, section 85.019. The appropriation is for local nature-based recreation, connections to regional and state natural areas, and recreation facilities and not for athletic facilities such as sport fields, courts, and playgrounds.

**(c) Minnesota State Parks and State Trails In-Holdings**

\$2,000,000 the first year is from the trust fund to the commissioner of natural resources to acquire high-priority in-holdings from willing sellers within the legislatively authorized boundaries of state parks and trails to protect Minnesota's natural heritage, enhance outdoor recreational opportunities, and improve the efficiency of public land management. Priorities include but are not limited to Minneopa, St. Croix, Frontenac, and Crow Wing State Parks. A list of proposed acquisitions is required in the work plan.

**(d) Minnesota State Trails Development**

\$5,000,000 the first year is from the trust fund to the commissioner of natural resources to expand high-priority recreational opportunities on Minnesota's state trails by developing new trail segments and rehabilitating, improving, and enhancing existing state trails. High-priority trail bridges to rehabilitate or replace include, but are not limited to, those on the Arrowhead, Central Lakes, Harmony-Preston Valley, Matthew Lourey, and North Shore State Trails. High-priority trail segments to develop and enhance include, but are not limited to, the Paul Bunyan, Gateway, Heartland, Gitchi Gami, and Minnesota Valley State Trails. A proposed list of trail projects on legislatively authorized state trails is required in the work plan. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(e) National Loon Center**

\$4,000,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the National Loon Center Foundation, in partnership with a fiscal agent to be approved by the Legislative-Citizen Commission on Minnesota Resources, to construct an approximately 15,000-square-foot National Loon Center in Cross Lake dedicated to loon survival, loon habitat protection and research, and recreation. Of this amount, up to \$1,449,000 is for planning, design, and construction of approximately six outdoor demonstration learning kiosks, interpretive trails, boardwalks and boat docks, a fishing dock, and native landscaping along

approximately 3,100 feet of shoreline. Any remaining funds are for planning, engineering, and constructing the building and indoor exhibits. A land lease commitment of at least 25 years and fiscal sponsorship must be secured before any trust fund money is spent. This project requires a match of at least \$6,000,000. At least \$2,000,000 of this match must come from nonstate sources. If naming rights will be conveyed, the National Loon Center Foundation must include a plan for this in the work plan. All matching funds must be legally committed before any trust fund money may be spent on planning activities for or construction of the building and indoor exhibits. Net income generated from admissions, naming rights, and memberships to the National Loon Center as a result of trust fund contributions may be reinvested in the center's long-term loon conservation efforts as described in the work plan approved by the Legislative-Citizen Commission on Minnesota Resources according to Minnesota Statutes, section 116P.10.

**(f) Accessible Fishing Piers**

\$320,000 the first year is from the trust fund to the commissioner of natural resources to provide accessible fishing piers in locations that have a high potential to serve new angling communities, underserved populations, and anglers with physical disabilities. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(g) Mesabi Trail Extensions**

\$3,000,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the St. Louis and Lake Counties Regional Railroad Authority for environmental assessment, permitting, right-of-way easements or other acquisition as needed, and engineering for and construction of four trail segments beginning and ending at the following approximate locations: Darwin Meyers Wildlife Management Area to County Road 21, Embarrass to Kugler, County Road 128 to the Eagles Nest Town Hall, and Wolf Creek to the Highway 169 underpass.

**(h) Birch Lake Recreation Area Campground**

\$350,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Babbitt to expand Birch Lake Recreation Area by adding a new campground for recreational vehicles and tent campers. This project requires a match of at least \$2,800,000 that must be secured before trust fund money is spent. At least \$800,000 of this match must come from the city of Babbitt. Net income generated from admissions to the campground created as a result of trust fund contributions may be reinvested into the campground's long-term operations as described in the work plan approved by the Legislative-Citizen Commission on Minnesota Resources according to Minnesota Statutes, section 116P.10.

**(i) Britton Peak to Lutsen Mountain Bike Trail**

\$350,000 the first year are from the trust fund to the commissioner of natural resources for an agreement with the Superior Cycling Association to create a sustainably designed single-track mountain bike trail connecting trail clusters and trailheads between Britton Peak in Tofte and Lutsen Mountains as part of northeast Minnesota's effort to become a national recreation destination. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(j) Preserving Avon Hills with Reverse-Bidding Easements**

\$1,600,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with Saint John's University in cooperation with Minnesota Land Trust to restore and enhance protected lands, provide public outreach, and prepare management plans for and use a reverse-bid ranking system to secure permanent conservation easements on high-quality natural habitat in the Avon Hills area of Stearns County. Of this amount, up to \$168,000 is for use by Minnesota Land Trust in a monitoring fund as approved in the work plan and subject to Minnesota Statutes, section 116P.20. An annual financial report is required for any monitoring, management, and enforcement fund, including expenditures from the fund. A proposed list of acquisitions and restorations must be provided in the work plan. This appropriation

is available until June 30, 2024, by which time the project must be completed and final products delivered.

**(k) Bailey Lake Trail and Fishing Pier**

\$550,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Virginia to reconstruct the existing Bailey Lake Trail and construct a new fishing pier on Bailey Lake that is accessible from the trail.

**(l) Vergas Long Lake Trail**

\$290,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Vergas to construct a bicycle and pedestrian bridge, trail, and floating boardwalk along Long Lake including shoreline restoration and stabilization with native plants. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(m) Glacial Edge Trail and Downtown Pedestrian Bridge**

\$600,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Fergus Falls to acquire easements for and construct a trail along the Otter Tail River in downtown Fergus Falls and a bicycle and pedestrian bridge crossing the river. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(n) Crane Lake to Vermilion Falls Trail**

\$400,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with St. Louis County in cooperation with Voyageur Country ATV Club to designate and improve a wooded trail from Crane Lake to Vermilion Falls to accommodate all-terrain vehicle and snowmobile users. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(o) Restoring Five Sections of Superior Hiking Trail**

\$191,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Superior Hiking Trail Association to restore and repair the most damaged parts of five sections of the Superior Hiking Trail and restore an abandoned route to a natural footpath for hikers.

**(p) Rainy Lake Recreational Access and Boat Wash Station**

\$200,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Ranier to enhance and increase public access to Rainy Lake by constructing an Americans with Disabilities Act (ADA)-compliant recreational parking lot, an ADA-compliant public restroom, and an aquatic invasive species boat wash station.

**(q) Historic Bruce Mine Park and Mesabi Trailhead**

\$1,000,000 the first year is from the trust fund to the commissioner of natural resources for a grant to the St. Louis and Lake Counties Regional Railroad Authority to engineer, design, renovate, and construct the Historic Bruce Mine Park and Mesabi Trailhead and access in the city of Chisholm. This appropriation is available until June 30, 2023, by which time the project must be completed and final products delivered.

**Subd. 10. Administration and Contract Agreement**

<b><u>Reimbursement</u></b>	<u>330,000</u>	<u>1,538,000</u>	<u>-0-</u>
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**(a) Contract Agreement Reimbursement**

\$135,000 the first year is from the trust fund to the commissioner of natural resources, at the direction of the Legislative-Citizen Commission on Minnesota Resources, for expenses incurred for preparing and administering contracts for the agreements specified in this section. The commissioner must provide documentation to the Legislative-Citizen Commission on Minnesota Resources on the expenditure of these funds. This appropriation is available until June 30, 2021, by which time the project must be completed and final products delivered.

**(b) Legislative-Citizen Commission on Minnesota Resources (LCCMR) Administration**

\$1,400,000 the first year is from the trust fund to the Legislative-Citizen Commission on Minnesota Resources for administration in fiscal years 2020 and 2021 as provided in Minnesota Statutes, section 116P.09, subdivision 5.

**(c) Legislative Coordinating Commission (LCC) Administration**

\$3,000 the first year is from the trust fund to the Legislative Coordinating Commission for the website required in Minnesota Statutes, section 3.303, subdivision 10.

**(d) Grants Management System**

\$330,000 in fiscal year 2019 is from the trust fund to the Legislative-Citizen Commission on Minnesota Resources to develop, enhance, and maintain a management system for project records.

**Subd. 11. Wastewater Treatment Recommendations**500,000-0-**(a) Water Infrastructure Loans**

Up to \$5,000,000 of the money in the trust fund is available to the State Board of Investment to invest in loans through the Public Facilities Authority's clean water revolving fund under Minnesota Statutes, section 446A.07. Notwithstanding Minnesota Statutes, section 446A.07, repayments of principal and interest and any investment income must be credited to the trust fund and are available for reinvestment in the clean water revolving fund.

**(b) Optimizing Local Mechanical and Pond Wastewater-Treatment Plants**

\$500,000 the first year is from the trust fund to the commissioner of the Pollution Control Agency for the pilot program created under Laws 2018, chapter 214, article 4, section 2, subdivision 4, paragraph (a). This appropriation is available until June 30, 2021, by which time projects must be completed and final products delivered.



**Subd. 12. Availability of Appropriations**

Money appropriated in this section may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the work plan approved by the Legislative-Citizen Commission on Minnesota Resources. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Costs that are directly related to and necessary for an appropriation, including financial services, human resources, information services, rent, and utilities, are eligible only if the costs can be clearly justified and individually documented specific to the appropriation's purpose and would not be generated by the recipient but for receipt of the appropriation. No broad allocations for costs in either dollars or percentages are allowed. Unless otherwise provided, the amounts in this section are available until June 30, 2022, when projects must be completed and final products delivered. For acquisition of real property, the appropriations in this section are available for an additional fiscal year if a binding contract for acquisition of the real property is entered into before the expiration date of the appropriation. If a project receives a federal grant, the time period of the appropriation is extended to equal the federal grant period.

**Subd. 13. Data Availability Requirements**

Data collected by the projects funded under this section must conform to guidelines and standards adopted by MN.IT Services. Spatial data must also conform to additional guidelines and standards designed to support data coordination and distribution that have been published by the Minnesota Geospatial Information Office. Descriptions of spatial data must be prepared as specified in the state's geographic metadata guideline and must be submitted to the Minnesota Geospatial Information Office. All data must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13. To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet and identified as

having received funding from the environment and natural resources trust fund.

**Subd. 14. Project Requirements**

(a) As a condition of accepting an appropriation under this section, an agency or entity receiving an appropriation or a party to an agreement from an appropriation must comply with paragraphs (b) to (l) and Minnesota Statutes, chapter 116P, and must submit a work plan and annual or semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources for any project funded in whole or in part with funds from the appropriation. Modifications to the approved work plan and budget expenditures must be made through the amendment process established by the Legislative-Citizen Commission on Minnesota Resources.

(b) A recipient of money appropriated in this section that conducts a restoration using funds appropriated in this section must use native plant species according to the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines and include an appropriate diversity of native species selected to provide habitat for pollinators throughout the growing season as required under Minnesota Statutes, section 84.973.

(c) For all restorations conducted with money appropriated under this section, a recipient must prepare an ecological restoration and management plan that, to the degree practicable, is consistent with the highest-quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success and durability of the restoration project. The plan must include the proposed timetable for implementing the restoration, including site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and take advantage of the best-available science and include innovative techniques to achieve the best restoration.

(d) An entity receiving an appropriation in this section for restoration activities must provide an initial restoration evaluation at the completion of the appropriation and an evaluation three years after the completion of the expenditure. Restorations must be evaluated relative to the stated goals and standards in the restoration plan, current science, and, when applicable, the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. The evaluation must determine whether the restorations are meeting planned goals, identify any problems with implementing the restorations, and, if necessary, give recommendations on improving restorations. The evaluation must be focused on improving future restorations.

(e) All restoration and enhancement projects funded with money appropriated in this section must be on land permanently protected by a conservation easement or public ownership.

(f) A recipient of money from an appropriation under this section must give consideration to contracting with Conservation Corps Minnesota for contract restoration and enhancement services.

(g) All conservation easements acquired with money appropriated under this section must:

(1) be permanent;

(2) specify the parties to an easement in the easement;

(3) specify all of the provisions of an agreement that are permanent;

(4) be sent to the Legislative-Citizen Commission on Minnesota Resources in an electronic format at least ten business days before closing;

(5) include a long-term monitoring and enforcement plan and funding for monitoring and enforcing the easement agreement; and

(6) include requirements in the easement document to protect the quantity and quality of groundwater and surface water through specific activities such as keeping water on the landscape, reducing nutrient and contaminant loading, and not permitting artificial hydrological modifications.

(h) For any acquisition of lands or interest in lands, a recipient of money appropriated under this section must not agree to pay more than 100 percent of the appraised value for a parcel of land using this money to complete the purchase, in part or in whole, except that up to ten percent above the appraised value may be allowed to complete the purchase, in part or in whole, using this money if permission is received in advance of the purchase from the Legislative-Citizen Commission on Minnesota Resources.

(i) For any acquisition of land or interest in land, a recipient of money appropriated under this section must give priority to high-quality natural resources or conservation lands that provide natural buffers to water resources.

(j) For new lands acquired with money appropriated under this section, a recipient must prepare an ecological restoration and management plan in compliance with paragraph (c), including sufficient funding for implementation unless the work plan addresses why a portion of the money is not necessary to achieve a high-quality restoration.

(k) To ensure public accountability for using public funds, a recipient of money appropriated under this section must, within 60 days of the transaction, provide to the Legislative-Citizen Commission on Minnesota Resources documentation of the selection process used to identify parcels acquired and provide documentation of all related transaction costs, including but not limited to appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient must also report to the Legislative-Citizen Commission on Minnesota Resources any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal, if a state-certified or state-reviewed appraisal was conducted.

(l) A recipient of an appropriation from the trust fund under this section must acknowledge financial support from the environment and natural resources trust fund in project publications, signage, and other public communications and outreach related to work completed using the appropriation. Acknowledgment may occur, as appropriate, through use of the trust fund

logo or inclusion of language attributing support from the trust fund. Each direct recipient of money appropriated in this section, as well as each recipient of a grant awarded pursuant to this section, must satisfy all reporting and other requirements incumbent upon constitutionally dedicated funding recipients as provided in Minnesota Statutes, section 3.303, subdivision 10, and chapter 116P.

**Subd. 15. Payment Conditions and Capital-Equipment Expenditures**

(a) All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2019, or the date the work plan is approved, whichever is later, are eligible for reimbursement unless otherwise provided in this section. Periodic payments must be made upon receiving documentation that the deliverable items articulated in the approved work plan have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash-flow needs or match federal money. The advances must be approved as part of the work plan. No expenditures for capital equipment are allowed unless expressly authorized in the project work plan.

(b) Single-source contracts as specified in the approved work plan are allowed.

**Subd. 16. Purchase of Recycled and Recyclable Materials**

A political subdivision, public or private corporation, or other entity that receives an appropriation under this section must use the appropriation in compliance with Minnesota Statutes, section 16C.0725, regarding purchasing recycled, repairable, and durable materials and Minnesota Statutes, section 16C.073, regarding purchasing and using paper stock and printing.

**Subd. 17. Energy Conservation and Sustainable Building Guidelines**

A recipient to whom an appropriation is made under this section for a capital improvement project must ensure that the project complies with the applicable

energy conservation and sustainable building guidelines and standards contained in law, including Minnesota Statutes, sections 16B.325, 216C.19, and 216C.20, and rules adopted under those sections. The recipient may use the energy planning, advocacy, and State Energy Office units of the Department of Commerce to obtain information and technical assistance on energy conservation and alternative-energy development relating to planning and constructing the capital improvement project.

**Subd. 18. Accessibility**

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

**Subd. 19. Carryforward; Extension**

(a) The availability of the appropriations for the following projects is extended to June 30, 2020:

(1) Laws 2014, chapter 226, section 2, subdivision 10, paragraph (c), Legislative-Citizen Commission on Minnesota Resources (LCCMR);

(2) Laws 2015, chapter 76, section 2, subdivision 3, paragraph (g), Minnesota Native Bee Atlas;

(3) Laws 2015, chapter 76, section 2, subdivision 4, paragraph (f), Southeast Minnesota Subsurface Drainage Impacts on Groundwater Recharge;

(4) Laws 2015, chapter 76, section 2, subdivision 10, Emerging Issues Account;

(5) Laws 2016, chapter 186, section 2, subdivision 3, paragraph (a), Data-Driven Pollinator Conservation Strategies;

(6) Laws 2016, chapter 186, section 2, subdivision 3, paragraph (c), Prairie Butterfly Conservation, Research, and Breeding - Phase II;

(7) Laws 2016, chapter 186, section 2, subdivision 4, paragraph (h), Protection of State's Confined Drinking Water Aquifers - Phase II;

(8) Laws 2016, chapter 186, section 2, subdivision 4, paragraph (r), Morrison County Performance Drainage and Hydrology Management;

(9) Laws 2016, chapter 186, section 2, subdivision 6, paragraph (c), Advancing Microbial Invasive Species Monitoring from Ballast Discharge;

(10) Laws 2016, chapter 186, section 2, subdivision 6, paragraph (e), Elimination of Target Invasive Plant Species - Phase II;

(11) Laws 2016, chapter 186, section 2, subdivision 8, paragraph (a), Bee Pollinator Habitat Enhancement - Phase II;

(12) Laws 2016, chapter 186, section 2, subdivision 8, paragraph (b), Measuring Pollen and Seed Dispersal for Prairie Fragment Connectivity;

(13) Laws 2016, chapter 186, section 2, subdivision 8, paragraph (f), Forest Management for Mississippi River Drinking Water Protection;

(14) Laws 2016, chapter 186, section 2, subdivision 9, paragraph (b), Minnesota Point Pine Forest Scientific and Natural Area Acquisition; and

(15) Laws 2017, chapter 96, section 2, subdivision 4, paragraph (a), Assessment of Household Chemicals and Herbicides in Rivers and Lakes.

(b) The availability of the appropriation under Laws 2017, chapter 96, section 2, subdivision 7, paragraph (b), Assessment of Urban Air Quality, is extended to June 30, 2021.

Sec. 3. Laws 2015, chapter 76, section 2, subdivision 9, as amended by Laws 2018, chapter 214, article 4, section 5, is amended to read:

**Subd. 9. Land Acquisition for Habitat and Recreation**

14,190,000

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**(a) State Parks and Trails Land Acquisitions**

\$1,500,000 the first year is from the trust fund to the commissioner of natural resources to acquire at least 335 acres for authorized state trails and critical parcels within the statutory boundaries of state parks. State park land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. A list of proposed acquisitions must be provided as part of the required work plan. This appropriation is available until June

30, 2018, by which time the project must be completed and final products delivered.

**(b) Metropolitan Regional Park System Land Acquisition - Phase IV**

\$1,000,000 the first year is from the trust fund to the Metropolitan Council for grants to acquire ~~at least 133~~ approximately 90 acres of lands within the approved park unit boundaries of the metropolitan regional park system. This appropriation may not be used to purchase habitable residential structures. A list of proposed fee title and easement acquisitions must be provided as part of the required work plan. This appropriation must be matched by at least 40 percent of nonstate money that must be committed by December 31, 2015, or the appropriation cancels. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

**(c) SNA Acquisition, Restoration, Enhancement, and Public Engagement**

\$4,000,000 the first year is from the trust fund to the commissioner of natural resources to acquire at least 350 acres of lands with high-quality native plant communities and rare features to be established as scientific and natural areas as provided in Minnesota Statutes, section 86A.05, subdivision 5, restore and improve at least 550 acres of scientific and natural areas, and provide technical assistance and outreach. A list of proposed acquisitions must be provided as part of the required work plan. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

**(d) Native Prairie Stewardship and Prairie Bank Easement Acquisition**

\$3,325,000 the first year is from the trust fund to the commissioner of natural resources to acquire native prairie bank easements on at least 675 acres, prepare baseline property assessments, restore and enhance at least 1,000 acres of native prairie sites, and provide technical assistance to landowners. Of this amount, up to \$195,000 must be deposited in a conservation



easement stewardship account. Deposits into the conservation easement stewardship account must be made upon closing on conservation easements or at a time otherwise approved in the work plan. A list of proposed easement acquisitions must be provided as part of the required work plan. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

**(e) Metro Conservation Corridors - Phase VIII Coordination, Mapping, and Conservation Easements**

\$515,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Land Trust for Phase VIII of the Metro Conservation Corridors partnership to provide coordination and mapping for the partnership and to acquire permanent conservation easements on at least 120 acres of strategic ecological landscapes to protect priority natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties. A list of proposed easement acquisitions must be provided as part of the required work plan. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work plan. Up to \$40,000 may be used for coordination and mapping for the Metro Conservation Corridors. All conservation easements must be perpetual and have a natural resource management plan. A list of proposed easement acquisitions must be provided as part of the required work plan. This appropriation is available June 30, 2018, by which time the project must be completed and final products delivered.

**(f) Metro Conservation Corridors - Phase VIII Strategic Lands Protection**

\$750,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with The Trust for Public Land for Phase VIII of the Metro Conservation Corridors partnership to acquire in fee at least 35 acres of high-quality priority state and local natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121,

subdivision 2, and portions of the surrounding counties. A list of proposed acquisitions must be provided as part of the required work plan. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work plan. This appropriation may not be used to purchase habitable residential structures, unless expressly approved in the work plan. A list of fee title acquisitions must be provided as part of the required work plan. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

**(g) Metro Conservation Corridors - Phase VIII  
Priority Expansion of Minnesota Valley National  
Wildlife Refuge**

\$500,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Valley National Wildlife Refuge Trust, Inc. for Phase VIII of the Metro Conservation Corridors partnership to acquire in fee at least 100 acres of priority habitat for the Minnesota Valley National Wildlife Refuge in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties. A list of proposed acquisitions must be provided as part of the required work plan. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards. Expenditures are limited to the identified project corridor areas as defined in the work plan. This appropriation may not be used to purchase habitable residential structures, unless expressly approved in the work plan. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

**(h) Metro Conservation Corridors - Phase VIII  
Wildlife Management Area Acquisition**

\$400,000 the first year is from the trust fund to the commissioner of natural resources for Phase VIII of the Metro Conservation Corridors partnership to acquire in fee at least 82 acres along the lower reaches of the Vermillion River in Dakota County within the

Gores Pool Wildlife Management Area. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards. This appropriation may not be used to purchase habitable residential structures, unless expressly approved in the work plan. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

**(i) Mesabi Trail Development Soudan to Ely - Phase II**

\$1,000,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the St. Louis and Lake Counties Regional Railroad Authority for the right-of-way acquisition, design, and construction of segments of the Mesabi Trail, totaling approximately seven miles between Soudan and Ely. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

**(j) Multi-benefit Watershed Scale Conservation on North Central Lakes**

\$950,000 the first year is from the trust fund to the Board of Water and Soil Resources to secure permanent conservation easements on at least 480 acres of high-quality habitat in Crow Wing and Cass Counties. Of this amount, up to \$65,000 must be deposited in a conservation easement stewardship account; and \$54,000 is for an agreement with the Leech Lake Area Watershed Foundation in cooperation with Crow Wing County Soil and Water Conservation District and Cass County Soil and Water Conservation District. Deposits into the conservation easement stewardship account must be made upon closing on conservation easements or at a time otherwise approved in the work plan. A list of proposed easement acquisitions must be provided as part of the required work plan. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

**(k) Conservation Easement Assessment and Valuation System Development**

\$250,000 the first year is from the trust fund to the Board of Regents of the University of Minnesota to assess the effectiveness of existing conservation

easements acquired through state expenditures at achieving their intended outcomes of public value and ecological benefits and to develop a standardized, objective conservation easement valuation system for guiding future state investments in conservation easements to ensure the proposed environmental benefits are being achieved in a cost-effective manner. This appropriation is available until June 30, 2018, by which time the project must be completed and final products delivered.

Sec. 4. Laws 2017, chapter 96, section 2, subdivision 9, is amended to read:

**Subd. 9. Land Acquisition,  
Habitat, and Recreation**

999,000

13,533,000

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**(a) Metropolitan Regional Parks System Land  
Acquisition**

\$1,500,000 the first year is from the trust fund to the Metropolitan Council for grants to acquire approximately ~~497~~ 70 acres of land within the approved park boundaries of the metropolitan regional park system. This appropriation may not be used to purchase habitable residential structures. A list of proposed fee title acquisitions must be provided as part of the required work plan. This appropriation must be matched by at least 40 percent of nonstate money that must be committed by December 31, 2017. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

**(b) Scientific and Natural Areas Acquisition and  
Restoration, Citizen Science, and Engagement**

\$2,500,000 the first year is from the trust fund to the commissioner of natural resources to acquire ~~at least 250 acres of~~ land with high-quality native plant communities and rare features to be established as scientific and natural areas as provided in Minnesota Statutes, section 86A.05, subdivision 5, restore and improve ~~at least 1,000 acres of~~ scientific and natural areas, and provide technical assistance and outreach, including site steward events. At least one-third of the appropriation must be spent on restoration activities. A list of proposed acquisitions and restorations must be provided as part of the required work plan. Land acquired with this appropriation must be sufficiently

improved to meet at least minimum management standards, as determined by the commissioner of natural resources. When feasible, consideration must be given to accommodate trails on lands acquired. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

**(c) Minnesota State Parks and State Trails Land Acquisition**

\$1,500,000 the first year is from the trust fund to the commissioner of natural resources to acquire approximately 373 acres from willing sellers for authorized state trails and critical parcels within the statutory boundaries of state parks. State park land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. A list of proposed acquisitions must be provided as part of the required work plan. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

**(d) Minnesota State Trails Acquisition, Development, and Enhancement**

\$999,000 in fiscal year 2017 and \$39,000 the first year are from the trust fund to the commissioner of natural resources for state trail acquisition, development, and enhancement in southern Minnesota. A proposed list of trail projects on authorized state trails must be provided as part of the required work plan. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

**(e) Native Prairie Stewardship and Prairie Bank Easement Acquisition**

\$2,675,000 the first year is from the trust fund to the commissioner of natural resources to acquire native prairie bank easements in accordance with Minnesota Statutes, section 84.96, on approximately ~~335~~ 250 acres, prepare baseline property assessments, restore and enhance ~~at least 570 acres of~~ native prairie sites, and provide technical assistance to landowners. Of this amount, up to \$132,000 may be deposited in a

conservation easement stewardship account. Deposits into the conservation easement stewardship account must be made upon closing on conservation easements or at a time otherwise approved in the work plan. A list of proposed easement acquisitions must be provided as part of the required work plan. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

**(f) Leech Lake Acquisition**

\$1,500,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the Leech Lake Band of Ojibwe to acquire approximately 45 acres, including 0.67 miles of shoreline of high-quality aquatic and wildlife habitat at the historic meeting place between Henry Schoolcraft and the Anishinabe people. The land must be open to public use including hunting and fishing. The band must provide a commitment that land will not be put in a federal trust through the Bureau of Indian Affairs.

**(g) Mesabi Trail Development**

\$2,269,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the St. Louis and Lake Counties Regional Railroad Authority for engineering and constructing segments of the Mesabi Trail. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

**(h) Tower Trailhead Boat Landing and Habitat Improvement - Phase II**

\$600,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the city of Tower to construct a trailhead and boat landing and restore vegetative habitat on city-owned property. Plant and seed materials must follow the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. This appropriation is available until June 30, 2020, by which time the project must be completed and final products delivered.

**(i) Land Acquisition for Voyageurs National Park Crane Lake Visitors Center**

\$950,000 the first year is from the trust fund to the commissioner of natural resources for an agreement with the town of Crane Lake, in partnership with Voyageurs National Park and the Department of Natural Resources, to acquire approximately 30 acres to be used for a visitor center and campground. Income generated by the campground may be used to support the facility.

**Sec. 5. TRANSFER.**

On June 30, 2019, any unencumbered money from Laws 2017, chapter 96, section 2, subdivision 10, paragraph (b), is transferred to the grants management system under Laws 2016, chapter 186, section 2, subdivision 10, paragraph (b).

**Sec. 6. EFFECTIVE DATE.**

Sections 1 to 5 are effective the day following final enactment.

**ARTICLE 3****ENVIRONMENT AND NATURAL RESOURCES****Section 1. [1.1465] STATE BEE.**

Subdivision 1. **Rusty patched bumble bee.** The rusty patched bumble bee, *Bombus affinis*, is the official bee of the state of Minnesota.

Subd. 2. **Photograph.** A photograph of the rusty patched bumble bee must be preserved in the Office of the Secretary of State.

Sec. 2. Minnesota Statutes 2018, section 17.035, subdivision 1, is amended to read:

Subdivision 1. **Reimbursement.** A meat processor holding a license under chapter 28A may apply to the commissioner of agriculture for reimbursement of ~~\$70~~ \$150 towards the processor's reasonable and documented cost of processing donated deer, as determined by the commissioner within the limits of available funding. The meat processor shall deliver the deer, processed into cuts or ground meat, to a charitable organization that is registered under chapter 309 and with the commissioner of agriculture and that operates a food assistance program. To request reimbursement, the processor shall submit an application, on a form prescribed by the commissioner of agriculture, the tag number under which the deer was taken, and a receipt for the deer from the charitable organization.

Sec. 3. Minnesota Statutes 2018, section 35.155, subdivision 4, is amended to read:

Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed Cervidae or entry into the premises by free-roaming Cervidae.

After the effective date of this section, all new fencing installed and all fencing used to repair deficiencies must be high tensile. By December 1, 2019, all entry areas for farmed Cervidae enclosure areas must have two redundant gates, which must be maintained to prevent the escape of animals through an open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner must repair the deficiency within a reasonable time, as determined by the Board of Animal Health, not to exceed 45 days. If a fence deficiency is detected during an inspection, the facility must be reinspected at least once in the subsequent three months. The farmed Cervidae owner must pay a reinspection fee equal to one-half the applicable annual inspection fee under subdivision 7a for each reinspection related to a fence violation. If the facility experiences more than one escape incident in any six-month period or fails to correct a deficiency found during an inspection, the board may revoke the facility's registration and order the owner to remove or destroy the animals as directed by the board. If the board revokes a facility's registration, the commissioner of natural resources may seize and destroy animals at the facility.

Sec. 4. Minnesota Statutes 2018, section 35.155, subdivision 6, is amended to read:

Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by the Board of Animal Health. The identification must include a distinct number that has not been used during the previous three years and must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. ~~Newborn animals~~ White-tailed deer must be identified before December ~~October~~ 31 of the year in which the animal is born, at the time of weaning, or before movement from the premises, whichever occurs first. Elk and other cervids must be identified by December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first. As coordinated by the board, the commissioner of natural resources may destroy any animal that is not identified as required under this subdivision.

(b) The Board of Animal Health shall register farmed Cervidae. The owner must submit the registration request on forms provided by the board. The forms must include sales receipts or other documentation of the origin of the Cervidae. The board ~~shall~~ must provide copies of the registration information to the commissioner of natural resources upon request. The owner must keep written records of the acquisition and disposition of registered farmed Cervidae.

Sec. 5. Minnesota Statutes 2018, section 35.155, subdivision 7, is amended to read:

Subd. 7. **Inspection.** ~~The commissioner of agriculture and~~ (a) The Board of Animal Health may ~~must~~ annually inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records. For each herd, the owner or owners must, on or before January 1, pay an annual inspection fee equal to \$10 for each cervid in the herd as reflected in the most recent inventory submitted to the Board of Animal Health, up to a maximum fee of \$100. As coordinated by the board, the commissioner of agriculture and an enforcement officer as defined under section 97A.015, subdivision 18, may participate in the inspection.

(b) The annual inspection must include a physical inspection of all perimeter fencing around the facility and a viewing to verify that all animals are tagged. The owner of a farmed Cervidae facility must present to the inspectors an accurate inventory of the owner's farmed Cervidae and other records for review. During an annual inspection, the owner must present individual animals in a herd for a physical inventory, if required by the board.

(c) The commissioner of natural resources may inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records with reasonable suspicion that laws protecting native wild animals have been violated and must notify the owner in writing at the time of the inspection of the reason for the inspection and must inform the owner in writing after the inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an ongoing investigation or continuing evaluation.



Sec. 6. Minnesota Statutes 2018, section 35.155, is amended by adding a subdivision to read:

Subd. 7a. **Inspection fees.** For each herd, the owner must, on or before January 1, pay to the board an annual inspection fee of:

(1) \$500 if the owner manages the herd for profit or monetary gain and engages in transactions or exchanges for consideration, including sale, barter, the offer to sell, or possession with the intent to sell;

(2) \$500 if the owner sells the ability to shoot animals in the herd;

(3) \$500 if the herd consists of more than one species; or

(4) \$250 for all other herds.

Sec. 7. Minnesota Statutes 2018, section 35.155, subdivision 9, is amended to read:

Subd. 9. **Contested case hearing.** (a) A person raising farmed Cervidae that is aggrieved with any decision regarding the farmed Cervidae may request a contested case hearing under chapter 14.

(b) A person requesting a contested case hearing regarding a registration revocation under this section must make the request within 30 days of the revocation notice.

Sec. 8. Minnesota Statutes 2018, section 35.155, subdivision 10, is amended to read:

Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed Cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.

(b) A person whose registration is revoked by the board is ineligible for future registration under this section unless the board determines that the person has undertaken measures that make future escapes extremely unlikely.

Sec. 9. Minnesota Statutes 2018, section 35.155, subdivision 11, is amended to read:

Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a) An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian and filed with the Board of Animal Health every 12 months.

(b) Movement of farmed Cervidae from any premises to another location must be reported to the Board of Animal Health within 14 days of the movement on forms approved by the Board of Animal Health.

(c) All animals from farmed Cervidae herds that are over ~~16~~ 12 months of age that die or are slaughtered must be tested for chronic wasting disease.

(d) The owner of a premises where chronic wasting disease is detected must:

(1) depopulate the premises of Cervidae after the appraisal process for federal indemnification has been completed or, if an indemnification application is not submitted, within a reasonable time determined by the board in consultation with the commissioner of natural resources;

(2) maintain the fencing required under subdivision 4 on the premises for five years after the date of detection; and

(3) post the fencing on the premises with biohazard signs as directed by the board.

Sec. 10. **[35.156] CHRONIC WASTING DISEASE.**

Subdivision 1. **Oversight.** The legislative committees and divisions with jurisdiction over agriculture policy and finance and environment and natural resources policy and finance may meet quarterly to receive updates from the commissioners of agriculture, health, and natural resources, the Board of Animal Health, and the University of Minnesota on chronic wasting disease activities undertaken by the reporting agency in the previous quarter.

Subd. 2. **Federal fund account.** Money granted to the state by the federal government for purposes of chronic wasting disease must be credited to a separate account in the federal fund and is annually appropriated to the commissioner of agriculture for the purposes for which the federal grant was made according to section 17.03.

Sec. 11. Minnesota Statutes 2018, section 84.026, is amended by adding a subdivision to read:

Subd. 4. **Paying grant-eligible expenditures.** Notwithstanding section 16A.41, the commissioner may make payments for otherwise eligible grant-program expenditures that are made on or after the effective date of the appropriation that funds the payments for:

(1) grants-in-aid under sections 84.794, 84.803, 84.83, 84.927, and 85.44;

(2) local recreation grants under section 85.019; and

(3) enforcement and public education grants under sections 84.794, 84.803, 84.83, 84.927, 86B.701, 86B.705, and 87A.10.

Sec. 12. Minnesota Statutes 2018, section 84.027, subdivision 18, is amended to read:

Subd. 18. **Permanent school fund authority; reporting.** (a) The commissioner of natural resources has the authority and responsibility ~~for the administration of~~ to administer school trust lands under sections ~~92.121~~ 92.122 and 127A.31. The commissioner shall biannually report to the Legislative Permanent School Fund Commission and the legislature on the management of the school trust lands that shows how the commissioner has and will continue to achieve the following goals:

(1) manage the school trust lands efficiently and in a manner that reflects the undivided loyalty to the beneficiaries consistent with the commissioner's fiduciary duties;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands, requiring returns of not less than fair market value, to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands;

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles;

(5) optimize school trust land revenues and maximize the value of the trust consistent with ~~the~~ balancing of short-term and long-term interests, so that long-term benefits are not lost in an effort to maximize short-term gains; and

(6) maintain the integrity of the trust and prevent the misapplication of its lands and its revenues.

(b) When the commissioner finds an irresolvable conflict between maximizing the long-term economic return and protecting natural resources and recreational values on school trust lands, the commissioner shall give precedence to the long-term economic return in managing school trust lands. By July 1, 2018, the permanent school fund ~~shall~~ must be compensated for all school trust lands included under a designation or policy provision that prohibits long-term economic return. The commissioner shall submit recommendations to the appropriate legislative committees and divisions on methods of funding for the compensation required under this paragraph, including recommendations for appropriations from the general fund, nongeneral funds, and the state bond fund. Any uncompensated designation or policy provision restrictions on the long-term economic return on school trust lands remaining after July 1, 2018, ~~shall~~ must be compiled and submitted to the Legislative Permanent School Fund Commission for review.

(c) By December 31, 2013, the report required under paragraph (a) ~~shall~~ must provide an inventory and identification of all school trust lands that are included under a designation or policy provision that prohibits long-term economic return. The report ~~shall~~ must include a plan to compensate the permanent school fund through the purchase or exchange of the lands or a plan to manage the school trust land to generate long-term economic return to the permanent school fund. Subsequent reports under paragraph (a) ~~shall~~ must include a status report of the commissioner's progress in maximizing the long-term economic return on lands identified in the 2013 report.

(d) When future management practices, policies, or designations or policies by the commissioner diminish or prohibit the long-term economic return on school trust land, the conflict ~~shall~~ must be resolved ~~by compensating the permanent school fund through an exchange or purchase of the lands before designation or application of the policy as provided in section 92.122.~~

Sec. 13. Minnesota Statutes 2018, section 84.0895, subdivision 2, is amended to read:

Subd. 2. **Application.** (a) Subdivision 1 does not apply to:

(1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13, ~~or on ditches and roadways a ditch, or on an existing public road right-of-way as defined in section 84.92, subdivision 6a, except for ground not previously disturbed by construction or maintenance;~~ and

(2) noxious weeds designated pursuant to sections 18.76 to 18.88 or to weeds otherwise designated as troublesome by the Department of Agriculture.

(b) If control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as a reasonable effort is taken to preserve the endangered plant species first.

(c) The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in the application of the pesticide or other chemical to avoid impact on adjacent lands. For the purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste land, or other land for which the owner receives a state paid wetlands or native prairie tax credit.

(d) The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, is not a violation of subdivision 1.

**Sec. 14. [84.0896] TRADE IN PROHIBITED ANIMAL PARTS PROHIBITED.**

**Subdivision 1. Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Antique" means an item that:

(1) contains no more than 200 grams of prohibited animal part as a fixed component of an item that is not made wholly or partially from a prohibited animal part; and

(2) is documented to be at least 100 years old.

(c) "Prohibited animal part" means any of the following:

(1) a tooth or tusk from any species of elephant, hippopotamus, mammoth, mastodon, walrus, whale, or narwhal, or any piece thereof, whether raw or worked;

(2) a product containing any of the materials described in clause (1);

(3) a horn; piece of horn; or derivative of a horn, such as a powder, of any species of rhinoceros; and

(4) a product containing any of the materials described in clause (3).

(d) "Sell" or "sale" means an exchange for consideration and includes barter and possession with intent to sell. The term does not include a transfer of ownership by gift, donation, or bequest.

**Subd. 2. Prohibition.** A person shall not purchase or sell any item that the person knows or should know is a prohibited animal part.

**Subd. 3. Exceptions.** (a) Subdivision 2 does not prohibit the sale or purchase of a prohibited animal part if the sale or purchase is:

(1) undertaken as part of law enforcement activities;

(2) expressly authorized by federal law;

(3) of an antique;

(4) of a musical instrument containing a lawfully acquired fixed component made of no more than 200 grams of prohibited animal part; or

(5) of a prohibited animal part by a bona fide educational or scientific institution that is a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code.

(b) Subdivision 2 does not prohibit possession of a cultural artifact containing a prohibited animal part.

**Subd. 4. Disposition of seized prohibited animal parts.** Notwithstanding any other provision of law, a prohibited animal part seized under this section must, upon a conviction, be forfeited to the state and either destroyed or given to a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code, for an educational or scientific purpose.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 84.775, subdivision 1, is amended to read:

Subdivision 1. **Civil citation; authority to issue.** (a) A conservation officer or other licensed peace officer may issue a civil citation to a person who operates:

(1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause (1); 84.777; 84.788 to 84.795; or 84.90;

(2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1); 84.777; 84.798 to 84.804; or 84.90; or

(3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1); 84.777; 84.90; or 84.922 to 84.928.

(b) A civil citation under paragraph (a) shall require restitution for public and private property damage and impose a penalty of:

(1) \$100 for the first offense;

(2) \$200 for the second offense; and

(3) \$500 for third and subsequent offenses.

(c) A conservation officer or other licensed peace officer may issue a civil citation to a person who operates an off-highway motorcycle, off-road vehicle, or all-terrain vehicle in violation of section 84.773, subdivision 2, clause (2) or (3). A civil citation under this paragraph shall require restitution for damage to wetlands and impose a penalty of:

(1) \$100 for the first offense;

(2) \$500 for the second offense; and

(3) \$1,000 for third and subsequent offenses.

(d) If the peace officer determines that there is damage to property requiring restitution, the commissioner must send a written explanation of the extent of the damage and the cost of the repair by first class mail to the address provided by the person receiving the citation within 15 days of the date of the citation.

(e) An off-road vehicle ~~or all-terrain vehicle~~ that is equipped with a snorkel device and receives a civil citation under this section is subject to twice the penalty amounts in paragraphs (b) and (c).

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

Sec. 16. Minnesota Statutes 2018, section 84.788, subdivision 2, is amended to read:

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

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

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

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

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

~~(5)~~ (4) operated on state or grant-in-aid trails by a nonresident possessing a nonresident off-highway motorcycle state trail pass;

~~(6)~~ (5) operated by a person participating in an event for which the commissioner has issued a special use permit; or

~~(7)~~ (6) operated on boundary trails and registered in another state or country providing equal reciprocal registration or licensing exemptions for registrants of this state.

Sec. 17. Minnesota Statutes 2018, section 84.794, subdivision 2, is amended to read:

Subd. 2. **Purposes.** (a) Subject to appropriation by the legislature, money in the off-highway motorcycle account may only be spent for:

(1) administration, enforcement, and implementation of sections 84.787 to 84.795;

(2) acquisition, maintenance, and development of off-highway motorcycle trails and use areas; ~~and~~

(3) grants-in-aid to counties and municipalities to construct and maintain off-highway motorcycle trails and use areas; and

(4) grants for enforcement and public education to local law enforcement agencies.

(b) The distribution of funds made available for grants-in-aid must be guided by the statewide comprehensive outdoor recreation plan.

Sec. 18. Minnesota Statutes 2018, section 84.83, subdivision 3, is amended to read:

Subd. 3. **Purposes for the account; allocation.** (a) The money deposited in the account and interest earned on that money may be expended only as appropriated by law for the following purposes:

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails that are determined by the commissioner to be part of the state's grant-in-aid system, including maintenance of trails on lands and waters of Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion; and on the following lakes in Cook County: Devil Track and Hungry Jack;. The commissioner may establish a performance-based funding formula for annual grants-in-aid. The procedures and criteria for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. In administering the performance-based grants-in-aid, the commissioner must:

(i) determine annual grant amounts based on a funding formula that includes consideration of historical costs, snowfall, use, and tourism;

(ii) make grant payments based on:

(A) successful completion of performance benchmarks;

(B) reimbursement of eligible expenditures; or

(C) a combination of subitems (A) and (B); and

(iii) assess penalties to nonperforming grant-in-aid recipients, which may include withholding grant payments or making the grantee or trail system ineligible for future grant-in-aid funding;

~~(2) for acquisition, development, and maintenance of~~ to acquire, develop, and maintain state recreational snowmobile trails;

(3) for snowmobile safety programs; and

~~(4) for the administration and enforcement of~~ to administer and enforce sections 84.81 to 84.91 and appropriated grants to local law enforcement agencies.

(b) No less than 60 percent of revenue collected from snowmobile registration and snowmobile state trail sticker fees must be expended for grants-in-aid to develop, maintain, and groom trails and acquire easements.

Sec. 19. Minnesota Statutes 2018, section 84.86, subdivision 1, is amended to read:

Subdivision 1. **Required rules.** With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

(1) Registration of snowmobiles and display of registration numbers.

(2) Use of snowmobiles insofar as game and fish resources are affected.

(3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.

(4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.

(5) Specifications relating to snowmobile mufflers.

(6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner shall collect a fee from each person who receives the youth or adult training. The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person any fee paid by the instructor for the person's online training course and up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. School districts may cooperate with the commissioner and

volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.

(7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days.

Sec. 20. Minnesota Statutes 2018, section 84.925, subdivision 1, is amended to read:

Subdivision 1. **Program Training and certification programs established.** (a) The commissioner shall establish:

(1) a comprehensive all-terrain vehicle environmental and safety education and training certification program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course; and

(2) a voluntary all-terrain vehicle online training program for youth and a parent or guardian, offered at no charge for operators at least six years of age but younger than ten years of age.

(b) A parent or guardian must be present at the hands-on a training portion of the program for when the youth who are six through is under ten years of age.

~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of training and certifying vehicle operators, the commissioner shall collect a fee from each person who receives the training for certification under paragraph (a), clause (1). The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees may be established by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle account in the natural resources fund and the amount thereof, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses.

~~(e)~~ (d) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program programs established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program the subject matter of the training programs and performance testing that leads to the certification of vehicle operators. The commissioner shall incorporate a riding component in the safety education and training program. certification programs established under this section and may incorporate a riding component in the training program established in paragraph (a), clause (2).



Sec. 21. Minnesota Statutes 2018, section 84.9256, subdivision 1, is amended to read:

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

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

- (1) make a direct crossing of a public road right-of-way;
- (2) operate an all-terrain vehicle on a public road right-of-way in the state; or
- (3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

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

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

- (1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and
- (2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

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

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

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

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

- (1) the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle with straddle-style seating; or
- (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

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

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

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

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

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

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

Sec. 22. Minnesota Statutes 2018, section 84.928, subdivision 2, is amended to read:

Subd. 2. **Operation generally.** A person may not drive or operate an all-terrain vehicle:

(1) at a rate of speed greater than reasonable or proper under the surrounding circumstances;

(2) in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;

(3) without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight;

(4) without a functioning stoplight if so equipped;

(5) in a tree nursery or planting in a manner that damages or destroys growing stock;

(6) without a brake operational by either hand or foot;

(7) with more than one person on the vehicle, except as allowed under section 84.9257;

(8) at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or

~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway vehicle recreation areas; or~~

~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.

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

Sec. 23. **[84.976] NO CHILD LEFT INSIDE GRANT PROGRAM.**

Subdivision 1. **Establishment.** The commissioner of natural resources must establish and administer a program to provide grants for outdoor environmental, ecological, and other natural-resource-based education and recreation programs serving youth.

Subd. 2. **Eligibility.** The commissioner may award grants under this section to public entities or private nonprofit organizations.

Subd. 3. **Priorities.** In awarding grants under this section, the commissioner must give priority to programs that:

(1) provide students with opportunities to directly experience and understand nature and the natural world;

(2) use a research-based, effective environmental, ecological, agricultural, or other natural-resource-based educational curriculum;

(3) maximize the number of participants that can be served;

(4) serve children with limited opportunities to participate in natural-resource-based outdoor activities;

(5) use public park and other natural resource venues and personnel as a resource; and

(6) commit matching funds or in-kind resources.

Sec. 24. Minnesota Statutes 2018, section 84D.03, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) In the Minnesota River downstream of Granite Falls, the Mississippi River downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items A and B, harvesting gizzard shad by cast net for noncommercial personal use as bait for angling, as provided in a permit issued under section 84D.11, is allowed as follows:

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

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

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

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

Sec. 25. Minnesota Statutes 2018, section 84D.03, subdivision 4, is amended to read:

Subd. 4. **Restrictions in infested and noninfested waters; commercial fishing and turtle, frog, and crayfish harvesting.** (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is listed because it contains invasive fish, invertebrates, aquatic plants or aquatic macrophytes other than Eurasian watermilfoil, or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit. Tagged gear must not be used in water bodies other than those specified in the license or permit. The license or permit may authorize department staff to remove tags after the from gear is that has been decontaminated according to a protocol specified by the commissioner if use of the decontaminated gear in other water bodies does not pose an unreasonable risk of harm to natural resources or the use of natural resources in the state. This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.

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

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

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

Sec. 26. Minnesota Statutes 2018, section 84D.108, subdivision 2b, is amended to read:

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

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

(c) This subdivision expires December 1, 2019.

Sec. 27. Minnesota Statutes 2018, section 84D.108, subdivision 2c, is amended to read:

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

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

(c) This subdivision expires December 1, 2019.

Sec. 28. Minnesota Statutes 2018, section 84D.15, subdivision 2, is amended to read:

Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section 86B.415, subdivision 7, civil penalties under section 84D.13, and service provider permits under section 84D.108, ~~shall must~~ be deposited in the invasive species account. Each year, the commissioner of management and budget ~~shall must~~ transfer from the game and fish fund to the invasive species account, the annual surcharge collected on nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b). Each fiscal year, the commissioner of management and budget shall transfer ~~\$750,000~~ \$375,000 from the water recreation account under section 86B.706 to the invasive species account.

Sec. 29. Minnesota Statutes 2018, section 85.054, subdivision 1, is amended to read:

Subdivision 1. **State Park Open House Day Days.** (a) A state park permit is not required for a motor vehicle to enter a state park, state monument, state recreation area, or state wayside, on ~~one day~~ four days each calendar year at each park, which the commissioner ~~may~~ shall designate as State Park Open House ~~Day Days~~. The commissioner may designate two consecutive days as State Park Open House ~~Day Days~~, if the open house is held in conjunction with a special pageant described in section 85.052, subdivision 2.

(b) The commissioner shall announce the date of each State Park Open House Day at least 30 days in advance of the date it occurs.

(c) The purpose of State Park Open House Day Days is to acquaint the public with state parks, recreation areas, and waysides.

Sec. 30. Minnesota Statutes 2018, section 85.32, subdivision 1, is amended to read:

Subdivision 1. **Designation.** (a) The commissioner of natural resources is authorized in cooperation with local units of government and private individuals and groups when feasible to manage state water trails on the Lake Superior water trail under section 85.0155 and on the following rivers, which have historic, recreational, and scenic values: Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood, Blue Earth, Cedar, Shell Rock, Vermilion in St. Louis County, north fork of the Crow, and south fork of the Crow. The commissioner may map and sign points of interest, public water access sites, portages, camp sites, and dams, rapids, waterfalls, and other serious hazards that are dangerous to canoe, kayak, and watercraft travelers. The commissioner may maintain passageway for watercraft on state water trails.

(b) Notwithstanding section 10.49, the segment of the St. Croix River Water Trail between Wild River State Park and William O'Brien State Park is designated and named the Walter F. Mondale Scenic Riverway.

Sec. 31. Minnesota Statutes 2018, section 85.42, is amended to read:

**85.42 USER FEE; VALIDITY.**

(a) The fee for an annual cross-country-ski pass is ~~\$19~~ \$24 for an individual age 16 and over. The fee for a three-year pass is ~~\$54~~ \$69 for an individual age 16 and over. This fee ~~shall~~ must be collected at the time the pass is purchased. Three-year passes are valid for three years beginning the previous July 1. Annual passes are valid for one year beginning the previous July 1.

(b) The cost for a daily cross-country skier pass is ~~\$5~~ \$9 for an individual age 16 and over. This fee ~~shall~~ must be collected at the time the pass is purchased. The daily pass is valid only for the date designated on the pass form.

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

(d) The commissioner and agents ~~shall~~ must issue a duplicate pass to a person whose pass is lost or destroyed, using the process established under section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate cross-country-ski pass is \$2.

Sec. 32. Minnesota Statutes 2018, section 85.44, is amended to read:

**85.44 CROSS-COUNTRY-SKI TRAIL GRANT-IN-AID PROGRAM.**

The commissioner shall establish a grant-in-aid program for local units of government and special park districts ~~for the acquisition, development, and maintenance of~~ to acquire, develop, and maintain cross-country-ski trails ~~that are determined by the commissioner to be part of the state's grant-in-aid system.~~ Grants ~~shall be~~ are available ~~for acquisition of~~ to acquire trail easements but may not be used to acquire any lands in fee title. Local units of government and special park districts apply for and receiving grants under

this section ~~shall be~~ are considered to have cross-country-ski trails for one year following the expiration of their last grant. The department shall reimburse all public sponsors of grants-in-aid cross-country-ski trails based upon criteria established by the department. ~~Prior to the use of~~ Before using any reimbursement criteria, a certain proportion of the revenues ~~shall~~ must be allocated on the basis of user fee sales location. The commissioner may establish a performance-based funding formula for annual grants-in-aid. The procedures and criteria for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. In administering the performance-based grants-in-aid, the commissioner must:

(1) determine annual grant amounts based on a funding formula that includes consideration of historical costs, snowfall, use, and tourism;

(2) make grant payments based on:

(i) successful completion of performance benchmarks;

(ii) reimbursement of eligible expenditures; or

(iii) a combination of items (i) and (ii); and

(3) assess penalties to nonperforming grant-in-aid recipients, which may include withholding grant payments or making the grantee or trail system ineligible for future grant-in-aid funding.

Sec. 33. Minnesota Statutes 2018, section 85.47, is amended to read:

**85.47 SPECIAL USE PERMITS; FEES.**

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

Sec. 34. Minnesota Statutes 2018, section 86B.415, subdivision 7, is amended to read:

Subd. 7. **Watercraft surcharge.** A ~~\$5~~ \$10.60 surcharge is placed on each watercraft licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring, and research of aquatic invasive species such as zebra mussel, purple loosestrife, and Eurasian watermilfoil in public waters and public wetlands.

Sec. 35. Minnesota Statutes 2018, section 88.10, is amended by adding a subdivision to read:

Subd. 3. **Wildland firefighters; training and licensing.** Forest officers and all individuals employed as firefighters under this chapter are not subject to the licensing, training, and certification requirements of chapter 299N.

Sec. 36. Minnesota Statutes 2018, section 88.642, subdivision 1, is amended to read:

Subdivision 1. **Written consent.** No person shall cut, harvest, remove, transport, or possess for decorative purposes or for sale more than three decorative trees, more than 100 pounds of decorative boughs, more than 50 spruce stems or branches greater than six inches in length, more than 50 birch stems or branches greater than one-inch large-end diameter, or more than 100 pounds of any other decorative materials without the written consent of the owner or authorized agent of the private or public land on which the decorative materials were cut or harvested. ~~The written consent shall be on a form furnished or otherwise approved by~~

~~the commissioner of natural resources and shall~~ must contain the legal description of the land where the decorative materials were cut or harvested, as well as the name of the legal owner of the land or the owner's authorized agent. The written consent must be carried by every person cutting, harvesting, removing, possessing, or transporting any decorative materials, or in any way aiding therein, and must be exhibited to any officer at the officer's request at any time.

Sec. 37. Minnesota Statutes 2018, section 88.642, subdivision 3, is amended to read:

Subd. 3. **Transportation requirements.** No person, common carrier, ~~bough~~ decorative materials buyer, or authorized agent shall purchase or otherwise receive for shipment or transportation any decorative materials without recording the seller's or consignor's name and address and the written consent on a form furnished or otherwise approved by the commissioner of natural resources.

Sec. 38. Minnesota Statutes 2018, section 88.6435, is amended to read:

**88.6435 BOUGH DECORATIVE MATERIALS BUYERS.**

~~Subdivision 1. **Permits.** A person may not buy more than 100 pounds of decorative boughs in any calendar year without a bough buyer's permit issued by the commissioner of natural resources. The annual fee for a permit for a resident or nonresident to buy decorative boughs is \$25.~~

Subd. 1a. **License.** (a) A person must have a buyer's license for decorative materials to:

(1) buy more than 100 pounds of decorative boughs in any calendar year;

(2) buy more than 50 spruce stems or branches greater than six inches in length in any calendar year;

or

(3) buy more than 50 birch stems or branches greater than one-inch large-end diameter in any calendar year.

(b) The annual fee for a buyer's license for decorative materials for a resident or nonresident is \$25.

Subd. 2. **Record requirements.** (a) When buying or otherwise receiving decorative ~~boughs~~ materials, a person ~~permitted~~ licensed under this section must record:

(1) the seller's name and address;

(2) the form of written consent; and

(3) the government permit number or legal description or property tax identification number of the land from which the ~~boughs~~ decorative materials were obtained.

(b) The information under paragraph (a) must be provided recorded on a form furnished or otherwise approved by the commissioner of natural resources in consultation with the balsam bough industry groups and must be exhibited to an officer upon request.

~~(b) Boughs may not be purchased~~ (c) A licensed buyer may not purchase decorative materials if the seller fails to exhibit the written consent required under section 88.642, subdivision 1, or if the boughs do not conform to the standards specified on the consent. Decorative ~~boughs cut from public lands~~ materials must conform to standards specified in the written consent.



~~(e)~~ (d) Records ~~shall~~ must be maintained from July 1 until June 30 of the following calendar year and ~~shall~~ must be open to inspection to an officer during reasonable hours.

~~(d)~~ (e) Customer name and address records created and maintained by ~~permittees~~ licensees under this section are classified as private or nonpublic government data.

Subd. 3. ~~Revocation of permits Penalties.~~ (a) The commissioner may deny, modify, suspend, or revoke a ~~permit~~ license issued under this section for cause, including ~~falsification of~~ for falsifying records required under this section or ~~violation of any other provision of~~ for violating sections 88.641 to 88.648.

(b) A person convicted of two or more violations of sections 88.641 to 88.648 within three years may not obtain a ~~bough~~ buyer's permit license for decorative materials for three years ~~from~~ after the date of the last conviction.

Subd. 4. ~~Forest bough~~ Special forest products account; disposition of fees. (a) The ~~forest bough~~ special forest products account is established in the state treasury ~~within~~ in the natural resources fund.

(b) Fees for ~~permits~~ licenses issued under this section must be deposited in the state treasury and credited to the ~~forest bough~~ special forest products account and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, are annually appropriated to the commissioner of natural resources for costs associated with special forest product information and education programs for harvesters and buyers.

Sec. 39. Minnesota Statutes 2018, section 90.01, is amended by adding a subdivision to read:

Subd. 13. **Special forest products.** "Special forest products" means woody and herbaceous plants, plant parts, seeds, fungus, soil, gravel, and forest substrate for consumption, decoration, or medicine or for any other specialty use.

Sec. 40. Minnesota Statutes 2018, section 90.195, is amended to read:

**90.195 SPECIAL USE AND PRODUCT PERMIT.**

(a) The commissioner may issue a fuelwood permit to salvage or cut not to exceed 12 cords of fuelwood per year for personal use from either or both of the following sources:

- (1) dead, down, and damaged trees; or
- (2) other trees that are of negative value under good forest management practices.

(b) The fuelwood permits under paragraph (a) may be issued for a period not to exceed one year. The commissioner ~~shall~~ must charge a fee for the permit as provided under section 90.041, subdivision 10. The fee ~~shall~~ must not exceed the current market value of fuelwood of similar species, grade, and volume that is being sold in the area where the salvage or cutting is authorized under the permit.

~~(b)~~ (c) The commissioner may issue a ~~special product permit under section 89.42 for commercial use, which may include permit for harvesting or collecting incidental volumes of boughs, gravel, hay, biomass, and other products derived from forest management activities~~ special forest products. The value of the products is the current market value of the products that are being sold in the area. The permit may be issued for a period not to exceed one year, and the commissioner ~~shall~~ must charge a fee for the permit as provided under section 90.041, subdivision 10.

~~(e)~~ (d) The commissioner may issue a special use permit for incidental volumes of timber from approved right-of-way road clearing across state land ~~for the purpose of accessing~~ to access a state timber permit. The permit ~~shall~~ must include the volume and value of timber to be cleared and may be issued for a period not to exceed one year. A presale conference as required under section 90.151, subdivision 6, must be completed before the start of any activities under the permit.

Sec. 41. **92.122] COMPENSATING PERMANENT SCHOOL FUND.**

Subdivision 1. Compensation requirements. (a) When the revenue generated from school trust land and associated resources is diminished by management practices applied to the land and resources as determined by the commissioner of natural resources, the commissioner must compensate the permanent school fund.

(b) When generating revenue from school trust land and associated resources will be prohibited by a policy or designation applied to the land and resources as determined by the commissioner, the commissioner must compensate the permanent school fund before the policy or designation is applied.

Subd. 2. Compensation methods. To compensate the permanent school fund under subdivision 1, the commissioner may use compensation methods that include:

(1) exchanging other land that is compatible with the goal of the permanent school fund under section 127A.31, as allowed under sections 94.343, subdivision 1, and 94.3495, and the Minnesota Constitution, article XI, section 10;

(2) leasing under section 92.50 and according to subdivision 3, with rental payments as compensation; and

(3) condemning the land under section 92.83, with payment of the amount of the award and judgment as compensation.

Subd. 3. Lease terms for compensating fund. With advice from the school trust lands director according to section 127A.353, subdivision 4, the commissioner may lease school trust land to compensate the permanent school fund. Rental payments received under this subdivision:

(1) must be credited to the forest suspense account as nonqualifying revenue and not subject to cost certification under section 16A.125;

(2) must be paid in full upon executing the lease; and

(3) are determined by the commissioner and subject to review by a licensed appraiser.

Sec. 42. Minnesota Statutes 2018, section 92.50, subdivision 1, is amended to read:

Subdivision 1. **Lease terms.** (a) The commissioner of natural resources may lease land under the commissioner's jurisdiction and control:

(1) to remove sand, gravel, clay, rock, marl, peat, and black dirt;

(2) to store ore, waste materials from mines, or rock and tailings from ore milling plants;

(3) for roads or railroads;

(4) to compensate the permanent school fund according to section 92.122; or

~~(4)~~ (5) for other uses consistent with the interests of the state.

(b) The commissioner shall offer the lease at public or private sale for an amount and under terms and conditions prescribed by the commissioner. Commercial leases for more than ten years and leases for removal of peat that cover 320 or more acres must be approved by the Executive Council.

(c) The lease term may not exceed 21 years except:

(1) leases of lands for storage sites for ore, waste materials from mines, or rock and tailings from ore milling plants; or for the removal of peat for nonagricultural purposes may not exceed a term of 25 years; and

(2) leases for commercial purposes, including major resort, convention center, or recreational area purposes, may not exceed a term of 40 years.

(d) Leases must be subject to sale and leasing of the land for mineral purposes and contain a provision for cancellation for just cause at any time by the commissioner upon six months' written notice. A longer notice period, not exceeding three years, may be provided in leases for storing ore, waste materials from mines, or rock or tailings from ore milling plants. The commissioner may determine the terms and conditions, including the notice period, for cancellation of a lease for the removal of peat and commercial leases.

(e) Money received from leases under this section must be credited to the fund to which the land belongs.

#### Sec. 43. [93.171] ELIGIBILITY AND PERFORMANCE.

Subdivision 1. **Eligibility.** Applicants for leases and lease holders under this chapter must meet the definition of responsible vendor as provided in rules adopted under chapter 16C.

Subd. 2. **Performance.** A current lease holder is subject to suspension and debarment under chapter 16C and rules adopted under chapter 16C.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to leases or lease amendments entered into on or after that date.

Sec. 44. Minnesota Statutes 2018, section 97A.015, subdivision 25, is amended to read:

Subd. 25. **Game fish.** "Game fish" means ~~walleye, sauger, yellow perch, channel catfish, flathead catfish; members of the pike family, Esocidae, including muskellunge and northern pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family, Percichthyidae, including white bass and yellow bass; members of the salmon and trout subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout, and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon;~~ fish from the following families and species: Acipenseridae (lake sturgeon and shovelnose sturgeon), Anguillidae (American eel), Centrarchidae (black crappie; largemouth bass; rock bass; smallmouth bass; white crappie; and sunfishes, including bluegill, green sunfish, longear sunfish, orangespotted sunfish, pumpkinseed, and warmouth), Esocidae (muskellunge and northern pike), Gadidae (burbot), Ictaluridae (blue catfish, channel catfish, and flathead catfish), Moronidae (white bass and yellow bass), Percidae (sauger, walleye, and yellow perch), Polyodontidae (paddlefish), and Salmonidae (Atlantic salmon, brook trout, brown trout, chinook salmon, cisco (tullibee), coho salmon,

kokanee salmon, lake trout, lake whitefish, pink salmon, and rainbow trout). "Game fish" includes hybrids of game fish.

Sec. 45. Minnesota Statutes 2018, section 97A.015, subdivision 43, is amended to read:

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

Sec. 46. Minnesota Statutes 2018, section 97A.051, subdivision 2, is amended to read:

Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a summary of the hunting and fishing laws and rules and deliver a sufficient supply to license vendors ~~to furnish one copy to each person obtaining a hunting, fishing, or trapping license.~~

(b) At the beginning of the summary, under the heading "Trespass," the commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that conservation officers and peace officers must enforce the trespass laws, and state the penalties for trespassing.

(c) In the summary, the commissioner shall, under the heading "Duty to Render Aid," summarize the requirements under section 609.662 and state the penalties for failure to render aid to a person injured by gunshot.

Sec. 47. Minnesota Statutes 2018, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint committees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following committees, each comprised of at least ten affected persons:

(1) a Fisheries Oversight Committee to review fisheries funding and expenditures, including activities related to trout-and-salmon stamps and walleye stamps; and

(2) a Wildlife Oversight Committee to review wildlife funding and expenditures, including activities related to migratory waterfowl, pheasant, and wild turkey management and deer and big game management.

(c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee, and four additional members from each committee, shall form a Budgetary Oversight Committee to coordinate the integration of the fisheries and wildlife oversight committee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; and provide a forum to address issues that transcend the fisheries and wildlife oversight committees.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance.

(e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen by their respective committees. The chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of either of the other oversight committees.

(f) The Budgetary Oversight Committee may make recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) The committees authorized under this subdivision are not advisory councils or committees governed by section 15.059 and are not subject to section 15.059. Committee members appointed by the commissioner may request reimbursement for mileage expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Committee members must not receive daily compensation for oversight activities. The Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee expire June 30, ~~2020~~ 2025.

Sec. 48. Minnesota Statutes 2018, section 97A.075, subdivision 1, is amended to read:

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

~~(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall~~ The deer management account is established as an account in the game and fish fund and may be used only for deer habitat improvement or deer management programs, including a computerized licensing system. The following amounts must be credited to the deer management account and is appropriated to the commissioner for deer habitat improvement or deer management programs:

(1) \$16 from each annual deer license issued under section 97A.475, subdivisions 2, clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b);

(2) \$2 from each annual deer license issued under sections 97A.475, subdivisions 2, clauses (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301, subdivision 4; and

(3) \$16 annually from the lifetime fish and wildlife trust fund, established under section 97A.4742, for each license issued to a person 18 years of age or older under section 97A.473, subdivision 4, and \$2 annually from the lifetime fish and wildlife trust fund for each license issued to a person under 18 years of age.

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

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild Cervidae health-management account and is appropriated for emergency deer feeding and wild Cervidae health management. Money appropriated for emergency deer feeding and wild Cervidae health management is available until expended.

(e) When the unencumbered balance in the appropriation for emergency deer feeding and wild Cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the unencumbered balance ~~in excess of~~

over \$2,500,000 is canceled and is available for deer- and bear-management programs and computerized licensing.

Sec. 49. Minnesota Statutes 2018, section 97A.321, subdivision 1, is amended to read:

Subdivision 1. **Owner responsibility; penalty amount.** (a) The owner of a dog that pursues but does not kill or mortally wound a big game animal is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills or mortally wounds a big game animal is subject to a civil penalty of \$500 for each violation.

(b) Paragraph (a) does not apply to a person using a dog in compliance with section 97B.207.

Sec. 50. Minnesota Statutes 2018, section 97A.405, is amended by adding a subdivision to read:

Subd. 6. **Application deadline.** When an application deadline is specified, including an application deadline for determining the fee based on age for a lifetime license, an application must be received no later than 4:30 p.m. on the day of the deadline or, if mailed, an application must be postmarked on or before the deadline date.

Sec. 51. Minnesota Statutes 2018, section 97A.433, subdivision 4, is amended to read:

Subd. 4. **Discretionary separate selection; eligibility.** (a) The commissioner may conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain an elk license in a separate selection ~~must allow public elk hunting on their land during the elk season for which the license is valid.~~ may sell their license to any Minnesota resident eligible to hunt big game for no more than the original cost of the license.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 52. Minnesota Statutes 2018, section 97A.433, subdivision 5, is amended to read:

Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate selection for 20 percent of the elk licenses to be issued each year. Only individuals who have applied at least ten times for an elk license and who have never received a license are eligible for this separate selection. A person who is unsuccessful in a separate selection under this subdivision must be included in the selection for the remaining licenses.

Sec. 53. Minnesota Statutes 2018, section 97A.505, subdivision 8, is amended to read:

Subd. 8. **Importing hunter-harvested Cervidae.** ~~Importation into Minnesota of~~ Importing hunter-harvested Cervidae carcasses ~~from known chronic wasting disease endemic areas, as determined by the Board of Animal Health,~~ into Minnesota is prohibited except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue. Hunter-harvested Cervidae carcasses taken ~~from chronic wasting disease endemic areas~~ outside of Minnesota may be transported on a direct route through the state by nonresidents.

Sec. 54. Minnesota Statutes 2018, section 97B.011, is amended to read:

**97B.011 DOGS PURSUING BIG GAME.**

(a) A person who observes a dog wounding, killing, or pursuing in a manner that endangers big game may kill the dog:

(1) at any time, if the person is a peace officer or conservation officer; or

(2) between January 1 and July 14, if the person is not a peace officer or conservation officer and the discharge of firearms is allowed.

The officer or person is not liable for damages for killing the dog.

(b) Paragraph (a) does not apply to a dog used in compliance with section 97B.207.

Sec. 55. Minnesota Statutes 2018, section 97B.015, subdivision 6, is amended to read:

Subd. 6. **Provisional certificate for persons with permanent physical or developmental disability.** Upon the recommendation of a course instructor, the commissioner may issue a provisional firearms safety certificate to a person who satisfactorily completes the classroom portion of the firearms safety course but is unable to pass the written or an alternate format exam portion of the course because of a permanent physical disability or developmental disability as defined in section 97B.1055, subdivision 1. The certificate is valid only when used according to section 97B.1055.

Sec. 56. Minnesota Statutes 2018, section 97B.081, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

(1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

(2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial light, provided that the person is:

(i) on foot;

(ii) using a shotgun;

(iii) not within a public road right-of-way;

(iv) using a handheld or electronic calling device; and

(v) not within 200 feet of a motor vehicle; or

(3) cast the rays of a handheld artificial light to retrieve wounded or dead big game animals, provided that the person is:

(i) on foot; and

(ii) not in possession of a firearm or bow.

(b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight, headlight, or other artificial light to:

(1) carry out any agricultural, safety, emergency response, normal vehicle operation, or occupation-related activities that do not involve taking wild animals; or

(2) carry out outdoor recreation as defined in section 97B.001 that is not related to spotting, locating, or taking a wild animal.

(c) Except as otherwise provided by the game and fish laws, it is not a violation of this section for a person to use an electronic range finder device from one-half hour before sunrise until one-half hour after sunset while lawfully hunting wild animals.

(d) It is not a violation of this section for a licensed bear hunter to cast the rays of a handheld artificial light to track or retrieve a wounded or dead bear while possessing a firearm, ~~provided that:~~

(1) if the person:

~~(1)~~ (i) has the person's valid bear-hunting license in possession;

~~(2)~~ (ii) is on foot; and

~~(3)~~ (iii) is following the blood trail of a bear that was shot during legal shooting hours; or

(2) as provided in section 97B.207.

(e) It is not a violation of this section for a licensed deer hunter to cast the rays of a handheld artificial light to track or retrieve a wounded deer as provided in section 97B.207.

(f) For purposes of this subdivision, "handheld artificial light" means an artificial light that is carried in the hand or attached to the person.

Sec. 57. Minnesota Statutes 2018, section 97B.086, is amended to read:

**97B.086 POSSESSING NIGHT VISION OR THERMAL IMAGING EQUIPMENT.**

(a) A person may not possess night vision or thermal imaging equipment while taking wild animals or while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to take wild animals.

(b) This section does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This section does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This section does not apply to night vision or thermal imaging equipment possessed by:



(1) peace officers or military personnel while exercising their duties; or

(2) a person taking coyote or fox as provided under section 97B.075 and rules adopted under section 97B.605.

Sec. 58. Minnesota Statutes 2018, section 97B.1055, is amended to read:

**97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR DEVELOPMENTAL DISABILITY.**

Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision 6:

(1) ~~"person with developmental disability" means a person who has been diagnosed as~~ diagnosis of having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior, ~~and who manifests when~~ these conditions manifest before the person's 22nd birthday. A person with a related condition means a person who meets the diagnostic definition under section 252.27, subdivision 1a; and

(2) "permanent physical disability" means a physical disability that prevents a person from being able to navigate natural terrain or hold a firearm for a required field component for the firearms safety training program under section 97B.020.

Subd. 2. **Obtaining license.** (a) Notwithstanding section 97B.020, a person with a permanent physical disability or developmental disability may obtain a firearms hunting license with a provisional firearms safety certificate issued under section 97B.015, subdivision 6.

(b) Any person accompanying or assisting a person with a permanent physical disability or developmental disability under this section must possess a valid firearms safety certificate issued by the commissioner.

Subd. 3. **Assistance required.** A person who obtains a firearms hunting license under subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person designated by a parent or guardian when hunting. A person who is not hunting but is solely accompanying and assisting a person with a permanent physical disability or developmental disability need not obtain a hunting license.

Subd. 4. **Prohibited activities.** (a) This section does not entitle a person to possess a firearm if the person is otherwise prohibited from possessing a firearm under state or federal law or a court order.

(b) No person shall knowingly authorize or permit a person; who by reason of a permanent physical disability or developmental disability is incapable of safely possessing a firearm; to possess a firearm to hunt in the state or on any boundary water of the state.

Sec. 59. Minnesota Statutes 2018, section 97B.106, subdivision 2, is amended to read:

Subd. 2. **Equipment requirements.** (a) A crossbow used for hunting under the provisions of this section must:

- (1) be fired from the shoulder;
- (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- (3) ~~have a stock at least 30 inches long;~~
- (4) have a working safety; and

~~(5)~~ (4) be used with arrows or bolts at least ten inches long.

(b) An arrow or bolt used to take big game or turkey under the provisions of this section must meet the legal arrowhead requirements in section 97B.211, subdivision 2.

(c) An arrow or bolt used to take rough fish with a crossbow under the provisions of this section must be tethered or controlled by an attached line.

Sec. 60. Minnesota Statutes 2018, section 97B.1115, is amended to read:

**97B.1115 USE OF MECHANICAL OR ELECTRONIC ASSISTANCE TO HOLD AND DISCHARGE FIREARMS OR BOWS BY ~~PHYSICALLY DISABLED~~ A PERSON WITH A PHYSICAL DISABILITY.**

(a) Notwithstanding sections 97B.035, subdivision 1, 97B.321, and 97B.701, subdivision 2, the commissioner may ~~authorize a physically disabled hunter~~ issue a special permit to take big game and small game, without a fee, to a person with a physical disability who has a verified statement of the disability from a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician to use a swivel or otherwise mounted firearm or bow or any electronic or mechanical device to discharge a firearm or bow as long as the participant is physically present at the site.

(b) A person using mechanical or electronic assistance under this section may be assisted by another person. The person assisting may take a wounded animal shot by the person using mechanical or electronic assistance under this section if the person with the disability is physically incapable of doing so. The person assisting must be licensed to take the animal.

Sec. 61. Minnesota Statutes 2018, section 97B.205, is amended to read:

**97B.205 ~~USE OF~~ USING DOGS AND HORSES TO TAKE BIG GAME PROHIBITED.**

A person may not use a dog or horse to take big game, except as provided under section 97B.207.

Sec. 62. **[97B.207] USING DOGS TO LOCATE WOUNDED DEER OR BEAR.**

Subdivision 1. **Using dogs allowed.** A person may use a dog to locate and retrieve a wounded deer or bear only as provided in this section.

Subd. 2. **Requirements for hunters and handlers.** (a) A person attempting to locate and retrieve a wounded deer or bear using a dog must have a valid license to take the deer or bear and have the license in possession. If the person is a dog handler that does not have a valid hunting license, the person must be accompanied by a licensed hunter with the license in possession.

(b) The licensed hunter, and any accompanying dog handler, must be on foot and must wear blaze orange or blaze pink as provided in section 97B.071, paragraph (a).

(c) Any light used must be a handheld artificial light, as defined under section 97B.081, subdivision 3, paragraph (f).

Subd. 3. **Requirements for dogs.** (a) A dog used to locate a wounded deer or bear must be accompanied by a licensed hunter and any dog handler until the wounded deer or bear is located. The dog must be leashed and the licensed hunter or dog handler must be in physical control of the leash at all times. The leash must not exceed 30 feet in length.

(b) The dog owner's information, including the owner's name and telephone number, must be on the dog while the dog is used to locate a wounded deer or bear under this section.

(c) The licensed hunter and any accompanying dog handler are jointly and severally responsible for a dog under this section. A violation of this subdivision is a misdemeanor under section 97A.301, subdivision 1, and section 97A.421 applies.

Subd. 4. **Additional requirements.** (a) The trespass provisions in section 97B.001 apply to activities under this section, including all requirements to gain permission to enter private or public property.

(b) Activities under this section may occur during legal shooting hours or outside legal shooting hours of the open season for the location and species. Any activity occurring under this section outside the open season for the location and species must be reported to the local conservation officer before locating or retrieving the wounded deer or bear.

Sec. 63. Minnesota Statutes 2018, section 97B.426, is amended to read:

**97B.426 BAITING BEAR; USE OF DRUM.**

(a) Notwithstanding section 97B.425, clauses (4) and (5):

(1) a private landowner or person authorized by the private landowner may use a drum to bait bear on the person's private land; and

(2) a resident may use a drum to bait bear on public land after paying a \$5 drum surcharge.

(b) The drum must be securely chained or cabled to a tree so that it cannot be moved from the site by a bear and the drum may not include a mechanical device for dispensing feed. The drum must be part of a registered bait station and marked as provided in section 97B.425. For a drum placed on public land under paragraph (a), clause (2), the drum also must:

(1) be permanently marked with the information required in this paragraph;

(2) include the global positioning system information on the location of the drum as part of the registration of the bait station under section 97B.425;

(3) not be placed on public land before the date allowed for placing bait under rules prescribed by the commissioner; and

(4) be removed within seven days after the end of each bear hunting season.

(c) For purposes of this section, "drum" means a 30 gallon or larger drum.

(d) A person who violates paragraph (b) is guilty of a petty misdemeanor.

Sec. 64. Minnesota Statutes 2018, section 97B.655, is amended to read:

**97B.655 TAKING ANIMALS CAUSING DAMAGE.**

Subdivision 1. **Owners and occupants may take certain animals.** (a) A person or the person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit, hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person or the person's agent may take the animal without a license and in any manner except by artificial

lights in the closed season or by poison. Raccoons may be taken under this subdivision with artificial lights during open season.

(b) Any traps used under this subdivision must be tagged as required under section 97B.928 if placed by an agent of the landowner or occupant.

(c) A person or the person's agent who kills mink, raccoon, bobcat, fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

Subd. 2. **Special permit for taking protected wild animals.** (a) The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property or to remove or destroy their dens, nests, or houses, or dams.

(b) Removing or destroying a beaver dam associated with beavers causing damage must be according to section 97B.665.

Sec. 65. Minnesota Statutes 2018, section 97B.665, is amended by adding a subdivision to read:

Subd. 1a. **Removing beaver dams; agreement by landowner.** (a) Except as provided in paragraph (b), a beaver dam that is causing damage to property may be removed or destroyed by a person or the person's agent from property that is owned, occupied, or otherwise managed by the person.

(b) A person or a person's agent may not remove or destroy a beaver dam under this subdivision when a permit is required under section 103G.245 if removing or destroying the dam would change or diminish the historical water levels, course, current, or cross section of public waters.

(c) A person or a person's agent may not remove or destroy a beaver dam under this subdivision if the dam is on public property or another person's private property unless the person obtains the approval or permission of the landowner of the property where the beaver dam is located.

(d) If unable to obtain the approval or permission of the landowner under paragraph (c), a person may petition to district court for relief as provided in subdivision 2.

(e) For purposes of this subdivision:

(1) "landowner" means:

(i) the owner, lessee, or occupant of private property; or

(ii) an authorized manager of public property; and

(2) "person" includes a governmental entity in addition to the entities described under section 97A.015, subdivision 35.

Sec. 66. Minnesota Statutes 2018, section 97B.667, subdivision 2, is amended to read:

Subd. 2. ~~Local Government units.~~ **Local Government units.** (a) Local Government units may, as provided in this section, kill or arrange to have killed beaver that are causing damage, including damage to silvicultural projects and drainage ditches, on property owned or managed by the local government unit. ~~Removal or destruction of~~ Removing or destroying any associated beaver lodge is subject to section 97A.401, subdivision 5, and removing or destroying any associated beaver dam is subject to section 97B.665.

(b) The ~~local~~ government unit may kill beaver associated with the lodge or damage in any manner, except by poison or artificial lights.

(c) The ~~local~~ government unit may arrange to have killed any beaver associated with the lodge or damage by trapping through a third-party contract or under subdivision 4.

Sec. 67. Minnesota Statutes 2018, section 97B.667, subdivision 3, is amended to read:

Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a beaver under this section, the road authority or ~~local~~ government unit must contact a conservation officer for a special beaver permit; if the beaver will be killed within two weeks before or after the trapping season for beaver, and the conservation officer must issue the permit for any beaver subject to this section. A permit is not required:

(1) for a licensed trapper during the open trapping season for beaver; or

(2) when the trapping season for beaver is closed and it is not within two weeks before or after the trapping season for beaver.

(b) A road authority or ~~local~~ government unit that kills or arranges to have killed a beaver under this section must notify a conservation officer or employee of the Fish and Wildlife Division within ten days after the animal is killed.

(c) Unless otherwise directed by a conservation officer, the road authority, local government unit, or their agent may dispose of or retain beaver killed under this section.

Sec. 68. Minnesota Statutes 2018, section 97B.667, subdivision 4, is amended to read:

Subd. 4. **~~Local~~ Beaver control programs.** A road authority or ~~local~~ government unit may, after consultation with the Fish and Wildlife Division, implement a ~~local~~ beaver control program designed to reduce the number of incidents of beaver:

(1) interfering with or damaging a public road; or

(2) causing damage, including damage to silvicultural projects and drainage ditches, on property owned or managed by the ~~local~~ government unit.

The ~~local~~ control program may include ~~the offering of a bounty for the lawful taking of~~ to lawfully take beaver.

Sec. 69. Minnesota Statutes 2018, section 97B.667, is amended by adding a subdivision to read:

Subd. 5. **Tagging requirements for traps.** Traps used under subdivision 1 or 2 must be identified with tags provided by the local unit of government that include the name and telephone number of the government unit. Traps used for trapping under a third-party contract must be tagged with the contractor's information as provided in section 97B.928.

Sec. 70. Minnesota Statutes 2018, section 97B.722, is amended to read:

**97B.722 POSSESSING FIREARMS; HUNTING TURKEY.**

(a) While afield hunting turkeys, licensees may not have in possession or control:

(1) any firearm that is not a legal firearm as defined in paragraph (c); or

(2) any bow and arrow except those defined as legal for taking turkeys in rules adopted by the commissioner.

(b) Paragraph (a) does not apply to a person carrying a handgun in compliance with section 624.714.

(c) For hunting turkeys, "legal firearm" means a shotgun or muzzleloading shotgun 10 gauge or smaller using fine shot size No. 4 or smaller diameter shot.

Sec. 71. Minnesota Statutes 2018, section 97C.345, is amended by adding a subdivision to read:

Subd. 3b. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard shad for use as bait for angling from July 1 to November 30 as allowed under section 84D.03, subdivision 3.

(b) Cast nets used under this subdivision must be monofilament and may not exceed five feet in radius. Mesh size must be from three-eighths-inch to five-eighths-inch bar measure. A person may use up to two cast nets at one time.

Sec. 72. Minnesota Statutes 2018, section 97C.391, subdivision 1, is amended to read:

Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the waters of this state, except:

- (1) minnows;
- (2) rough fish ~~excluding eisecoes~~;
- (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;
- (4) fish taken under licensed commercial fishing operations;
- (5) fish that are private aquatic life; and
- (6) fish lawfully taken and subject to sale from other states and countries.

Sec. 73. Minnesota Statutes 2018, section 97C.395, subdivision 2, is amended to read:

Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black crappie, yellow perch, catfish, rock bass, white bass, yellow bass, burbot, cisco (tullibee), lake whitefish, and rough fish, the open season is continuous.

Sec. 74. Minnesota Statutes 2018, section 97C.815, subdivision 2, is amended to read:

Subd. 2. **Assignment.** (a) The commissioner shall assign licensed inland commercial fishing operators to commercial fishing areas and each operator ~~shall be~~ is obligated to fish in the area that the commissioner has assigned to them. The commissioner's assignment ~~shall be~~ is valid as long as the assigned operator continues to purchase a license, continues to provide an adequate removal effort in a good and professional manner, and is not convicted of two or more violations of laws or rules governing inland commercial fishing operations during any one license period. In the operator assignment, the commissioner shall consider the proximity of the operator to the area, the type and quantity of fish gear and equipment possessed, knowledge of the affected waters, and general ability to perform the work well.

(b) Area assignments must not restrict permits and contracts that the commissioner issues to governmental subdivisions and their subcontractors for invasive species control.

Sec. 75. Minnesota Statutes 2018, section 103B.611, subdivision 3, is amended to read:

Subd. 3. **Powers.** Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers on Lake Minnetonka, excluding the area of public drainage ditches or watercourses connected to the lake:

- (1) to regulate the types of boats permitted to use the lake and set service fees;
- (2) to regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities, provided that a municipality may supersede the district's action under this clause by adopting an ordinance specifically referring to the district's action by one year after the district's action;
- (3) to limit by rule the use of the lake at various times and the use of various parts of the lake;
- (4) to regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;
- (5) to contract with other law enforcement agencies to police the lake and its shore;
- (6) to regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (7) to regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate mechanical and chemical means of removal of weeds and algae from the lake;
- (8) to regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities ~~including parking areas and sanitary facilities that affect activity below the ordinary high-water mark. The regulation shall~~ authority under this clause does not apply to land-based marina activities, including storage facilities, and must be consistent with the applicable state statutes, municipal building codes, and zoning ordinances where the marinas are located;
- (9) to contract with other governmental bodies to perform any of the functions of the district;
- (10) to undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the Pollution Control Agency and other interested authorities, and to develop a comprehensive program to eliminate pollution;
- (11) to receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them; and
- (12) to petition the board of managers of a watershed district in which the lake conservation district is located for improvements under section 103D.705; a bond is not required of the lake conservation district.

For purposes of this subdivision "watercourses connected to the lake" does not include channels connecting portions of the lake to one another.

Sec. 76. **[103C.332] SOIL AND WATER CONSERVATION DISTRICTS; DUTIES AND SERVICES.**

Subdivision 1. **Duties.** In addition to any other duty prescribed by law, soil and water conservation districts must:

(1) respond to and provide technical and financial assistance to landowners to maintain and improve the quality, quantity, distribution, and sustainability of natural resources, including surface water, groundwater, soil, and ecological resources;

(2) provide technical assistance in implementing the soil erosion law under sections 103F.401 to 103F.48;

(3) arrange for employees to serve on technical evaluation panels to implement the wetland laws as required under section 103G.2242;

(4) locally administer the reinvest in Minnesota reserve program under section 103F.515 and rules adopted thereunder, using knowledge of local resources to manage each easement to maximize environmental benefits;

(5) participate in administering the Wetland Conservation Act as provided under sections 103G.221 to 103G.2375, either in an advisory capacity or as the designated local government unit administering the program;

(6) participate in the local water management program under chapter 103B, either in an advisory capacity or as the designated local government unit administering the program;

(7) participate, as appropriate, in the comprehensive watershed management planning program under section 103B.801;

(8) participate in disaster response efforts as provided in chapter 12A;

(9) provide technical recommendations to the Department of Natural Resources on general permit applications under section 103G.301;

(10) provide technical assistance and local administration of the agricultural water quality certification program under sections 17.9891 to 17.993;

(11) provide technical assistance for the agricultural land preservation program under chapter 40A, where applicable;

(12) maintain compliance with section 15.99 for deadlines for agency action;

(13) coordinate with appropriate county officials on matters related to electing soil and water conservation district supervisors; and

(14) cooperate to the extent possible with federal, state, and local agencies and with private organizations to avoid duplicating and to enhance implementing public and private conservation initiatives within the jurisdiction of the district.

Subd. 2. **Services provided.** To carry out the duties under subdivision 1 and implement the soil and water conservation policy of the state as stated in section 103A.206, soil and water conservation districts provide a range of services, including but not limited to:

(1) performing administrative services, including comprehensive and annual work planning, administering grants, leveraging outside funding, establishing fiscal accountability measures, reporting accomplishments, human resources management, and staff and supervisor development;

(2) enter into cooperative agreements with the United States Department of Agriculture, Natural Resources Conservation Service, and other United States Department of Agriculture agencies to leverage federal technical and financial assistance;



(3) providing technical expertise, including knowledge of local resources, performing technical evaluations and certifications, assessing concerns, and providing oversight in surveying, designing, and constructing conservation practices;

(4) providing information and education outreach, including increasing landowner awareness and knowledge of soil and water conservation program opportunities to protect soil and water resources and publicizing the benefits of soil and water conservation to the general public;

(5) facilitating regulatory processes for impacted landowners and providing technical review and comment on regulatory permits and development plans for regulations relating to soil and water conservation;

(6) administering projects and programs, including but not limited to the nonpoint source pollution abatement program; reinvest in Minnesota reserve conservation easements program; disaster response; local water management and comprehensive watershed management planning programs; and projects related to floodplains, lakes, streams and ditches, wetlands, upland resources, and groundwater resources, to maintain and improve the quality, quantity, distribution, and sustainability of natural resources, including surface water, groundwater, soil, and ecological resources;

(7) monitoring and inventorying to collect data that provide a baseline understanding of resource conditions and changes to the resources over time and analyzing and interpreting the data to support program implementation; and

(8) maintaining a modern technology infrastructure that facilitates planning and projects, including geographic information systems, modeling software, mobile workstations, survey and design equipment and software, and other technology for linking landowners with conservation plans.

Sec. 77. Minnesota Statutes 2018, section 103D.315, subdivision 8, is amended to read:

Subd. 8. **Compensation.** The compensation of managers for meetings and for performance of other necessary duties may not exceed ~~\$75~~ \$125 a day. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties.

Sec. 78. Minnesota Statutes 2018, section 103F.361, subdivision 2, is amended to read:

Subd. 2. **Legislative intent.** It is the intent of sections 103F.361 to 103F.377 to authorize and direct the board and ~~the counties~~ zoning authorities to implement the plan for the Mississippi headwaters area.

Sec. 79. Minnesota Statutes 2018, section 103F.363, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Sections 103F.361 to 103F.377 apply to the counties of Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison and all other zoning authorities.

Sec. 80. Minnesota Statutes 2018, section 103F.365, is amended by adding a subdivision to read:

Subd. 5. **Zoning authority.** "Zoning authority" means counties, organized townships, local and special governmental units, joint powers boards, councils, commissions, boards, districts, and all state agencies and departments wholly or partially within the corridor defined by the plan, excluding statutory or home rule charter cities.

Sec. 81. Minnesota Statutes 2018, section 103F.371, is amended to read:

**103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.**

(a) All local and special governmental units, councils, commissions, boards and districts and all state agencies and departments must exercise their powers so as to further the purposes of sections 103F.361 to 103F.377 and the plan. Land owned by the state, its agencies, and political subdivisions shall be administered in accordance with the plan. The certification procedure under section 103F.373 applies to all zoning authorities in the corridor defined by the plan.

(b) Actions that comply with the land use ordinance are consistent with the plan. Actions that do not comply with the ordinance may not be started until the board has been notified and given an opportunity to review and comment on the consistency of the action with this section.

Sec. 82. Minnesota Statutes 2018, section 103F.373, subdivision 1, is amended to read:

Subdivision 1. **Purpose.** To ~~assure~~ ensure that the plan is not nullified by unjustified exceptions in particular cases and to promote uniformity in the treatment of applications for exceptions, a review and certification procedure is established for the following categories of land use actions taken by ~~the counties and~~ zoning authorities directly or indirectly affecting land use within the area covered by the plan:

(1) the adoption or amendment of an ordinance regulating the use of land, including rezoning of particular tracts of land;

(2) the granting of a variance from provisions of the land use ordinance; and

(3) the approval of a plat which is inconsistent with the land use ordinance.

Sec. 83. Minnesota Statutes 2018, section 103F.373, subdivision 3, is amended to read:

Subd. 3. **Procedure for certification.** A copy of the notices of public hearings or, when a hearing is not required, a copy of the application to consider an action of a type specified in subdivision 1, clauses (1) to (3), must be forwarded to the board by the county zoning authority at least 15 days before the hearing or meetings to consider the actions. The county zoning authority shall notify the board of its final decision on the proposed action within ten days of the decision. By 30 days after the board receives the notice, the board shall notify the county zoning authority and the applicant of ~~its~~ the board's approval or disapproval of the proposed action.

Sec. 84. Minnesota Statutes 2018, section 103F.373, subdivision 4, is amended to read:

Subd. 4. **Disapproval of actions.** (a) If a notice of disapproval is issued by the board, the county zoning authority or the applicant may, within 30 days of the notice, file with the board a demand for a hearing. If a demand is not filed within the 30-day period, the disapproval becomes final.

(b) If a demand is filed within the 30-day period, a hearing must be held within 60 days of demand. The hearing must be preceded by two weeks' published notice. Within 30 days after the hearing, the board must:

(1) affirm its disapproval of the proposed action; or

(2) certify approval of the proposed action.

Sec. 85. Minnesota Statutes 2018, section 103G.2242, subdivision 14, is amended to read:

Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank accounts and transactions as follows:

(1) account maintenance annual fee: one percent of the value of credits not to exceed \$500;

(2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed \$1,000 per establishment, deposit, or transfer; and

(3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

(b) The board ~~may~~ must establish fees ~~at or~~ based on costs to the agency below the amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

(c) Fees for single-user or other dedicated wetland banking accounts established pursuant to section 103G.005, subdivision 10i, clause (4), are limited to establishment of a wetland banking account and are assessed at the rate of 6.5 percent of the value of the credits not to exceed \$1,000.

(d) The board may assess a fee to pay the costs associated with establishing conservation easements, or other long-term protection mechanisms prescribed in the rules adopted under subdivision 1, on property used for wetland replacement.

Sec. 86. Minnesota Statutes 2018, section 103G.241, subdivision 1, is amended to read:

Subdivision 1. **Conditions to affect public waters.** An agent or employee of another may not construct, reconstruct, remove, or make a change in a reservoir, dam, or waterway obstruction on a public water or in any manner change or diminish the course, current, or cross section of public waters unless the agent or employee has:

(1) obtained a signed statement from the property owner stating that the permits required for the work have been obtained or a permit is not required; and

(2) mailed or electronically transmitted a copy of the statement to the regional office of the Department of Natural Resources where the proposed work is located.

Sec. 87. Minnesota Statutes 2018, section 103G.241, subdivision 3, is amended to read:

Subd. 3. **Form for compliance.** The commissioner shall develop a form to be distributed to contractors' associations and county auditors to comply with this section. The form must include:

(1) a listing of the activities for which a permit is required;

(2) a description of the penalties for violating this chapter;

(3) the mailing addresses, electronic mail addresses, and telephone numbers of the regional offices of the Department of Natural Resources;

(4) a statement that water inventory maps completed according to section 103G.201 are on file with the auditors of the counties; and

(5) spaces for a description of the work and the names, mailing addresses, electronic mail addresses, and telephone numbers of the person authorizing the work and the agent or employee proposing to undertake it.

Sec. 88. Minnesota Statutes 2018, section 103G.287, subdivision 1, is amended to read:

Subdivision 1. **Applications for groundwater appropriations; preliminary well-construction approval.** (a) Groundwater use permit applications are not complete until the applicant has supplied:

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

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

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

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

(5) the results of any assessments conducted by the commissioner under paragraph (c).

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

(c) The commissioner shall provide an assessment of a proposed well needing a groundwater appropriation permit. The commissioner shall evaluate the information submitted as required under section 103I.205, subdivision 1, paragraph (e), and determine whether the anticipated appropriation request is likely to meet the applicable requirements of this chapter. If the appropriation request is likely to meet applicable requirements, the commissioner shall provide the person submitting the information with a letter or electronically transmitted notice providing preliminary approval to construct the well and the requirements, including test-well information, that will be needed to obtain the permit.

(d) The commissioner must provide an applicant denied a groundwater use permit or issued a groundwater use permit that is reduced or restricted from the original request with all information the commissioner used in making the determination, including hydrographs, flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment calibration.

Sec. 89. Minnesota Statutes 2018, section 103G.301, subdivision 2, is amended to read:

Subd. 2. **Permit application and notification fees.** (a) A fee to defray the costs of receiving, recording, and processing must be paid for a permit application authorized under this chapter, except for a general permit application, for each request to amend or transfer an existing permit, and for a notification to request authorization to conduct a project under a general permit. Fees established under this subdivision, unless specified in paragraph (c), ~~shall be compliant~~ must comply with section 16A.1285.

(b) Proposed projects that require water in excess of 100 million gallons per year must be assessed fees to recover the costs incurred to evaluate the project and the costs incurred for environmental review. Fees

collected under this paragraph must be credited to an account in the natural resources fund and are appropriated to the commissioner.

(c) The fee to apply for a permit to appropriate water, in addition to any fee under paragraph (b), ~~and for a permit to construct or repair a dam that is subject to dam safety inspection~~ is \$150. The application fee for a permit to construct or repair a dam that is subject to a dam safety inspection, to work in public waters, or to divert waters for mining must be at least ~~\$150~~ \$300, but not more than ~~\$1,000~~ \$3,000. The fee for a notification to request authorization to conduct a project under a general permit is \$100.

Sec. 90. Minnesota Statutes 2018, section 103G.311, subdivision 2, is amended to read:

Subd. 2. **Hearing notice.** (a) The hearing notice on an application must include:

- (1) the date, place, and time fixed by the commissioner for the hearing;
- (2) the waters affected, the water levels sought to be established, or control structures proposed; and
- (3) the matters prescribed by sections 14.57 to 14.59 and rules adopted thereunder.

(b) A summary of the hearing notice must be published by the commissioner at the expense of the applicant or, if the proceeding is initiated by the commissioner in the absence of an applicant, at the expense of the commissioner.

(c) The summary of the hearing notice must be:

(1) published once a week for two successive weeks before the day of hearing in a legal newspaper published in the county where any part of the affected waters is located; and

(2) mailed or electronically transmitted by the commissioner to the county auditor, the mayor of a municipality, the watershed district, and the soil and water conservation district affected by the application.

Sec. 91. Minnesota Statutes 2018, section 103G.311, subdivision 5, is amended to read:

Subd. 5. **Demand for hearing.** (a) If a hearing is waived and an order is made issuing or denying the permit, the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the governing body of the municipality may file a demand for hearing on the application. The demand for a hearing must be filed within 30 days after mailed or electronically transmitted notice of the order with the bond required by subdivision 6.

(b) The commissioner must give notice as provided in subdivision 2, hold a hearing on the application, and make a determination on issuing or denying the permit as though the previous order had not been made.

(c) The order issuing or denying the permit becomes final at the end of 30 days after mailed or electronically transmitted notice of the order to the applicant, the managers of the watershed district, the board of supervisors of the soil and water conservation district, or the governing body of the municipality, and an appeal of the order may not be taken if:

- (1) the commissioner waives a hearing and a demand for a hearing is not made; or
- (2) a hearing is demanded but a bond is not filed as required by subdivision 6.

Sec. 92. Minnesota Statutes 2018, section 103G.315, subdivision 8, is amended to read:

Subd. 8. **Notice of permit order.** Notice of orders made after hearing must be given by publication of the order once a week for two successive weeks in a legal newspaper in the county where the hearing was held and by mailing or electronically transmitting copies of the order to parties who entered an appearance at the hearing.

Sec. 93. Minnesota Statutes 2018, section 103G.408, is amended to read:

**103G.408 TEMPORARY DRAWDOWN OF PUBLIC WATERS.**

(a) The commissioner, upon consideration of recommendations and objections as provided in clause (2), item (iii), and paragraph (c), may issue a public-waters-work permit for the temporary drawdown of a public water when:

(1) the public water is a shallow lake to be managed for fish, wildlife, or ecological purposes by the commissioner and the commissioner has conducted a public hearing presenting a comprehensive management plan outlining how and when temporary drawdowns under this section will be conducted; or

(2) the permit applicant is a public entity and:

(i) the commissioner deems the project to be beneficial and makes findings of fact that the drawdown is in the public interest;

(ii) the permit applicant has obtained permission from at least 75 percent of the riparian landowners; and

(iii) the permit applicant has conducted a public hearing according to paragraph (d).

(b) In addition to the requirements in section 103G.301, subdivision 6, the permit applicant shall serve a copy of the application on each county, municipality, and watershed management organization, if one exists, within which any portion of the public water is located and on the lake improvement district, if one exists.

(c) A county, municipality, watershed district, watershed management organization, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, may file a written recommendation for the issuance of a permit or an objection to the issuance of a permit with the commissioner within 30 days after receiving a copy of the application.

(d) The hearing notice for a public hearing under paragraph (a), clause (2), item (iii), must:

(1) include the date, place, and time for the hearing;

(2) include the waters affected and a description of the proposed project;

(3) be mailed or electronically transmitted to the director, the county auditor, the clerk or mayor of a municipality, the lake improvement district if one exists, the watershed district or water management organization, the soil and water conservation district, and all riparian owners of record affected by the application; and

(4) be published in a newspaper of general circulation in the affected area.

(e) Periodic temporary drawdowns conducted under paragraph (a) ~~shall~~ are not ~~be~~ considered takings from riparian landowners.

(f) This section does not apply to public waters that have been designated for wildlife management under section 97A.101.

Sec. 94. Minnesota Statutes 2018, section 103G.615, subdivision 3a, is amended to read:

Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant management permit" means an aquatic plant management permit as defined in rules of the Department of Natural Resources that authorizes the selective control of invasive aquatic plants to cause a significant reduction in the abundance of the invasive aquatic plant.

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

(c) If the signature requirement is waived under paragraph (b) because obtaining signatures would create an undue burden on the permittee, the commissioner shall require an alternate form of landowner notification, including news releases or public notices in a local newspaper, a public meeting, or a mailing or electronic transmission to the most recent permanent physical or electronic mailing address of affected landowners. The notification must be given annually and must include: the proposed date of treatment, the target species, the method of control or product being used, and instructions on how the landowner may request that control not occur adjacent to the landowner's property.

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

Sec. 95. Minnesota Statutes 2018, section 115.03, subdivision 5, is amended to read:

Subd. 5. **Agency authority; national pollutant discharge elimination system.** (a) Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall have the authority to perform any and all acts minimally necessary including, but not limited to, the establishment and application of standards, procedures, rules, orders, variances, stipulation agreements, schedules of compliance, and permit conditions, consistent with and, therefore not less stringent than the provisions of the Federal Water Pollution Control Act, as amended, applicable to the participation by the state of Minnesota in the national pollutant discharge elimination system (NPDES); provided that this provision shall not be construed as a limitation on any powers or duties otherwise residing with the agency pursuant to any provision of law.

(b) An activity that conveys or connects waters of the state without subjecting the transferred water to intervening industrial, municipal, or commercial use does not require a national pollutant discharge elimination system permit. This exemption does not apply to pollutants introduced by the activity itself to the water being transferred.

Sec. 96. Minnesota Statutes 2018, section 115.03, is amended by adding a subdivision to read:

Subd. 5e. **Sugar beet storage.** The commissioner must not require a sugar beet company that has a current national pollutant discharge elimination system permit or state disposal system permit to install an engineered liner for a storm water runoff pond at a remote storage site for sugar beets unless a risk assessment confirms that there is significant impact on groundwater and that an engineered liner is necessary to prevent,

control, or abate water pollution. For purposes of this subdivision, "remote storage site for sugar beets" means an area where sugar beets are temporarily stored before delivery to a sugar beet processing facility and that is not located on land adjacent to the processing facility.

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

Sec. 97. Minnesota Statutes 2018, section 115.035, is amended to read:

**115.035 EXTERNAL PEER REVIEW OF WATER QUALITY STANDARDS.**

~~(a) When the commissioner convenes an external peer review panel during the promulgation or amendment of water quality standards, the commissioner must provide notice and take public comment on the charge questions for the external peer review panel and must allow written and oral public comment as part of the external peer review panel process. Every new or revised numeric water quality standard must be supported by a technical support document that provides the scientific basis for the proposed standard and that has undergone external, scientific peer review. Numeric water quality standards in which the agency is adopting, without change, a United States Environmental Protection Agency criterion that has been through peer review are not subject to this paragraph. Documentation of the external peer review panel, including the name or names of the peer reviewer or reviewers, must be included in the statement of need and reasonableness for the water quality standard. If the commissioner does not convene an external peer review panel during the promulgation or amendment of water quality standards, the commissioner must state the reason an external peer review panel will not be convened in the statement of need and reasonableness.~~

(b) Every technical support document developed by the agency must be released in draft form for public comment before peer review and before finalizing the technical support document.

(c) The commissioner must provide public notice and information about the external peer review through the request for comments published at the beginning of the rulemaking process for the numeric water quality standard, and:

(1) the request for comments must identify the draft technical support document and where the document can be found;

(2) the request for comments must include a proposed charge for the external peer review and request comments on the charge;

(3) all comments received during the public comment period must be made available to the external peer reviewers; and

(4) if the agency is not soliciting external peer review because the agency is adopting a United States Environmental Protection Agency criterion without change, that must be noted in the request for comments.

(d) The purpose of the external peer review is to evaluate whether the technical support document and proposed standard are based on sound scientific knowledge, methods, and practices. The external peer review must be conducted according to the guidance in the most recent edition of the United States Environmental Protection Agency's Peer Review Handbook. Peer reviewers must not have participated in developing the scientific basis of the standard. Peer reviewers must disclose any activities or circumstances that could pose a conflict of interest or create an appearance of a loss of impartiality that could interfere with an objective review.



(e) The type of review and the number of peer reviewers depends on the nature of the science underlying the standard. A panel review must be used when the agency is developing significant new science or science that expands significantly beyond current documented scientific practices or principles.

(f) In response to the findings of the external peer review, the agency must revise the draft technical support document as appropriate. The findings of the external peer review must be documented and attached to the final technical support document, which must be an exhibit as part of the statement of need and reasonableness in the rulemaking to adopt the new or revised water quality standard. The agency must note changes in the final technical support document made in response to the external peer review.

~~(b)~~ (g) By December 15 each year, the commissioner ~~shall~~ must post on the agency's website a report identifying the water quality standards development work in progress or completed in the past year, the lead agency scientist for each development effort, and opportunities for public input.

Sec. 98. Minnesota Statutes 2018, section 115A.51, is amended to read:

#### **115A.51 APPLICATION REQUIREMENTS.**

(a) Applications for assistance under the program shall must demonstrate:

~~(a)~~ (1) that the project is conceptually and technically feasible;

~~(b)~~ (2) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project;

~~(c)~~ (3) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project;

~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal, including using existing solid waste management facilities with reasonably available capacity sufficient to accomplish the goals of the proposed project, and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators;

(5) that the applicant has identified:

(i) waste management objectives in applicable county and regional solid waste management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

(ii) other solid waste facilities identified in the county and regional plans; and

(6) that the applicant has conducted a comparative analysis of the project against existing public and private solid waste facilities, including an analysis of potential displacement of those facilities, to determine whether the project is the most appropriate alternative to achieve the identified waste management objectives that considers:

(i) conformity with approved county or regional solid waste management plans;

(ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

(iii) environmental standards related to public health, air, surface water, and groundwater.

(b) The commissioner may require completion of a comprehensive solid waste management plan conforming to the requirements of section 115A.46, before accepting an application. Within five days of filing an application with the agency, the applicant must submit a copy of the application to each solid waste management facility mentioned in the portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).

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

Sec. 99. **[115B.172] NATURAL RESOURCES DAMAGES ACCOUNT.**

**Subdivision 1. Establishment.** The natural resources damages account is established as an account in the remediation fund.

**Subd. 2. Revenues.** The account consists of money from the following sources:

(1) revenue from actions taken to recover natural resources damages under section 115B.17, subdivision 7, or any other law, unless otherwise specified in the settlement agreement;

(2) appropriations and transfers to the account as provided by law;

(3) interest earned on the account; and

(4) money received by the commissioner of the Pollution Control Agency or the commissioner of natural resources for deposit in the account in the form of a gift or grant.

**Subd. 3. Expenditures.** (a) Money in the account is appropriated to the commissioner of natural resources for the purposes authorized in section 115B.20, subdivision 2, clause (4).

(b) The commissioner of management and budget must allocate the amounts available in any biennium to the commissioner of natural resources for the purposes of this section based upon work plans submitted by the commissioner of natural resources and may adjust those allocations if revised work plans are submitted. Copies of the work plans must be submitted to the chairs of the house of representatives and senate committees and divisions having jurisdiction over environment and natural resources finance.

**Subd. 4. Report.** By November 1 each year, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources policy and finance on expenditures from the natural resources damages account during the previous fiscal year.

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

Sec. 100. Minnesota Statutes 2018, section 116.155, subdivision 1, is amended to read:

**Subdivision 1. Creation.** The remediation fund is created as a special revenue fund in the state treasury to provide a reliable source of public money for response and corrective actions to address releases of hazardous substances, pollutants or contaminants, agricultural chemicals, and petroleum, and for environmental response actions at qualified landfill facilities for which the agency has assumed such responsibility, including perpetual care of such facilities. The specific purposes for which the general portion of the fund may be spent are provided in subdivision 2. In addition to the general portion of the fund, the fund contains ~~three~~ four accounts described in subdivisions 4 to ~~5a~~ 5b.

Sec. 101. Minnesota Statutes 2018, section 116.155, subdivision 3, is amended to read:

Subd. 3. **Revenues.** The following revenues shall be deposited in the general portion of the remediation fund:

(1) response costs ~~and natural resource damages~~ related to releases of hazardous substances, or pollutants or contaminants, recovered under sections 115B.17, ~~subdivisions~~ subdivision 6 and 7; 115B.443; 115B.444, or any other law;

(2) money paid to the agency or the Agriculture Department by voluntary parties who have received technical or other assistance under sections 115B.17, subdivision 14, 115B.175 to 115B.179, and 115C.03, subdivision 9;

(3) money received in the form of gifts, grants, reimbursement, or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants; and

(4) interest accrued on the fund.

Sec. 102. Minnesota Statutes 2018, section 116.155, is amended by adding a subdivision to read:

Subd. 5b. **Natural resources damages account.** The natural resources damages account is as described in section 115B.172.

Sec. 103. Minnesota Statutes 2018, section 116.993, subdivision 2, is amended to read:

Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower must:

(1) be a small business corporation, sole proprietorship, partnership, or association;

(2) be a potential emitter of pollutants to the air, ground, or water;

(3) need capital for equipment purchases that will meet or exceed environmental regulations or need capital for site investigation and cleanup;

(4) have less than ~~50~~ 100 full-time equivalent employees; and

(5) have an after tax profit of less than \$500,000; ~~and~~

~~(6) have a net worth of less than \$1,000,000.~~

Sec. 104. Minnesota Statutes 2018, section 116.993, subdivision 6, is amended to read:

Subd. 6. **Loan conditions.** A loan made under this section must include:

(1) an interest rate that is ~~four percent or~~ at or below one-half the prime rate, ~~whichever is greater~~ not to exceed five percent;

(2) a term of payment of not more than seven years; and

(3) an amount not less than \$1,000 or exceeding ~~\$50,000~~ \$75,000.

Sec. 105. Minnesota Statutes 2018, section 116D.04, subdivision 2a, is amended to read:

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

(b) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets ~~shall~~ must be prepared as well as categories of actions for which no environmental review is required under this section. A mandatory environmental assessment worksheet is not required for the expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded or converted facility to produce alcohol fuel, but must be required if the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories of actions for which environmental assessment worksheets must be prepared. The responsible governmental unit for an ethanol plant or biobutanol facility project for which an environmental assessment worksheet is prepared is the state agency with the greatest responsibility for supervising or approving the project as a whole.

(c) A mandatory environmental impact statement is not required for a facility or plant located outside the seven-county metropolitan area that produces less than 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that only uses a cellulosic feedstock to produce chemical products for use by another facility as a feedstock is not considered a fuel conversion facility as used in rules adopted under this chapter.

(d) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet by publishing the notice in at least one newspaper of general circulation in the geographic area where the project is proposed, by posting the notice on a website that has been designated as the official publication site for publication of proceedings, public notices, and summaries of a political subdivision in which the project is proposed, or in any other manner determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30-day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit may extend the 30-day comment period for an additional 30 days one time. Further extensions of the comment period may not be made unless approved by the project's proposer. The responsible governmental unit's decision on the need for an environmental impact statement ~~shall~~ must be based on the environmental assessment worksheet and the comments received during the comment period, and ~~shall~~ must be made within 15 days after the close of the comment period. The board's chair may extend the 15-day period by not more than 15 additional days upon the request of the responsible governmental unit.

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

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

(1) the proposed action is:

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

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

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

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

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

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

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

prepared for a project requiring multiple permits for which two or more agencies' decision processes include either mandatory or discretionary hearings before a hearing officer before the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to the contrary, conduct the hearings in a single consolidated hearing process if requested by the proposer. All agencies having jurisdiction over a permit that is included in the consolidated hearing shall participate. The responsible governmental unit shall establish appropriate procedures for the consolidated hearing process, including procedures to ensure that the consolidated hearing process is consistent with the applicable requirements for each permit regarding the rights and duties of parties to the hearing, and shall ~~utilize~~ use the earliest applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over a permit identified in the draft environmental assessment worksheet scoping document must begin reviewing any permit application upon publication of the notice of preparation of the environmental impact statement.

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

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

Sec. 106. Minnesota Statutes 2018, section 116U.55, is amended to read:

#### **116U.55 GIFTS, GRANTS, AND ENDOWMENTS; ACCOUNT.**

**Subdivision 1. Acceptance of gifts and grants.** The office may accept gifts of money, property, or services, may apply for and accept grants from the United States, the state, a subdivision of the state, or a person for any of its purposes; may enter into an agreement required in connection with it; and may hold, use, and dispose of the money, property, or services in accordance with the terms of the gift, grant, or agreement relating to it. The office may also make grants, gifts, and bequests of money, property, or services and enter into contracts to carry out the same. The gift acceptance procedures of sections 16A.013 to 16A.016 do not apply to this section.

**Subd. 2. Outdoor recreation promotion account.** Gifts and grants received by the office for promoting outdoor recreation must be deposited in an outdoor recreation promotion account in the special revenue fund. Money in the account, including interest earned, is appropriated to the director for the purposes specified in the gift or grant.

Sec. 107. Minnesota Statutes 2018, section 127A.353, subdivision 1, is amended to read:

Subdivision 1. **Appointment.** The school trust lands director shall be appointed by the governor. The commissioner of natural resources shall provide human resources, payroll, accounting, procurement, and other similar administrative services to the school trust lands director. The director's appointment is subject to the advice and consent of the senate.

Sec. 108. Laws 2013, chapter 114, article 4, section 105, as amended by Laws 2017, chapter 93, article 2, section 148, is amended to read:

Sec. 105. **RULES; SILICA SAND.**

(a) The commissioner of the Pollution Control Agency may adopt rules pertaining to the control of particulate emissions from silica sand projects. The rulemaking is exempt from Minnesota Statutes, section 14.125.

(b) The commissioner of natural resources shall ~~adopt rules~~ develop a model ordinance pertaining to the reclamation of silica sand mines. ~~The rulemaking is exempt from Minnesota Statutes, section 14.125~~ commissioner shall publish the model ordinance in the State Register.

(c) By January 1, 2014, the Department of Health shall adopt an air quality health-based value for silica sand.

(d) The Environmental Quality Board may amend its rules for environmental review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to take into account the increased activity in the state and concerns over the size of specific operations. The Environmental Quality Board shall consider whether the requirements of Minnesota Statutes, section 116C.991, should remain part of the environmental review requirements for silica sand and whether the requirements should be different for different geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section 14.125.

Sec. 109. **APPLYING STORM WATER RULES TO TOWNSHIPS.**

Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part 7090.1010, subpart 1, item B, subitem (1), applies only to the portions of a city, a town, and unorganized areas of counties that are designated as urbanized under Code of Federal Regulations, title 40, section 122.26(2)(9)(i)(A), and other platted areas within that jurisdiction.

Sec. 110. **WETLAND REPLACEMENT; FRAMEWORKS FOR IN-LIEU FEE PROGRAM.**

The Board of Water and Soil Resources, in cooperation with the United States Army Corps of Engineers, may complete the planning frameworks and other program application requirements necessary for federal approval of an in-lieu fee program, as authorized under Minnesota Statutes, section 103G.2242, in the Red River basin and the greater than 80 percent area. The planning frameworks must contain a prioritization strategy for selecting and implementing mitigation activities based on a watershed approach that includes consideration of historic resource loss within watersheds and the extent to which mitigation can address priority watershed needs. The board must consider the recommendations of the report "Siting of Wetland Mitigation in Northeast Minnesota," dated March 7, 2014, and implementation of Minnesota Statutes, section 103B.3355, paragraphs (e) and (f), in developing proposed planning frameworks for applicable watersheds. When completing the work and pursuing approval of an in-lieu fee program, the board must do so consistent with the applicable requirements, stakeholder and agency review processes, and approval time frames in

Code of Federal Regulations, title 33, part 332. Upon receiving federal approval, the board must submit any completed planning frameworks to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources.

Sec. 111. **HILL-ANNEX MINE STATE PARK; MANAGEMENT AND OPERATION.**

(a) The commissioner of natural resources must operate the Hill-Annex Mine State Park for the purposes it was established through June 30, 2021, and must during that time maintain at fiscal year 2016 levels, the level of service and hours of operation at the park. The commissioner must work with the group established under Laws 2017, chapter 93, article 2, section 156, to review park activities and the alternate operating model developed and identify options for sustainable and viable operation of the park site. The commissioner must submit recommendations to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over the environment and natural resources by January 15, 2021.

(b) The commissioner of natural resources must work with the city of Calumet, other neighboring cities and townships, and other local units of government to identify and coordinate volunteers to supplement the Department of Natural Resources' park operations to the extent allowable under state law and rules.

Sec. 112. **AGGREGATE RECLAMATION GUIDANCE.**

The commissioner of natural resources shall update the Department of Natural Resources aggregate reclamation handbook as recommended by the Aggregate Resources Task Force Final Report dated January 15, 2018.

Sec. 113. **BASIC ANGLING CURRICULUM.**

The commissioner of natural resources must develop a basic angling curriculum that includes basic fishing techniques and information about aquatic invasive species, tournament etiquette, conservation, water safety, and related matters. The commissioner must make the basic angling curriculum available without cost to nonprofit organizations operating fishing leagues for high schools.

Sec. 114. **METROPOLITAN LANDFILL CONTINGENCY ACTION TRUST ACCOUNT; REPORT.**

By February 1, 2020, the commissioner of the Pollution Control Agency must submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources finance regarding the long-term health and availability of the metropolitan landfill contingency action trust account, including its ability to meet future obligations. The commissioner must consult affected local governments in preparing the report.

Sec. 115. **STAMP DESIGN; RULE AMENDMENT.**

(a) The commissioner of natural resources shall amend Minnesota Rules, part 6290.0400, subpart 3, to:

- (1) allow a contest entry to be created using nonphotographic digital media; and
- (2) require a person submitting a contest entry to list all media used in the creation of the entry.

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



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

Sec. 116. **FINANCIAL ASSURANCE ANALYSIS FOR WASTE TIRE FACILITIES.**

By February 1, 2020, the commissioner of the Pollution Control Agency shall conduct an analysis of the forms and levels of financial assurance required of owners and operators of permitted waste tire facilities and submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over environment policy and finance that includes the following:

(1) an analysis of the adequacy of existing financial assurance mechanisms for waste tires stored at waste tire facilities;

(2) waste tire processing capacity statewide; and

(3) a review of additional options for financial assurance mechanisms.

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

Sec. 117. **NAMING STATE PARK FACILITIES AFTER WALTER F. MONDALE.**

Subdivision 1. **Naming.** Notwithstanding Minnesota Statutes, section 10.49, the buildings and other facilities listed in subdivisions 2 to 5 may be designated and named after Walter F. Mondale.

Subd. 2. **Interstate State Park; scenic overlook and trail.** The scenic overlook and trail at Interstate State Park is named and designated as the Walter F. Mondale Scenic Overlook and Trail.

Subd. 3. **St. Croix State Park; visitor center.** The visitor center at St. Croix State Park is named and designated as the Walter F. Mondale Visitor Center.

Subd. 4. **Wild River State Park; River Trail.** The River Trail at Wild River State Park is named and designated as the Walter F. Mondale River Trail.

Subd. 5. **William O'Brien State Park; day use area.** The day use area at William O'Brien State Park, currently referred to as the Lake Alice Day Use Area, is named and designated as the Walter F. Mondale Day Use Area.

Sec. 118. **REVISOR INSTRUCTION.**

The revisor of statutes must change the reference in Minnesota Statutes, sections 127A.30, subdivision 2, and 287.22, from "section 92.121" to "section 92.122."

Sec. 119. **REPEALER.**

Minnesota Statutes 2018, section 92.121, is repealed.

**ARTICLE 4**  
**STATE LANDS**

Section 1. Minnesota Statutes 2018, section 84.0273, is amended to read:

**84.0273 ESTABLISHING BOUNDARY LINES RELATING TO CERTAIN STATE LANDHOLDINGS.**

(a) ~~In order~~ To resolve boundary line issues affecting the ownership interests of the state and adjacent landowners, the commissioner of natural resources may, in the name of the state upon terms the commissioner deems appropriate, convey, by a boundary line agreement, quitclaim deed, or management agreement in such form as the attorney general approves, such rights, titles, and interests of the state in state lands for such rights, titles, and interests in adjacent lands as are necessary ~~for the purpose of establishing~~ to establish boundaries. The commissioner must publish a notice of the proposed conveyance and a brief statement of the reason therefor shall be published for the conveyance once in the State Register by the commissioner between 15 and at least 30 days prior to before the conveyance. The provisions of This paragraph are is not intended to replace or supersede laws relating to land exchange or disposal of surplus state property.

(b) ~~In order~~ To resolve trespass issues affecting the ownership interests of the state and adjacent landowners, the commissioner of natural resources, in the name of the state, may sell surplus lands not needed for natural resource purposes at private sale to adjoining property owners and leaseholders. The conveyance must be by quitclaim in a form approved by the attorney general for a consideration not less than the value determined according to section 94.10, subdivision 1.

(c) Paragraph (b) applies to all state-owned lands managed by the commissioner of natural resources, except school trust land as defined in section 92.025. For acquired lands, the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding the offering to public entities, public sale, and related notice and publication requirements of sections 94.09 to 94.165. For consolidated conservation lands, the commissioner may sell the surplus lands as provided in paragraph (b) notwithstanding the classification and public sale provisions of chapters 84A and 282.

Sec. 2. Minnesota Statutes 2018, section 92.115, subdivision 1, is amended to read:

Subdivision 1. **Land valuation required.** Before offering any state land for sale under this chapter, the commissioner must establish the value of the land. The commissioner shall have the land appraised if the estimated market value is in excess of ~~\$50,000~~ \$100,000.

Sec. 3. Minnesota Statutes 2018, section 94.09, subdivision 3, is amended to read:

Subd. 3. **Notice to agencies; determination of surplus.** The commissioner of natural resources shall send written notice to ~~all state departments, agencies and the University of Minnesota~~ the Departments of Administration and Transportation, the Board of Water and Soil Resources, the Office of School Trust Lands, the legal or land departments of the University of Minnesota and Minnesota State Colleges and Universities, the Minnesota Indian Affairs Council, and any other state department or agency that requests to receive notices describing any lands or tracts which that may be declared surplus. If a department or agency or the University of Minnesota recipient of the notice desires custody of the lands or tracts, it shall the recipient must submit a written request to the commissioner; no later than four calendar weeks after mailing of the notice; setting forth in detail its the reasons for desiring to acquire; and its the intended use of; the land or tract. The commissioner shall then determine whether any of the lands described in the

~~certifications of the heads of the departments or agencies so requested~~ should be declared surplus and offered for sale or otherwise disposed of by transferring custodial control to other requesting state departments or agencies or to the Board of Regents of the University of Minnesota for educational purposes, provided however that transfer to the Board of Regents ~~shall is not be~~ determinative of tax exemption or immunity. If the commissioner determines that any of the lands are no longer needed for state purposes, the commissioner shall make findings of fact, describe the lands, declare the lands to be surplus state land, and state the reasons for the sale or disposition of the lands.

Sec. 4. Minnesota Statutes 2018, section 94.10, is amended to read:

#### **94.10 SURVEYS, APPRAISALS, AND SALE.**

Subdivision 1. **Appraisal; notice and offer to public bodies.** (a) Before offering any surplus state-owned lands for sale, the commissioner of natural resources must establish the value of the lands. The commissioner shall have the lands appraised if the estimated value is in excess of ~~\$50,000~~ \$100,000. No parcel of state-owned land shall be sold for less than \$1,000.

(b) The appraisals must be made by regularly appointed and qualified state appraisers. To be qualified, an appraiser must hold a state appraiser license issued by the Department of Commerce. The appraisal must be in conformity with the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

(c) Before offering surplus state-owned lands for public sale, the lands ~~shall~~ must first be offered to the city, county, town, school district, or other public body corporate or politic in which the lands are situated for public purposes and the lands may be sold for public purposes for not less than the appraised value of the lands. To determine whether a public body desires to purchase the surplus land, the commissioner of natural resources shall give a written notice to the governing body of each political subdivision whose jurisdictional boundaries include or are adjacent to the surplus land. If a public body desires to purchase the surplus land, ~~it shall~~ the public body must submit a written offer to the commissioner no later than two weeks after receipt of notice setting forth in detail ~~its~~ the reasons for desiring to acquire and ~~its~~ the intended use of the land. ~~In the event that~~ If more than one public body tenders an offer, the commissioner shall determine which party shall receive the property and shall submit written findings regarding the decision. If lands are offered for sale for public purposes and if a public body notifies the commissioner of its desire to acquire the lands, the public body may have up to two years from the date of the accepted offer to ~~commence payment~~ begin paying for the lands in the manner provided by law.

(d) Before offering surplus state-owned lands that are located within the reservation boundary of a federally recognized Indian tribe for public sale or before offering the lands to an entity specified in paragraph (c), the lands must first be offered to the federally recognized Indian tribe with governing authority over the reservation where the lands are located. If the lands are located within the reservation boundary of a federally recognized tribe that is one of the six constituent tribes of the Minnesota Chippewa Tribe, then the lands must be offered to both the Minnesota Chippewa Tribe and the constituent tribe where the lands are located. The lands may be sold for not less than the appraised value of the lands. To determine whether an Indian tribe desires to purchase the lands, the commissioner of natural resources must give a written notice to the governing body of the Indian tribe and, when applicable, to the Minnesota Chippewa Tribe if the tribe is a member of the Minnesota Chippewa Tribe. If the Indian tribe desires to purchase the lands, the Indian tribe must notify the commissioner in writing of the intent to purchase the lands no later than two weeks after receiving the notice. If the Indian tribe notifies the commissioner of its intent to acquire the lands, the Indian tribe has up to two years from the date that the notice of intent to purchase the lands was submitted to begin paying for the lands in the manner provided by law.

Subd. 2. **Public sale requirements.** (a) After complying with subdivision 1 and before any public sale of surplus state-owned land is made and at least 30 days before the sale, the commissioner of natural resources shall publish a notice of the sale in a newspaper of general distribution in the county in which the real property to be sold is situated. The notice shall specify the time and place at which the sale will commence, a general description of the lots or tracts to be offered, and a general statement of the terms of sale. The commissioner shall ~~also~~ provide electronic notice of the sale.

(b) The minimum bid for a parcel of land must include the estimated value or appraised value of the land and any improvements and, if any of the land is valuable for merchantable timber, the value of the merchantable timber. The minimum bid may include expenses incurred by the commissioner in rendering the property salable, including survey, appraisal, legal, advertising, and other expenses.

(c) The purchaser of state land must pay recording fees and the state deed tax.

(d) Except as provided under paragraph (e), parcels remaining unsold after the offering may be sold to anyone agreeing to pay at least 75 percent of the appraised value. The sale ~~shall~~ must continue until all parcels are sold or until the commissioner orders a reappraisal or withdraws the remaining parcels from sale.

(e) The commissioner may retain the services of a licensed real estate broker to find a buyer for parcels remaining unsold after the offering. The sale price may be negotiated by the broker, but must not be less than 90 percent of the appraised value as determined by the commissioner. The broker's fee must be established by prior agreement between the commissioner and the broker and must not exceed ten percent of the sale price for sales of \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

(f) Public sales of surplus state-owned land may be conducted through online auctions.

Sec. 5. Minnesota Statutes 2018, section 282.01, subdivision 4, is amended to read:

Subd. 4. **Sale; method; requirements; effects.** (a) The sale authorized under subdivision 3 must be conducted by the county auditor at the county seat of the county in which the parcels lie, except that in St. Louis and Koochiching Counties, the sale may be conducted in any county designated facility within the county. The sale must not be for less than the appraised value except as provided in subdivision 7a. The parcels must be sold for cash only, unless the county board of the county has adopted a resolution providing for their sale on terms, in which event the resolution controls with respect to the sale. When the sale is made on terms other than for cash only (1) a payment of at least ten percent of the purchase price must be made at the time of purchase, and the balance must be paid in no more than ten equal annual installments, or (2) the payments must be made in accordance with county board policy, but in no event may the board require more than 12 installments annually, and the contract term must not be for more than ten years. Standing timber or timber products must not be removed from these lands until an amount equal to the appraised value of all standing timber or timber products on the lands at the time of purchase has been paid by the purchaser. If a parcel of land bearing standing timber or timber products is sold at public auction for more than the appraised value, the amount bid in excess of the appraised value must be allocated between the land and the timber in proportion to their respective appraised values. In that case, standing timber or timber products must not be removed from the land until the amount of the excess bid allocated to timber or timber products has been paid in addition to the appraised value of the land. The purchaser is entitled to immediate possession, subject to the provisions of any existing valid lease made in behalf of the state.

(b) For sales occurring on or after July 1, 1982, the unpaid balance of the purchase price is subject to interest at the rate determined pursuant to section 549.09. The unpaid balance of the purchase price for sales occurring after December 31, 1990, is subject to interest at the rate determined in section 279.03, subdivision

1a. The interest rate is subject to change each year on the unpaid balance in the manner provided for rate changes in section 549.09 or 279.03, subdivision 1a, whichever, is applicable. Interest on the unpaid contract balance on sales occurring before July 1, 1982, is payable at the rate applicable to the sale at the time that the sale occurred.

(c) Notwithstanding subdivision 7, a county board may by resolution provide for the listing and sale of individual parcels by other means, including through a real estate broker. However, if the buyer under this paragraph could have repurchased a parcel of property under section 282.012 or 282.241, that buyer may not purchase that same parcel of property at the sale under this subdivision for a purchase price less than the sum of all taxes, assessments, penalties, interest, and costs due at the time of forfeiture computed under section 282.251, and any special assessments for improvements certified as of the date of sale. This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land in order to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

Sec. 6. Laws 2012, chapter 236, section 28, subdivision 2, as amended by Laws 2016, chapter 154, section 9, is amended to read:

Subd. 2. **Method of sale.** (a) The leaseholder of a leased parcel may purchase at private sale the leased parcel and any other lands allocated to the parcel by the county under subdivision 6 that is offered for sale under this section. The purchase price is the appraised value of the land under subdivision 3 exclusive of improvements on it. To purchase a parcel, a leaseholder must pay in cash to the county an amount equal to the appraised value of the land within 180 days from the date of mailing to or service of notice of appraised value to the leaseholder by the county. The 180-day period runs from the date of mailing of a copy of the appraisal to the leaseholder at the address shown upon the most recent lease agreement between the parties, exclusive of the date of mailing or service. The county may use any alternative method of notice under the Minnesota Rules of Civil Procedure for the service of a summons and complaint.

(b) If the leaseholder does not purchase the parcel so offered, the county may offer the lands for sale under the provisions of Minnesota Statutes, section 282.01, subdivision 7. If a person other than the leaseholder purchases the parcel, the purchaser must make payment in full to the leaseholder in the manner provided in Minnesota Statutes, section 92.06, subdivision 4, for the value of any improvements as determined under subdivision 3 or for the value of any improvements as determined through negotiations.

(c) Failure of a purchaser to comply with the terms of payment voids the sale and the property may be reoffered for sale.

Sec. 7. Laws 2012, chapter 236, section 28, subdivision 9, as amended by Laws 2016, chapter 154, section 11, is amended to read:

Subd. 9. **Sunset.** This section expires ~~seven~~ ten years after the effective date.

Sec. 8. **ADDITION TO STATE PARK.**

**[85.012] [Subd. 23a.] Glendalough State Park, Otter Tail County.**

The following areas are added to Glendalough State Park, Otter Tail County:

(1) Government Lot 2, Section 12, Township 133 North, Range 40 West, Otter Tail County, Minnesota, subject to an existing conservation easement; and

(2) the West Half of the Southeast Quarter and Government Lots 2 and 3, Section 11, Township 133 North, Range 40 West, Otter Tail County, Minnesota, except that part of said Government Lot 2 platted as Walvatne Addition. Subject to an existing conservation easement.

**Sec. 9. DELETION FROM STATE PARK.**

[85.012] [Subd. 49.] St. Croix State Park, Pine County. The following area is deleted from St. Croix State Park, Pine County: that part of the North Half of the Northwest Quarter of Section 29 and that part of the Northeast Quarter of the Northeast Quarter of Section 30, Township 41 North, Range 17 West, Pine County, Minnesota, lying north of County Road 48.

**Sec. 10. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CARLTON COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Carlton County and is described as: Government Lot 6, Section 1, Township 48 North, Range 19 West.

(d) The land borders Perch Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would be best served if the land were sold to a federally recognized Indian tribe for land consolidation purposes.

**Sec. 11. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Cass County and is described as: Lot 7, Block 1, Dell's Sleepy Hollow, located in Section 22, Township 140 North, Range 29 West.

(d) The land borders Woman Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 12. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; HUBBARD COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus lands bordering public water that is described in paragraph (c) to Hubbard County for no consideration.

(b) The commissioner may make necessary changes to the legal descriptions to correct errors and ensure accuracy.

(c) The lands that may be conveyed are located in Hubbard County and are described as:

(1) the East 285.00 feet of the West 660.00 feet of Government Lot 4 of Section 27, Township 141 North, Range 34 West. Including all riparian rights to the contained 2.3 acres, more or less; and

(2) that part of Government Lot 2 of Section 34, Township 141 North, Range 34 West, described as follows:

Commencing at the northwest corner of said Government Lot 2; thence South 89 degrees 27 minutes 15 seconds East, bearing assumed, along the north line of said Section 34 a distance of 375.18 feet to the point of beginning; thence continuing South 89 degrees 27 minutes 15 seconds East along said north line a distance of 285.13 feet; thence South 02 degrees 01 minutes 46 seconds East along a line parallel with and 660.00 feet from the west line of said Government Lot 2 a distance of 77.98 feet; thence North 88 degrees 14 minutes 48 seconds East a distance of 65.77 feet along a line which if continued 550.00 feet would intersect an angle iron previously used as the northeast corner of said Government Lot 2; thence South 01 degrees 45 minutes 12 seconds East along a line parallel with and 550.00 feet west of a previously established survey line a distance of 650.18 feet to the boundary line as established by that certain agreement between Richard Dusbabek and Jean Dusbabek, husband and wife, and Donald S. Olson and Betty Jane Olson, husband and wife, and filed for record on May 10, 1982, in the office of the county recorder in Book 146 of Deeds, page 806; thence South 88 degrees 12 minutes 12 seconds West along said boundary line a distance of 179.39 feet; thence North 12 degrees 07 minutes 46 seconds West a distance of 663.07 feet; thence North 32 degrees 35 minutes 05 seconds West a distance of 101.91 feet to the point of beginning; containing 4.1 acres.

(d) The lands border Big Sand Lake. The Department of Natural Resources has determined that the lands are not needed for natural resource purposes and that the state's land management interests would best be served if the lands were conveyed to Hubbard County.

### **Sec. 13. PRIVATE SALE OF TAX-FORFEITED LAND; ITASCA COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Itasca County may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Itasca County and is described as: the East 660 feet of the West 990 feet of the South 660 feet of the Southwest Quarter of the Southeast Quarter, Section 7, Township 55 North, Range 24 West.

(d) The county has determined that the county's land management interests would best be served if the lands were used for a new broadcast tower, transmitter, and transmission building.

### **Sec. 14. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; KANABEC COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Kanabec County and is described as: that part of the West 200 feet of the Northwest Quarter of Section 13, Township 42 North, Range 23 West, Kanabec County, Minnesota, lying northerly of the centerline of the Snake River.

(d) The land borders the Snake River and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 15. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Otter Tail County and is described as:

Lots 25, 26, and 27 in Block 2 of Jackson and Mckee's Addition, according to the plat thereof, on file and of record in the Office of the Recorder, Otter Tail County, Minnesota, less and except that part of said Lot 27 in Block 2 of Jackson and Mckee's Addition, Otter Tail County, Minnesota, South of the line between Government Lots 2 and 3, Section 14, Township 136, Range 38.

(d) The land borders Big Pine Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 16. LEASE; TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary, St. Louis County may enter into a lease for the tax-forfeited lands described in paragraph (b) for consideration of more than \$12,000 per year.

(b) The lands to be leased are located in St. Louis County and are described as:

(1) a 10.0-acre site in the Southeast Quarter, Section 15, Township 56 North, Range 17 West, to be used for a telecommunications tower and a 33-foot-wide strip of land, 16.5 feet on either side of the centerline in the Southeast Quarter, Section 15, and in the Southwest Quarter, Section 14, Township 56 North, Range 17 West, to be used for an access road to the tower site; and

(2) a 10.0-acre site in the West Half, Section 32, Township 60 North, Range 21 West, to be used for a telecommunications tower and a 33-foot-wide strip of land, 16.5 feet on either side of the centerline in the West Half, Section 32, Township 60 North, Range 21 West, to be used for an access road to the tower site.

**Sec. 17. ACCESS TO TIMBER ON TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 160.83, or other law to the contrary, St. Louis County or its agents or assigns may operate vehicles used for timber harvesting and hauling or for transporting



equipment and appurtenances incidental to timber harvesting, gravel, and other road-building materials for timber haul roads on designated rustic roads to access tax-forfeited lands for sustainable forest management.

(b) The tax-forfeited lands to be accessed are located in St. Louis County in Sections 26, 27, and 35, Township 53 North, Range 12 West.

(c) The rustic roads used for forest management must be immediately repaired if damaged and must be maintained in their preharvest condition.

(d) The county has determined that the county's sustainable forest management responsibilities would best be served by using existing public roads to access tax-forfeited land rather than building new roads.

Sec. 18. **PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands described in paragraph (c).

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

(c) The lands to be sold are located in St. Louis County and are described as:

(1) that part of the Southwest Quarter of the Southwest Quarter lying North of Norton Road and West of Howard Gnesen Road, except the easterly 95 feet of the westerly 890 feet and except the westerly 300 feet, Section 3, Township 50, Range 14 (parcel identification number 010-2710-00549);

(2) Lot 5, except the northerly three feet and except the southerly ten feet, West Duluth Fifth Division, Section 7, Township 49, Range 14 (parcel identification number 010-4510-06740);

(3) the Southeast Quarter of the Northeast Quarter, except 4.24 acres for the highway and except the part platted as Clayton Acres and except the highway right-of-way and except 6.44 acres of the adjacent plat and except the part North of Highway 169, Section 28, Township 57, Range 21 (parcel identification number 141-0050-05470);

(4) that part of the West 420 feet of the Southeast Quarter of the Northwest Quarter lying South of the northerly line of Government Lot 6, except that part beginning at the southwest corner; thence easterly along the southerly boundary 420 feet to a point; thence northerly and parallel with the westerly boundary of said Southeast Quarter of the Northwest Quarter 177.95 feet to a point; thence North 67 degrees 38 minutes 35 seconds West to a point on the westerly boundary of said Southeast Quarter of the Northwest Quarter; thence southerly along said westerly boundary approximately 364.12 feet to the point of beginning, Section 26, Township 57, Range 18 (parcel identification number 295-0017-00326);

(5) the South Half of the Northwest Quarter, Section 15, Township 56, Range 18 (parcel identification number 435-0010-02590);

(6) part of the East 400 feet of the Southeast Quarter, Section 14, Township 63, Range 12 (part of parcel identification number 465-0020-01965);

(7) part of the Northeast Quarter of the Southwest Quarter, Lots 2 and 3, Section 20, Township 54, Range 13 (part of parcel identification number 620-0010-03130); and

(8) Lots 2, 3, 4, and 5, inclusive, auditor's plat of Chandler Addition to Ely, Section 28, Township 63, Range 12 (parcel identification number 030-0030-03530).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 19. **CONVEYANCE OF STATE LAND; STEARNS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 222.63, or any other law to the contrary, the commissioner of transportation may convey and quitclaim to a private party all right, title, and interest of the state of Minnesota in the land described in paragraph (e).

(b) The conveyance may take place only upon conditions determined by the commissioner of transportation and is not subject to restrictions on disposition, sale, lease, or otherwise contained in Minnesota Statutes, section 222.63.

(c) The consideration for a conveyance made under this section must be the fair market value of the land conveyed. Proceeds from the sale of real estate or buildings under this section must be deposited in the rail bank maintenance account established in Minnesota Statutes, section 222.63, subdivision 8.

(d) The conveyance may reduce the width of the rail bank corridor to less than 100 feet, provided the conveyance does not reduce the width of the rail bank corridor to less than ten feet.

(e) The land to be conveyed is located in Stearns County and is described as:

That part of Tract A described below:

Tract A. Outlot "A," Railroad Ridge, according to the plat thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota; which lies northerly of a line run parallel with and distant 33 feet southerly of the northerly line of said Outlot "A" and westerly of the southerly extension of westerly right-of-way line of 5th Street as shown on said Railroad Ridge; together with that part of Tract A, herein before described, adjoining and southerly of the above described strip which lies northerly of a line run parallel with and distant 40 feet southerly of the northerly line of said Outlot "A" and westerly of the following described line: beginning at a point on the southerly line of said Outlot "A," distant 436.36 feet easterly of the southwest corner thereof; thence northerly at right angles from said southerly line for 50 feet and there terminating; containing 29,925 square feet, more or less.

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

Sec. 20. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WABASHA COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Wabasha County and is described as: Lot 4, Section 8, Township 109, Range 12, lying and being in the county of Wabasha, State of Minnesota.

(d) The land borders the Zumbro River and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 21. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; YELLOW MEDICINE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c) to the United States for no consideration.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Yellow Medicine County and is described as: the South 33.00 feet of the Northwest Quarter of the Northwest Quarter and that part of Government Lot 1, Section 22, Township 114 North, Range 41 West, Yellow Medicine County, Minnesota, described as follows:

Beginning at the southwest corner of said Government Lot 1; thence on an assumed bearing of North 01 degrees 09 minutes 07 seconds West along the west line of said Government Lot 1 a distance of 33.00 feet; thence North 89 degrees 42 minutes 02 seconds East parallel with the south line of said Government Lot 1 a distance of 150.00 feet; thence North 00 degrees 17 minutes 58 seconds West 267.00 feet; thence North 89 degrees 42 minutes 02 seconds East 754 feet more or less, to the water's edge of Spellman Lake; thence southwesterly along said water's edge 760 feet, more or less, to the south line of said Government Lot 1; thence South 89 degrees 42 minutes 02 seconds West along the south line of said Government Lot 1 a distance of 288 feet, more or less, to the point of beginning; including all riparian rights to the contained 4.1 acres, more or less.

(d) The land borders Spellman Lake and is not contiguous to other state lands but is adjacent to a waterfowl production area. The Department of Natural Resources has determined that the land would best be managed by the United States Fish and Wildlife Services as part of a waterfowl production area.

**ARTICLE 5****CLEAN WATER MODIFICATIONS**

Section 1. Minnesota Statutes 2018, section 103B.3369, subdivision 5, is amended to read:

Subd. 5. **Financial assistance.** ~~A base grant may be awarded to a county that provides a match utilizing a water implementation tax or other local source. A water implementation tax that a county intends to use as a match to the base grant must be levied at a rate sufficient to generate a minimum amount determined by the board.~~ The board may award performance-based, watershed-based, or program-based grants or other financial assistance to local units of government that are responsible for implementing elements of applicable portions of watershed management plans, comprehensive plans, local water management plans, or comprehensive watershed management plans, developed or amended, adopted and approved, according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the board may also award performance-based grants to local units of government to carry out TMDL implementation plans as provided in chapter 114D, if the TMDL implementation plan has been incorporated into the local water management plan according to the procedures for approving comprehensive plans, watershed management plans, local water management plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone a public review process. Notwithstanding section 16A.41, the board may award performance-based, watershed-based, or program-based grants or other financial assistance on an advanced basis and may prescribe the amount of local match required. The fee authorized in section 40A.152 may be used as a local match or as a supplement to state funding to accomplish

~~implementation of comprehensive plans, watershed management plans, local water management plans, or comprehensive watershed management plans under this chapter and chapter 103C or 103D. The board may enter into intergovernmental agreements to provide funding for water management to local governments.~~

Sec. 2. Minnesota Statutes 2018, section 103B.3369, subdivision 9, is amended to read:

Subd. 9. **Performance-based criteria.** (a) The board ~~shall~~ must develop and ~~utilize~~ use performance-based criteria for local water resources restoration, protection, and management programs and projects. The criteria may include but are not limited to science-based assessments, organizational capacity, priority resource issues, community outreach and support, partnership potential, potential for multiple benefits, and program and project delivery efficiency and effectiveness.

(b) Notwithstanding paragraph (a), the board may develop and use eligibility criteria for state grants or other financial assistance provided to local governments.

Sec. 3. Minnesota Statutes 2018, section 103B.801, subdivision 2, is amended to read:

Subd. 2. **Program purposes.** The purposes of the comprehensive watershed management plan program under section 103B.101, subdivision 14, paragraph (a), are to:

(1) align local water planning purposes and procedures under this chapter and chapters 103C and 103D on watershed boundaries to create a systematic, watershed-wide, science-based approach to watershed management;

(2) acknowledge and build off existing local government structure, water plan services, and local capacity;

(3) incorporate and make use of data and information, including watershed restoration and protection strategies under section 114D.26, which may serve to fulfill all or some of the requirements under chapter 114D;

(4) solicit input and engage experts from agencies, citizens, and stakeholder groups;

(5) focus on implementation of prioritized and targeted actions capable of achieving measurable progress; and

(6) serve as a substitute for a comprehensive plan, local water management plan, or watershed management plan developed or amended, approved, and adopted, according to this chapter or chapter 103C or 103D.

Sec. 4. Minnesota Statutes 2018, section 103B.801, subdivision 4, is amended to read:

Subd. 4. **Plan content.** The board shall develop policies for required comprehensive watershed management plan content consistent with comprehensive local water management planning. To ensure effectiveness and accountability in meeting the purposes of subdivision 2, plan content must include, at a minimum:

(1) an analysis and prioritization of issues and resource concerns;

(2) measurable goals to address the issues and concerns, including but not limited to:

(i) restoration, protection, and preservation of drinking water sources and natural surface water and groundwater storage and retention systems;

- (ii) minimization of public capital expenditures needed to correct flooding and water quality problems;
  - (iii) restoration, protection, and improvement of surface water and groundwater quality;
  - (iv) establishment of more uniform local policies and official controls for surface water and groundwater management;
  - (v) identification of priority areas for wetland enhancement, restoration, and establishment;
  - (vi) identification of priority areas for riparian zone management and buffers;
  - (vii) prevention of erosion and soil transport into surface water systems;
  - (viii) promotion of groundwater recharge;
  - (ix) protection and enhancement of fish and wildlife habitat and water recreational facilities; and
  - (x) securing other benefits associated with the proper management of surface water and groundwater;
- (3) a targeted implementation schedule describing at a minimum the actions, locations, timeline, estimated costs, method of measurement, and identification of roles and responsible government units;
- (4) a description of implementation programs, including how the implementation schedule will be achieved and how the plan will be administered and coordinated between local water management responsibilities; and
- (5) a land and water resource inventory.

Sec. 5. Minnesota Statutes 2018, section 103B.801, subdivision 5, is amended to read:

Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June 30, 2016, a transition plan for development, approval, adoption, and coordination of plans consistent with section 103A.212. The transition plan must include a goal of completing statewide transition to comprehensive watershed management plans by 2025. The metropolitan area may be considered for inclusion in the transition plan. The board may amend the transition plan no more than once every two years.

(b) The board may use the authority under section 103B.3369, subdivision 9, to support development or implementation of a comprehensive watershed management plan under this section.

Sec. 6. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision to read:

Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water management plan" has the meaning given under section 103B.3363, subdivision 3.

Sec. 7. Minnesota Statutes 2018, section 114D.15, is amended by adding a subdivision to read:

Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed management plan" has the meaning given under section 103B.3363, subdivision 3a.

Sec. 8. Minnesota Statutes 2018, section 114D.15, subdivision 7, is amended to read:

Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring, that are taken to pursue, achieve, and maintain water quality standards for impaired waters in accordance with a TMDL~~

~~that has been approved by the United States Environmental Protection Agency under federal TMDL requirements.~~

Sec. 9. Minnesota Statutes 2018, section 114D.15, subdivision 11, is amended to read:

Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means a document detailing restoration strategies or activities needed to meet the approved TMDL's TMDL pollutant load allocations for point and nonpoint sources. This could include a WRAPS, a comprehensive watershed management plan, a comprehensive local water management plan, or another document or strategy that the commissioner of the Pollution Control Agency determines to be, in whole or in part, sufficient to provide reasonable assurance of achieving applicable water quality standards.

Sec. 10. Minnesota Statutes 2018, section 114D.15, subdivision 13, is amended to read:

Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed restoration and protection strategy" or "WRAPS" means a document summarizing scientific studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8 including the physical, chemical, and biological assessment of the water quality of the watershed; identification of impairments and water bodies in need of protection; identification of biotic stressors and sources of pollution, both point and nonpoint; TMDLs for the impairments; and an implementation table containing scale with strategies and actions designed to achieve and maintain water quality standards and goals.

Sec. 11. Minnesota Statutes 2018, section 114D.20, subdivision 2, is amended to read:

Subd. 2. **Goals for implementation.** The following goals must guide the implementation of this chapter:

(1) to identify impaired waters in accordance with federal TMDL requirements ~~within ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface waters for impairments;

(2) to submit TMDLs to the United States Environmental Protection Agency ~~for all impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

(3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration of each identified impaired water and protection activities in a reasonable time period;

(4) to systematically evaluate waters, to provide assistance and incentives to prevent waters from becoming impaired, and to improve the quality of waters that are listed as impaired but do not have an approved TMDL addressing the impairment;

(5) to promptly seek the delisting of waters from the impaired waters list when those waters are shown to achieve the designated uses applicable to the waters;

(6) to achieve compliance with federal Clean Water Act requirements in Minnesota;

(7) to support effective measures to prevent the degradation of groundwater according to the groundwater degradation prevention goal under section 103H.001; and

(8) to support effective measures to restore degraded groundwater.

Sec. 12. Minnesota Statutes 2018, section 114D.20, subdivision 3, is amended to read:

Subd. 3. **Implementation policies.** The following policies must guide the implementation of this chapter:

(1) develop regional ~~and, multiple pollutant, or watershed TMDLs and TMDL implementation plans, and TMDLs and TMDL implementation plans for multiple pollutants~~ or WRAPSSs, where reasonable and feasible;

(2) maximize use of available organizational, technical, and financial resources to perform sampling, monitoring, and other activities to identify degraded groundwater and impaired waters, including use of citizen monitoring and citizen monitoring data used by the Pollution Control Agency in assessing water quality that meets the requirements ~~in Appendix D of the Volunteer Surface Water Monitoring Guide, Minnesota~~ established by the commissioner of the Pollution Control Agency (2003);

(3) maximize opportunities for restoration of degraded groundwater and impaired waters, by prioritizing and targeting of available programmatic, financial, and technical resources and by providing additional state resources to complement and leverage available resources;

(4) use existing regulatory authorities to achieve restoration for point and nonpoint sources of pollution where applicable, and promote the development and use of effective nonregulatory measures to address pollution sources for which regulations are not applicable;

(5) use restoration methods that have a demonstrated effectiveness in reducing impairments and provide the greatest long-term positive impact on water quality protection and improvement and related conservation benefits while incorporating innovative approaches on a case-by-case basis;

(6) identify for the legislature any innovative approaches that may strengthen or complement existing programs;

(7) identify and encourage implementation of measures to prevent surface waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment using the best available data and technology, and establish and report outcome-based performance measures that monitor the progress and effectiveness of protection and restoration measures;

(8) monitor and enforce cost-sharing contracts and impose monetary damages in an amount up to 150 percent of the financial assistance received for failure to comply; and

(9) identify and encourage implementation of measures to prevent groundwater from becoming degraded and measures that restore groundwater resources.

Sec. 13. Minnesota Statutes 2018, section 114D.20, subdivision 5, is amended to read:

Subd. 5. **Priorities for scheduling and preparing WRAPSSs and TMDLs.** The commissioner of the Pollution Control Agency must seek recommendations from the Clean Water Council ~~shall recommend~~; the commissioners of natural resources, health, and agriculture; and the Board of Water and Soil Resources regarding priorities for scheduling and preparing WRAPSSs and TMDLs and TMDL implementation plans, taking into account the severity. Recommendations must consider the causes of the impairment impairments, the designated uses of those the waters, and other applicable federal TMDL requirements. In recommending priorities, the council shall also give consideration to, surface water and groundwater interactions, protection of high-quality waters, waters and watersheds with declining water quality trends, and waters used as drinking water sources. Furthermore, consideration must be given to waters and watersheds:

- (1) ~~with impairments that pose~~ have the greatest potential risk to human health;
- (2) ~~with impairments that pose~~ have the greatest potential risk to threatened or endangered species;
- (3) ~~with impairments that pose~~ have the greatest potential risk to aquatic health;

(4) where other public agencies and participating organizations and individuals, especially local, ~~basinwide~~ basin-wide, watershed, or regional agencies or organizations, have demonstrated readiness to assist in carrying out the responsibilities, including availability and organization of human, technical, and financial resources necessary to undertake the work; and

(5) where there is demonstrated coordination and cooperation among cities, counties, watershed districts, and soil and water conservation districts in planning and implementation of activities that will assist in carrying out the responsibilities.

Sec. 14. Minnesota Statutes 2018, section 114D.20, subdivision 7, is amended to read:

Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent groundwater and surface waters from becoming degraded or impaired and to improve the quality of surface waters that are listed as impaired ~~but do not have an approved TMDL.~~

Sec. 15. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision to read:

Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the commissioner of the Pollution Control Agency determines that a comprehensive watershed management plan or comprehensive local water management plan contains information that is sufficient and consistent with guidance from the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act, the commissioner may submit the plan to the Environmental Protection Agency according to federal TMDL requirements as an alternative to developing a TMDL after consultation with affected national pollutant discharge elimination system (NPDES) permit holders.

(b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for waters or watersheds when the commissioner of the Pollution Control Agency determines that a comprehensive watershed management plan, a comprehensive local water management plan, or a statewide or regional strategy published by the Pollution Control Agency meets the definition in section 114D.15, subdivision 11 or 13.

(c) The commissioner of the Pollution Control Agency may request that the Board of Water and Soil Resources conduct an evaluation of the implementation efforts under a comprehensive watershed management plan or comprehensive local water management plan when the commissioner makes a determination under paragraph (b). The board must conduct the evaluation in accordance with section 103B.102.

(d) The commissioner of the Pollution Control Agency may amend or revoke a determination made under paragraph (a) or (b) after considering the evaluation conducted under paragraph (c).

Sec. 16. Minnesota Statutes 2018, section 114D.20, is amended by adding a subdivision to read:

Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice, or program for water quality improvement or protection that is conducted by a watershed management organization or a local government unit with a comprehensive watershed management plan or other water management plan



approved according to chapter 103B, 103C, or 103D may be considered by the commissioner of the Pollution Control Agency as contributing to the requirements of a storm water pollution prevention program (SWPPP) for a municipal separate storm sewer systems (MS4) permit unless the project, practice, or program was previously documented as contributing to a different SWPPP for an MS4 permit. The commissioner of health may determine that a comprehensive watershed management plan or a comprehensive local water management plan, in whole or in part, is sufficient to fulfill the requirements of wellhead protection plans.

Sec. 17. Minnesota Statutes 2018, section 114D.26, is amended to read:

**114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall develop watershed restoration and protection strategies. To ensure effectiveness and accountability in meeting the goals of this chapter, for the purposes of:

- (1) summarizing the physical, chemical, and biological assessment of the water quality of the watershed;
- (2) quantifying impairments and risks to water quality;
- (3) describing the causes of impairments and pollution sources;
- (4) consolidating TMDLs in a major watershed; and
- (5) informing comprehensive local water management plans and comprehensive watershed management plans.

(b) Each WRAPS shall must:

- (1) identify impaired waters and waters in need of protection;
- (2) identify biotic stressors causing impairments or threats to water quality;
- (3) summarize TMDLs, watershed modeling outputs, and resulting pollution load allocations, wasteload allocations, and priority areas for targeting actions to improve water quality identify areas with high pollutant-loading rates;
- (4) identify point sources of pollution for which a national pollutant discharge elimination system permit is required under section 115.03;
- (5) identify nonpoint sources of pollution for which a national pollutant discharge elimination system permit is not required under section 115.03, with sufficient specificity to prioritize and geographically locate watershed restoration and protection actions;
- (6) describe the current pollution loading and load reduction needed for each source or source category to meet water quality standards and goals, including wasteload and load allocations from TMDLs;
- (7) contain a plan for ongoing (4) in consultation with local governments and other state agencies, identify water quality monitoring needed to fill data gaps, determine changing conditions, and or gauge implementation effectiveness; and
- (8) (5) contain an implementation table of strategies and actions that are capable of cumulatively achieving needed pollution load reductions for point and nonpoint sources, including identifying:
  - (i) water quality parameters of concern;

- (ii) current water quality conditions;
- (iii) water quality goals, strategies, and targets by parameter of concern; and
- (iv) ~~strategies and actions by parameter of concern~~ and an example of the scale of adoptions needed for each; with a timeline to meet the water quality restoration or protection goals of this chapter.
- ~~(v) a timeline for achievement of water quality targets;~~
- ~~(vi) the governmental units with primary responsibility for implementing each watershed restoration or protection strategy; and~~
- ~~(vii) a timeline and interim milestones for achievement of watershed restoration or protection implementation actions within ten years of strategy adoption.~~

Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in meeting the goals of this chapter, the commissioner of the Pollution Control Agency, in consultation with the Board of Water and Soil Resources and local government units, must coordinate the schedule, budget, scope, and use of a WRAPS and related documents and processes.

Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, the commissioner of the Pollution Control Agency must report on its the agency's website the progress toward implementation milestones and water quality goals for all adopted TMDLs and, where available, WRAPSs.

Subd. 3. **Timelines; administration.** ~~Each year,~~ (a) The commissioner of the Pollution Control Agency must complete WRAPSs for at least ten percent of watershed restoration and protection strategies for the state's major watersheds. WRAPS shall be by June 30, 2023, unless the commissioner determines that a comprehensive watershed management plan or comprehensive local water management plan, in whole or in part, meets the definition in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the strategies, in whole or in part, after consulting with the Board of Water and Soil Resources and local government units.

(b) Watershed restoration and protection strategies are governed by the procedures for approval and notice in section 114D.25, subdivisions 2 and 4, except that WRAPS the strategies need not be submitted to the United States Environmental Protection Agency.

Sec. 18. Minnesota Statutes 2018, section 114D.35, subdivision 1, is amended to read:

Subdivision 1. **Public and stakeholder participation.** ~~(a) Public agencies and private entities involved in the implementation of implementing this chapter shall must encourage participation by the public and stakeholders, including local citizens, landowners and, land managers, and public and private organizations; in identifying impaired waters, in developing TMDLs, in planning, priority setting, and implementing restoration of impaired waters, in identifying degraded groundwater, and in protecting and restoring groundwater resources.~~

(b) In particular, the commissioner of the Pollution Control Agency shall must make reasonable efforts to provide timely information to the public and to stakeholders about impaired waters that have been identified by the agency. The agency shall seek broad and early public and stakeholder participation in scoping the activities necessary to develop a TMDL, including the scientific models, methods, and approaches to be used in TMDL development, and to implement restoration pursuant to section 114D.15, subdivision 7 and to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.

(c) Public agencies and private entities using public funds that are involved in implementing restoration and protection identified in a comprehensive watershed management plan or comprehensive local water management plan must make efforts to inform, consult, and involve the public and stakeholders.

(d) The commissioner of the Pollution Control Agency and the Board of Water and Soil Resources must coordinate public and stakeholder participation in consultation with local government units. To the extent practicable, implementation of this chapter must be accomplished in cooperation with local, state, federal, and tribal governments and private-sector organizations.

Sec. 19. Minnesota Statutes 2018, section 114D.35, subdivision 3, is amended to read:

Subd. 3. **Education.** The Clean Water Council ~~shall~~ must develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others regarding ~~the identification of impaired waters, development of TMDLs, development of TMDL implementation plans, implementation of restoration for impaired waters, identification of degraded groundwater, and protection and restoration of groundwater resources~~ this chapter. Public agencies ~~shall be~~ are responsible for implementing the strategies.

Sec. 20. **[114D.47] NONPOINT FUNDING ALTERNATIVE.**

Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources may, by board order, establish alternative timelines or content for the priority funding plan for nonpoint sources under section 114D.50, subdivision 3a, and may use information from comprehensive watershed management plans or comprehensive local water management plans to estimate or summarize costs.

Presented to the governor May 28, 2019

Signed by the governor May 30, 2019, 3:13 p.m.