

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1029**

(SENATE AUTHORS: INGEBRIGTSEN)

DATE	D-PG	OFFICIAL STATUS
03/24/2011	701	Introduction and first reading (For the Committee on Environment and Natural Resources) Referred to Finance
03/28/2011	934a	Comm report: To pass as amended
	1023	Second reading
03/29/2011	1048a	Special Order: Amended
	1049	Third reading Passed
	1050	Laid on table
03/31/2011	1124	HF substituted on Special Orders [HF1010]

A bill for an act

1.1 relating to state government; appropriating money for environment and natural
1.2 resources; appropriating money from the environment and natural resources
1.3 trust fund; modifying provisions for taking game and fish; modifying certain
1.4 licenses and restrictions for hunting and fishing; modifying grant programs;
1.5 modifying solid waste provisions; creating accounts; modifying disposition of
1.6 certain receipts; modifying trail and surface water use provisions; modifying
1.7 Mineral Coordinating Committee and citizen oversight committees; modifying
1.8 sunset dates; modifying environmental review and permit requirements;
1.9 modifying certain rulemaking requirements; requiring studies and rulemaking;
1.10 amending Minnesota Statutes 2010, sections 17.135; 84.033, subdivision 1;
1.11 84.035, subdivision 6; 84.925, subdivision 1; 84D.15, subdivision 2; 85.018,
1.12 subdivision 5; 85.019, subdivisions 4b, 4c; 85.052, subdivision 4; 85.32,
1.13 subdivision 1; 86B.106; 86B.121; 89.039, subdivision 1; 89.21; 93.0015,
1.14 subdivisions 1, 3; 97A.055, subdivision 4b, by adding a subdivision; 97A.465,
1.15 subdivision 5; 97A.502; 97B.031, subdivision 5; 97B.325; 97B.326; 97B.405;
1.16 97B.667; 103G.271, subdivision 6; 103G.301, by adding a subdivision; 115.073;
1.17 115A.1314; 115A.1320, subdivision 1; 115C.13; 116.07, subdivisions 4h, 7c;
1.18 116.0711, by adding a subdivision; 116D.04, subdivision 2a, as amended;
1.19 116G.15, subdivision 1; 299C.40, subdivision 1; 357.021, subdivision 7; 609.66,
1.20 subdivision 1h; proposing coding for new law in Minnesota Statutes, chapters
1.21 84; 89; 97A; 97C; 103G; 115A; repealing Minnesota Statutes 2010, sections
1.22 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 85.013, subdivision 2b; 89.06; 89.35;
1.23 89.36; 89.37; 89.38; 89.39; 89.391; 97B.511; 97B.515, subdivision 3; 116G.15,
1.24 subdivisions 2, 3, 4, 5, 6, 7.
1.25

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

ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES FINANCE

1.27
1.28
1.29 Section 1. **SUMMARY OF APPROPRIATIONS.**

1.30 The amounts shown in this section summarize direct appropriations, by fund, made
1.31 in this article.

S.F. No. 1029, as introduced - 87th Legislative Session (2011-2012) [11-2819]

2.1		<u>2012</u>		<u>2013</u>		<u>Total</u>
2.2	<u>General</u>	\$ 78,529,000	\$	78,390,000	\$	156,919,000
2.3	<u>State Government Special</u>					
2.4	<u>Revenue</u>	75,000		75,000		150,000
2.5	<u>Environmental</u>	63,414,000		63,333,000		126,747,000
2.6	<u>Natural Resources</u>	90,386,000		90,998,000		181,384,000
2.7	<u>Game and Fish</u>	94,924,000		94,227,000		189,151,000
2.8	<u>Remediation</u>	10,596,000		10,596,000		21,192,000
2.9	<u>Permanent School</u>	200,000		200,000		400,000
2.10	<u>Total</u>	\$ 338,124,000	\$	337,819,000	\$	675,943,000

2.11 **Sec. 2. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.12 The sums shown in the columns marked "Appropriations" are appropriated to the
 2.13 agencies and for the purposes specified in this article. The appropriations are from the
 2.14 general fund, or another named fund, and are available for the fiscal years indicated
 2.15 for each purpose. The figures "2012" and "2013" used in this article mean that the
 2.16 appropriations listed under them are available for the fiscal year ending June 30, 2012, or
 2.17 June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal
 2.18 year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal
 2.19 year ending June 30, 2011, are effective the day following final enactment.

2.20	<u>APPROPRIATIONS</u>
2.21	<u>Available for the Year</u>
2.22	<u>Ending June 30</u>
2.23	<u>2012</u> <u>2013</u>

2.24 **Sec. 3. POLLUTION CONTROL AGENCY**

2.25 **Subdivision 1. Total Appropriation** **\$** **79,913,000** **\$** **79,832,000**

2.26	<u>Appropriations by Fund</u>		
2.27	<u>2012</u>	<u>2013</u>	
2.28	<u>General</u>	<u>5,928,000</u>	<u>5,928,000</u>
2.29	<u>State Government</u>		
2.30	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
2.31	<u>Environmental</u>	<u>63,414,000</u>	<u>63,333,000</u>
2.32	<u>Remediation</u>	<u>10,496,000</u>	<u>10,496,000</u>

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

2.36 **Subd. 2. Water** **24,088,000** **23,838,000**

3.1	<u>Appropriations by Fund</u>	
3.2	<u>2012</u>	<u>2013</u>
3.3	<u>General</u>	<u>4,997,000</u>
3.4	<u>State Government</u>	
3.5	<u>Special Revenue</u>	<u>75,000</u>
3.6	<u>Environmental</u>	<u>19,016,000</u>

3.7 \$1,842,000 the first year and \$1,842,000
 3.8 the second year are for the clean water
 3.9 partnership program. Priority shall be
 3.10 given to projects preventing impairments
 3.11 and degradation of lakes, rivers, streams,
 3.12 and groundwater according to Minnesota
 3.13 Statutes, section 114D.20, subdivision 2,
 3.14 clause (4). Any balance remaining in the first
 3.15 year does not cancel and is available for the
 3.16 second year.

3.17 \$319,000 the first year and \$319,000 the
 3.18 second year are for subsurface sewage
 3.19 treatment system (SSTS) administration and
 3.20 grants. Of this amount, \$68,000 each year
 3.21 is for assistance to counties through grants
 3.22 for SSTS program administration. Any
 3.23 unexpended balance in the first year does not
 3.24 cancel but is available in the second year.

3.25 \$1,815,000 the first year and \$1,815,000
 3.26 the second year are for grants to counties
 3.27 to administer the county feedlot program
 3.28 under Minnesota Statutes, section
 3.29 116.0711, subdivisions 2 and 3. Of this
 3.30 amount, \$150,000 each year is from the
 3.31 environmental fund and is a onetime
 3.32 appropriation. Money remaining after the
 3.33 first year is available for the second year.

3.34 \$1,063,000 the first year and \$1,063,000
 3.35 the second year are for assessment and
 3.36 monitoring of lakes, rivers, and streams.

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4.1 \$740,000 the first year and \$740,000 the
4.2 second year are from the environmental
4.3 fund to address the need for continued
4.4 increased activity in the areas of new
4.5 technology review, technical assistance
4.6 for local governments, and enforcement
4.7 under Minnesota Statutes, sections 115.55
4.8 to 115.58, and to complete the requirements
4.9 of Laws 2003, chapter 128, article 1, section
4.10 165. Of this amount, \$48,000 each year is for
4.11 administration of individual septic tank fees,
4.12 as provided in this article.

4.13 \$250,000 the first year from the
4.14 environmental fund is for the water
4.15 management study required in this article.

4.16 Money in this appropriation may be
4.17 transferred to state agencies for their costs in
4.18 participating in the study. This is a onetime
4.19 appropriation.

4.20 Notwithstanding Minnesota Statutes, section
4.21 16A.28, the appropriations encumbered on or
4.22 before June 30, 2013, as grants or contracts
4.23 for clean water partnership, SSTS's, surface
4.24 water and groundwater assessments, total
4.25 maximum daily loads, storm water, and local
4.26 basinwide water quality protection in this
4.27 subdivision are available until June 30, 2016.

4.28 Subd. 3. Air 12,297,000 12,466,000

	<u>Appropriations by Fund</u>	
	<u>2012</u>	<u>2013</u>
4.31 <u>Environmental</u>	<u>12,297,000</u>	<u>12,466,000</u>

4.32 Up to \$150,000 the first year and \$150,000
4.33 the second year may be transferred from the
4.34 environmental fund to the small business
4.35 environmental improvement loan account

5.1 established in Minnesota Statutes, section
 5.2 116.993.
 5.3 \$200,000 the first year and \$200,000 the
 5.4 second year are from the environmental fund
 5.5 for a monitoring program under Minnesota
 5.6 Statutes, section 116.454.
 5.7 \$125,000 the first year and \$125,000 the
 5.8 second year are from the environmental fund
 5.9 for monitoring ambient air for hazardous
 5.10 pollutants in the metropolitan area.

5.11 Subd. 4. Land 17,412,000 17,412,000

5.12	<u>Appropriations by Fund</u>	
5.13	<u>2012</u>	<u>2013</u>
5.14	<u>Environmental</u>	<u>6,916,000</u>
5.15	<u>Remediation</u>	<u>10,496,000</u>

5.16 All money for environmental response,
 5.17 compensation, and compliance in the
 5.18 remediation fund not otherwise appropriated
 5.19 is appropriated to the commissioners of the
 5.20 Pollution Control Agency and agriculture
 5.21 for purposes of Minnesota Statutes, section
 5.22 115B.20, subdivision 2, clauses (1), (2),
 5.23 (3), (6), and (7). At the beginning of each
 5.24 fiscal year, the two commissioners shall
 5.25 jointly submit an annual spending plan
 5.26 to the commissioner of management and
 5.27 budget that maximizes the utilization of
 5.28 resources and appropriately allocates the
 5.29 money between the two departments. This
 5.30 appropriation is available until June 20, 2013.
 5.31 \$3,616,000 the first year and \$3,616,000 the
 5.32 second year are from the petroleum tank fund
 5.33 to be transferred to the remediation fund for
 5.34 purposes of the leaking underground storage
 5.35 tank program to protect the land.

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6.1 \$252,000 the first year and \$252,000 the
 6.2 second year are from the remediation fund to
 6.3 be transferred to the Department of Health for
 6.4 private water supply monitoring and health
 6.5 assessment costs in areas contaminated
 6.6 by unpermitted mixed municipal solid
 6.7 waste disposal facilities and drinking water
 6.8 advisories and public information activities
 6.9 for areas contaminated by hazardous releases.

6.10 **Subd. 5. Environmental Assistance and**
 6.11 **Cross-Media**

25,508,000

25,508,000

6.12 Appropriations by Fund

	<u>2012</u>	<u>2013</u>
6.13 <u>General</u>	<u>323,000</u>	<u>323,000</u>
6.14 <u>Environmental</u>	<u>25,185,000</u>	<u>25,185,000</u>

6.16 \$14,250,000 each year is from the
 6.17 environmental fund for SCORE block grants
 6.18 to counties.

6.19 \$119,000 the first year and \$119,000 the
 6.20 second year are from the environmental
 6.21 fund for environmental assistance grants
 6.22 or loans under Minnesota Statutes, section
 6.23 115A.0716. Any unencumbered grant and
 6.24 loan balances in the first year do not cancel
 6.25 but are available for grants and loans in the
 6.26 second year.

6.27 \$89,000 the first year and \$89,000 the
 6.28 second year are from the environmental fund
 6.29 for duties related to harmful chemicals in
 6.30 products under Minnesota Statutes, sections
 6.31 116.9401 to 116.9407. Of this amount,
 6.32 \$57,000 each year is transferred to the
 6.33 Department of Health.

6.34 \$400,000 the first year and \$400,000 the
 6.35 second year are from the environmental

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7.1 fund for the costs of implementing general
7.2 operating permits for feedlots over 1,000
7.3 animal units. This is a onetime appropriation.
7.4 \$315,000 the first year and \$315,000 the
7.5 second year are for electronic waste recycling
7.6 programs under Minnesota Statutes, sections
7.7 115A.1310 to 115A.1330.

7.8 All money deposited in the environmental
7.9 fund for the metropolitan solid waste
7.10 landfill fee in accordance with Minnesota
7.11 Statutes, section 473.843, and not otherwise
7.12 appropriated, is appropriated for the purposes
7.13 of Minnesota Statutes, section 473.844.

7.14 Notwithstanding Minnesota Statutes, section
7.15 16A.28, the appropriations encumbered on
7.16 or before June 30, 2013, as contracts or
7.17 grants for surface water and groundwater
7.18 assessments; environmental assistance
7.19 awarded under Minnesota Statutes, section
7.20 115A.0716; technical and research assistance
7.21 under Minnesota Statutes, section 115A.152;
7.22 technical assistance under Minnesota
7.23 Statutes, section 115A.52; and pollution
7.24 prevention assistance under Minnesota
7.25 Statutes, section 115D.04, are available until
7.26 June 30, 2015.

7.27 **Subd. 6. Administrative Support** 608,000 608,000

7.28 The commissioner shall transfer \$42,000,000
7.29 from the environmental fund to the
7.30 remediation fund for the purposes of the
7.31 remediation fund under Minnesota Statutes,
7.32 section 116.155, subdivision 2.

7.33 **Sec. 4. NATURAL RESOURCES**

7.34 **Subdivision 1. Total Appropriation** **\$ 230,941,000** **\$ 230,717,000**

8.1	<u>Appropriations by Fund</u>		
8.2		<u>2012</u>	<u>2013</u>
8.3	<u>General</u>	<u>51,651,000</u>	<u>51,512,000</u>
8.4	<u>Natural Resources</u>	<u>84,066,000</u>	<u>84,678,000</u>
8.5	<u>Game and Fish</u>	<u>94,924,000</u>	<u>94,227,000</u>
8.6	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
8.7	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

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

8.11	<u>Subd. 2. Land and Mineral Resources</u>		
8.12	<u>Management</u>	<u>8,217,000</u>	<u>8,219,000</u>

8.13	<u>Appropriations by Fund</u>		
8.14		<u>2012</u>	<u>2013</u>
8.15	<u>General</u>	<u>2,535,000</u>	<u>2,535,000</u>
8.16	<u>Natural Resources</u>	<u>4,080,000</u>	<u>4,082,000</u>
8.17	<u>Game and Fish</u>	<u>1,402,000</u>	<u>1,402,000</u>
8.18	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

8.19 \$625,000 the first year and \$625,000
 8.20 the second year are from the mining
 8.21 administration account in the natural
 8.22 resources fund to cover the costs associated
 8.23 with issuing mining permits.

8.24 \$630,000 the first year and \$630,000 the
 8.25 second year are from the dedicated receipts
 8.26 account in the natural resources fund to cover
 8.27 the costs associated with issuing licenses for
 8.28 land and water crossings and road easements.

8.29 \$251,000 the first year and \$251,000 the
 8.30 second year are for iron ore cooperative
 8.31 research. Of this amount, \$200,000 each year
 8.32 is from the minerals management account
 8.33 in the natural resources fund. \$175,000 the
 8.34 first year and \$175,000 the second year are
 8.35 available only as matched by \$1 of nonstate
 8.36 money for each \$1 of state money. The match

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9.1 may be cash or in-kind. Any unencumbered
9.2 balance from the first year does not cancel
9.3 and is available in the second year.
9.4 \$68,000 the first year and \$68,000 the
9.5 second year are for minerals cooperative
9.6 environmental research, of which \$34,000
9.7 the first year and \$34,000 the second year are
9.8 available only as matched by \$1 of nonstate
9.9 money for each \$1 of state money. The
9.10 match may be cash or in-kind.
9.11 \$2,696,000 the first year and \$2,696,000
9.12 the second year are from the minerals
9.13 management account in the natural resources
9.14 fund for use as provided in Minnesota
9.15 Statutes, section 93.2236, paragraph (c),
9.16 for mineral resource management, projects
9.17 to enhance future mineral income, and
9.18 projects to promote new mineral resource
9.19 opportunities.
9.20 \$200,000 the first year and \$200,000 the
9.21 second year are from the state forest suspense
9.22 account in the permanent school fund to
9.23 accelerate land exchanges, land sales, and
9.24 commercial leasing of school trust lands and
9.25 to identify, evaluate, and lease construction
9.26 aggregate located on school trust lands. This
9.27 appropriation is to be used for securing
9.28 maximum long-term economic return
9.29 from the school trust lands consistent with
9.30 fiduciary responsibilities and sound natural
9.31 resources conservation and management
9.32 principles.

9.33 **Subd. 3. Ecological and Water Resources** 24,123,000 24,123,000

9.34 Appropriations by Fund

9.35 2012 2013

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10.1	<u>General</u>	<u>9,338,000</u>	<u>9,338,000</u>
10.2	<u>Natural Resources</u>	<u>10,086,000</u>	<u>10,086,000</u>
10.3	<u>Game and Fish</u>	<u>4,699,000</u>	<u>4,699,000</u>

10.4 \$1,223,000 the first year and \$1,223,000 the
10.5 second year are from the nongame wildlife
10.6 management account in the natural resources
10.7 fund for the purpose of nongame wildlife
10.8 management. Notwithstanding Minnesota
10.9 Statutes, section 290.431, \$100,000 the first
10.10 year and \$100,000 the second year may
10.11 be used for nongame wildlife information,
10.12 education, and promotion.

10.13 \$5,000,000 the first year and \$5,000,000 the
10.14 second year are from the water management
10.15 account in the natural resources fund for the
10.16 purposes specified in Minnesota Statutes,
10.17 section 103G.27.

10.18 \$1,636,000 the first year and \$1,636,000
10.19 the second year are from the heritage
10.20 enhancement account in the game and
10.21 fish fund for only the purposes specified
10.22 in Minnesota Statutes, section 297A.94,
10.23 paragraph (e), clause (1).

10.24 \$2,892,000 the first year and \$2,892,000 the
10.25 second year are from the invasive species
10.26 account in the natural resources fund and
10.27 \$2,020,000 the first year and \$2,020,000 the
10.28 second year are from the general fund for
10.29 management, public awareness, assessment
10.30 and monitoring research, law enforcement,
10.31 and water access inspection to prevent the
10.32 spread of invasive species; management
10.33 of invasive plants in public waters; and
10.34 management of terrestrial invasive species
10.35 on state-administered lands.

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11.1 \$1,000,000 the first year and \$1,000,000 the
 11.2 second year from the heritage enhancement
 11.3 account in the game and fish fund is for law
 11.4 enforcement and water access inspection
 11.5 to prevent the spread of aquatic invasive
 11.6 species. This is a onetime appropriation.

11.7 \$264,000 the first year and \$264,000 the
 11.8 second year are for grants for up to 50
 11.9 percent of the cost of implementation of
 11.10 the Red River mediation agreement. The
 11.11 commissioner shall submit a report to the
 11.12 chairs of the legislative committees having
 11.13 primary jurisdiction over environment and
 11.14 natural resources policy and finance on the
 11.15 accomplishments achieved with the grants
 11.16 by January 15, 2014.

11.17 \$53,000 the first year and \$53,000 the
 11.18 second year are for a grant to the Mississippi
 11.19 Headwaters Board for up to 50 percent of
 11.20 the cost of implementing the comprehensive
 11.21 plan for the upper Mississippi within areas
 11.22 under the board's jurisdiction.

11.23 \$5,000 the first year and \$5,000 the second
 11.24 year are for payment to the Leech Lake Band
 11.25 of Chippewa Indians to implement the band's
 11.26 portion of the comprehensive plan for the
 11.27 upper Mississippi.

11.28 **Subd. 4. Forest Management** 33,811,000 33,686,000

11.29	<u>Appropriations by Fund</u>	
11.30	<u>2012</u>	<u>2013</u>
11.31	<u>General</u>	<u>19,140,000</u>
11.32	<u>Natural Resources</u>	<u>13,757,000</u>
11.33	<u>Game and Fish</u>	<u>914,000</u>

11.34 \$7,145,000 the first year and \$7,145,000
 11.35 the second year are for prevention,

12.1 presuppression, and suppression costs of
12.2 emergency firefighting and other costs
12.3 incurred under Minnesota Statutes, section
12.4 88.12. The amount necessary to pay for
12.5 presuppression and suppression costs during
12.6 the biennium is appropriated from the general
12.7 fund.

12.8 By January 15 of each year, the commissioner
12.9 of natural resources shall submit a report to
12.10 the chairs and ranking minority members
12.11 of the house and senate committees
12.12 and divisions having jurisdiction over
12.13 environment and natural resources finance,
12.14 identifying all firefighting costs incurred
12.15 and reimbursements received in the prior
12.16 fiscal year. These appropriations may
12.17 not be transferred. Any reimbursement
12.18 of firefighting expenditures made to the
12.19 commissioner from any source other than
12.20 federal mobilizations shall be deposited into
12.21 the general fund.

12.22 \$13,657,000 the first year and \$13,352,000
12.23 the second year are from the forest
12.24 management investment account in the
12.25 natural resources fund for only the purposes
12.26 specified in Minnesota Statutes, section
12.27 89.039, subdivision 2. Of this amount,
12.28 \$2,564,000 the first year and \$2,439,000 the
12.29 second year are onetime appropriations.

12.30 \$582,000 the first year and \$582,000 the
12.31 second year are for the Forest Resources
12.32 Council for implementation of the
12.33 Sustainable Forest Resources Act.

12.34 \$100,000 the first year and \$100,000 the
12.35 second year are from the all-terrain vehicle

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13.1 account in the natural resources fund to
 13.2 maintain minimum-maintenance forest
 13.3 roads. This is a onetime appropriation.
 13.4 \$650,000 the first year and \$650,000
 13.5 the second year are from the heritage
 13.6 enhancement account in the game and fish
 13.7 fund to maintain and expand the ecological
 13.8 classification system program. This is a
 13.9 onetime appropriation.

13.10	<u>Subd. 5. Parks and Trails Management</u>	<u>64,408,000</u>	<u>64,244,000</u>
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13.11	<u>Appropriations by Fund</u>		
13.12		<u>2012</u>	<u>2013</u>
13.13	<u>General</u>	<u>17,339,000</u>	<u>17,200,000</u>
13.14	<u>Natural Resources</u>	<u>44,875,000</u>	<u>44,850,000</u>
13.15	<u>Game and Fish</u>	<u>2,194,000</u>	<u>2,194,000</u>

13.16 \$1,075,000 the first year and \$1,075,000 the
 13.17 second year are from the water recreation
 13.18 account in the natural resources fund for
 13.19 enhancing public water access facilities.

13.20 The appropriation in Laws 2003, chapter
 13.21 128, article 1, section 5, subdivision 6, from
 13.22 the water recreation account in the natural
 13.23 resources fund for a cooperative project with
 13.24 the United States Army Corps of Engineers
 13.25 to develop the Mississippi Whitewater Park
 13.26 is available until June 30, 2012. The project
 13.27 must be designed to prevent the spread of
 13.28 aquatic invasive species.

13.29 \$5,981,000 the first year and \$5,981,000 the
 13.30 second year are from the natural resources
 13.31 fund for state trail, park, and recreation area
 13.32 operations. Of this amount, \$375,000 each
 13.33 year is for coordinated activities with Explore
 13.34 Minnesota Tourism. This appropriation is
 13.35 from the revenue deposited in the natural

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14.1 resources fund under Minnesota Statutes,
14.2 section 297A.94, paragraph (e), clause (2).
14.3 \$8,424,000 the first year and \$8,424,000
14.4 the second year are from the snowmobile
14.5 trails and enforcement account in the
14.6 natural resources fund for the snowmobile
14.7 grants-in-aid program. This additional
14.8 money may be used for new grant-in-aid
14.9 trails. Any unencumbered balance does not
14.10 cancel at the end of the first year and is
14.11 available for the second year.
14.12 \$1,360,000 the first year and \$1,360,000
14.13 the second year are from the natural
14.14 resources fund for the off-highway vehicle
14.15 grants-in-aid program. Of this amount,
14.16 \$1,110,000 each year is from the all-terrain
14.17 vehicle account; \$150,000 each year is from
14.18 the off-highway motorcycle account; and
14.19 \$100,000 each year is from the off-road
14.20 vehicle account. Any unencumbered balance
14.21 does not cancel at the end of the first year
14.22 and is available for the second year.
14.23 \$5,631,000 the first year and \$5,631,000
14.24 the second year are from the natural
14.25 resources fund for state trail operations.
14.26 This appropriation is from the revenue
14.27 deposited in the natural resources fund
14.28 under Minnesota Statutes, section 297A.94,
14.29 paragraph (e), clause (2).
14.30 \$805,000 the first year and \$805,000 the
14.31 second year are from the natural resources
14.32 fund for trail grants to local units of
14.33 government on land to be maintained for at
14.34 least 20 years for the purposes of the grants.
14.35 This appropriation is from the revenue

- 15.1 deposited in the natural resources fund
 15.2 under Minnesota Statutes, section 297A.94,
 15.3 paragraph (e), clause (4).
- 15.4 \$200,000 from the off-highway damage
 15.5 account is transferred to the all-terrain
 15.6 vehicle account in the natural resources fund.
- 15.7 \$34,000 the first year is for reimbursement
 15.8 to the city of East Grand Forks for all the
 15.9 city's costs incurred in meeting the city's
 15.10 share of the operation and management
 15.11 responsibilities of the Red River State
 15.12 Recreation Area, including the costs of
 15.13 operating, maintaining, and otherwise
 15.14 meeting the city's responsibilities contained
 15.15 in any joint management agreement for
 15.16 the recreation area. This is a onetime
 15.17 appropriation and is available until spent.
- 15.18 \$100,000 the first year is for a pass-through
 15.19 grant to Lake County for completion of the
 15.20 Lake County Regional ATV Trail. This is a
 15.21 onetime appropriation and is available until
 15.22 spent.
- 15.23 **Subd. 6. Fish and Wildlife Management** 66,781,000 65,981,000
- 15.24 Appropriations by Fund
- | | <u>2012</u> | <u>2013</u> |
|--------------------------------|-------------------|-------------------|
| 15.25 <u>General</u> | <u>202,000</u> | <u>202,000</u> |
| 15.26 <u>Natural Resources</u> | <u>1,899,000</u> | <u>1,899,000</u> |
| 15.27 <u>Game and Fish</u> | <u>64,680,000</u> | <u>63,880,000</u> |
- 15.29 \$100,000 the first year and \$100,000 the
 15.30 second year are from the nongame wildlife
 15.31 account in the natural resources fund for gray
 15.32 wolf research.
- 15.33 \$120,000 the first year and \$120,000 the
 15.34 second year are from the game and fish fund
 15.35 for gray wolf management.

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16.1 \$1,860,000 the first year and \$1,860,000 the
16.2 second year are from the wildlife acquisition
16.3 surcharge account for only the purposes
16.4 specified in Minnesota Statutes, section
16.5 97A.071, subdivision 2a. This appropriation
16.6 is available until spent.

16.7 \$8,167,000 the first year and \$8,167,000
16.8 the second year are from the heritage
16.9 enhancement account in the game and
16.10 fish fund only for activities specified in
16.11 Minnesota Statutes, section 297A.94,
16.12 paragraph (e), clause (1). Notwithstanding
16.13 Minnesota Statutes, section 297A.94, five
16.14 percent of this appropriation may be used for
16.15 expanding hunter and angler recruitment and
16.16 retention.

16.17 Notwithstanding Minnesota Statutes, section
16.18 84.943, \$13,000 the first year and \$13,000
16.19 the second year from the critical habitat
16.20 private sector matching account may be used
16.21 to publicize the critical habitat license plate
16.22 match program.

16.23 \$875,000 the first year and \$875,000 the
16.24 second year are from the trout and salmon
16.25 management account for only the purposes
16.26 specified in Minnesota Statutes, section
16.27 97A.075, subdivision 3.

16.28 \$1,400,000 the first year and \$1,400,000 the
16.29 second year are from the deer management
16.30 account for only the purposes specified
16.31 in Minnesota Statutes, section 97A.075,
16.32 subdivision 1, paragraph (b).

16.33 \$890,000 the first year and \$890,000 the
16.34 second year are from the deer and bear
16.35 management account for only the purposes

17.1 specified in Minnesota Statutes, section
17.2 97A.075, subdivision 1, paragraph (c).
17.3 \$600,000 the first year and \$600,000 the
17.4 second year are from the waterfowl habitat
17.5 improvement account for only the purposes
17.6 specified in Minnesota Statutes, section
17.7 97A.075, subdivision 2.
17.8 \$780,000 the first year and \$780,000 the
17.9 second year are from the pheasant habitat
17.10 improvement account for only the purposes
17.11 specified in Minnesota Statutes, section
17.12 97A.075, subdivision 4.
17.13 \$254,000 the first year and \$254,000 the
17.14 second year are from the wild turkey
17.15 management account for only the purposes
17.16 specified in Minnesota Statutes, section
17.17 97A.075, subdivision 5. Of this amount,
17.18 \$8,000 the first year and \$8,000 the second
17.19 year are transferred from the game and fish
17.20 fund to the wild turkey management account.
17.21 \$200,000 the first year is from the heritage
17.22 enhancement account in the game and
17.23 fish fund for grants to Let's Go Fishing of
17.24 Minnesota to promote opportunities for
17.25 fishing. The grants must be matched with
17.26 cash or in-kind contributions from nonstate
17.27 sources. It is a condition of acceptance of
17.28 this appropriation that Let's Go Fishing of
17.29 Minnesota must submit a work program
17.30 and annual progress reports in the form and
17.31 manner determined by the commissioner of
17.32 natural resources to the Budgetary Oversight
17.33 Committee. The work program must identify
17.34 capital expenditures and leases over \$2,000
17.35 and annual reports must describe the use

18.1 of that capital equipment throughout its
 18.2 useful life. None of the money provided
 18.3 may be spent unless the commissioner
 18.4 has approved the work program. This is a
 18.5 onetime appropriation.
 18.6 \$202,000 the first year and \$202,000 the
 18.7 second year from the general fund are
 18.8 for preserving, restoring, and enhancing
 18.9 grassland and wetland complexes on public
 18.10 or private lands.
 18.11 Notwithstanding Minnesota Statutes, section
 18.12 16A.28, the appropriations encumbered
 18.13 under contract on or before June 30, 2013, for
 18.14 aquatic restoration grants and wildlife habitat
 18.15 grants are available until June 30, 2014.

18.16 Subd. 7. Enforcement 31,298,000 32,161,000

<u>Appropriations by Fund</u>	<u>2012</u>	<u>2013</u>
18.18 <u>General</u>	<u>2,216,000</u>	<u>2,216,000</u>
18.20 <u>Natural Resources</u>	<u>8,888,000</u>	<u>9,648,000</u>
18.21 <u>Game and Fish</u>	<u>20,094,000</u>	<u>20,197,000</u>
18.22 <u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

18.23 \$1,082,000 the first year and \$1,082,000 the
 18.24 second year are from the water recreation
 18.25 account in the natural resources fund for
 18.26 grants to counties for boat and water safety.
 18.27 Any unencumbered balance does not cancel
 18.28 at the end of the first year and is available for
 18.29 the second year.

18.30 \$315,000 the first year and \$315,000 the
 18.31 second year are from the snowmobile
 18.32 trails and enforcement account in the
 18.33 natural resources fund for grants to local
 18.34 law enforcement agencies for snowmobile
 18.35 enforcement activities. Any unencumbered

19.1 balance does not cancel at the end of the first
19.2 year and is available for the second year.
19.3 \$1,204,000 the first year and \$1,307,000
19.4 the second year are from the heritage
19.5 enhancement account in the game and
19.6 fish fund for only the purposes specified
19.7 in Minnesota Statutes, section 297A.94,
19.8 paragraph (e), clause (1).
19.9 \$510,000 the first year and \$510,000
19.10 the second year are from the natural
19.11 resources fund for grants to county law
19.12 enforcement agencies for off-highway
19.13 vehicle enforcement and public education
19.14 activities based on off-highway vehicle use
19.15 in the county. Of this amount, \$498,000 each
19.16 year is from the all-terrain vehicle account;
19.17 \$11,000 each year is from the off-highway
19.18 motorcycle account; and \$1,000 each year
19.19 is from the off-road vehicle account. The
19.20 county enforcement agencies may use
19.21 money received under this appropriation
19.22 to make grants to other local enforcement
19.23 agencies within the county that have a high
19.24 concentration of off-highway vehicle use. Of
19.25 this appropriation, \$25,000 each year is for
19.26 administration of these grants.
19.27 \$250,000 the first year and \$250,000 the
19.28 second year are from the all-terrain vehicle
19.29 account for grants to qualifying organizations
19.30 to assist in safety and environmental
19.31 education and monitoring trails on public
19.32 lands under Minnesota Statutes, section
19.33 84.9011. Grants issued under this paragraph:
19.34 (1) must be issued through a formal
19.35 agreement with the organization; and

20.1 (2) must not be used as a substitute for
 20.2 traditional spending by the organization.
 20.3 By December 15 each year, an organization
 20.4 receiving a grant under this paragraph shall
 20.5 report to the commissioner with details on
 20.6 expenditures and outcomes from the grant.
 20.7 Of this appropriation, \$25,000 each year is
 20.8 for administration of these grants.

20.9 **Subd. 8. Operations Support** 2,303,000 2,303,000

<u>Appropriations by Fund</u>	<u>2012</u>	<u>2013</u>
20.11 <u>General</u>	<u>881,000</u>	<u>881,000</u>
20.12 <u>Natural Resources</u>	<u>481,000</u>	<u>481,000</u>
20.13 <u>Game and Fish</u>	<u>941,000</u>	<u>941,000</u>

20.15 \$320,000 the first year and \$320,000 the
 20.16 second year are from the natural resources
 20.17 fund for grants to be divided equally between
 20.18 the city of St. Paul for the Como Park Zoo
 20.19 and Conservatory and the city of Duluth
 20.20 for the Duluth Zoo. This appropriation
 20.21 is from the revenue deposited to the fund
 20.22 under Minnesota Statutes, section 297A.94,
 20.23 paragraph (e), clause (5).

20.24 **Sec. 5. BOARD OF WATER AND SOIL**
 20.25 **RESOURCES** **\$ 12,619,000 \$ 12,619,000**

20.26 \$3,328,000 the first year and \$3,328,000 the
 20.27 second year are for natural resources block
 20.28 grants to local governments. The board may
 20.29 reduce the amount of the natural resources
 20.30 block grant to a county by an amount equal to
 20.31 any reduction in the county's general services
 20.32 allocation to a soil and water conservation
 20.33 district from the county's previous year
 20.34 allocation when the board determines that
 20.35 the reduction was disproportionate. Grants

21.1 must be matched with a combination of local
21.2 cash or in-kind contributions. The base
21.3 grant portion related to water planning must
21.4 be matched by an amount as specified by
21.5 Minnesota Statutes, section 103B.3369.
21.6 \$3,004,000 the first year and \$3,004,000
21.7 the second year are for grants requested
21.8 by soil and water conservation districts for
21.9 general purposes, nonpoint engineering, and
21.10 implementation of the reinvest in Minnesota
21.11 reserve program. Upon approval of the
21.12 board, expenditures may be made from these
21.13 appropriations for supplies and services
21.14 benefiting soil and water conservation
21.15 districts. Any district requesting a grant
21.16 under this paragraph shall maintain a Web
21.17 page that publishes, at a minimum, its annual
21.18 plan, annual report, annual audit, annual
21.19 budget, including membership dues, and
21.20 meeting notices and minutes.
21.21 \$1,637,000 the first year and \$1,637,000
21.22 the second year are for grants to soil and
21.23 water conservation districts for cost-sharing
21.24 contracts for erosion control and water
21.25 quality management, of which at least
21.26 \$677,000 each year is for establishing and
21.27 maintaining riparian vegetation buffers of
21.28 restored native prairie and restored prairie.
21.29 \$95,000 the first year and \$95,000 the second
21.30 year are available for county cooperative
21.31 weed management programs and to restore
21.32 native plants in selected invasive species
21.33 management sites by providing local
21.34 native seeds and plants to landowners for
21.35 implementation.

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- 22.1 \$433,000 each year is for feedlot water
22.2 quality grants for feedlots under 300 animal
22.3 units where there are impaired waters.
- 22.4 Notwithstanding Minnesota Statutes, section
22.5 103C.501, the board may shift cost-share
22.6 funds in this section and may adjust the
22.7 technical and administrative assistance
22.8 portion of the grant funds to leverage
22.9 federal or other nonstate funds or to address
22.10 high-priority needs identified in local water
22.11 management plans.
- 22.12 \$386,000 the first year and \$386,000 the
22.13 second year are for implementation and
22.14 enforcement of the Wetland Conservation
22.15 Act.
- 22.16 \$57,000 each year is for staff to monitor and
22.17 enforce wetland replacement, wetland bank
22.18 sites, and the Wetland Conservation Act. The
22.19 board must include in its biennial report to
22.20 the legislature information on all state and
22.21 local units of government, including special
22.22 purpose districts and impacts on wetlands in
22.23 the state.
- 22.24 \$166,000 each year is to provide assistance
22.25 to local drainage management officials and
22.26 for the costs of the Drainage Work Group.
- 22.27 \$84,000 the first year and \$84,000 the second
22.28 year are for a grant to the Red River Basin
22.29 Commission for water quality and floodplain
22.30 management, including administration of
22.31 programs. If the appropriation in either year
22.32 is insufficient, the appropriation in the other
22.33 year is available for it.
- 22.34 \$84,000 each year is to the Minnesota River
22.35 Board for operating expenses to measure and

23.1 report the results of projects in the 12 major
 23.2 watersheds within the Minnesota River basin.

23.3 \$120,000 each year is for grants to Area
 23.4 II, Minnesota River Basin Projects,
 23.5 for floodplain management, including
 23.6 administration of programs.

23.7 The appropriations for grants in this
 23.8 section are available until expended. If an
 23.9 appropriation for grants in either year is
 23.10 insufficient, the appropriation in the other
 23.11 year is available for it.

23.12 Sec. 6. **METROPOLITAN COUNCIL** \$ **8,705,000** \$ **8,705,000**

23.13	<u>Appropriations by Fund</u>		
23.14		<u>2012</u>	<u>2013</u>
23.15	<u>General</u>	<u>3,035,000</u>	<u>3,035,000</u>
23.16	<u>Natural Resources</u>	<u>5,670,000</u>	<u>5,670,000</u>

23.17 \$3,035,000 the first year and \$3,035,000
 23.18 the second year are for metropolitan area
 23.19 regional parks operation and maintenance
 23.20 according to Minnesota Statutes, section
 23.21 473.351.

23.22 \$5,670,000 the first year and \$5,670,000 the
 23.23 second year are from the natural resources
 23.24 fund for metropolitan area regional parks
 23.25 and trails maintenance and operations. This
 23.26 appropriation is from the revenue deposited
 23.27 in the natural resources fund under Minnesota
 23.28 Statutes, section 297A.94, paragraph (e),
 23.29 clause (3).

23.30 Sec. 7. **CONSERVATION CORPS**
 23.31 **MINNESOTA** \$ **490,000** \$ **490,000**

23.32	<u>Appropriations by Fund</u>		
23.33		<u>2012</u>	<u>2013</u>
23.34	<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

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

24.6 Sec. 8. **ZOOLOGICAL BOARD** \$ **5,456,000** \$ **5,456,000**

24.7 Appropriations by Fund

24.8		<u>2012</u>	<u>2013</u>
24.9	<u>General</u>	<u>5,296,000</u>	<u>5,296,000</u>
24.10	<u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>

24.11 \$160,000 the first year and \$160,000 the
24.12 second year are from the natural resources
24.13 fund from the revenue deposited under
24.14 Minnesota Statutes, section 297A.94,
24.15 paragraph (e), clause (5).

24.16 Sec. 9. Minnesota Statutes 2010, section 17.135, is amended to read:

24.17 **17.135 FARM DISPOSAL OF SOLID WASTE.**

24.18 (a) A permit is not required from a state agency, except under sections 88.16,
24.19 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or
24.20 burns and buries;

24.21 (1) solid waste generated from the person's household or as part of the person's
24.22 farming operation if the burying is done; or

24.23 (2) concrete or reinforcing bar from a building or structure located on the land
24.24 used for farming.

24.25 Items in clauses (1) and (2) must be buried in a nuisance-free, pollution-free, and
24.26 aesthetic manner on the land used for farming. This The exception in clause (1) does not
24.27 apply if regularly scheduled pickup of solid waste is reasonably available at the person's
24.28 farm, as determined by resolution of the county board of the county where the person's
24.29 farm is located.

24.30 (b) ~~This~~ The exemption in paragraph (a), clause (1), does not apply to burning tires
24.31 or plastics, except plastic baling twine, or to burning or burial of the following materials:

24.32 (1) household hazardous waste as defined in section 115A.96, subdivision 1;

24.33 (2) appliances, including but not limited to, major appliances as defined in section
24.34 115A.03, subdivision 17a;

- 25.1 (3) household batteries;
- 25.2 (4) used motor oil; and
- 25.3 (5) lead acid batteries from motor vehicles.

25.4 (c) An owner of land used for farming who buries material under the authority of
25.5 paragraph (a), clause (2), shall record, with the county recorder or registrar of titles of
25.6 the county in which the land is located, an affidavit containing a legal description of
25.7 the property and a map drawn from available information showing the boundary of the
25.8 property and the location of concrete or reinforcing bar buried on the property. The county
25.9 recorder or registrar of titles must record an affidavit presented under this paragraph in a
25.10 manner that ensures its disclosure in the ordinary course of a title search of the subject
25.11 property.

25.12 Sec. 10. Minnesota Statutes 2010, section 84.033, subdivision 1, is amended to read:

25.13 Subdivision 1. **Acquisition; designation.** The commissioner of natural resources
25.14 may acquire by gift, lease, easement, exchange, or purchase, in the manner prescribed
25.15 under chapter 117, in the name of the state, lands or any interest in lands suitable and
25.16 desirable for establishing and maintaining scientific and natural areas. The commissioner
25.17 shall designate any land so acquired as a scientific and natural area by written order
25.18 published in the State Register and shall administer any land so acquired and designated as
25.19 provided by section 86A.05. Designations of scientific and natural areas are exempt from
25.20 the rulemaking provisions of chapter 14 and section 14.386 does not apply.

25.21 Sec. 11. Minnesota Statutes 2010, section 84.035, subdivision 6, is amended to read:

25.22 Subd. 6. **Management plans.** The commissioner shall develop in consultation with
25.23 the affected local government unit a management plan for each peatland scientific and
25.24 natural area designated under section 84.036 ~~in a manner prescribed by section 86A.09.~~

25.25 The management plan shall address recreational trails. In those peatland scientific
25.26 and natural areas where no corridor of disturbance was used as a recreational trail on or
25.27 before January 1, 1992, the plan may permit only one corridor of disturbance, in each
25.28 peatland scientific and natural area, to be used as a recreational motorized trail.

25.29 Sec. 12. **[84.68] FORESTS FOR THE FUTURE CONSERVATION EASEMENT**
25.30 **ACCOUNT.**

25.31 Subdivision 1. **Account established; sources.** The forests for the future
25.32 conservation easement account is created in the natural resources fund in the state treasury.
25.33 The following revenue shall be deposited in the account:

- 26.1 (1) contributions to the account or specified for any purposes of the account;
26.2 (2) financial contributions required under section 84.66, subdivision 11, or other
26.3 applicable law; and
26.4 (3) money appropriated or transferred for the purposes described in subdivision 2.

26.5 Interest earned on money in the account accrues to the account.

26.6 Subd. 2. **Appropriation; purposes of account.** Four percent of the balance on July
26.7 1 in the forests for the future conservation easement account is annually appropriated
26.8 to the commissioner of natural resources and may be spent only to cover the costs of
26.9 managing forests for the future conservation easements held by the Department of Natural
26.10 Resources, including costs incurred from monitoring, landowner contracts, record keeping,
26.11 processing landowner notices, requests for approval or amendments, and enforcement.

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

26.13 Sec. 13. **[84.8035] NONRESIDENT OFF-ROAD VEHICLE STATE TRAIL PASS.**

26.14 Subdivision 1. **Pass required; fee.** (a) A nonresident may not operate an off-road
26.15 vehicle on a state or grant-in-aid off-road vehicle trail unless the vehicle displays a
26.16 nonresident off-road vehicle state trail pass sticker issued according to this section.
26.17 The pass must be viewable by a peace officer, a conservation officer, or an employee
26.18 designated under section 84.0835.

26.19 (b) The fee for an annual pass is \$20. The pass is valid from January 1 through
26.20 December 31. The fee for a three-year pass is \$30. The commissioner of natural resources
26.21 shall issue a pass upon application and payment of the fee. Fees collected under this
26.22 section, except for the issuing fee for licensing agents, shall be deposited in the state
26.23 treasury and credited to the off-road vehicle account in the natural resources fund and,
26.24 except for the electronic licensing system commission established by the commissioner
26.25 under section 84.027, subdivision 15, must be used for grants-in-aid to counties and
26.26 municipalities for off-road vehicle organizations to construct and maintain off-road
26.27 vehicle trails and use areas.

26.28 (c) A nonresident off-road vehicle state trail pass is not required for:

26.29 (1) an off-road vehicle that is owned and used by the United States, another state,
26.30 or a political subdivision thereof that is exempt from registration under section 84.798,
26.31 subdivision 2;

26.32 (2) a person operating an off-road vehicle only on the portion of a trail that is owned
26.33 by the person or the person's spouse, child, or parent; or

27.1 (3) a nonresident operating an off-road vehicle that is registered according to section
27.2 84.798.

27.3 Subd. 2. **License agents.** The commissioner shall appoint agents to issue and
27.4 sell nonresident off-road vehicle state trail passes. The commissioner may revoke the
27.5 appointment of an agent at any time. The commissioner may adopt additional rules as
27.6 provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted
27.7 by the commissioner for accounting and handling of passes pursuant to section 97A.485,
27.8 subdivision 11. An agent shall promptly deposit and remit all money received from the
27.9 sale of the passes, exclusive of the issuing fee, to the commissioner.

27.10 Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell
27.11 nonresident off-road vehicle state trail passes. The commissioner shall also make the
27.12 passes available through the electronic licensing system established under section 84.027,
27.13 subdivision 15.

27.14 Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass
27.15 shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees for
27.16 passes issued by the commissioner shall be deposited in the off-road vehicle account in the
27.17 natural resources fund and retained for the operation of the electronic licensing system.

27.18 Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate
27.19 pass to persons whose pass is lost or destroyed using the process established under section
27.20 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident
27.21 off-road vehicle state trail pass is \$4, with an issuing fee of 50 cents.

27.22 Sec. 14. Minnesota Statutes 2010, section 84.925, subdivision 1, is amended to read:

27.23 Subdivision 1. **Program established.** (a) The commissioner shall establish a
27.24 comprehensive all-terrain vehicle environmental and safety education and training
27.25 program, including the preparation and dissemination of vehicle information and safety
27.26 advice to the public, the training of all-terrain vehicle operators, and the issuance of
27.27 all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who
27.28 successfully complete the all-terrain vehicle environmental and safety education and
27.29 training course.

27.30 (b) For the purpose of administering the program and to defray ~~a portion of the~~
27.31 expenses of training and certifying vehicle operators, the commissioner shall collect a fee
27.32 ~~of \$15~~ from each person who receives the training. The commissioner shall collect a fee,
27.33 to include a \$1 issuing fee for licensing agents, for issuing a duplicate all-terrain vehicle
27.34 safety certificate. The commissioner shall establish ~~the fee for a duplicate all-terrain~~
27.35 ~~vehicle safety certificate~~ both fees in a manner that neither significantly overrecovers

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28.1 nor underrecovers costs, including overhead costs, involved in providing the ~~service~~
28.2 services. The fees are not subject to the rulemaking provisions of chapter 14 and section
28.3 14.386 does not apply. The fees may be established by the commissioner notwithstanding
28.4 section 16A.1283. Fee proceeds, except for the issuing fee for licensing agents under this
28.5 subdivision, shall be deposited in the all-terrain vehicle account in the natural resources
28.6 fund and the amount thereof, except for the electronic licensing system commission
28.7 established by the commissioner under section 84.027, subdivision 15, and issuing fees
28.8 collected by the commissioner, is appropriated annually to the Enforcement Division of
28.9 the Department of Natural Resources for the administration of the programs. In addition
28.10 to the fee established by the commissioner, instructors may charge each person up to the
28.11 established fee amount for class materials and expenses.

28.12 (c) The commissioner shall cooperate with private organizations and associations,
28.13 private and public corporations, and local governmental units in furtherance of the
28.14 program established under this section. School districts may cooperate with the
28.15 commissioner and volunteer instructors to provide space for the classroom portion of the
28.16 training. The commissioner shall consult with the commissioner of public safety in regard
28.17 to training program subject matter and performance testing that leads to the certification
28.18 of vehicle operators. ~~By June 30, 2003,~~ The commissioner shall incorporate a riding
28.19 component in the safety education and training program.

28.20 Sec. 15. Minnesota Statutes 2010, section 84D.15, subdivision 2, is amended to read:

28.21 Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under
28.22 section 86B.415, subdivision 7, and civil penalties under section 84D.13 shall be deposited
28.23 in the invasive species account. Each year, the commissioner of management and budget
28.24 shall transfer from the game and fish fund to the invasive species account, the annual
28.25 surcharge collected on nonresident fishing licenses under section 97A.475, subdivision
28.26 7, paragraph (b). ~~In fiscal years 2010 and 2011~~ Each fiscal year, the commissioner of
28.27 management and budget shall transfer ~~\$725,000~~ \$1,000,000 from the water recreation
28.28 account under section 86B.706 to the invasive species account.

28.29 Sec. 16. Minnesota Statutes 2010, section 85.018, subdivision 5, is amended to read:

28.30 Subd. 5. **Motorized vehicle trails restricted.** (a) From December 1 to April 1 in
28.31 any year no use of a motorized vehicle other than a snowmobile, unless authorized by
28.32 permit, lease, or easement, shall be permitted on a trail designated for use by snowmobiles.

28.33 (b) ~~From December 1 to April 1 in any year~~ No use of a motorized vehicle other
28.34 than an all-terrain or off-road vehicle and an off-highway motorcycle, unless authorized

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29.1 by permit, lease, or easement, shall be permitted on a trail designated for use by all-terrain
29.2 vehicles, off-road vehicles, or both, and off-highway motorcycles.

29.3 Sec. 17. Minnesota Statutes 2010, section 85.019, subdivision 4b, is amended to read:

29.4 Subd. 4b. **Regional trails.** The commissioner shall administer a program to
29.5 provide grants to units of government for acquisition and betterment of public land and
29.6 improvements needed for trails outside the metropolitan area deemed to be of regional
29.7 significance according to criteria published by the commissioner. Recipients must provide
29.8 a nonstate cash match of at least ~~one-half~~ 25 percent of total eligible project costs. If
29.9 land used for the trails is not in full public ownership, then the recipients must prove it
29.10 is dedicated to the purposes of the grants for at least 20 years. The commissioner shall
29.11 make payment to a unit of government upon receiving documentation of reimbursable
29.12 expenditures. A unit of government may enter into a lease or management agreement
29.13 for the trail, subject to section 16A.695.

29.14 Sec. 18. Minnesota Statutes 2010, section 85.019, subdivision 4c, is amended to read:

29.15 Subd. 4c. **Trail connections.** The commissioner shall administer a program to
29.16 provide grants to units of government for acquisition and betterment of public land and
29.17 improvements needed for trails that connect communities, trails, and parks and thereby
29.18 increase the effective length of trail experiences. Recipients must provide a nonstate cash
29.19 match of at least ~~one-half~~ 25 percent of total eligible project costs. If land used for the
29.20 trails is not in full public ownership, then the recipients must prove it is dedicated to the
29.21 purposes of the grants for at least 20 years. The commissioner shall make payment to a
29.22 unit of government upon receiving documentation of reimbursable expenditures. A unit
29.23 of government may enter into a lease or management agreement for the trail, subject
29.24 to section 16A.695.

29.25 Sec. 19. Minnesota Statutes 2010, section 85.052, subdivision 4, is amended to read:

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

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

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30.1 ~~The appropriation under section 85.22 for revenue deposited in this section is limited to~~
30.2 ~~\$25,000 per fiscal year.~~

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

30.7 Sec. 20. Minnesota Statutes 2010, section 85.32, subdivision 1, is amended to read:

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

30.19 Sec. 21. Minnesota Statutes 2010, section 86B.106, is amended to read:

30.20 **86B.106 BARRING VEHICLES FROM UNSAFE ICE.**

30.21 (a) Whenever ice conditions on a body of water deteriorate to such an extent that
30.22 there is substantial danger to persons using motorized vehicles, including snowmobiles
30.23 and all-terrain vehicles, the sheriff of the county where the body of water is located may
30.24 prohibit or restrict the use of motorized vehicles on all or a portion of the body of water. If
30.25 the body of water is located in more than one county, all counties involved must coordinate
30.26 any prohibitions or restrictions that are imposed. A county sheriff acting under this section
30.27 shall, as soon as practicable, post all common access sites and publicize the prohibitions or
30.28 restrictions. The commissioner must be notified immediately and may review and suspend
30.29 any restrictions imposed. Restrictions may be lifted as soon as conditions warrant.

30.30 (b) A person may not operate a motorized vehicle in violation of a prohibition
30.31 or restriction imposed under this section.

30.32 ~~(c) This section does not apply to a person who:~~

30.33 ~~(1) is a member of a sanctioned circuit watercross association and can provide~~
30.34 ~~proof of membership;~~

31.1 ~~(2) operates a snowmobile with a silenced exhaust and is practicing for a sanctioned~~
31.2 ~~event, and~~

31.3 ~~(3) receives written permission from a conservation officer who must set the date,~~
31.4 ~~time, and location of the practice.~~

31.5 Sec. 22. Minnesota Statutes 2010, section 86B.121, is amended to read:

31.6 **86B.121 RACES, COMPETITIONS, AND EXHIBITIONS.**

31.7 (a) A person may not hold or sponsor any scheduled or public race, regatta,
31.8 tournament or other competition or exhibition, snowmobile watercross event or practice
31.9 session, or trial race on water or ice, whether or not involving watercraft, without first
31.10 having obtained a written permit from the sheriff of the county where the event is to
31.11 originate.

31.12 (b) The sheriff, in the permit, may exempt watercraft from any of the provisions
31.13 of this chapter relating to the licensing, operation, and equipment of watercraft while
31.14 participating in the event authorized.

31.15 (c) The county's issuance of a permit under this section does not make the county
31.16 liable for any injury occurring at the event.

31.17 Sec. 23. **[89.0385] FOREST MANAGEMENT INVESTMENT ACCOUNT;**
31.18 **COST CERTIFICATION.**

31.19 (a) After each fiscal year, the commissioner shall certify the total costs incurred for
31.20 forest management, forest improvement, and road improvement on state-managed lands
31.21 during that year. The commissioner shall distribute forest management receipts credited to
31.22 various accounts according to this section.

31.23 (b) The amount of the certified costs incurred for forest management activities
31.24 on state lands shall be transferred from the account where receipts are deposited to the
31.25 forest management investment account in the natural resources fund, except for those
31.26 costs certified under section 16A.125. Transfers in a fiscal year cannot exceed receipts
31.27 credited to the account.

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

31.29 Sec. 24. Minnesota Statutes 2010, section 89.039, subdivision 1, is amended to read:

31.30 Subdivision 1. **Account established; sources.** The forest management investment
31.31 account is created in the natural resources fund in the state treasury and money in the

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32.1 account may be spent only for the purposes provided in subdivision 2. The following
32.2 revenue shall be deposited in the forest management investment account:

32.3 (1) timber sales receipts transferred from the consolidated conservation areas
32.4 account as provided in section 84A.51, subdivision 2;

32.5 (2) timber sales receipts from forest lands as provided in section 89.035;

32.6 (3) money transferred from the forest suspense account according to section
32.7 16A.125, subdivision 5; ~~and~~

32.8 (4) interest accruing from investment of the account; and

32.9 (5) money transferred from other accounts according to section 89.0385.

32.10 Sec. 25. Minnesota Statutes 2010, section 89.21, is amended to read:

32.11 **89.21 CAMPGROUNDS, ESTABLISHMENT AND FEES.**

32.12 (a) The commissioner is authorized to establish and develop state forest
32.13 campgrounds and may establish minimum standards not inconsistent with the laws of the
32.14 state for the care and use of such campgrounds and charge fees for such uses as specified
32.15 by the commissioner of natural resources.

32.16 (b) Notwithstanding section 16A.1283, the commissioner shall, by written order,
32.17 establish fees providing for the use of state forest campgrounds. The fees are not subject
32.18 to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

32.19 (c) All fees shall be deposited in ~~the general fund~~ an account in the natural resources
32.20 fund.

32.21 Sec. 26. Minnesota Statutes 2010, section 93.0015, subdivision 1, is amended to read:

32.22 Subdivision 1. **Establishment; membership.** The Mineral Coordinating Committee
32.23 is established to plan for diversified mineral development. The Mineral Coordinating
32.24 Committee consists of:

32.25 (1) the commissioner of natural resources;

32.26 (2) the ~~deputy~~ commissioner of the Minnesota Pollution Control Agency;

32.27 ~~(3) the director of United Steelworkers of America, District 11, or the director's~~
32.28 ~~designee;~~

32.29 ~~(4)~~ (3) the commissioner of Iron Range resources and rehabilitation;

32.30 ~~(5)~~ (4) the director of the Minnesota Geological Survey;

32.31 ~~(6)~~ (5) the dean of the University of Minnesota Institute of Technology;

32.32 ~~(7)~~ (6) the director of the Natural Resources Research Institute; and

33.1 ~~(8) three~~ (7) four individuals appointed by the governor for a four-year term, one
33.2 each representing the iron ore and taconite, nonferrous metallic minerals, and industrial
33.3 minerals industries within the state and one representing labor.

33.4 Sec. 27. Minnesota Statutes 2010, section 93.0015, subdivision 3, is amended to read:

33.5 Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, or other law to
33.6 the contrary, the committee expires June 30, ~~2011~~ 2016.

33.7 Sec. 28. **[97A.052] PEACE OFFICER TRAINING ACCOUNT.**

33.8 Subdivision 1. Account established; sources. The peace officer training account is
33.9 created in the game and fish fund in the state treasury. Revenue from the portion of the
33.10 surcharges assessed to criminal and traffic offenders in section 357.021, subdivision 7,
33.11 clause (1), shall be deposited in the account. Money in the account may be spent only
33.12 for the purposes provided in subdivision 2.

33.13 Subd. 2. Purposes of account. Money in the peace officer training account
33.14 may only be spent by the commissioner for peace officer training for employees of the
33.15 Department of Natural Resources who are licensed under sections 626.84 to 626.863
33.16 to enforce game and fish laws.

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

33.18 Sec. 29. Minnesota Statutes 2010, section 97A.055, is amended by adding a
33.19 subdivision to read:

33.20 Subd. 2b. Certified costs. Money for the certified costs under section 89.0385
33.21 is transferred annually for reimbursement of certified costs on state lands acquired by
33.22 purchase or gift for game and fish purposes.

33.23 Sec. 30. Minnesota Statutes 2010, section 97A.055, subdivision 4b, is amended to read:

33.24 Subd. 4b. **Citizen oversight ~~subcommittees~~ committees.** (a) The commissioner
33.25 shall appoint ~~subcommittees~~ committees of affected persons to review the reports
33.26 prepared under subdivision 4; review the proposed work plans and budgets for the coming
33.27 year; propose changes in policies, activities, and revenue enhancements or reductions;
33.28 review other relevant information; and make recommendations to the legislature and
33.29 the commissioner for improvements in the management and use of money in the game
33.30 and fish fund.

33.31 (b) The commissioner shall appoint the following ~~subcommittees~~ committees, each
33.32 comprised of at least ~~three~~ ten affected persons:

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34.1 (1) a Fisheries ~~Operations Subcommittee~~ Oversight Committee to review fisheries
34.2 funding, ~~excluding~~ including activities related to trout and salmon stamp and walleye
34.3 stamp funding; and

34.4 (2) a Wildlife ~~Operations Subcommittee~~ Oversight Committee to review wildlife
34.5 funding, ~~excluding~~ including activities related to migratory waterfowl, pheasant, and wild
34.6 turkey management funding and excluding review of the amounts available under section
34.7 97A.075, subdivision 1, paragraphs (b) and (c);

34.8 ~~(3) a Big Game Subcommittee to review the report required in subdivision 4,~~
34.9 ~~paragraph (a), clause (2);~~

34.10 ~~(4) an Ecological Resources Subcommittee to review ecological services funding;~~

34.11 ~~(5) a subcommittee to review game and fish fund funding of enforcement and~~
34.12 ~~operations support;~~

34.13 ~~(6) a subcommittee to review the trout and salmon stamp report and address funding~~
34.14 ~~issues related to trout and salmon;~~

34.15 ~~(7) a subcommittee to review the report on the migratory waterfowl stamp and~~
34.16 ~~address funding issues related to migratory waterfowl;~~

34.17 ~~(8) a subcommittee to review the report on the pheasant stamp and address funding~~
34.18 ~~issues related to pheasants;~~

34.19 ~~(9) a subcommittee to review the report on the wild turkey management account and~~
34.20 ~~address funding issues related to wild turkeys; and~~

34.21 ~~(10) a subcommittee to review the walleye stamp and address funding issues related~~
34.22 ~~to walleye stocking.~~

34.23 (c) The chairs of each of the ~~subcommittees~~ Fisheries Oversight Committee and the
34.24 Wildlife Oversight Committee, and four additional members from each committee, shall
34.25 form a Budgetary Oversight Committee to coordinate the integration of the ~~subcommittee~~
34.26 fisheries and wildlife oversight committee reports into an annual report to the legislature;
34.27 recommend changes on a broad level in policies, activities, and revenue enhancements or
34.28 reductions; and provide a forum to address issues that transcend the ~~subcommittees~~; and
34.29 ~~submit a report for any subcommittee that fails to submit its report in a timely manner~~
34.30 fisheries and wildlife oversight committees.

34.31 (d) The Budgetary Oversight Committee shall develop recommendations for a
34.32 biennial budget plan and report for expenditures on game and fish activities. By August 15
34.33 of each even-numbered year, the committee shall submit the budget plan recommendations
34.34 to the commissioner and to the senate and house of representatives committees with
34.35 jurisdiction over natural resources finance.

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35.1 (e) ~~Each subcommittee shall choose its own chair, except that~~ The chairs of the
35.2 Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen
35.3 by their respective committees. The chair of the Budgetary Oversight Committee shall
35.4 be appointed by the commissioner and may not be the chair of ~~any of the subcommittees~~
35.5 either of the other oversight committees.

35.6 (f) The Budgetary Oversight Committee must make recommendations to the
35.7 commissioner and to the senate and house of representatives committees with jurisdiction
35.8 over natural resources finance for outcome goals from expenditures.

35.9 (g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the
35.10 Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary
35.11 Oversight Committee and subcommittees do not expire until June 30, 2010 2015.

35.12 Sec. 31. Minnesota Statutes 2010, section 97A.465, subdivision 5, is amended to read:

35.13 Subd. 5. **Preference to service members.** (a) For purposes of this subdivision:

35.14 (1) "qualified service member or veteran" means a Minnesota resident who:

35.15 (i) is currently serving, or has served at any time during the past 24 months, in active
35.16 service as a member of the United States armed forces, including the National Guard or
35.17 other military reserves;

35.18 (ii) has received a Purple Heart medal for qualifying military service, as shown by
35.19 official military records; or

35.20 (iii) has a service-connected disability rated at 100 percent as defined by the United
35.21 States Department of Veterans Affairs; and

35.22 (2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

35.23 (b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or
35.24 administrative rules, the commissioner ~~may~~ shall give first preference to qualified service
35.25 members or veterans in any drawing or lottery involving the selection of applicants for
35.26 hunting or fishing licenses, permits, and special permits. This subdivision does not
35.27 apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the
35.28 commissioner under this subdivision are not rules under the Administrative Procedure Act
35.29 and section 14.386 does not apply.

35.30 Sec. 32. Minnesota Statutes 2010, section 97A.502, is amended to read:

35.31 **97A.502 DEER KILLED BY MOTOR VEHICLES.**

35.32 (a) Deer killed by a motor vehicle on a public road must be removed by the road
35.33 authority, as defined by section 160.02, subdivision 25, unless the driver of the motor
35.34 vehicle is allowed to possess the deer under paragraph (b). The commissioner of natural

36.1 resources must provide to all road authorities standard forms for statistical purposes and
36.2 the tracking of wild animals.

36.3 (b) The driver of a motor vehicle that has collided with and killed a deer on a public
36.4 road has priority for a possession permit for the entire deer if the facts indicate that the
36.5 deer was not taken illegally.

36.6 Sec. 33. Minnesota Statutes 2010, section 97B.031, subdivision 5, is amended to read:

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

36.12 ~~(b) The visual impairment must be to the extent that the applicant is unable~~
36.13 ~~to identify targets and the rifle sights at the same time without a scope. The visual~~
36.14 ~~impairment and specific conditions must be established by medical evidence verified in~~
36.15 ~~writing by a licensed physician, ophthalmologist, or optometrist. The commissioner~~
36.16 ~~may request additional information from the physician if needed to verify the applicant's~~
36.17 ~~eligibility for the permit.~~

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

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

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

36.25 ~~(f) A person who knowingly makes a false application or assists another in making~~
36.26 ~~a false application for a permit under this subdivision is guilty of a misdemeanor. A~~
36.27 ~~physician, ophthalmologist, or optometrist who fraudulently certifies to the commissioner~~
36.28 ~~that a person is visually impaired as described in this subdivision is guilty of a~~
36.29 ~~misdemeanor.~~

36.30 Sec. 34. Minnesota Statutes 2010, section 97B.325, is amended to read:

36.31 **97B.325 DEER STAND RESTRICTIONS.**

36.32 A person may not take deer from a constructed platform or other structure that is
36.33 located within the right-of-way of an improved public highway ~~or is higher than 16 feet~~

37.1 ~~above the ground. The height restriction does not apply to a portable stand that is chained,~~
37.2 ~~belted, clamped, or tied with rope.~~

37.3 Sec. 35. Minnesota Statutes 2010, section 97B.326, is amended to read:

37.4 **97B.326 STANDS AND BLINDS ON PUBLIC LANDS.**

37.5 (a) Any unoccupied permanent stand or blind on public land is public and not the
37.6 property of the person who constructed it.

37.7 (b) Portable deer stands may be erected on wildlife management areas the day prior
37.8 to use and left unattended from one-half hour after sunset to one-half hour before sunrise.
37.9 The portable deer stand must not do any permanent damage. Spikes or nails driven into
37.10 trees are prohibited on portable deer stands allowed under this paragraph, but screwing or
37.11 clamping devices are allowed. A portable deer stand that is left unattended on wildlife
37.12 management areas between one-half hour after sunset and one-half hour before sunrise
37.13 must have the "MDNR#" license identification number issued to the person who erected
37.14 the stand legibly displayed on the portable deer stand. A person may not have more than
37.15 one unattended portable deer stand erected on wildlife management areas and marked
37.16 with the person's "MDNR#" license identification number. A portable deer stand erected
37.17 on a wildlife management area does not grant the person erecting it an exclusive right to
37.18 use the area. An unoccupied portable stand that is in compliance with this paragraph is
37.19 not public and is the property of the person who erected it.

37.20 Sec. 36. Minnesota Statutes 2010, section 97B.405, is amended to read:

37.21 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

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

37.27 (b) In the case of a drawing, the commissioner shall allow a person to apply for a
37.28 permit in more than one area at the same time and rank the person's choice of area.

37.29 (c) A person selected through a drawing must purchase a license by the Friday
37.30 closest to July 31. Any remaining available licenses not purchased shall be issued
37.31 beginning the following Wednesday to those who applied unsuccessfully. Any remaining
37.32 available licenses not purchased by unsuccessful applicants may then be issued the
37.33 following week beginning on Wednesday to any eligible person as prescribed by the
37.34 commissioner on a first-come, first-served basis.

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

38.2 Sec. 37. Minnesota Statutes 2010, section 97B.667, is amended to read:

38.3 **97B.667 REMOVAL OF BEAVERS, BEAVER DAMS, AND LODGES BY**
38.4 **ROAD AUTHORITIES.**

38.5 When a drainage watercourse is impaired by a beaver dam and the water damages
38.6 or threatens to damage a public road, the road authority, as defined in section 160.02,
38.7 subdivision 25, may remove the impairment and any associated beaver lodge within 300
38.8 feet of the road. Notwithstanding any law to the contrary, the road authority may kill or
38.9 arrange to have killed by any lawful means a beaver associated with the lodge. Before
38.10 killing or arranging to kill a beaver under this section, the road authority must contact a
38.11 conservation officer for a special beaver permit. The conservation officer must issue the
38.12 permit for any beaver subject to this section. A road authority that kills or arranges to
38.13 have killed a beaver under this section must notify a conservation officer or the officer's
38.14 designee as specified in the permit within ten days after the animal is killed. A road
38.15 authority may, after consultation with the Wildlife Division and the Board of Water and
38.16 Soil Resources, implement a local beaver control program designed to reduce the number
38.17 of incidents of beaver interfering with or damaging a public road. The local control
38.18 program may include the offering of a bounty for the lawful taking of beaver.

38.19 Sec. 38. **97C.007 NORTHERN PIKE EXPERIMENTAL AND SPECIAL**
38.20 **MANAGEMENT WATERS.**

38.21 The combined number of lakes designated for northern pike under sections 97C.001
38.22 and 97C.005 may not exceed 90 at one time. Until August 1, 2021, the designated lakes
38.23 must be selected from the lakes identified in rules adopted under sections 97C.001 and
38.24 97C.005 with northern pike slot limits effective on January 1, 2011. A designation under
38.25 this section must continue for at least ten years, at which time the commissioner shall
38.26 determine, based on scientific studies, whether the designation should be discontinued.

38.27 Sec. 39. **103G.27 WATER MANAGEMENT ACCOUNT.**

38.28 Subdivision 1. **Account established; sources.** The water management account
38.29 is created in the natural resources fund in the state treasury. Revenues collected from
38.30 permit application fees, water use fees, field inspection fees, penalties, and other receipts
38.31 according to sections 103G.271 and 103G.301 shall be deposited in the account. Interest
38.32 earned on money in the account accrues to the account.

39.1 Subd. 2. Purposes of account. Money in the water management account may be
39.2 spent only for the costs associated with administering this chapter.

39.3 Sec. 40. Minnesota Statutes 2010, section 103G.271, subdivision 6, is amended to read:

39.4 **Subd. 6. Water use permit processing fee.** (a) Except as described in paragraphs
39.5 (b) to (f), a water use permit processing fee must be prescribed by the commissioner in
39.6 accordance with the schedule of fees in this subdivision for each water use permit in force
39.7 at any time during the year. Fees collected under this paragraph are credited to the water
39.8 management account in the natural resources fund. The schedule is as follows, with the
39.9 stated fee in each clause applied to the total amount appropriated:

39.10 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

39.11 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less
39.12 than 100,000,000 gallons per year;

39.13 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less
39.14 than 150,000,000 gallons per year;

39.15 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but
39.16 less than 200,000,000 gallons per year;

39.17 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less
39.18 than 250,000,000 gallons per year;

39.19 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but
39.20 less than 300,000,000 gallons per year;

39.21 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less
39.22 than 350,000,000 gallons per year;

39.23 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but
39.24 less than 400,000,000 gallons per year;

39.25 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less
39.26 than 450,000,000 gallons per year;

39.27 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but
39.28 less than 500,000,000 gallons per year; and

39.29 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

39.30 (b) For once-through cooling systems, a water use processing fee must be prescribed
39.31 by the commissioner in accordance with the following schedule of fees for each water use
39.32 permit in force at any time during the year:

39.33 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

39.34 (2) for all other users, \$420 per 1,000,000 gallons.

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40.1 (c) The fee is payable based on the amount of water appropriated during the year
40.2 and, except as provided in paragraph (f), the minimum fee is \$100.

40.3 (d) For water use processing fees other than once-through cooling systems:

40.4 (1) the fee for a city of the first class may not exceed \$250,000 per year;

40.5 (2) the fee for other entities for any permitted use may not exceed:

40.6 (i) \$60,000 per year for an entity holding three or fewer permits;

40.7 (ii) \$90,000 per year for an entity holding four or five permits; or

40.8 (iii) \$300,000 per year for an entity holding more than five permits;

40.9 (3) the fee for agricultural irrigation may not exceed \$750 per year;

40.10 (4) the fee for a municipality that furnishes electric service and cogenerates steam
40.11 for home heating may not exceed \$10,000 for its permit for water use related to the
40.12 cogeneration of electricity and steam; and

40.13 (5) no fee is required for a project involving the appropriation of surface water to
40.14 prevent flood damage or to remove flood waters during a period of flooding, as determined
40.15 by the commissioner.

40.16 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two
40.17 percent per month calculated from the original due date must be imposed on the unpaid
40.18 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee
40.19 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal
40.20 governmental agency holding a water appropriation permit.

40.21 (f) The minimum water use processing fee for a permit issued for irrigation of
40.22 agricultural land is \$20 for years in which:

40.23 (1) there is no appropriation of water under the permit; or

40.24 (2) the permit is suspended for more than seven consecutive days between May 1
40.25 and October 1.

40.26 (g) A surcharge of \$30 per million gallons in addition to the fee prescribed in
40.27 paragraph (a) shall be applied to the volume of water used in each of the months of June,
40.28 July, and August that exceeds the volume of water used in January for municipal water
40.29 use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities
40.30 with more than one permit shall be determined based on the total appropriations from all
40.31 permits that supply a common distribution system.

40.32 Sec. 41. Minnesota Statutes 2010, section 103G.301, is amended by adding a
40.33 subdivision to read:

40.34 Subd. 8. **Deposit of fees.** Fees collected under this section must be credited to the
40.35 water management account in the natural resources fund.

41.1 Sec. 42. Minnesota Statutes 2010, section 115.073, is amended to read:

41.2 **115.073 ENFORCEMENT FUNDING.**

41.3 Except as provided in section 115C.05, ~~at~~ one-half of the money recovered by the
41.4 state under this chapter and chapters 115A and 116, including civil penalties and money
41.5 paid under an agreement, stipulation, or settlement, excluding money paid for past due
41.6 fees or taxes, must be deposited in the state treasury and credited to the environmental
41.7 fund. The remaining amount collected shall be deposited in the general fund.

41.8 Sec. 43. **[115A.033] LIVESTOCK MORTALITIES.**

41.9 Notwithstanding any other law, the executive director of the Board of Animal Health
41.10 is responsible for the regulation and oversight of livestock mortality disposal.

41.11 Sec. 44. Minnesota Statutes 2010, section 115A.1314, is amended to read:

41.12 **115A.1314 MANUFACTURER'S REGISTRATION FEE; ~~CREATION OF~~**
41.13 **~~ACCOUNT.~~**

41.14 Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section
41.15 115A.1312 must, by September 1, 2007, and each year thereafter, pay to the commissioner
41.16 of revenue an annual registration fee. The commissioner of revenue must deposit the
41.17 fee in the ~~account established in subdivision 2~~ state treasury and credit the fee to the
41.18 environmental fund.

41.19 (b) ~~The registration fee for the initial program year during which a manufacturer's~~
41.20 ~~video display devices are sold to households is \$5,000. Each year thereafter, The~~
41.21 registration fee is equal to a base fee of \$2,500, plus a variable recycling fee calculated
41.22 according to the formula:

41.23 $((A \times B) - (C + D)) \times E$, where:

41.24 (1) A = the number of pounds of a manufacturer's video display devices sold to
41.25 households during the previous program year, as reported to the department under section
41.26 115A.1316, subdivision 1;

41.27 (2) B = the proportion of sales of video display devices required to be recycled, set at
41.28 0.6 for the first program year and 0.8 for the second program year and every year thereafter;

41.29 (3) C = the number of pounds of covered electronic devices recycled by a
41.30 manufacturer from households during the previous program year, as reported to the
41.31 department under section 115A.1316, subdivision 1;

41.32 (4) D = the number of recycling credits a manufacturer elects to use to calculate the
41.33 variable recycling fee, as reported to the department under section 115A.1316, subdivision
41.34 1; and

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42.1 (5) E = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for
42.2 manufacturers who recycle less than 50 percent of the product (A x B); \$0.40 per pound
42.3 for manufacturers who recycle at least 50 percent but less than 90 percent of the product
42.4 (A x B); and \$0.30 per pound for manufacturers who recycle at least 90 percent but less
42.5 than 100 percent of the product (A x B).

42.6 (c) If, as specified in paragraph (b), the term C - (A x B) equals a positive number of
42.7 pounds, that amount is defined as the manufacturer's recycling credits. A manufacturer
42.8 may retain recycling credits to be added, in whole or in part, to the actual value of C, as
42.9 reported under section 115A.1316, subdivision 2, during any succeeding program year,
42.10 provided that no more than 25 percent of a manufacturer's obligation (A x B) for any
42.11 program year may be met with recycling credits generated in a prior program year. A
42.12 manufacturer may sell any portion or all of its recycling credits to another manufacturer, at
42.13 a price negotiated by the parties, who may use the credits in the same manner.

42.14 (d) For the purpose of calculating a manufacturer's variable recycling fee under
42.15 paragraph (b), the weight of covered electronic devices collected from households located
42.16 outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (c), is
42.17 calculated at 1.5 times their actual weight.

42.18 (e) The registration fee for the initial program year and the base registration fee
42.19 thereafter for a manufacturer who produces fewer than 100 video display devices for sale
42.20 annually to households is \$1,250.

42.21 Subd. 2. ~~Creation of account; appropriations Use of registration fees. (a) The~~
42.22 ~~electronic waste account is established in the environmental fund. The commissioner of~~
42.23 ~~revenue must deposit receipts from the fee established in subdivision 1 in the account.~~
42.24 ~~Any interest earned on the account must be credited to the account. Money from other~~
42.25 ~~sources may be credited to the account. Beginning in the second program year and~~
42.26 ~~continuing each program year thereafter, as of the last day of each program year, the~~
42.27 ~~commissioner shall determine the total amount of the variable fees that were collected. To~~
42.28 ~~the extent that the total fees collected by the commissioner in connection with this section~~
42.29 ~~exceed the amount the commissioner determines necessary to operate the program for the~~
42.30 ~~new program year, the commissioner shall refund on a pro rata basis, to all manufacturers~~
42.31 ~~who paid any fees for the previous program year, the amount of fees collected by the~~
42.32 ~~commissioner in excess of the amount necessary to operate the program for the new~~
42.33 ~~program year. No individual refund is required of amounts of \$100 or less for a fiscal~~
42.34 ~~year. Manufacturers who report collections less than 50 percent of their obligation for~~
42.35 ~~the previous program year are not eligible for a refund.~~

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43.1 ~~(b) Until June 30, 2011, money in the account is annually appropriated to the~~
43.2 ~~Pollution Control Agency:~~ (a) Registration fees may be used by the commissioner for:
43.3 (1) ~~for the purpose of~~ implementing sections 115A.1312 to 115A.1330, including
43.4 transfer to the commissioner of revenue to carry out the department's duties under
43.5 section 115A.1320, subdivision 2, and transfer to the commissioner of administration for
43.6 responsibilities under section 115A.1324; and
43.7 (2) ~~to the commissioner of the Pollution Control Agency to be distributed on~~
43.8 ~~a competitive basis through contracts with grants to~~ counties outside the 11-county
43.9 metropolitan area, as defined in paragraph ~~(e)~~ (b), and ~~with~~ to private entities that collect
43.10 for recycling covered electronic devices in counties outside the 11-county metropolitan
43.11 area, where the collection and recycling is consistent with the respective county's solid
43.12 waste plan, for the purpose of carrying out the activities under sections 115A.1312 to
43.13 115A.1330. In awarding competitive grants under this clause, the commissioner must
43.14 give preference to counties and private entities that are working cooperatively with
43.15 manufacturers to help them meet their recycling obligations under section 115A.1318,
43.16 subdivision 1.

43.17 ~~(e)~~ (b) The 11-county metropolitan area consists of the counties of Anoka, Carver,
43.18 Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

43.19 Sec. 45. Minnesota Statutes 2010, section 115A.1320, subdivision 1, is amended to
43.20 read:

43.21 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections
43.22 115A.1310 to 115A.1330.

43.23 (b) The agency shall establish procedures for:

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

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

43.28 (c) The agency shall annually review the value of the following variables that are
43.29 part of the formula used to calculate a manufacturer's annual registration fee under section
43.30 115A.1314, subdivision 1:

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

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

43.35 (3) the base registration fee; and

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44.1 (4) the multiplier established for the weight of covered electronic devices collected
44.2 in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of
44.3 these values must be changed in order to improve the efficiency or effectiveness of the
44.4 activities regulated under sections 115A.1312 to 115A.1330 ~~or if the revenues in the~~
44.5 ~~account exceed the amount that the agency determines is necessary~~, the agency shall
44.6 submit recommended changes and the reasons for them to the chairs of the senate and
44.7 house of representatives committees with jurisdiction over solid waste policy.

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

44.12 ~~(e) The agency shall manage the account established in section 115A.1314,~~
44.13 ~~subdivision 2. If the revenues in the account exceed the amount that the agency determines~~
44.14 ~~is necessary for efficient and effective administration of the program, including any~~
44.15 ~~amount for contingencies, the agency must recommend to the legislature that the base~~
44.16 ~~registration fee, the proportion of sales of video display devices required to be recycled,~~
44.17 ~~or the estimated per pound cost of recycling established under section 115A.1314,~~
44.18 ~~subdivision 1, paragraph (b), or any combination thereof, be lowered in order to reduce~~
44.19 ~~revenues collected in the subsequent program year by the estimated amount of the excess.~~

44.20 ~~(f)~~ (e) On or before December 1, 2010, and each year thereafter, the agency shall
44.21 provide a report to the governor and the legislature on the implementation of sections
44.22 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight
44.23 of covered electronic devices recycled and a summary of information in the reports
44.24 submitted by manufacturers and recyclers under section 115A.1316. The report must
44.25 also discuss the various collection programs used by manufacturers to collect covered
44.26 electronic devices; information regarding covered electronic devices that are being
44.27 collected by persons other than registered manufacturers, collectors, and recyclers; and
44.28 information about covered electronic devices, if any, being disposed of in landfills in
44.29 this state. The report must include a description of enforcement actions under sections
44.30 115A.1310 to 115A.1330. The agency may include in its report other information received
44.31 by the agency regarding the implementation of sections 115A.1312 to 115A.1330.

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

44.34 ~~(h)~~ (g) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner
44.35 provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those
44.36 provisions enforced by the department, as provided in subdivision 2. The agency may

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45.1 revoke a registration of a collector or recycler found to have violated sections 115A.1310
45.2 to 115A.1330.

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

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

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

45.10 Sec. 46. Minnesota Statutes 2010, section 115C.13, is amended to read:

45.11 **115C.13 REPEALER.**

45.12 Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05,
45.13 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.093, 115C.094, 115C.10, 115C.11,
45.14 115C.111, 115C.112, 115C.113, 115C.12, and 115C.13, are repealed effective June 30,
45.15 ~~2012~~ 2017.

45.16 Sec. 47. Minnesota Statutes 2010, section 116.07, subdivision 4h, is amended to read:

45.17 Subd. 4h. **Financial responsibility rules.** (a) The agency shall adopt rules requiring
45.18 the operator or owner of a solid waste disposal facility to submit to the agency proof
45.19 of the operator's or owner's financial capability to provide reasonable and necessary
45.20 response during the operating life of the facility and for 30 years after closure for a mixed
45.21 municipal solid waste disposal facility or for a minimum of 20 years after closure, as
45.22 determined by agency rules, for any other solid waste disposal facility, and to provide for
45.23 the closure of the facility and postclosure care required under agency rules. Proof of
45.24 financial responsibility is required of the operator or owner of a facility receiving an
45.25 original permit or a permit for expansion after adoption of the rules. Within 180 days of
45.26 the effective date of the rules or by July 1, 1987, whichever is later, proof of financial
45.27 responsibility is required of an operator or owner of a facility with a remaining capacity of
45.28 more than five years or 500,000 cubic yards that is in operation at the time the rules are
45.29 adopted. Compliance with the rules and the requirements of paragraph (b) is a condition
45.30 of obtaining or retaining a permit to operate the facility.

45.31 (b) A municipality, as defined in section 475.51, subdivision 2, including a sanitary
45.32 district, that owns or operates a solid waste disposal facility that was in operation on May
45.33 15, 1989, may meet its financial responsibility for all or a portion of the contingency

46.1 action portion of the reasonable and necessary response costs at the facility by pledging its
46.2 full faith and credit to meet its responsibility.

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

46.5 (1) The governing body of the municipality shall enact an ordinance that clearly
46.6 accepts responsibility for the costs of contingency action at the facility and that reserves,
46.7 during the operating life of the facility and for the time period required in paragraph (a)
46.8 after closure, a portion of the debt limit of the municipality, as established under section
46.9 475.53 or other law, that is equal to the total contingency action costs.

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

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

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

46.24 (5) The municipality shall file with the commissioner of revenue its consent to have
46.25 the amount of its contingency action costs deducted from state aid payments otherwise
46.26 due the municipality and paid instead to the remediation fund created in section 116.155,
46.27 if the municipality fails to conduct the contingency action at the facility when ordered
46.28 by the agency. If the agency notifies the commissioner that the municipality has failed to
46.29 conduct contingency action when ordered by the agency, the commissioner shall deduct
46.30 the amounts indicated by the agency from the state aids in accordance with the consent
46.31 filed with the commissioner.

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

46.34 (c) The method for proving financial responsibility under paragraph (b) may not be
46.35 applied to a new solid waste disposal facility or to expansion of an existing facility, unless

47.1 the expansion is a vertical expansion. Vertical expansions of qualifying existing facilities
47.2 cannot be permitted for a duration of longer than three years.

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

47.9 (e) Persons who wish the agency to consider unique financial assurance mechanisms
47.10 to meet their obligations under this subdivision and subdivisions 4f and 4g must reimburse
47.11 the agency for the costs of consultant services needed to complete a review to determine
47.12 the appropriateness of the proposed mechanism. The reimbursement shall be in addition
47.13 to any other fees imposed by law. Reimbursements accepted by the agency are deposited
47.14 in the miscellaneous special revenue fund and appropriated to the agency for the cost to
47.15 review the financial assurance mechanism.

47.16 Sec. 48. Minnesota Statutes 2010, section 116.07, subdivision 7c, is amended to read:

47.17 Subd. 7c. **NPDES feedlot permitting requirements.** (a) The agency must issue
47.18 national pollutant discharge elimination system permits for feedlots ~~with 1,000 animal~~
47.19 ~~units or more and that meet the definition of a "concentrated animal feeding operation" in~~
47.20 ~~Code of Federal Regulations, title 40, section 122.23,~~ only as required by federal law. The
47.21 issuance of national pollutant discharge elimination system permits for feedlots must be
47.22 based on the following:

47.23 (1) a permit for a newly constructed or expanded animal feedlot that is identified as a
47.24 priority by the commissioner, using criteria ~~established under paragraph (d)~~ in effect on
47.25 January 1, 2010, must be issued as an individual permit;

47.26 (2) ~~after January 1, 2001,~~ an existing feedlot that is identified as a priority by the
47.27 commissioner, using criteria ~~established under paragraph (e)~~ in effect on January 1, 2010,
47.28 must be issued as an individual permit; and

47.29 (3) the agency must issue a general national pollutant discharge elimination system
47.30 permit, if required, for animal feedlots that are not identified under clause (1) or (2).

47.31 (b) Prior to the issuance of a general national pollutant discharge elimination system
47.32 permit for a category of animal feedlot facility permittees, the agency must hold at least
47.33 one public hearing on the permit issuance.

48.1 (c) To the extent practicable, the agency must include a public notice and comment
48.2 period for an individual national pollutant discharge elimination system permit concurrent
48.3 with any public notice and comment for:

- 48.4 (1) the purpose of environmental review of the same facility under chapter 116D; or
48.5 (2) the purpose of obtaining a conditional use permit from a local unit of government
48.6 where the local government unit is the responsible governmental unit for purposes of
48.7 environmental review under chapter 116D.

48.8 ~~(d) The commissioner, in consultation with the Feedlot and Manure Management~~
48.9 ~~Advisory Committee, created under section 17.136, and other interested parties must~~
48.10 ~~develop criteria for determining whether an individual national pollutant discharge~~
48.11 ~~elimination system permit is required under paragraph (a), clause (1). The criteria must~~
48.12 ~~be based on proximity to waters of the state, facility design, and other site-specific~~
48.13 ~~environmental factors. The agency shall issue a general operation permit for a feedlot~~
48.14 ~~with a capacity greater than 1,000 animal units that is not required by federal law to~~
48.15 ~~obtain a national pollutant discharge elimination system permit. A feedlot operator must~~
48.16 ~~complete an application for the operating permit, on forms provided by the commissioner,~~
48.17 ~~containing the following:~~

48.18 (1) the names and addresses of the owners and the signature of at least one of the
48.19 owners;

48.20 (2) the legal name and business address of the facility, if different than the owner;

48.21 (3) the location of the facility by county, township, section, and quarter section;

48.22 (4) a list of all animal types and the maximum number of animals of each animal
48.23 type that can be confined within each lot, building, or area at the animal feedlot;

48.24 (5) a list of all existing and proposed manure storage areas;

48.25 (6) the total number of animal units that the facilities listed in clauses (4) and (5) will
48.26 be capable of holding after completing construction or expansion;

48.27 (7) the soil type or texture and depth to saturated soils at the facility as identified
48.28 in the United States Department of Agriculture Soil Survey Manual or a site-specific
48.29 soils investigation;

48.30 (8) an aerial photograph showing the location of all wells, buildings, surface tile
48.31 intakes, lakes, rivers, and watercourses within 1,000 feet of the proposed facility;

48.32 (9) the number of acres available for land application of manure;

48.33 (10) a manure management plan that meets the requirements in rules of the agency;

48.34 and

49.1 (11) if applicable, a description of all conditions that make the facility a pollution
49.2 hazard and a description of the corrective and protective measures proposed to correct
49.3 the pollution hazard.

49.4 ~~(e) The commissioner, in consultation with the Feedlot and Manure Management~~
49.5 ~~Advisory Committee, created under section 17.136, and other interested parties must~~
49.6 ~~develop criteria for determining whether an individual national pollutant discharge~~
49.7 ~~elimination system permit is required for an existing animal feedlot, under paragraph (a),~~
49.8 ~~clause (2). The criteria must be based on violations and other compliance problems at the~~
49.9 ~~facility If federal law requires a feedlot to have a national pollutant discharge elimination~~
49.10 ~~system permit, the commissioner shall issue a joint state disposal system and national~~
49.11 ~~pollutant discharge elimination system permit for the feedlot.~~

49.12 ~~(f) The commissioner, in consultation with the Feedlot and Manure Management~~
49.13 ~~Advisory Committee, created under section 17.136, and other interested parties must~~
49.14 ~~develop criteria for determining when an individual national pollutant discharge~~
49.15 ~~elimination system permit is transferred from individual to general permit status If a~~
49.16 ~~feedlot is required to have a federal new construction storm water permit and a national~~
49.17 ~~pollutant discharge elimination system permit, the commissioner shall incorporate that~~
49.18 ~~permit into a state disposal system permit or national pollutant discharge elimination~~
49.19 ~~system permit required under this section.~~

49.20 ~~(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the~~
49.21 ~~commissioner may issue an individual national pollutant discharge elimination system~~
49.22 ~~permit for an animal feedlot. After the general permit is issued and the criteria under~~
49.23 ~~paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph~~
49.24 ~~that do not fit the criteria for an individual permit under the applicable provisions of~~
49.25 ~~paragraph (d) or (e) must be transferred to general permit status A feedlot owner may~~
49.26 ~~choose to apply for a national pollutant discharge elimination system permit even if the~~
49.27 ~~feedlot is not required by federal law to have a national pollutant discharge elimination~~
49.28 ~~system permit.~~

49.29 ~~(h) The commissioner, in consultation with the Feedlot and Manure Management~~
49.30 ~~Advisory Committee, created under section 17.136, and other interested parties must~~
49.31 ~~develop criteria for determining which feedlots are required to apply for and obtain a~~
49.32 ~~national pollutant discharge elimination system permit and which feedlots are required to~~
49.33 ~~apply for and obtain a state disposal system permit based upon the actual or potential to~~
49.34 ~~discharge.~~

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50.1 Sec. 49. Minnesota Statutes 2010, section 116.0711, is amended by adding a
50.2 subdivision to read:

50.3 Subd. 4. **Animal unit determinations.** When making a determination on a permit
50.4 or taking any other regulatory action for a feedlot permit, the commissioner shall use the
50.5 maximum number of animal units actually confined at an animal feedlot instead of the
50.6 feedlot's estimated maximum capacity for animal unit confinement.

50.7 Sec. 50. Minnesota Statutes 2010, section 116D.04, subdivision 2a, as amended by
50.8 Laws 2011, chapter 4, section 6, is amended to read:

50.9 Subd. 2a. **When prepared.** Where there is potential for significant environmental
50.10 effects resulting from any major governmental action, the action shall be preceded by a
50.11 detailed environmental impact statement prepared by the responsible governmental unit.
50.12 The environmental impact statement shall be an analytical rather than an encyclopedic
50.13 document which describes the proposed action in detail, analyzes its significant
50.14 environmental impacts, discusses appropriate alternatives to the proposed action and
50.15 their impacts, and explores methods by which adverse environmental impacts of an
50.16 action could be mitigated. The environmental impact statement shall also analyze those
50.17 economic, employment and sociological effects that cannot be avoided should the action
50.18 be implemented. To ensure its use in the decision-making process, the environmental
50.19 impact statement shall be prepared as early as practical in the formulation of an action.
50.20 No mandatory environmental impact statement may be required for an ethanol plant,
50.21 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than
50.22 125,000,000 gallons of ethanol annually and is located outside of the seven-county
50.23 metropolitan area.

50.24 (a) The board shall by rule establish categories of actions for which environmental
50.25 impact statements and for which environmental assessment worksheets shall be prepared
50.26 as well as categories of actions for which no environmental review is required under this
50.27 section. A mandatory environmental assessment worksheet shall not be required for the
50.28 construction or expansion of an ethanol plant, as defined in section 41A.09, subdivision
50.29 2a, paragraph (b), based on the capacity of the new or expanded facility to produce
50.30 ethanol, but must be required if the ethanol facility meets or exceeds thresholds of other
50.31 categories of actions for which environmental assessment worksheets must be prepared.

50.32 (b) The responsible governmental unit shall promptly publish notice of the
50.33 completion of an environmental assessment worksheet in a manner to be determined by
50.34 the board and shall provide copies of the environmental assessment worksheet to the board
50.35 and its member agencies. Comments on the need for an environmental impact statement

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51.1 may be submitted to the responsible governmental unit during a 30-day period following
51.2 publication of the notice that an environmental assessment worksheet has been completed.
51.3 The responsible governmental unit's decision on the need for an environmental impact
51.4 statement shall be based on the environmental assessment worksheet and the comments
51.5 received during the comment period, and shall be made within 15 days after the close of
51.6 the comment period. The board's chair may extend the 15-day period by not more than 15
51.7 additional days upon the request of the responsible governmental unit.

51.8 (c) An environmental assessment worksheet shall also be prepared for a proposed
51.9 action whenever material evidence accompanying a petition by not less than 25
51.10 individuals, submitted before the proposed project has received final approval by the
51.11 appropriate governmental units, demonstrates that, because of the nature or location of a
51.12 proposed action, there may be potential for significant environmental effects. Petitions
51.13 requesting the preparation of an environmental assessment worksheet shall be submitted to
51.14 the board. The chair of the board shall determine the appropriate responsible governmental
51.15 unit and forward the petition to it. A decision on the need for an environmental assessment
51.16 worksheet shall be made by the responsible governmental unit within 15 days after the
51.17 petition is received by the responsible governmental unit. The board's chair may extend
51.18 the 15-day period by not more than 15 additional days upon request of the responsible
51.19 governmental unit.

51.20 (d) Except in an environmentally sensitive location where Minnesota Rules, part
51.21 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
51.22 review under this chapter and rules of the board, if:

51.23 (1) the proposed action is:

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

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

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

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

51.35 (e) The board may, prior to final approval of a proposed project, require preparation
51.36 of an environmental assessment worksheet by a responsible governmental unit selected

52.1 by the board for any action where environmental review under this section has not been
52.2 specifically provided for by rule or otherwise initiated.

52.3 (f) An early and open process shall be utilized to limit the scope of the environmental
52.4 impact statement to a discussion of those impacts, which, because of the nature or location
52.5 of the project, have the potential for significant environmental effects. The same process
52.6 shall be utilized to determine the form, content and level of detail of the statement as well
52.7 as the alternatives which are appropriate for consideration in the statement. In addition,
52.8 the permits which will be required for the proposed action shall be identified during the
52.9 scoping process. Further, the process shall identify those permits for which information
52.10 will be developed concurrently with the environmental impact statement. The board
52.11 shall provide in its rules for the expeditious completion of the scoping process. The
52.12 determinations reached in the process shall be incorporated into the order requiring the
52.13 preparation of an environmental impact statement.

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

52.20 (h) An environmental impact statement shall be prepared and its adequacy
52.21 determined within 280 days after notice of its preparation unless the time is extended by
52.22 consent of the parties or by the governor for good cause. The responsible governmental
52.23 unit shall determine the adequacy of an environmental impact statement, unless within 60
52.24 days after notice is published that an environmental impact statement will be prepared,
52.25 the board chooses to determine the adequacy of an environmental impact statement. If an
52.26 environmental impact statement is found to be inadequate, the responsible governmental
52.27 unit shall have 60 days to prepare an adequate environmental impact statement.

52.28 (i) The proposer of a specific action may include in the information submitted to the
52.29 responsible governmental unit a preliminary draft environmental impact statement under
52.30 this section on that action for review, modification, and determination of completeness and
52.31 adequacy by the responsible governmental unit. A preliminary draft environmental impact
52.32 statement prepared by the project proposer and submitted to the responsible governmental
52.33 unit shall identify or include as an appendix all studies and other sources of information
52.34 used to substantiate the analysis contained in the preliminary draft environmental impact
52.35 statement. The responsible governmental unit shall require additional studies, if needed,
52.36 and obtain from the project proposer all additional studies and information necessary for

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53.1 the responsible governmental unit to perform its responsibility to review, modify, and
53.2 determine the completeness and adequacy of the environmental impact statement.

53.3 Sec. 51. Minnesota Statutes 2010, section 116G.15, subdivision 1, is amended to read:

53.4 Subdivision 1. **Establishment, purpose Designation.** The federal Mississippi
53.5 National River and Recreation Area established pursuant to United States Code, title
53.6 16, section 460zz-2(k), is designated an area of critical concern in accordance with this
53.7 chapter. ~~The purpose of the designation is to:~~

53.8 ~~(1) protect and preserve the Mississippi River and adjacent lands that the legislature~~
53.9 ~~finds to be unique and valuable state and regional resources for the benefit of the health,~~
53.10 ~~safety, and welfare of the citizens of the state, region, and nation;~~

53.11 ~~(2) prevent and mitigate irreversible damages to these state, regional, and natural~~
53.12 ~~resources;~~

53.13 ~~(3) preserve and enhance the natural, aesthetic, cultural, and historical values of the~~
53.14 ~~Mississippi River and adjacent lands for public use and benefit;~~

53.15 ~~(4) protect and preserve the Mississippi River as an essential element in the national,~~
53.16 ~~state, and regional transportation, sewer and water, and recreational systems; and~~

53.17 ~~(5) protect and preserve the biological and ecological functions of the Mississippi~~
53.18 ~~River corridor.~~

53.19 Sec. 52. Minnesota Statutes 2010, section 299C.40, subdivision 1, is amended to read:

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

53.22 (b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located
53.23 in the Department of Public Safety and managed by the Bureau of Criminal Apprehension.
53.24 A reference in this section to "CIBRS" includes the Bureau of Criminal Apprehension.

53.25 (c) "Law enforcement agency" means a Minnesota municipal police department,
53.26 the Metropolitan Transit Police, the Metropolitan Airports Police, the University of
53.27 Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit,
53.28 a Minnesota county sheriff's department, the Enforcement Division of the Department of
53.29 Natural Resources, the Bureau of Criminal Apprehension, or the Minnesota State Patrol.

53.30 Sec. 53. Minnesota Statutes 2010, section 357.021, subdivision 7, is amended to read:

53.31 Subd. 7. **Disbursement of surcharges by commissioner of management and**
53.32 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of

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54.1 management and budget shall disburse surcharges received under subdivision 6 and
54.2 section 97A.065, subdivision 2, as follows:

54.3 (1) one percent shall be credited to the peace officer training account in the game
54.4 and fish fund to provide peace officer training for employees of the Department of Natural
54.5 Resources who are licensed under sections 626.84 to 626.863, and who possess peace
54.6 officer authority for the purpose of enforcing game and fish laws;

54.7 (2) 39 percent shall be credited to the peace officers training account in the special
54.8 revenue fund; and

54.9 (3) 60 percent shall be credited to the general fund.

54.10 (b) The commissioner of management and budget shall credit \$3 of each surcharge
54.11 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

54.12 (c) In addition to any amounts credited under paragraph (a), the commissioner of
54.13 management and budget shall credit \$47 of each surcharge received under subdivision 6
54.14 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

54.15 (d) If the Ramsey County Board of Commissioners authorizes imposition of the
54.16 additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator
54.17 in the Second Judicial District shall transmit the surcharge to the commissioner of
54.18 management and budget. The \$1 special surcharge is deposited in a Ramsey County
54.19 surcharge account in the special revenue fund and amounts in the account are appropriated
54.20 to the trial courts for the administration of the petty misdemeanor diversion program
54.21 operated by the Second Judicial District Ramsey County Violations Bureau.

54.22 Sec. 54. Minnesota Statutes 2010, section 609.66, subdivision 1h, is amended to read:

54.23 Subd. 1h. **Silencers; authorized for law enforcement and wildlife control**
54.24 **purposes.** (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace
54.25 officers may use devices designed to silence or muffle the discharge of a firearm for
54.26 tactical emergency response operations. Tactical emergency response operations include
54.27 execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue,
54.28 and any other tactical deployments involving high risk circumstances. The chief law
54.29 enforcement officer of a law enforcement agency that has the need to use silencing devices
54.30 must establish and enforce a written policy governing the use of the devices.

54.31 (b) Notwithstanding subdivision 1a, paragraph (a), clause (1), ~~until July 1, 2011,~~
54.32 an enforcement officer, as defined in section 97A.015, subdivision 18, a wildlife area
54.33 manager, an employee designated under section 84.0835, or a person acting under contract
54.34 with the commissioner of natural resources, at specific times and locations that are
54.35 authorized by the commissioner of natural resources may use devices designed to silence

55.1 or muffle the discharge of a firearm for wildlife control operations that require stealth.
55.2 If the commissioner determines that the use of silencing devices is necessary under this
55.3 paragraph, the commissioner must:

55.4 ~~(1) establish and enforce a written policy governing the use, possession, and~~
55.5 ~~transportation of the devices;~~

55.6 ~~(2) limit the number of the silencing devices maintained by the Department of~~
55.7 ~~Natural Resources to no more than ten; and~~

55.8 ~~(3) keep direct custody and control of the devices when the devices are not~~
55.9 ~~specifically authorized for use.~~

55.10 Sec. 55. **COON RAPIDS DAM COMMISSION.**

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

55.13 (b) The commission consists of 14 voting members:

55.14 (1) two members of the house of representatives, appointed by the speaker of the
55.15 house, with one member from the minority caucus;

55.16 (2) two members of the senate, appointed by the Subcommittee on Committees of
55.17 the Committee on Rules and Administration, with one member from the minority caucus;

55.18 (3) the commissioner of natural resources or the commissioner's designee;

55.19 (4) two representatives of Three Rivers Park District, appointed by the Three Rivers
55.20 Park District Board of Commissioners;

55.21 (5) one representative each from the counties of Anoka and Hennepin, appointed
55.22 by the respective county boards;

55.23 (6) one representative each from the cities of Anoka, Brooklyn Park, Champlin, and
55.24 Coon Rapids, appointed by the respective mayors; and

55.25 (7) one representative from the Metropolitan Council, appointed by the council chair.

55.26 (c) The commission shall elect a chair from among its members.

55.27 (d) Members of the commission shall serve a term ending February 1, 2012.

55.28 (e) The Three Rivers Park District shall provide the commission with office space
55.29 and staff and administrative services.

55.30 (f) Commission members shall serve without compensation.

55.31 Subd. 2. Duties. The commission shall, by February 1, 2012, develop and present to
55.32 the legislature and the governor an analysis and recommendations for future governance,

55.33 use of the dam for control of invasive species, and financing of the Coon Rapids Dam.

55.34 The commission shall present its findings to the house of representatives and senate
55.35 committees having jurisdiction over natural resources and energy policy.

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

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

56.4 Sec. 56. **COORDINATION OF MINNESOTA AND WISCONSIN PHOSPHORUS**
56.5 **STANDARD; LAKE PEPIN.**

56.6 The commissioner of the Pollution Control Agency shall coordinate with the
56.7 Wisconsin Department of Natural Resources in establishing a phosphorus standard for
56.8 Lake Pepin and shall advocate implementation of a phosphorus standard that considers
56.9 nutrient impacts on algal growth applicable during the June to September growing season
56.10 only. If necessary, the commissioner may engage in a conference with the Wisconsin
56.11 Department of Natural Resources according to section 103 of the Clean Water Act, United
56.12 States Code, title 33, section 1253, to resolve any discrepancies in the states' respective
56.13 standards.

56.14 Sec. 57. **TERRY MCGAUGHEY MEMORIAL BRIDGE.**

56.15 The commissioner of natural resources shall designate the Paul Bunyan Trail bridge
56.16 that crosses Excelsior Road in Baxter as the Terry McGaughey Memorial Bridge. The
56.17 commissioner shall place signs with the designation on both ends of the bridge.

56.18 Sec. 58. **MISSISSIPPI RIVER MANAGEMENT PLAN.**

56.19 Notwithstanding Minnesota Rules, part 6105.0870, subpart 7, development in the
56.20 area commonly known as the historic village of Dayton shall conform to the general
56.21 development standards of Minnesota Rules, parts 6120.2600 to 6120.3900, except
56.22 that marinas shall not be allowed and the provisions and administrative procedures of
56.23 Minnesota Rules, parts 6105.0010 to 6105.0070 and 6105.0150 to 6105.0250, shall still
56.24 apply.

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

56.26 Sec. 59. **RULEMAKING.**

56.27 The rulemaking authority granted under Minnesota Statutes, section 116G.15,
56.28 subdivision 7, is explicitly repealed by this act and any rulemaking to effectuate the
56.29 purpose of Laws 2009, chapter 172, article 2, section 27, commenced by the commissioner
56.30 of natural resources under that authority or any other authority is void and must cease on
56.31 the effective date of this section.

57.1 Sec. 60. **RULEMAKING; SPEARING ON CASS LAKE.**

57.2 The commissioner of natural resources shall amend Minnesota Rules, part
57.3 6264.0400, subpart 69, to allow a person to take fish by spearing on Cass Lake. The
57.4 commissioner may use the good cause exemption under Minnesota Statutes, section
57.5 14.388, to adopt rules under this section, and Minnesota Statutes, section 14.386, does not
57.6 apply except as provided under Minnesota Statutes, section 14.388.

57.7 Sec. 61. **STATE TREE NURSERY CLOSURE; SALE OF LAND; ACCOUNT**
57.8 **BALANCE TRANSFER.**

57.9 (a) By July 1, 2011, the commissioner of natural resources shall discontinue the tree
57.10 nursery operations at the Baudora State Nursery and the General C.C. Andrews State
57.11 Nursery.

57.12 (b) Notwithstanding Minnesota Statutes, section 89.021, as soon as practicable after
57.13 discontinuing tree nursery operations, the commissioner shall sell the land containing the
57.14 state tree nurseries. After the sale of the land, the land shall be eliminated from the state
57.15 forest as provided in Minnesota Statutes, section 89.01, subdivision 5a. Notwithstanding
57.16 Minnesota Statutes, section 94.16, all proceeds from the sale of the land shall be
57.17 transferred to the general fund.

57.18 (c) The commissioner shall sell all of the assets of the state tree nurseries, including
57.19 nursery stock, seed inventory, and equipment, other than motor vehicles, and deposit
57.20 the proceeds as follows:

57.21 (1) the first \$1,000,000 shall be deposited in the forest management investment
57.22 account under Minnesota Statutes, section 89.039; and

57.23 (2) the remainder shall be deposited in the general fund.

57.24 (d) On June 30, 2011, the commissioner of management and budget shall transfer
57.25 the unobligated balance in the forestry nursery account to the general fund.

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

57.27 Sec. 62. **WATER RULEMAKING MORATORIUM.**

57.28 (a) For purposes of this section, "agency" means the Pollution Control Agency,
57.29 Department of Natural Resources, Board of Water and Soil Resources, Environmental
57.30 Quality Board, Department of Agriculture, and Department of Health.

57.31 (b) Unless required by federal law or rule, no agency shall adopt rules related to
57.32 water quality or water resource protection during the two-year period beginning July 1,
57.33 2011, and ending June 30, 2013.

57.34 (c) This section does not apply to:

58.1 (1) proposed rules listed in a notice of intent to adopt rules published under
58.2 Minnesota Statutes, chapter 14, before July 1, 2011;

58.3 (2) rules required by law for which rulemaking was to begin by January 15, 2010;

58.4 (3) emergency rules authorized by statute;

58.5 (4) rules adopted or amended under Minnesota Statutes, section 14.386; and

58.6 (5) rules proposed under Minnesota Statutes, section 14.388, subject to approval
58.7 of the Office of Administrative Hearings.

58.8 The validity of a proposed rule that is exempt under this paragraph is not subject
58.9 to judicial review under Minnesota Statutes, chapter 14.

58.10 Sec. 63. **EVALUATION REQUIRED.**

58.11 (a) The Department of Administration shall evaluate state and local water-related
58.12 programs, policies, and permits to make recommendations for cost savings, increased
58.13 productivity, and the elimination of duplication among public agencies.

58.14 (b) The evaluation must:

58.15 (1) identify current rules relating to surface and groundwater, including those related
58.16 to storm water, residential, industrial, and agricultural use, shorelands, floodplains, wild
58.17 and scenic rivers, wetlands, feedlots, and subsurface sewage treatment systems, and for
58.18 each rule specify:

58.19 (i) the statutory authority;

58.20 (ii) intended outcomes;

58.21 (iii) the cost to state and local government and the private sector; and

58.22 (iv) the relationship of the rule to other local, state, and federal rules;

58.23 (2) assess the pros and cons of alternative approaches to implementing water-related
58.24 programs, policies, and permits, including local, state, and regional-based approaches;

58.25 (3) identify inconsistencies and redundancy between local, state, and federal rules;

58.26 (4) identify means to coordinate rulemaking and implementation so as to achieve
58.27 intended outcomes more effectively and efficiently;

58.28 (5) identify a rule assessment and evaluation process for determining whether each
58.29 identified rule should be continued or repealed;

58.30 (6) rely on scientific, peer-reviewed data, including the studies of the National
58.31 Academy of Sciences;

58.32 (7) evaluate current responsibilities of the Pollution Control Agency, Department of
58.33 Natural Resources, Board of Water and Soil Resources, Environmental Quality Board,
58.34 Department of Agriculture, and Department of Health for developing and implementing

59.1 water-related programs, policies, and permits and make recommendations for reallocating
59.2 responsibilities among the agencies; and

59.3 (8) assess the current role of the clean water fund in supporting water-related
59.4 programs and policies and make recommendations for allocating resources among the
59.5 agencies that collaborate and partner in spending the clean water fund consistent with
59.6 the other recommendations of the study.

59.7 (c) The commissioner of administration must submit the study results and make
59.8 recommendations to agencies listed under paragraph (a) and to the chairs and ranking
59.9 minority party members of the senate and house of representatives committees having
59.10 primary jurisdiction over environment and natural resources policy and finance no later
59.11 than January 15, 2012.

59.12 Sec. 64. **WILD RICE RULEMAKING AND RESEARCH.**

59.13 (a) Within 30 days of the effective date of this section, the commissioner of the
59.14 Pollution Control Agency shall initiate a process to amend Minnesota Rules, chapter
59.15 7050, which may be accomplished through a rulemaking already in progress, related to
59.16 the water quality standards contained in Minnesota Rules, chapter 7050, establishing a
59.17 standard for sulfates for Class 4 waters. The Pollution Control Agency shall take the
59.18 actions necessary to ensure that the revised standards are effective not later than December
59.19 30, 2012. The amended rule shall:

59.20 (1) establish a water quality standard for sulfates for waters containing natural beds
59.21 of wild rice, as well as for irrigation waters used for the production of wild rice; and

59.22 (2) designate each body of water, or specific portion thereof, to which the wild rice
59.23 water quality standard applies and the specific times of year during which the standard
59.24 applies.

59.25 (b) "Waters containing natural beds of wild rice" means waters where significant
59.26 quantities of wild rice occur naturally. Before designating waters containing natural beds
59.27 of wild rice as waters subject to a standard, the commissioner of the Pollution Control
59.28 Agency shall establish criteria for the waters after consultation with the Department of
59.29 Natural Resources, Minnesota Indian tribes, and other interested parties and after public
59.30 notice and comment. The criteria shall include, but not be limited to, documented history
59.31 of wild rice harvests, minimum acreage, and wild rice density. Waters where individual
59.32 wild rice plants or isolated, sparse stands of wild rice exist shall not be designated as
59.33 subject to the standard.

59.34 (c) Within 30 days of the effective date of this section, the commissioner of
59.35 the Pollution Control Agency must create an advisory group to provide input to the

60.1 commissioner on a protocol for scientific research to assess the impacts of sulfates and
60.2 other substances on the growth of wild rice, review research results, and provide other
60.3 advice on the development of future rule amendments to protect wild rice. The group must
60.4 include representatives of tribal governments, municipal wastewater treatment facilities,
60.5 industrial dischargers, wild rice harvesters, and wild rice research experts.

60.6 (d) After receiving the advice of the advisory group under paragraph (c), consultation
60.7 with the commissioner of natural resources, and review of all available scientific
60.8 research on water quality and other environmental impacts on the growth of wild rice,
60.9 the commissioner shall adopt and implement a wild rice research plan using the money
60.10 appropriated to contract with appropriate scientific experts. The commissioner shall
60.11 periodically review the results of the research with the commissioner of natural resources
60.12 and the advisory group.

60.13 (e) Upon completion of the research referenced in paragraph (d), the commissioner
60.14 shall initiate a process to amend agency rules to revise water quality standards related to
60.15 the protection of wild rice to be consistent with the results of the research.

60.16 (f) Until the rule amendment described in paragraph (e) is complete, in any permit
60.17 issued for the discharge of wastewater, the Pollution Control Agency may require only
60.18 that the permittee monitor sulfate concentrations in discharges and, if appropriate based
60.19 on site-specific conditions, implement a sulfate minimization plan to avoid or minimize
60.20 sulfate concentrations during periods when wild rice may be susceptible to damage,
60.21 but shall not require expenditures for design and implementation of sulfate treatment
60.22 technologies. Upon completion of the rule amendment processes described in paragraph
60.23 (e), the Pollution Control Agency shall provide permittees a reasonable period of time to
60.24 comply with the amended standards.

60.25 (g) By December 15, 2011, the commissioner of the Pollution Control Agency
60.26 shall submit a report to the chairs and ranking minority members of the environment and
60.27 natural resources committees of the house of representatives and senate on the status
60.28 of implementation of this section. The report must include an estimated timeline for
60.29 completion of the wild rice research plan and initiation and completion of the formal
60.30 rulemaking process under Minnesota Statutes, chapter 14.

60.31 (h) Until the rule amendment described in paragraph (e) is finally adopted, the
60.32 agency shall suspend the standard for sulfate for Class 4 waters.

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

60.34 **Sec. 65. REPEALER.**

61.1 Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8;
 61.2 85.013, subdivision 2b; 89.06; 89.35; 89.36; 89.37; 89.38; 89.39; 89.391; 97B.511;
 61.3 97B.515, subdivision 3; and 116G.15, subdivisions 2, 3, 4, 5, 6, and 7, are repealed.

61.4 **ARTICLE 2**

61.5 **ENVIRONMENT AND NATURAL RESOURCE TRUST**
 61.6 **FUND APPROPRIATIONS**

61.7 Section 1. **MINNESOTA RESOURCES APPROPRIATIONS.**

61.8 The sums shown in the columns marked "Appropriations" are appropriated to the
 61.9 agencies and for the purposes specified in this article. The appropriations are from the
 61.10 environment and natural resources trust fund, or another named fund, and are available for
 61.11 the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this
 61.12 article mean that the appropriations listed under them are available for the fiscal year
 61.13 ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012.
 61.14 "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. The
 61.15 appropriations in this article are onetime.

61.16 **APPROPRIATIONS**
 61.17 **Available for the Year**
 61.18 **Ending June 30**
 61.19 **2012 2013**

61.20 Sec. 2. **MINNESOTA RESOURCES**

61.21 **Subdivision 1. Total Appropriation** \$ **26,062,000** \$ **25,311,000**

61.22 **Appropriations by Fund**

	<u>2012</u>	<u>2013</u>
61.24 <u>Environment and</u>		
61.25 <u>natural resources</u>		
61.26 <u>trust fund</u>	<u>25,312,000</u>	<u>25,311,000</u>
61.27 <u>State land and</u>		
61.28 <u>water conservation</u>		
61.29 <u>account (LAWCON)</u>	<u>750,000</u>	<u>-0-</u>

61.30 Appropriations are available for two
 61.31 years beginning July 1, 2011, unless
 61.32 otherwise stated in the appropriation. Any
 61.33 unencumbered balance remaining in the first
 61.34 year does not cancel and is available for the
 61.35 second year.

61.36 **Subd. 2. Definitions**

62.1 (a) "Trust fund" means the Minnesota
62.2 environment and natural resources trust fund
62.3 referred to in Minnesota Statutes, section
62.4 116P.02, subdivision 6.

62.5 (b) "State land and water conservation
62.6 account (LAWCON)" means the state land
62.7 and water conservation account in the natural
62.8 resources fund referred to in Minnesota
62.9 Statutes, section 116P.14.

62.10 Subd. 3. **Natural Resource Data and**
62.11 **Information**

3,853,000

5,354,000

62.12 (a) **Minnesota County Biological Survey**

62.13 \$1,125,000 the first year and \$1,125,000
62.14 the second year are from the trust fund
62.15 to the commissioner of natural resources
62.16 for continuation of the Minnesota county
62.17 biological survey to provide a foundation
62.18 for conserving biological diversity by
62.19 systematically collecting, interpreting,
62.20 and delivering data on plant and animal
62.21 distribution and ecology, native plant
62.22 communities, and functional landscapes.

62.23 (b) **County Geologic Atlases for**
62.24 **Sustainable Water Management**

62.25 \$900,000 the first year and \$900,000 the
62.26 second year are from the trust fund to
62.27 accelerate the production of county geologic
62.28 atlases to provide information essential to
62.29 sustainable management of ground water
62.30 resources by defining aquifer boundaries
62.31 and the connection of aquifers to the land
62.32 surface and surface water resources. Of
62.33 this appropriation, \$600,000 each year is
62.34 to the Board of Regents of the University
62.35 of Minnesota for the Geologic Survey and

63.1 \$300,000 each year is to the commissioner
63.2 of natural resources. This appropriation
63.3 is available until June 30, 2015, by which
63.4 time the project must be completed and final
63.5 products delivered.

63.6 **(c) Completion of Statewide Digital Soil**
63.7 **Survey**

63.8 \$250,000 the first year and \$250,000 the
63.9 second year are from the trust fund to
63.10 the Board of Water and Soil Resources
63.11 to accelerate the completion of county
63.12 soil survey mapping and Web-based data
63.13 delivery. The soil surveys must be done on a
63.14 cost-share basis with local and federal funds.

63.15 **(d) Updating National Wetlands Inventory**
63.16 **for Minnesota - Phase III**

63.17 \$1,500,000 the second year is from the trust
63.18 fund to the commissioner of natural resources
63.19 to continue the update of wetland inventory
63.20 maps for Minnesota. This appropriation
63.21 is available until June 30, 2015, by which
63.22 time the project must be completed and final
63.23 products delivered.

63.24 **(e) Minnesota Breeding Bird Atlas - Phase**
63.25 **III**

63.26 \$71,000 the first year and \$71,000 the
63.27 second year are from the trust fund to the
63.28 commissioner of natural resources for an
63.29 agreement with the National Audubon
63.30 Society. The atlas must be available for
63.31 downloading on the Internet free of charge.
63.32 This appropriation is available until June
63.33 30, 2015, by which time the project must be
63.34 completed and final products delivered.

64.1 **(f) Determining Causes of Mortality in**
64.2 **Moose Populations**
64.3 \$300,000 the first year and \$300,000 the
64.4 second year are from the trust fund to
64.5 the commissioner of natural resources to
64.6 determine specific causes of moose mortality
64.7 and population decline in Minnesota and
64.8 to develop specific management actions to
64.9 prevent further population decline. This
64.10 appropriation is available until June 30,
64.11 2014, by which time the project must be
64.12 completed and final products delivered.

64.13 **(g) Prairie Management for Wildlife and**
64.14 **Bioenergy - Phase II**
64.15 \$300,000 the first year and \$300,000 the
64.16 second year are from the trust fund to the
64.17 Board of Regents of the University of
64.18 Minnesota to research and evaluate methods
64.19 of managing diverse working prairies for
64.20 wildlife and renewable bioenergy production.
64.21 This appropriation is available until June
64.22 30, 2014, by which time the project must be
64.23 completed and final products delivered.

64.24 **(h) Evaluation of Biomass Harvesting**
64.25 **Impacts on Minnesota's Forests**
64.26 \$175,000 the first year and \$175,000 the
64.27 second year are from the trust fund to the
64.28 Board of Regents of the University of
64.29 Minnesota to assess the impacts biomass
64.30 harvests for energy have on soil nutrients,
64.31 native forest vegetation, invasive species
64.32 spread, and long-term tree productivity within
64.33 Minnesota's forests. This appropriation is
64.34 available until June 30, 2014, by which time

65.1 the project must be completed and final
65.2 products delivered.

65.3 **(i) Information System for Wildlife and**
65.4 **Aquatic Management Areas**

65.5 \$250,000 the first year and \$250,000 the
65.6 second year are from the trust fund to the
65.7 commissioner of natural resources to develop
65.8 an information system to facilitate improved
65.9 management of wildlife and fish habitat and
65.10 facilities. This appropriation is available
65.11 until June 30, 2014, by which time the
65.12 project must be completed and final products
65.13 delivered.

65.14 **(j) Strengthening Natural Resource**
65.15 **Management with LiDAR Training**

65.16 \$90,000 the first year and \$90,000 the second
65.17 year are from the trust fund to the Board of
65.18 Regents of the University of Minnesota to
65.19 provide workshops and Web-based training
65.20 and information on the use of LiDAR
65.21 elevation data in planning for and managing
65.22 natural resources.

65.23 **(k) Measuring Conservation Practice**
65.24 **Outcomes**

65.25 \$170,000 the first year and \$170,000 the
65.26 second year are from the trust fund to
65.27 the Board of Water and Soil Resources
65.28 to improve measurement of impacts of
65.29 conservation practices through refinement
65.30 of existing and development of new
65.31 pollution estimators and by providing local
65.32 government training.

65.33 **(l) Conservation-Based Approach for**
65.34 **Assessing Public Drainage Benefits**

66.1 \$75,000 the first year and \$75,000 the second
66.2 year are from the trust fund to the Board
66.3 of Water and Soil Resources to develop an
66.4 alternative framework to assess drainage
66.5 benefits on public systems to enhance water
66.6 conservation. This appropriation is available
66.7 until June 30, 2014, by which time the
66.8 project must be completed and final products
66.9 delivered.

66.10 **(m) Mississippi River Central Minnesota**
66.11 **Conservation Planning**

66.12 \$87,000 the first year and \$88,000 the
66.13 second year are from the trust fund to the
66.14 commissioner of natural resources for an
66.15 agreement with Stearns County Soil and
66.16 Water Conservation District to develop
66.17 and adopt river protection strategies in
66.18 cooperation with local jurisdictions in
66.19 the communities of the 26 miles of the
66.20 Mississippi River between Benton and
66.21 Stearns Counties. This appropriation must
66.22 be matched by \$175,000 of nonstate cash or
66.23 qualifying in-kind funds.

66.24 **(n) Saint Croix Basin Conservation**
66.25 **Planning and Protection**

66.26 \$60,000 the first year and \$60,000 the
66.27 second year are from the trust fund to
66.28 the commissioner of natural resources for
66.29 an agreement with the St. Croix River
66.30 Association to develop an interagency plan
66.31 to identify and prioritize critical areas for
66.32 project implementation to improve watershed
66.33 health. This appropriation must be matched
66.34 by \$200,000 of nonstate cash or qualifying
66.35 in-kind funds. Up to \$10,000 may be retained

67.1 by the Department of Natural Resources at
 67.2 the request of the St. Croix River Association
 67.3 to provide technical and mapping assistance.
 67.4 This appropriation is available until June
 67.5 30, 2014, by which time the project must be
 67.6 completed and final products delivered.

67.7 <u>Subd. 4. Land, Habitat, and Recreation</u>	<u>15,993,000</u>	<u>13,404,000</u>
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67.8 <u>Summary by Fund</u>		
67.9 <u>Environment and</u>		
67.10 <u>natural resources</u>		
67.11 <u>trust fund</u>	<u>15,243,000</u>	<u>13,404,000</u>
67.12 <u>State land and</u>		
67.13 <u>water conservation</u>		
67.14 <u>account (LAWCON)</u>	<u>750,000</u>	<u>-0-</u>

67.15 **(a) State Park and Recreation Area**
 67.16 **Operations**

67.17 \$2,421,000 the first year and \$579,000 the
 67.18 second year are from the trust fund to the
 67.19 commissioner of natural resources for state
 67.20 park and recreation area operations.

67.21 **(b) State Parks and Trails Land**
 67.22 **Acquisition**

67.23 \$1,500,000 the first year and \$1,500,000 the
 67.24 second year are from the trust fund to the
 67.25 commissioner of natural resources to acquire
 67.26 state trails and critical parcels within the
 67.27 statutory boundaries of state parks. State
 67.28 park land acquired with this appropriation
 67.29 must be sufficiently improved to meet at
 67.30 least minimum management standards, as
 67.31 determined by the commissioner of natural
 67.32 resources. A list of proposed acquisitions
 67.33 must be provided as part of the required work
 67.34 program. This appropriation is available
 67.35 until June 30, 2014, by which time the

68.1 project must be completed and final products
68.2 delivered.

68.3 **(c) Metropolitan Regional Park System**

68.4 **Acquisition**

68.5 \$1,125,000 the first year and \$1,125,000
68.6 the second year are from the trust fund to
68.7 the Metropolitan Council for grants for the
68.8 acquisition of lands within the approved park
68.9 unit boundaries of the metropolitan regional
68.10 park system. This appropriation may not
68.11 be used for the purchase of residential
68.12 structures. A list of proposed fee title and
68.13 easement acquisitions must be provided as
68.14 part of the required work program. This
68.15 appropriation must be matched by at least
68.16 40 percent of nonstate money and must be
68.17 committed by December 31, 2011, or the
68.18 appropriation cancels. This appropriation
68.19 is available until June 30, 2014, at which
68.20 time the project must be completed and final
68.21 products delivered, unless an earlier date is
68.22 specified in the work program.

68.23 **(d) Regional Park, Trail, and Connection**

68.24 **Acquisition and Development Grants**

68.25 \$1,000,000 the first year and \$1,000,000 the
68.26 second year are from the trust fund to the
68.27 commissioner of natural resources to provide
68.28 matching grants to local units of government
68.29 for acquisition and development of regional
68.30 parks, regional trails, and trail connections.
68.31 The local match required for a grant to
68.32 acquire a regional park or regional outdoor
68.33 recreation area is two dollars of nonstate
68.34 money for each three dollars of state money.
68.35 This appropriation is available until June

69.1 30, 2014, by which time the project must be
69.2 completed and final products delivered.

69.3 **(e) Scientific and Natural Area Acquisition**
69.4 **and Restoration**

69.5 \$1,640,000 the first year and \$1,640,000
69.6 the second year are from the trust fund
69.7 to the commissioner of natural resources
69.8 to acquire lands with high-quality native
69.9 plant communities and rare features to be
69.10 established as scientific and natural areas
69.11 as provided in Minnesota Statutes, section
69.12 86A.05, subdivision 5, restore parts of
69.13 scientific and natural areas, and provide
69.14 technical assistance and outreach. A list
69.15 of proposed acquisitions must be provided
69.16 as part of the required work program.
69.17 Land acquired with this appropriation
69.18 must be sufficiently improved to meet at
69.19 least minimum management standards, as
69.20 determined by the commissioner of natural
69.21 resources. This appropriation is available
69.22 until June 30, 2014, by which time the
69.23 project must be completed and final products
69.24 delivered.

69.25 **(f) LaSalle Lake State Recreation Area**
69.26 **Acquisition**

69.27 \$1,000,000 the first year and \$1,000,000
69.28 the second year are from the trust fund to
69.29 the commissioner of natural resources for
69.30 an agreement with The Trust for Public
69.31 Land to acquire approximately 190 acres
69.32 to be designated as a state recreation area
69.33 as provided in Minnesota Statutes, section
69.34 86A.05, subdivision 3, on LaSalle Lake
69.35 adjacent to the upper Mississippi River. If

70.1 this acquisition is not completed by July
70.2 15, 2012, then the appropriation is available
70.3 to the Department of Natural Resources
70.4 for other state park and recreation area
70.5 acquisitions on the priority list. Up to
70.6 \$10,000 may be retained by the Department
70.7 of Natural Resources at the request of
70.8 The Trust for Public Land for transaction
70.9 costs, associated professional services, and
70.10 restoration needs.

70.11 **(g) Minnesota River Valley Green**

70.12 **Corridor Scientific and Natural Area**

70.13 **Acquisition**

70.14 \$1,000,000 the first year and \$1,000,000
70.15 the second year are from the trust fund
70.16 to the commissioner of natural resources
70.17 for an agreement with the Redwood Area
70.18 Communities Foundation to acquire lands
70.19 with high-quality native plant communities
70.20 and rare features to be established as scientific
70.21 and natural areas as provided in Minnesota
70.22 Statutes, section 86A.05, subdivision 5. A list
70.23 of proposed acquisitions must be provided
70.24 as part of the required work program.

70.25 Land acquired with this appropriation
70.26 must be sufficiently improved to meet at
70.27 least minimum management standards, as
70.28 determined by the commissioner of natural
70.29 resources. Up to \$54,000 may be retained by
70.30 the Department of Natural Resources at the
70.31 request of the Redwood Area Communities
70.32 Foundation for transaction costs, associated
70.33 professional services, and restoration needs.
70.34 This appropriation is available until June
70.35 30, 2014, by which time the project must be
70.36 completed and final products delivered.

71.1 **(h) Native Prairie Stewardship and Native**

71.2 **Prairie Bank Acquisition**

71.3 \$500,000 the first year and \$500,000 the
71.4 second year are from the trust fund to the
71.5 commissioner of natural resources to acquire
71.6 native prairie bank easements, prepare
71.7 baseline property assessments, restore and
71.8 enhance native prairie sites, and provide
71.9 technical assistance to landowners. This
71.10 appropriation is available until June 30,
71.11 2014, by which time the project must be
71.12 completed and final products delivered.

71.13 **(i) Metropolitan Conservation Corridors**

71.14 **(MeCC) - Phase VI**

71.15 \$1,737,000 the first year and \$1,738,000
71.16 the second year are from the trust fund
71.17 to the commissioner of natural resources
71.18 for the acceleration of agency programs
71.19 and cooperative agreements. Of this
71.20 appropriation, \$150,000 the first year
71.21 and \$150,000 the second year are to the
71.22 commissioner of natural resources for
71.23 agency programs and \$3,175,000 is for the
71.24 agreements as follows: \$100,000 the first
71.25 year and \$100,000 the second year with
71.26 Friends of the Mississippi River; \$517,000
71.27 the first year and \$518,000 the second year
71.28 with Dakota County; \$200,000 the first year
71.29 and \$200,000 the second year with Great
71.30 River Greening; \$220,000 the first year and
71.31 \$220,000 the second year with Minnesota
71.32 Land Trust; \$300,000 the first year and
71.33 \$300,000 the second year with Minnesota
71.34 Valley National Wildlife Refuge Trust, Inc.;
71.35 and \$250,000 the first year and \$250,000

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72.1 the second year with The Trust for Public
72.2 Land for planning, restoring, and protecting
72.3 priority natural areas in the metropolitan area,
72.4 as defined under Minnesota Statutes, section
72.5 473.121, subdivision 2, and portions of the
72.6 surrounding counties, through contracted
72.7 services, technical assistance, conservation
72.8 easements, and fee title acquisition. Land
72.9 acquired with this appropriation must
72.10 be sufficiently improved to meet at least
72.11 minimum management standards, as
72.12 determined by the commissioner of natural
72.13 resources. Expenditures are limited to the
72.14 identified project corridor areas as defined
72.15 in the work program. This appropriation
72.16 may not be used for the purchase of
72.17 habitable residential structures, unless
72.18 expressly approved in the work program. All
72.19 conservation easements must be perpetual
72.20 and have a natural resource management
72.21 plan. Any land acquired in fee title by the
72.22 commissioner of natural resources with
72.23 money from this appropriation must be
72.24 designated as an outdoor recreation unit
72.25 under Minnesota Statutes, section 86A.07.
72.26 The commissioner may similarly designate
72.27 any lands acquired in less than fee title. A
72.28 list of proposed restorations and fee title
72.29 and easement acquisitions must be provided
72.30 as part of the required work program. An
72.31 entity that acquires a conservation easement
72.32 with appropriations from the trust fund
72.33 must have a long-term stewardship plan
72.34 for the easement and a fund established for
72.35 monitoring and enforcing the agreement.
72.36 Money appropriated from the trust fund for

73.1 easement acquisition may be used to establish
73.2 a monitoring, management, and enforcement
73.3 fund as approved in the work program. An
73.4 annual financial report is required for any
73.5 monitoring, management, and enforcement
73.6 fund established, including expenditures
73.7 from the fund. This appropriation is available
73.8 until June 30, 2014, by which time the
73.9 project must be completed and final products
73.10 delivered.

73.11 **(j) Habitat Conservation Partnership**

73.12 **(HCP) - Phase VII**

73.13 \$1,737,000 the first year and \$1,738,000
73.14 the second year are from the trust fund
73.15 to the commissioner of natural resources
73.16 for the acceleration of agency programs
73.17 and cooperative agreements. Of this
73.18 appropriation, \$125,000 the first year
73.19 and \$125,000 the second year are to the
73.20 commissioner of natural resources for
73.21 agency programs and \$3,225,000 is for
73.22 agreements as follows: \$637,000 the first
73.23 year and \$638,000 the second year with
73.24 Ducks Unlimited, Inc.; \$38,000 the first year
73.25 and \$37,000 the second year with Friends
73.26 of Detroit Lakes Wetland Management
73.27 District; \$25,000 the first year and \$25,000
73.28 the second year with Leech Lake Band of
73.29 Ojibwe; \$225,000 the first year and \$225,000
73.30 the second year with Minnesota Land Trust;
73.31 \$200,000 the first year and \$200,000 the
73.32 second year with Minnesota Valley National
73.33 Wildlife Refuge Trust, Inc.; \$242,000 the
73.34 first year and \$243,000 the second year
73.35 with Pheasants Forever, Inc.; and \$245,000
73.36 the first year and \$245,000 the second year

74.1 with The Trust for Public Land to plan,
74.2 restore, and acquire fragmented landscape
74.3 corridors that connect areas of quality habitat
74.4 to sustain fish, wildlife, and plants. The
74.5 United States Department of Agriculture,
74.6 Natural Resources Conservation Service,
74.7 is an authorized cooperating partner in the
74.8 appropriation. Expenditures are limited to
74.9 the project corridor areas as defined in the
74.10 work program. Land acquired with this
74.11 appropriation must be sufficiently improved
74.12 to meet at least minimum habitat and facility
74.13 management standards, as determined by
74.14 the commissioner of natural resources.
74.15 This appropriation may not be used for the
74.16 purchase of habitable residential structures,
74.17 unless expressly approved in the work
74.18 program. All conservation easements must
74.19 be perpetual and have a natural resource
74.20 management plan. Any land acquired in fee
74.21 title by the commissioner of natural resources
74.22 with money from this appropriation must
74.23 be designated as an outdoor recreation unit
74.24 under Minnesota Statutes, section 86A.07.
74.25 The commissioner may similarly designate
74.26 any lands acquired in less than fee title. A
74.27 list of proposed restorations and fee title
74.28 and easement acquisitions must be provided
74.29 as part of the required work program. An
74.30 entity who acquires a conservation easement
74.31 with appropriations from the trust fund
74.32 must have a long-term stewardship plan
74.33 for the easement and a fund established for
74.34 monitoring and enforcing the agreement.
74.35 Money appropriated from the trust fund for
74.36 easement acquisition may be used to establish

75.1 a monitoring, management, and enforcement
75.2 fund as approved in the work program. An
75.3 annual financial report is required for any
75.4 monitoring, management, and enforcement
75.5 fund established, including expenditures
75.6 from the fund. This appropriation is available
75.7 until June 30, 2014, by which time the
75.8 project must be completed and final products
75.9 delivered.

75.10 **(k) Natural and Scenic Area Acquisition**

75.11 **Grants**

75.12 \$500,000 the first year and \$500,000 the
75.13 second year are from the trust fund to the
75.14 commissioner of natural resources to provide
75.15 matching grants to local governments for
75.16 acquisition of natural and scenic areas, as
75.17 provided in Minnesota Statutes, section
75.18 85.019, subdivision 4a. This appropriation
75.19 is available until June 30, 2014, by which
75.20 time the project must be completed and final
75.21 products delivered.

75.22 **(l) Acceleration of Minnesota Conservation**

75.23 **Assistance**

75.24 \$313,000 the first year and \$312,000 the
75.25 second year are from the trust fund to the
75.26 Board of Water and Soil Resources to provide
75.27 grants to soil and water conservation districts
75.28 to provide technical assistance to secure
75.29 enrollment and retention of private lands in
75.30 federal and state programs for conservation.

75.31 **(m) Conservation Easement Stewardship**

75.32 **and Enforcement Program - Phase II**

75.33 \$250,000 the first year and \$250,000 the
75.34 second year are from the trust fund to
75.35 the commissioner of natural resources to

76.1 accelerate the implementation of the Phase
76.2 I Conservation Easement Stewardship Plan
76.3 being developed with an appropriation
76.4 from Laws 2008, chapter 367, section 2,
76.5 subdivision 5, paragraph (h).

76.6 **(n) Recovery of At-Risk Native Prairie**
76.7 **Species**

76.8 \$73,000 the first year and \$74,000 the second
76.9 year are from the trust fund to the Board of
76.10 Water and Soil Resources for an agreement
76.11 with the Martin County Soil and Water
76.12 Conservation District to collect, propagate,
76.13 and plant declining, at-risk native species
76.14 on protected habitat and to enhance private
76.15 market sources for local ecotype native seed.
76.16 This appropriation is available until June
76.17 30, 2014, by which time the project must be
76.18 completed and final products delivered.

76.19 **(o) Understanding Threats, Genetic**
76.20 **Diversity, and Conservation Options for**
76.21 **Wild Rice**

76.22 \$97,000 the first year and \$98,000 the second
76.23 year are from the trust fund to the Board
76.24 of Regents of the University of Minnesota
76.25 to research the genetic diversity of wild
76.26 rice population throughout Minnesota for
76.27 use in related conservation and restoration
76.28 efforts. This appropriation is contingent upon
76.29 demonstration of review and cooperation
76.30 with the Native American tribal nations
76.31 in Minnesota. Equipment purchased with
76.32 this appropriation must be available for
76.33 future publicly funded projects at no charge
76.34 except for typical operating expenses. This
76.35 appropriation is available until June 30,

77.1 2014, by which time the project must be
77.2 completed and final products delivered.

77.3 **(p) Southeast Minnesota Stream**
77.4 **Restoration**

77.5 \$125,000 the first year and \$125,000 the
77.6 second year are from the trust fund to the
77.7 commissioner of natural resources for an
77.8 agreement with Trout Unlimited to restore at
77.9 least four miles of riparian corridor for trout
77.10 and nongame species in southeast Minnesota
77.11 and increase local capacities to implement
77.12 stream restoration through training and
77.13 technical assistance. This appropriation is
77.14 available until June 30, 2014, by which time
77.15 the project must be completed and final
77.16 products delivered.

77.17 **(q) Restoration Strategies for Ditched**
77.18 **Peatland Scientific and Natural Areas**

77.19 \$100,000 the first year and \$100,000 the
77.20 second year are from the trust fund to the
77.21 commissioner of natural resources to evaluate
77.22 the hydrology and habitat of the Winter Road
77.23 Lake peatland watershed protection area to
77.24 determine the effects of ditch abandonment
77.25 and examine the potential for restoration
77.26 of patterned peatlands. This appropriation
77.27 is available until June 30, 2014, by which
77.28 time the project must be completed and final
77.29 products delivered.

77.30 **(r) Northeast Minnesota White Cedar**
77.31 **Plant Community Restoration**

77.32 \$125,000 for the first year and \$125,000
77.33 the second year are from the trust fund to
77.34 the Board of Water and Soil Resources to
77.35 assess the decline of northern white cedar

78.1 plant communities in northeast Minnesota,
78.2 prioritize cedar sites for restoration, and
78.3 provide cedar restoration training to local
78.4 units of government.

78.5 **(s) Land and Water Conservation Account**
78.6 **(LAWCON) Federal Reimbursement**

78.7 \$750,000 is from the state land and water
78.8 conservation account (LAWCON) in the
78.9 natural resources fund to the commissioner of
78.10 natural resources for priorities established by
78.11 the commissioner for eligible state projects
78.12 and administrative and planning activities
78.13 consistent with Minnesota Statutes, section
78.14 116P.14, and the federal Land and Water
78.15 Conservation Fund Act. This appropriation
78.16 is available until June 30, 2014, by which
78.17 time the project must be completed and final
78.18 products delivered.

78.19 Subd. 5. **Water Resources** 778,000 779,000

78.20 **(a) Itasca County Sensitive Lakeshore**
78.21 **Identification**

78.22 \$80,000 the first year and \$80,000 the
78.23 second year are from the trust fund to the
78.24 commissioner of natural resources for an
78.25 agreement with Itasca County Soil and Water
78.26 Conservation District to identify sensitive
78.27 lakeshore and restorable shoreline in Itasca
78.28 County. Up to \$130,000 may be retained by
78.29 the Department of Natural Resources at the
78.30 request of Itasca County to provide technical
78.31 assistance.

78.32 **(b) Trout Stream Springshed Mapping in**
78.33 **Southeast Minnesota - Phase III**

79.1 \$250,000 the first year and \$250,000 the
79.2 second year are from the trust fund to
79.3 continue to identify and delineate water
79.4 supply areas and springsheds for springs
79.5 servicing as cold water sources for trout
79.6 streams and to assess the impacts from
79.7 development and water appropriations. Of
79.8 this appropriation, \$140,000 each year is to
79.9 the Board of Regents of the University of
79.10 Minnesota and \$110,000 each year is to the
79.11 commissioner of natural resources.

79.12 **(c) Mississippi River Water Quality**
79.13 **Assessment**

79.14 \$278,000 the first year and \$279,000 the
79.15 second year are from the trust fund to the
79.16 Board of Regents of the University of
79.17 Minnesota to assess water quality in the
79.18 Mississippi River using DNA sequencing
79.19 approaches and chemical analyses. The
79.20 assessments shall be incorporated into
79.21 a Web-based educational tool for use
79.22 in classrooms and public exhibits. This
79.23 appropriation is available until June 30,
79.24 2014, by which time the project must be
79.25 completed and final products delivered.

79.26 **(d) Zumbro River Watershed Restoration**
79.27 **Prioritization**

79.28 \$75,000 the first year and \$75,000 the
79.29 second year are from the trust fund to the
79.30 commissioner of natural resources for an
79.31 agreement with the Zumbro Watershed
79.32 Partnership, Inc. to identify sources of
79.33 erosion and runoff in the Zumbro River
79.34 Watershed in order to prioritize restoration
79.35 and protection projects.

80.1 **(e) Assessment of Minnesota River**

80.2 **Antibiotic Concentrations**

80.3 \$95,000 the first year and \$95,000 the
80.4 second year are from the trust fund to the
80.5 commissioner of natural resources for an
80.6 agreement with Saint Thomas University
80.7 in cooperation with Gustavus Adolphus
80.8 College and the University of Minnesota
80.9 to measure antibiotic concentrations and
80.10 antibiotic resistance levels at sites on the
80.11 Minnesota River.

80.12 **Subd. 6. Aquatic and Terrestrial Invasive**
80.13 **Species**

550,000

549,000

80.14 **(a) Improved Detection of Harmful**

80.15 **Microbes in Ballast Water**

80.16 \$125,000 the first year and \$125,000 the
80.17 second year are from the trust fund to the
80.18 Board of Regents of the University of
80.19 Minnesota for the University of Minnesota
80.20 Duluth to identify and analyze potentially
80.21 harmful bacteria transported into Lake
80.22 Superior through ship ballast water
80.23 discharge. This appropriation is available
80.24 until June 30, 2014, by which time the
80.25 project must be completed and final products
80.26 delivered.

80.27 **(b) Emerald Ash Borer Biocontrol**

80.28 **Research and Implementation**

80.29 \$250,000 the first year and \$250,000 the
80.30 second year are from the trust fund to the
80.31 commissioner of agriculture to assess a
80.32 biocontrol method for suppressing emerald
80.33 ash borers by testing bioagent winter survival
80.34 potential, developing release and monitoring
80.35 methods, and piloting implementation

81.1 of emerald ash borer biocontrol. This
81.2 appropriation is available until June 30,
81.3 2014, by which time the project must be
81.4 completed and final products delivered.

81.5 **(c) Emerald Ash Borer Landscape**

81.6 **Management Impacts**

81.7 \$115,000 the first year and \$114,000 the
81.8 second year are from the trust fund to the
81.9 Board of Regents of the University of
81.10 Minnesota to research impacts of insecticides
81.11 used for managing emerald ash borers on
81.12 other insects and birds. This appropriation
81.13 is available until June 30, 2014, by which
81.14 time the project must be completed and final
81.15 products delivered.

81.16 **(d) Evaluation of Switchgrass as Biofuel**

81.17 **Crop**

81.18 \$60,000 the first year and \$60,000 the second
81.19 year are from the trust fund to the Minnesota
81.20 State Colleges and Universities System for
81.21 Central Lakes College in cooperation with
81.22 the University of Minnesota to determine
81.23 the invasion risk of selectively bred
81.24 native grasses for biofuel production and
81.25 develop strategies to minimize the invasion
81.26 potential and impacts on biodiversity. This
81.27 appropriation is available until June 30,
81.28 2014, by which time the project must be
81.29 completed and final products delivered.

81.30 **Subd. 7. Renewable Energy and Air Quality** 75,000 75,000

81.31 **Supporting Community-Driven**

81.32 **Sustainable Bioenergy Projects**

81.33 \$75,000 the first year and \$75,000 the
81.34 second year are from the trust fund to

82.1 the commissioner of natural resources
 82.2 for an agreement with Dovetail Partners,
 82.3 Inc., in cooperation with the University of
 82.4 Minnesota to assess feasibility, impacts,
 82.5 and management needs of community-scale
 82.6 forest bioenergy systems through pilot
 82.7 studies in Ely and Cook County and to
 82.8 disseminate findings to inform related efforts
 82.9 in other communities.

82.10	<u>Subd. 8. Environmental Education</u>	<u>123,000</u>	<u>123,000</u>
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82.11 **Youth-Led Renewable Energy and**
 82.12 **Energy Conservation in West Central and**
 82.13 **Southwest Minnesota**

82.14	<u>\$123,000 the first year and \$123,000 the</u>		
82.15	<u>second year are from the trust fund to</u>		
82.16	<u>the commissioner of natural resources</u>		
82.17	<u>for an agreement with Prairie Woods</u>		
82.18	<u>Environmental Learning Center to initiate</u>		
82.19	<u>youth-led renewable energy and conservation</u>		
82.20	<u>projects in over thirty communities in west</u>		
82.21	<u>central and southwest Minnesota.</u>		

82.22	<u>Subd. 9. Emerging Issues</u>	<u>4,121,000</u>	<u>4,461,000</u>
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82.23 **(a) Minnesota Conservation Apprentice**
 82.24 **Academy**

82.25	<u>\$100,000 the first year and \$100,000 the</u>		
82.26	<u>second year are from the trust fund to</u>		
82.27	<u>the Board of Water and Soil Resources</u>		
82.28	<u>in cooperation with Conservation Corps</u>		
82.29	<u>Minnesota to train and mentor future</u>		
82.30	<u>conservation professionals by providing</u>		
82.31	<u>apprenticeship service opportunities to</u>		
82.32	<u>soil and water conservation districts. This</u>		
82.33	<u>appropriation is available until June 30,</u>		
82.34	<u>2014, by which time the project must be</u>		
82.35	<u>completed and the final products delivered.</u>		

83.1 **(b) Wild Rice Standards**

83.2 \$1,000,000 the first year is from the trust fund
83.3 to the commissioner of the Pollution Control
83.4 Agency for a wild rice standards study.

83.5 **(c) Chronic Wasting Disease and Animal**
83.6 **Health**

83.7 \$600,000 the first year and \$600,000 the
83.8 second year are from the trust fund to the
83.9 commissioner of natural resources to address
83.10 chronic wasting disease and accelerate
83.11 wildlife health programs.

83.12 **(d) Aquatic Invasive Species**

83.13 \$1,979,000 the first year and \$3,761,000
83.14 the second year are from the trust fund
83.15 to the commissioner of natural resources
83.16 to accelerate aquatic invasive species
83.17 programs, including the development
83.18 and implementation of best management
83.19 practices for public water access facilities
83.20 to implement aquatic invasive species
83.21 prevention strategies.

83.22 **(e) Coon Rapids Dam**

83.23 \$442,000 the first year is from the trust fund
83.24 to the commissioner of natural resources to
83.25 design the Coon Rapids Dam to function as a
83.26 barrier to invasive fish.

83.27 **Subd. 10. Administration and Contract**
83.28 **Management**

569,000

566,000

83.29 **(a) Legislative-Citizen Commission on**
83.30 **Minnesota Resources (LCCMR)**

83.31 \$456,000 the first year and \$456,000 the
83.32 second year are from the trust fund to the
83.33 LCCMR for administration as provided

84.1 in Minnesota Statutes, section 116P.09,
84.2 subdivision 5.

84.3 **(b) Contract Management**

84.4 \$110,000 the first year and \$110,000 the
84.5 second year are from the trust fund to
84.6 the Legislative-Citizen Commission on
84.7 Minnesota Resources to contract with the
84.8 commissioner of natural resources for
84.9 expenses incurred for contract fiscal services
84.10 for the agreements specified in this section.

84.11 The contract management services must
84.12 be done on a reimbursement basis. This
84.13 appropriation is available until June 30,
84.14 2014, by which time the project must be
84.15 completed and final products delivered.

84.16 **(c) LCC Web Site**

84.17 \$3,000 in the first year is to the Legislative
84.18 Coordinating Commission for the Web site
84.19 required in Minnesota Statutes, section
84.20 3.303, subdivision 10.

84.21 **Subd. 11. Availability of Appropriations**

84.22 Money appropriated in this section may
84.23 not be spent on activities unless they are
84.24 directly related to the specific appropriation
84.25 and are specified in the approved work
84.26 program. Money appropriated in this section
84.27 must not be spent on indirect costs or other
84.28 institutional overhead charges. Unless
84.29 otherwise provided, the amounts in this
84.30 section are available until June 30, 2013,
84.31 when projects must be completed and final
84.32 products delivered. For acquisition of real
84.33 property, the amounts in this section are
84.34 available until June 30, 2014, if a binding
84.35 contract is entered into by June 30, 2013,

85.1 and closed not later than June 30, 2014. If
85.2 a project receives a federal grant, the time
85.3 period of the appropriation is extended to
85.4 equal the federal grant period.

85.5 **Subd. 12. Data Availability Requirements**

85.6 Data collected by the projects funded under
85.7 this section must conform to guidelines and
85.8 standards adopted by the Office of Enterprise
85.9 Technology. Spatial data also must conform
85.10 to additional guidelines and standards
85.11 designed to support data coordination and
85.12 distribution that have been published by the
85.13 Minnesota Geospatial Information Office.

85.14 Descriptions of spatial data must be prepared
85.15 as specified in the state's geographic metadata
85.16 guideline and must be submitted to the
85.17 Minnesota Geospatial Information Office.

85.18 All data must be accessible and free to the
85.19 public unless made private under the Data
85.20 Practices Act, Minnesota Statutes, chapter
85.21 13.

85.22 To the extent practicable, summary data and
85.23 results of projects funded under this section
85.24 should be readily accessible on the Internet
85.25 and identified as an environment and natural
85.26 resources trust fund project.

85.27 **Subd. 13. Project Requirements**

85.28 (a) As a condition of accepting an
85.29 appropriation under this section, any agency
85.30 or entity receiving an appropriation or a
85.31 party to an agreement from an appropriation
85.32 must comply with paragraphs (b) to (k) and
85.33 Minnesota Statutes, chapter 116P, and must
85.34 submit a work program and semiannual
85.35 progress reports in the form determined

86.1 by the Legislative-Citizen Commission on
86.2 Minnesota Resources for any project funded
86.3 in whole or in part with funds from the
86.4 appropriation.

86.5 (b) For all restorations conducted with money
86.6 appropriated under this section, a recipient
86.7 must prepare an ecological restoration
86.8 and management plan that, to the degree
86.9 practicable, is consistent with the highest
86.10 quality conservation and ecological goals for
86.11 the restoration site. Consideration should
86.12 be given to soil, geology, topography, and
86.13 other relevant factors that would provide
86.14 the best chance for long-term success of the
86.15 restoration projects. The plan must include
86.16 the proposed timetable for implementing
86.17 the restoration, including site preparation,
86.18 establishment of diverse plant species,
86.19 maintenance, and additional enhancement to
86.20 establish the restoration; identify long-term
86.21 maintenance and management needs of
86.22 the restoration and how the maintenance,
86.23 management, and enhancement will be
86.24 financed; and take advantage of the best
86.25 available science and include innovative
86.26 techniques to achieve the best restoration.

86.27 (c) Any entity receiving an appropriation in
86.28 this section for restoration activities must
86.29 provide an initial restoration evaluation
86.30 at the completion of the appropriation
86.31 and an evaluation three years beyond the
86.32 completion of the expenditure. Restorations
86.33 must be evaluated relative to the stated
86.34 goals and standards in the restoration plan,
86.35 current science, and, when applicable, the
86.36 Board of Water and Soil Resources' native

87.1 vegetation establishment and enhancement
87.2 guidelines. The evaluation shall determine
87.3 whether the restorations are meeting planned
87.4 goals, identify any problems with the
87.5 implementation of the restorations, and,
87.6 if necessary, give recommendations on
87.7 improving restorations. The evaluation shall
87.8 be focused on improving future restorations.

87.9 (d) Except as otherwise provided in this
87.10 section, all restoration and enhancement
87.11 projects funded with money appropriated in
87.12 this section must be on land permanently
87.13 protected by a conservation easement or
87.14 public ownership or in public waters as
87.15 defined in Minnesota Statutes, section
87.16 103G.005, subdivision 15.

87.17 (e) A recipient of money from an
87.18 appropriation under this section must
87.19 give consideration to contracting with
87.20 Conservation Corps Minnesota or its
87.21 successor for contract restoration and
87.22 enhancement services.

87.23 (f) All conservation easements acquired with
87.24 money appropriated under this section must:

87.25 (1) be perpetual;
87.26 (2) specify the parties to an easement in the
87.27 easement;
87.28 (3) specify all of the provisions of an
87.29 agreement that are perpetual;
87.30 (4) be sent to the Office of the
87.31 Legislative-Citizen Commission on
87.32 Minnesota Resources in an electronic format;

88.1 (5) include a long-term monitoring and
88.2 enforcement plan and funding for monitoring
88.3 and enforcing the easement agreement; and
88.4 (6) include requirements in the easement
88.5 document to address specific water quality
88.6 protection activities such as keeping water
88.7 on the landscape, reducing nutrient and
88.8 contaminant loading, protecting groundwater,
88.9 and not permitting artificial hydrological
88.10 modifications.

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

88.16 (h) For new lands acquired with money
88.17 appropriated under this section, a recipient
88.18 must prepare a restoration and management
88.19 plan in compliance with paragraph
88.20 (b), including sufficient funding for
88.21 implementation unless the work program
88.22 addresses why a portion of the money is
88.23 not necessary to achieve a high quality
88.24 restoration.

88.25 (i) To the extent an appropriation is used to
88.26 acquire an interest in real property, a recipient
88.27 of an appropriation under this section must
88.28 provide to the Legislative-Citizen
88.29 Commission on Minnesota Resources and
88.30 the commissioner of management and budget
88.31 an analysis of increased operations and
88.32 maintenance costs likely to be incurred by
88.33 public entities as a result of the acquisition
88.34 and how these costs are to be paid.

89.1 (j) To ensure public accountability for the
89.2 use of public funds, a recipient of money
89.3 appropriated under this section must provide
89.4 to the Legislative-Citizen Commission on
89.5 Minnesota Resources documentation of the
89.6 selection process used to identify parcels
89.7 acquired and provide documentation of all
89.8 related transaction costs, including but not
89.9 limited to appraisals, legal fees, recording
89.10 fees, commissions, other similar costs,
89.11 and donations. This information must be
89.12 provided for all parties involved in the
89.13 transaction. The recipient must also report
89.14 to the Legislative-Citizen Commission on
89.15 Minnesota Resources any difference between
89.16 the acquisition amount paid to the seller
89.17 and the state-certified or state-reviewed
89.18 appraisal, if a state-certified or state-reviewed
89.19 appraisal was conducted. Acquisition data
89.20 such as appraisals may remain private
89.21 during negotiations but must ultimately
89.22 be made public according to Minnesota
89.23 Statutes, chapter 13. The Legislative-Citizen
89.24 Commission on Minnesota Resources shall
89.25 review the requirement in this paragraph
89.26 and provide a recommendation on whether
89.27 to continue or modify the requirement in
89.28 future years. The commission may waive
89.29 the application of this paragraph for specific
89.30 projects.

89.31 (k) A recipient of an appropriation from
89.32 the trust fund under this section must
89.33 acknowledge financial support from the
89.34 Minnesota environment and natural resources
89.35 trust fund in project publications, signage,
89.36 and other public communications and

90.1 outreach related to work completed using the
90.2 appropriation. Acknowledgment may occur,
90.3 as appropriate, through use of the trust fund
90.4 logo or inclusion of language attributing
90.5 support from the trust fund.

90.6 **Subd. 14. Payment Conditions and Capital**
90.7 **Equipment Expenditures**

90.8 All agreements, grants, or contracts referred
90.9 to in this section must be administered on
90.10 a reimbursement basis unless otherwise
90.11 provided in this section. Notwithstanding
90.12 Minnesota Statutes, section 16A.41,
90.13 expenditures made on or after July 1,
90.14 2011, or the date the work program is
90.15 approved, whichever is later, are eligible for
90.16 reimbursement unless otherwise provided
90.17 in this section. Periodic payment must
90.18 be made upon receiving documentation
90.19 that the deliverable items articulated in
90.20 the approved work program have been
90.21 achieved, including partial achievements
90.22 as evidenced by approved progress reports.
90.23 Reasonable amounts may be advanced to
90.24 projects to accommodate cash flow needs or
90.25 match federal money. The advances must
90.26 be approved as part of the work program.
90.27 No expenditures for capital equipment are
90.28 allowed unless expressly authorized in the
90.29 project work program.

90.30 **Subd. 15. Purchase of Recycled and Recyclable**
90.31 **Materials**

90.32 A political subdivision, public or private
90.33 corporation, or other entity that receives an
90.34 appropriation under this section must use the
90.35 appropriation in compliance with Minnesota
90.36 Statutes, section 16B.121, regarding

91.1 purchase of recycled, repairable, and durable
91.2 materials; and Minnesota Statutes, section
91.3 16B.122, regarding purchase and use of
91.4 paper stock and printing.

91.5 **Subd. 16. Energy Conservation and**
91.6 **Sustainable Building Guidelines**

91.7 A recipient to whom an appropriation is made
91.8 under this section for a capital improvement
91.9 project must ensure that the project complies
91.10 with the applicable energy conservation and
91.11 sustainable building guidelines and standards
91.12 contained in law, including Minnesota
91.13 Statutes, sections 16B.325, 216C.19, and
91.14 216C.20, and rules adopted under those
91.15 sections. The recipient may use the energy
91.16 planning, advocacy, and State Energy Office
91.17 units of the Department of Commerce to
91.18 obtain information and technical assistance
91.19 on energy conservation and alternative
91.20 energy development relating to the planning
91.21 and construction of the capital improvement
91.22 project.

91.23 **Subd. 17. Accessibility**

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

91.28 **Subd. 18. Carryforward**

91.29 (a) The availability of the appropriation for
91.30 the following projects is extended to June
91.31 30, 2012:

91.32 (1) Laws 2008, chapter 367, section
91.33 2, subdivision 4, paragraph (f), Native
91.34 Shoreland Buffer Incentives Program;

- 92.1 (2) Laws 2008, chapter 367, section 2,
92.2 subdivision 4, paragraph (g), Southeast
92.3 Minnesota Stream Restoration Projects;
92.4 (3) Laws 2009, chapter 143, section 2,
92.5 subdivision 4, paragraph (a), State Park
92.6 Acquisition;
92.7 (4) Laws 2009, chapter 143, section 2,
92.8 subdivision 4, paragraph (b), State Trail
92.9 Acquisition;
92.10 (5) Laws 2009, chapter 143, section 2,
92.11 subdivision 6, paragraph (c), Improving
92.12 Emerging Fish Disease Surveillance in
92.13 Minnesota; and
92.14 (6) Laws 2009, chapter 143, section 2,
92.15 subdivision 8, paragraph (a), Contract
92.16 Management.
92.17 (b) The availability of the appropriation for
92.18 the following project is extended to June 30,
92.19 2013:
92.20 (1) Laws 2010, chapter 362, section 2,
92.21 subdivision 8, paragraph (f), Expanding
92.22 Outdoor Classrooms at Minnesota Schools;
92.23 and
92.24 (2) Laws 2010, chapter 362, section 2,
92.25 subdivision 8, paragraph (g), Integrating
92.26 Environmental and Outdoor Education in
92.27 Grades 7-12.
92.28 **Subd. 19. Easement Monitoring and**
92.29 **Enforcement Requirements**
92.30 Money appropriated under this section and
92.31 adjustments made under subdivision 20 for
92.32 easement monitoring and enforcement may
92.33 be spent only on activities included in an
92.34 easement monitoring and enforcement plan

93.1 contained within the work program. Money
93.2 received for monitoring and enforcement,
93.3 including earnings on the money received,
93.4 shall be kept in a monitoring and enforcement
93.5 fund held by the organization and dedicated
93.6 to monitoring and enforcing conservation
93.7 easements within Minnesota. Within 120
93.8 days after the close of the entity's fiscal
93.9 year, an entity receiving appropriations
93.10 for easement monitoring and enforcement
93.11 must provide an annual financial report
93.12 to the Legislative-Citizen Commission
93.13 on Minnesota Resources on the easement
93.14 monitoring and enforcement fund as specified
93.15 in the work program. Money appropriated
93.16 under this section for monitoring and
93.17 enforcement of easements and earnings on
93.18 the money appropriated shall revert to the
93.19 state if: (1) the easement transfers to the
93.20 state; (2) the holder of the easement fails to
93.21 file an annual report and then fails to cure
93.22 that default within 30 days of notification
93.23 of the default by the state; or (3) the holder
93.24 of the easement fails to comply with the
93.25 terms of the monitoring and enforcement
93.26 plan contained within the work program and
93.27 fails to cure that default within 90 days of
93.28 notification of the default by the state.

93.29 **Subd. 20. Appropriations Adjustment**

93.30 **(a) Metropolitan Conservation Corridors**

93.31 (1) Of the amount appropriated in Laws
93.32 2003, chapter 128, article 1, section 9,
93.33 subdivision 5, paragraph (b), \$48,000 is for
93.34 deposit in a monitoring and enforcement
93.35 account as authorized in subdivision 19.

- 94.1 (2) Of the amount appropriated in Laws
94.2 2005, First Special Session, chapter 1, article
94.3 2, section 11, subdivision 5, paragraph
94.4 (b), \$49,000 is for deposit in a monitoring
94.5 and enforcement account as authorized in
94.6 subdivision 19.
- 94.7 (3) Of the amount appropriated in Laws
94.8 2007, chapter 30, section 2, subdivision
94.9 4, paragraph (c), \$59,000 is for deposit in
94.10 a monitoring and enforcement account as
94.11 authorized in subdivision 19.
- 94.12 (4) Of the amount appropriated in Laws
94.13 2008, chapter 367, section 2, subdivision
94.14 3, paragraph (a), \$42,000 is for deposit in
94.15 a monitoring and enforcement account as
94.16 authorized in subdivision 19.
- 94.17 (5) Of the amount appropriated in Laws
94.18 2009, chapter 143, section 2, subdivision
94.19 4, paragraph (f), \$80,000 is for deposit in
94.20 a monitoring and enforcement account as
94.21 authorized in subdivision 19.
- 94.22 (6) Of the amount appropriated in Laws
94.23 2010, chapter 362, section 2, subdivision
94.24 4, paragraph (g), \$10,000 is for deposit in
94.25 a monitoring and enforcement account as
94.26 authorized in subdivision 19.
- 94.27 **(b) Habitat Conservation Partnership**
- 94.28 (1) Of the amount appropriated in Laws
94.29 2001, First Special Session chapter 2, section
94.30 14, subdivision 4, paragraph (e), \$288,000 is
94.31 for deposit in a monitoring and enforcement
94.32 account as authorized in subdivision 19.
- 94.33 (2) Of the amount appropriated in Laws
94.34 2003, chapter 128, article 1, section 9,

95.1 subdivision 5, paragraph (a), up to \$78,000 is
95.2 for deposit in a monitoring and enforcement
95.3 account as authorized in subdivision 19.

95.4 (3) Of the amount appropriated in Laws
95.5 2005, First Special Session chapter 1, section
95.6 11, subdivision 5, paragraph (a), \$55,000 is
95.7 for deposit in a monitoring and enforcement
95.8 account as authorized in subdivision 19.

95.9 (4) Of the amount appropriated in Laws
95.10 2007, chapter 30, section 2, subdivision 4,
95.11 paragraph (b), \$123,000 is for deposit in
95.12 a monitoring and enforcement account as
95.13 authorized in subdivision 19.

95.14 (5) Of the amount appropriated in Laws
95.15 2008, chapter 367, section 2, subdivision
95.16 3, paragraph (c), \$120,000 is for deposit in
95.17 a monitoring and enforcement account as
95.18 authorized in subdivision 19.

95.19 (6) Of the amount appropriated in Laws
95.20 2009, chapter 143, section 2, subdivision
95.21 4, paragraph (e), \$60,000 is for deposit in
95.22 a monitoring and enforcement account as
95.23 authorized in subdivision 19.

95.24 (7) Of the amount appropriated in Laws
95.25 2010, chapter 362, section 2, subdivision
95.26 4, paragraph (f), \$30,000 is for deposit in
95.27 a monitoring and enforcement account as
95.28 authorized in subdivision 19.

95.29 **(c) Preserving the Avon Hills Landscape**

95.30 Of the amount appropriated in Laws 2008,
95.31 chapter 367, section 2, subdivision 3,
95.32 paragraph (d), \$120,000 is for deposit in
95.33 a monitoring and enforcement account as
95.34 authorized in subdivision 19.

96.1 **(d) New Models for Land-Use Planning**

96.2 Of the amount appropriated in Laws 1997,
96.3 chapter 216, section 15, subdivision 9,
96.4 paragraph (d), up to \$33,000 is for deposit
96.5 in a monitoring and enforcement account as
96.6 authorized in subdivision 19.

96.7 **(e) Conservation-Based Development**
96.8 **Program**

96.9 Of the amount appropriated in Laws 1999,
96.10 chapter 231, section 16, subdivision 8,
96.11 paragraph (e), \$5,000 is for deposit in a
96.12 monitoring and enforcement account as
96.13 authorized in subdivision 19.

APPENDIX
Article locations in 11-2819

ARTICLE 1 ENVIRONMENT AND NATURAL RESOURCES FINANCE Page.Ln 1.27
ENVIRONMENT AND NATURAL RESOURCE TRUST FUND
ARTICLE 2 APPROPRIATIONS Page.Ln 61.4