

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 865

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DATE	D-PG	OFFICIAL STATUS
02/13/2017	576	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
03/15/2017	1500a	Comm report: To pass as amended and re-refer to Environment and Natural Resources Finance

1.1 A bill for an act

1.2 relating to natural resources; modifying off-highway vehicle provisions; modifying

1.3 provisions of Minnesota Naturalist Corps; modifying invasive species provisions;

1.4 modifying state water trail provisions; modifying water safety requirements;

1.5 modifying certain timber auction provisions; modifying grant, contract, and lease

1.6 provisions; modifying provisions to take, possess, and transport wildlife; modifying

1.7 commissioner's duties and authority; modifying wetland replacement and evaluation

1.8 requirements; providing for the allocation of surplus wetland credits under a permit

1.9 to mine; exempting certain storm water use from water-use permit requirements;

1.10 modifying Petroleum Tank Release Cleanup Act; establishing a water quality

1.11 improvement goal; extending ban on open air swine basins; removing certain

1.12 mandatory rulemaking requirements; providing for certain demolition debris landfill

1.13 permitting; amending Minnesota Statutes 2016, sections 84.01, by adding a

1.14 subdivision; 84.788, subdivision 2; 84.791, subdivision 1; 84.8031; 84.946,

1.15 subdivision 2, by adding a subdivision; 84.992, subdivisions 3, 4, 5, 6; 84D.03,

1.16 subdivisions 3, 4; 84D.04, subdivision 1; 84D.05, subdivision 1; 84D.108,

1.17 subdivision 2a, by adding a subdivision; 84D.11, by adding a subdivision; 85.32,

1.18 subdivision 1; 86B.313, subdivision 1; 86B.511; 88.523; 89.39; 90.01, subdivisions

1.19 8, 12, by adding a subdivision; 90.041, subdivision 2; 90.051; 90.101, subdivision

1.20 2; 90.14; 90.145, subdivision 2; 90.151, subdivision 1; 90.162; 90.252; 93.47,

1.21 subdivision 4; 94.343, subdivision 9; 94.344, subdivision 9; 97A.015, subdivisions

1.22 29, 39, 43, 45, 52, 53; 97A.045, subdivision 10; 97B.031, subdivision 6; 97B.071;

1.23 97B.405; 97B.431; 97B.655, subdivision 1; 97C.211, subdivision 2a; 97C.401,

1.24 subdivision 2; 97C.501, subdivision 1; 97C.515, subdivision 2; 97C.701, by adding

1.25 a subdivision; 103G.005, subdivisions 10b, 10h, by adding a subdivision; 103G.222,

1.26 subdivisions 1, 3; 103G.2242, subdivision 2; 103G.271, subdivision 1; 103G.411;

1.27 115C.021, subdivision 1, by adding a subdivision; 116.0714; 160.06; Laws 2013,

1.28 chapter 114, article 4, section 105; proposing coding for new law in Minnesota

1.29 Statutes, chapter 103A; repealing Minnesota Statutes 2016, sections 84.026,

1.30 subdivision 3; 97B.031, subdivision 5; 97C.515, subdivisions 4, 5; 97C.701,

1.31 subdivisions 1a, 6; 97C.705; 97C.711; Minnesota Rules, parts 6258.0100;

1.32 6258.0200; 6258.0300; 6258.0400; 6258.0500; 6258.0600; 6258.0700, subparts

1.33 1, 4, 5; 6258.0800; 6258.0900.

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

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

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

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

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

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

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

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

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

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

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

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

2.23 Sec. 3. Minnesota Statutes 2016, section 84.791, subdivision 1, is amended to read:

2.24 Subdivision 1. **Program established; when required.** (a) The commissioner shall
2.25 establish a comprehensive off-highway motorcycle environment and safety education and
2.26 training program, ~~including the preparation and dissemination of that includes preparing~~
2.27 and disseminating vehicle information and safety advice to the public, ~~the training of~~
2.28 off-highway motorcycle operators, and ~~the issuance of~~ issuing off-highway motorcycle
2.29 safety certificates to operators ~~under the age of 16~~ 12 to 15 years of age who successfully
2.30 complete the off-highway motorcycle environment and safety education and training courses.

3.1 (b) An individual who is convicted of violating a law related to the operation of an
 3.2 off-highway motorcycle must successfully complete the environment and safety education
 3.3 and training program established under paragraph (a) before continuing operation of an
 3.4 off-highway motorcycle.

3.5 Sec. 4. Minnesota Statutes 2016, section 84.8031, is amended to read:

3.6 **84.8031 GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

3.7 The commissioner must review an off-road vehicle grant-in-aid application and, if
 3.8 approved, ~~commence~~ begin public review of the application within 60 days after the
 3.9 completed application has been locally approved and submitted to an area parks and trails
 3.10 office. If the commissioner fails to approve or deny the application within 60 days after
 3.11 submission, the application is deemed approved and the commissioner must provide for a
 3.12 30-day public review period. If the commissioner denies an application, the commissioner
 3.13 must provide the applicant with a written explanation for denying the application at the time
 3.14 the applicant is notified of the denial.

3.15 Sec. 5. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

3.16 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a
 3.17 capital expenditure on a capital asset previously owned by the state, within the meaning of
 3.18 generally accepted accounting principles as applied to public expenditures. The commissioner
 3.19 of natural resources will consult with the commissioner of management and budget to the
 3.20 extent necessary to ensure this and will furnish the commissioner of management and budget
 3.21 a list of projects to be financed from the account in order of their priority. The legislature
 3.22 assumes that many projects for preservation and replacement of portions of existing capital
 3.23 assets will constitute betterments and capital improvements within the meaning of the
 3.24 Constitution and capital expenditures under generally accepted accounting principles, and
 3.25 will be financed more efficiently and economically under this section than by direct
 3.26 appropriations for specific projects.

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

3.29 (c) Capital budget expenditures for natural resource asset preservation and replacement
 3.30 projects must be for one or more of the following types of capital projects that support the
 3.31 existing programmatic mission of the department: code compliance including health and
 3.32 safety, Americans with Disabilities Act requirements, hazardous material abatement, access
 3.33 improvement, or air quality improvement; building energy efficiency improvements using

4.1 current best practices; building or infrastructure repairs necessary to preserve the interior
 4.2 and exterior of existing buildings; projects to remove life safety hazards such as building
 4.3 code violations or structural defects; or renovation of other existing improvements to land,
 4.4 including but not limited to trails and bridges.

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

4.8 Sec. 6. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to
 4.9 read:

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

4.15 Sec. 7. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

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

4.20 Sec. 8. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

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

4.25 Sec. 9. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

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

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

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

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

5.5 Sec. 10. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

5.6 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible
 5.7 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~
 5.8 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members
 5.9 are not employees of the state within the meaning of section 43A.02, subdivision 21.

5.10 Sec. 11. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

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

5.14 (b) In waters that are listed as infested waters, except those listed as infested with
 5.15 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
 5.16 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.20 This paragraph expires December 1, 2017.

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

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

6.26 Sec. 12. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

6.27 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**
6.28 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines
6.29 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
6.30 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined
6.31 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~

7.1 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~
 7.2 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~
 7.3 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~
 7.4 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~
 7.5 tagged with tags provided by the commissioner, as specified in the commercial licensee's
 7.6 license or permit. Tagged gear must not be used in any water bodies other than those specified
 7.7 in the license or permit. The permit may authorize department staff to remove tags after the
 7.8 gear is decontaminated. This tagging requirement does not apply to commercial fishing
 7.9 equipment used in Lake Superior.

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

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

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

7.24 Sec. 13. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

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

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

7.30 (2) regulated invasive species, which may not be introduced except as provided in section
 7.31 84D.07;

7.32 (3) unlisted nonnative species, which are subject to the classification procedure in section
 7.33 84D.06; and

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

8.2 Sec. 14. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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

8.11 (5) when being transported for disposal as part of a harvest or control activity when
8.12 specifically authorized under a permit issued by the commissioner according to section
8.13 103G.615, when being transported for disposal as specified under a commercial fishing
8.14 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,
8.15 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

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

8.18 (7) when being transported from riparian property to a legal disposal site that is at least
8.19 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited
8.20 invasive species are in a covered commercial vehicle specifically designed and used for
8.21 hauling trash; or

8.22 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

8.23 Sec. 15. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

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

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

9.1 (c) The service provider's place of business must be within the Lake Minnetonka
9.2 Conservation District as established according to sections 103B.601 to 103B.645, or within
9.3 a municipality immediately bordering the Lake Minnetonka Conservation District's
9.4 boundaries.

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

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

9.10 Sec. 16. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision
9.11 to read:

9.12 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
9.13 targeted pilot study to include water-related equipment with zebra mussels attached for the
9.14 Gull Narrows State Water Access Site, Government Point State Water Access Site, and
9.15 Gull East State Water Access Site on Gull Lake (DNR Division of Waters number 11-0305)
9.16 in Cass and Crow Wing Counties utilizing the same authorities, general procedures, and
9.17 requirements provided for the Lake Minnetonka pilot project in section 84D.108, subdivision
9.18 2a. Lake service providers participating in the Gull Lake targeted pilot study place of business
9.19 must be located within Cass or Crow Wing County.

9.20 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
9.21 the report to the chairs and ranking minority members of the senate and house of
9.22 representatives committees having jurisdiction over natural resources required under Laws
9.23 2016, chapter 189, article 3, section 48, shall also include the Gull Lake targeted pilot study
9.24 recommendations and assessments.

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

9.26 Sec. 17. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to
9.27 read:

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

10.1 Sec. 18. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

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

10.17 Sec. 19. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

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

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

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

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

10.27 (i) a shoreline;

10.28 (ii) a dock;

10.29 (iii) a swimmer;

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

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

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

11.3 (i) an observer is on board; or

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

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

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

11.11 (7) to chase or harass wildlife;

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

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

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

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

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

11.23 Sec. 20. Minnesota Statutes 2016, section 86B.511, is amended to read:

11.24 **86B.511 LIGHTS.**

11.25 Subdivision 1. Navigation lights. Except as provided in section 169.541, a watercraft
11.26 using the waters of this state, when underway or in use between sunset and sunrise, must
11.27 carry and display the navigation lights prescribed by the commissioner for the watercraft.

11.28 Subd. 2. Other lights. (a) No person may operate a watercraft with lights that are not
11.29 navigation lights required under subdivision 1, that are visible on the exterior of the
11.30 watercraft, and that:

11.31 (1) interfere with the visibility of navigation lights; or

12.1 (2) are red, green, or blue.

12.2 (b) Notwithstanding paragraph (a), watercraft operated for government-sanctioned public
 12.3 safety activities may display an alternately flashing red and yellow light signal for
 12.4 identification. The lights must not interfere with the visibility of the navigation lights. No
 12.5 special privilege is granted. Operators must not presume that the light or exigency gives
 12.6 them precedence or right-of-way.

12.7 (c) Notwithstanding paragraph (a), law enforcement may operate watercraft with lights
 12.8 that are flashing blue when engaged in law enforcement activities. The lights must not
 12.9 interfere with the visibility of the navigation lights.

12.10 (d) A first violation of this subdivision shall not result in a penalty, but is punishable
 12.11 only by a safety warning. A second or subsequent violation is a petty misdemeanor.

12.12 Sec. 21. Minnesota Statutes 2016, section 88.523, is amended to read:

12.13 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

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

12.22 Sec. 22. Minnesota Statutes 2016, section 89.39, is amended to read:

12.23 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

12.24 Every individual, partnership, or private corporation to whom any planting stock is
 12.25 supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must
 12.26 execute an agreement, upon a form in a format approved by the attorney general
 12.27 commissioner, to comply with all the requirements of sections 89.35 to 89.39 and all
 12.28 conditions prescribed by the commissioner hereunder thereunder. Any party to such an
 12.29 agreement who ~~shall violate any provision thereof shall,~~ violates the agreement is, in addition
 12.30 to any other penalties that may be applicable, ~~be~~ be liable to the state in a sum equal to three
 12.31 times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees
 12.32 were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for

13.1 any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty shall be
 13.2 is equal to three times the sale price. Such ~~The penalties shall be~~ are recoverable in a civil
 13.3 action brought in the name of the state by the attorney general.

13.4 Sec. 23. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to
 13.5 read:

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

13.7 (1) controls, is controlled by, or is under common control with any other person,
 13.8 including, without limitation, a partner, business entity with common ownership, or principal
 13.9 of any business entity or a subsidiary, parent company, or holding company of any person;
 13.10 or

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

13.12 Sec. 24. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

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

13.15 Sec. 25. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

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

13.21 Sec. 26. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

13.22 Subd. 2. **Trespass on state lands.** The commissioner may compromise and settle, ~~with~~
 13.23 ~~notification to the attorney general,~~ upon terms the commissioner deems just, any claim of
 13.24 the state for casual and involuntary trespass upon state lands or timber; provided that no
 13.25 claim shall be settled for less than the full value of all timber or other materials taken in
 13.26 casual trespass or the full amount of all actual damage or loss suffered by the state as a
 13.27 result. Upon request, the commissioner shall advise the Executive Council of any information
 13.28 acquired by the commissioner concerning any trespass on state lands, giving all details and
 13.29 names of witnesses and all compromises and settlements made under this subdivision.

14.1 Sec. 27. Minnesota Statutes 2016, section 90.051, is amended to read:

14.2 **90.051 SUPERVISION OF SALES; BOND.**

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

14.6 Sec. 28. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

14.7 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner
 14.8 shall compile a list containing a description of each tract of land upon which any timber to
 14.9 be offered is situated and a statement of the estimated quantity of timber and of the appraised
 14.10 price of each kind of timber thereon as shown by the report of the state appraiser. No
 14.11 description shall be added after the list is posted and no timber shall be sold from land not
 14.12 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.
 14.13 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet
 14.14 or conspicuously posted in the forest office or other public facility most accessible to potential
 14.15 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to
 14.16 be published once not less than one week before the date of sale in a legal newspaper in the
 14.17 county or counties where the land is situated. The notice shall state the time and place of
 14.18 the sale and the location at which further information regarding the sale may be obtained.
 14.19 The commissioner may give other published or posted notice as the commissioner deems
 14.20 proper to reach prospective bidders.

14.21 Sec. 29. Minnesota Statutes 2016, section 90.14, is amended to read:

14.22 **90.14 AUCTION SALE PROCEDURE.**

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

14.27 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,
 14.28 or, if unsold at public auction, at the time of purchase at a subsequent sale under section
 14.29 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the
 14.30 appraised value. In case any purchaser fails to make such payment, the purchaser shall be
 14.31 liable therefor to the state in a civil action, and the commissioner may reoffer the timber

15.1 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been
15.2 made.

15.3 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state
15.4 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of
15.5 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~
15.6 commissioner to purchase a permit based solely on the appraiser's estimate of the volume
15.7 of timber described in the permit, provided that the commissioner has expressly designated
15.8 the availability of such option for that tract on the list of tracts available for sale as required
15.9 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the
15.10 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate
15.11 of the volume of timber described on the permit does not have recourse to the provisions
15.12 of section 90.281.

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

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

15.27 Sec. 30. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

15.28 Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section
15.29 90.151, the commissioner may establish a registration system to verify the qualifications
15.30 of a person or affiliate as a responsible bidder to purchase a timber permit. Any system
15.31 implemented by the commissioner shall be limited in scope to only that information that is
15.32 required for the efficient administration of the purchaser qualification requirements of this
15.33 chapter. The registration system established under this subdivision is not subject to the
15.34 rulemaking provisions of chapter 14 and section 14.386 does not apply.

16.1 Sec. 31. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

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

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

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

16.25 Sec. 32. Minnesota Statutes 2016, section 90.162, is amended to read:

16.26 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

16.27 In lieu of the security deposit equal to the value of all timber covered by the permit
 16.28 required by section 90.161, a purchaser of state timber may elect in ~~writing on a form~~ format
 16.29 prescribed by the ~~attorney general~~ commissioner to give good and valid surety to the state
 16.30 of Minnesota equal to the purchase price for any designated cutting block identified on the
 16.31 permit before the date the purchaser enters upon the land to begin harvesting the timber on
 16.32 the designated cutting block.

17.1 Sec. 33. Minnesota Statutes 2016, section 90.252, is amended to read:

17.2 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**
 17.3 **FEES.**

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

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

17.23 Sec. 34. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

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

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

18.2 Sec. 35. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

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

18.12 Sec. 36. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

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

18.18 Sec. 37. Minnesota Statutes 2016, section 97A.015, subdivision 29, is amended to read:

18.19 Subd. 29. **Minnows.** "Minnows" means: (1) members of the minnow family, Cyprinidae,
18.20 except carp and goldfish; (2) members of the mudminnow family, Umbridae; (3) members
18.21 of the sucker family, Catostomidae, ~~not over 12 inches in length~~; (4) bullheads, ciscoes,
18.22 lake whitefish, goldeyes, and mooneyes, not over seven inches long; (5) leeches; and (6)
18.23 tadpole madtoms (willow cats) and stonecats.

18.24 Sec. 38. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

18.25 Subd. 39. **Protected wild animals.** "Protected wild animals" ~~are the following wild~~
18.26 ~~animals:~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,
18.27 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,
18.28 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal
18.29 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter
18.30 6134, and wild animals that are protected by a restriction in the time or manner of taking,
18.31 other than a restriction in the use of artificial lights, poison, or motor vehicles.

19.1 Sec. 39. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

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

19.5 Sec. 40. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

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

19.10 Sec. 41. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

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

19.14 Sec. 42. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

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

19.19 Sec. 43. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

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

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

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

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

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

20.5 Sec. 44. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

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

20.9 Sec. 45. Minnesota Statutes 2016, section 97B.071, is amended to read:

20.10 **97B.071 BLAZE ORANGE CLOTHING REQUIREMENTS; BLAZE ORANGE**
 20.11 **OR BLAZE PINK.**

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

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

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

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

20.30 Sec. 46. Minnesota Statutes 2016, section 97B.405, is amended to read:

20.31 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

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

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

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

21.13 Sec. 47. Minnesota Statutes 2016, section 97B.431, is amended to read:

21.14 **97B.431 BEAR-HUNTING OUTFITTERS.**

21.15 (a) A person may not place bait for bear, or guide hunters to take bear, for compensation
 21.16 without a bear-hunting-outfitter license. A bear-hunting outfitter is not required to have a
 21.17 license to take bear unless the outfitter is attempting to shoot a bear. The commissioner
 21.18 shall adopt rules for qualifications for issuance and administration of the licenses.

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

21.27 Sec. 48. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

21.28 Subdivision 1. **Owners and occupants may take certain animals.** A person or the
 21.29 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,
 21.30 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the
 21.31 person where the animal is causing damage. The person or the person's agent may take the
 21.32 animal without a license and in any manner except by ~~poison~~, or artificial lights in the closed

22.1 season or by poison. Raccoons may be taken under this subdivision with artificial lights
 22.2 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,
 22.3 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer
 22.4 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

22.5 Sec. 49. Minnesota Statutes 2016, section 97C.211, subdivision 2a, is amended to read:

22.6 Subd. 2a. **Acquisition of fish.** (a) A private fish hatchery may not obtain fish outside of
 22.7 the state unless the fish or the source of the fish are approved by the commissioner. The
 22.8 commissioner may apply more stringent requirements to fish or a source of fish from outside
 22.9 the state than are applied to fish and sources of fish from within the state. The commissioner
 22.10 must either approve or deny the acquisition within 30 days after receiving a written request
 22.11 for approval. ~~Minnows acquired must be processed and not released into public waters,~~
 22.12 ~~except as provided in section 97C.515, subdivision 4.~~ A request may be for annual
 22.13 acquisition.

22.14 (b) If the commissioner denies approval, a written notice must be submitted to the
 22.15 applicant stating the reasons for the denial and the commissioner must:

22.16 (1) designate approved sources to obtain the desired fish or fish eggs; or

22.17 (2) sell the fish or fish eggs from state fish hatcheries at fair market value.

22.18 Sec. 50. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

22.19 Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person
 22.20 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~
 22.21 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

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

22.23 Sec. 51. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

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

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

23.1 (1) as provided in subdivision 3;

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

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

23.8 Sec. 52. Minnesota Statutes 2016, section 97C.515, subdivision 2, is amended to read:

23.9 Subd. 2. **Permit for ~~transportation~~ importation.** (a) A person may ~~transport~~ import
 23.10 live minnows through into the state with a permit from the commissioner. ~~The permit must~~
 23.11 ~~state the name and address of the person, the number and species of minnows, the point of~~
 23.12 ~~entry into the state, the destination, and the route through the state. The permit is not valid~~
 23.13 ~~for more than 12 hours after it is issued. A person must not import minnows into the state~~
 23.14 except as provided in this section.

23.15 ~~(b) Minnows transported under this subdivision must be in a tagged container. The tag~~
 23.16 ~~number must correspond with tag numbers listed on the minnow transportation permit.~~

23.17 ~~(c) The commissioner may require the person transporting minnow species found on~~
 23.18 ~~the official list of viral hemorrhagic septicemia susceptible species published by the United~~
 23.19 ~~States Department of Agriculture, Animal and Plant Health Inspection Services, to provide~~
 23.20 ~~health certification for viral hemorrhagic septicemia. The certification must disclose any~~
 23.21 ~~incidentally isolated replicating viruses, and must be dated within the 12 months preceding~~
 23.22 ~~transport.~~

23.23 (b) Minnows must be certified as healthy according to standards of the World
 23.24 Organization for Animal Health or the Fish Health Section Blue Book of the American
 23.25 Fisheries Society.

23.26 (c) Minnows must be certified free of viral hemorrhagic septicemia, infectious
 23.27 hematopoietic necrosis, infectious pancreatic necrosis, spring viremia of carp virus, fathead
 23.28 minnow nidovirus, and Heterosporis within the past 12 months.

23.29 (d) Minnows must originate from a biosecure facility that has tested negative for invasive
 23.30 species in the past 12 months.

23.31 (e) Only a person that holds a minnow dealer's license issued under section 97C.501,
 23.32 subdivision 2, may obtain a permit to import minnows.

24.1 (f) The following information must be available to the commissioner upon request for
 24.2 each load of imported minnows:

24.3 (1) the date minnows were imported;

24.4 (2) the number of pounds or gallons imported;

24.5 (3) the facility name from which the minnows originated; and

24.6 (4) a fish health certificate for the minnows.

24.7 (g) Minnows may be imported to feed hatchery fish if the requirements in paragraphs
 24.8 (a) to (f) are met.

24.9 Sec. 53. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision
 24.10 to read:

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

24.17 Sec. 54. **[103A.213] PROGRESS FOR IMPROVING WATER QUALITY.**

24.18 Subdivision 1. **Water quality; improvement goal.** It is the goal of the state to accelerate
 24.19 the pace of progress for improving water-quality protection and restoration to reach a goal
 24.20 of 25 percent improvement in water quality by 2025. Progress must be reviewed by and
 24.21 based on measures reported by the cooperating agencies listed under subdivision 2 or as
 24.22 described in local water management plans approved and adopted under chapter 103B.

24.23 Subd. 2. **Cooperating agencies and input process.** The Departments of Agriculture,
 24.24 Health, and Natural Resources, the Pollution Control Agency, the Board of Water and Soil
 24.25 Resources, the Metropolitan Council, the Public Facilities Authority, and the Environmental
 24.26 Quality Board must jointly conduct a broad public and stakeholder engagement process
 24.27 across the state seeking input on how to achieve the goal under subdivision 1. The process
 24.28 must consider, but is not limited to, water safety and quality parameters such as chloride,
 24.29 infectious agents, phosphorus, sediment, nitrates, lead, and other factors that can contribute
 24.30 to biological and human health risks. The Clean Water Council and local government
 24.31 representatives must be consulted before the public and stakeholder input process begins.
 24.32 The initial public and stakeholder input process must be completed by November 15, 2017.

- 25.1 Subd. 3. **Scope of public and stakeholder input.** The public and stakeholder input
25.2 process must include, but is not limited to, obtaining input on:
- 25.3 (1) what additional data or analyses are needed and how the data or analyses can be used
25.4 to accomplish and measure progress toward the goal;
- 25.5 (2) mechanisms to provide assurance, accountability, and cost-benefit measures for
25.6 accomplishing progress toward the goal;
- 25.7 (3) what changes to the Clean Water Legacy Act or other state statutes or agency
25.8 programs would be helpful to accelerate and sustain progress toward the goal;
- 25.9 (4) what local government programs or authorities could be added or modified to
25.10 accelerate and sustain progress toward the goal;
- 25.11 (5) options to prioritize, sequence, and locate multiple-benefit practices, projects, and
25.12 infrastructure needed to accelerate and sustain progress toward the goal;
- 25.13 (6) options to leverage nonstate funding for practices, projects, and infrastructure needed
25.14 to accelerate and sustain progress toward the goal;
- 25.15 (7) how technology and private sector roles or investments could be used to accelerate
25.16 and sustain progress toward the goal;
- 25.17 (8) how to accomplish personal, community, ecological, and economic health objectives
25.18 and goals as part of accelerating and sustaining progress toward the water quality
25.19 improvement goal; and
- 25.20 (9) information deemed relevant and useful according to the objectives outlined in
25.21 sections 103A.212, 103H.001, and 114D.10 and other related information deemed relevant
25.22 and useful by the Departments of Agriculture, Health, and Natural Resources, the Pollution
25.23 Control Agency, the Board of Water and Soil Resources, the Metropolitan Council, the
25.24 Public Facilities Authority, and the Environmental Quality Board.
- 25.25 Subd. 4. **Report and recommendations.** By December 15, 2017, the cooperating
25.26 agencies must jointly submit a report to the governor and the Legislative Water Commission
25.27 on the results of the public input process. The report must include any policy and budget
25.28 recommendations based on the input received.
- 25.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

26.1 Sec. 55. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision
26.2 to read:

26.3 Subd. 8a. **Constructed management facilities for storm water.** "Constructed
26.4 management facilities for storm water" means ponds, basins, holding tanks, cisterns,
26.5 infiltration trenches and swales, or other best management practices that have been designed,
26.6 constructed, and operated to store or treat storm water in accordance with local, state, or
26.7 federal requirements.

26.8 Sec. 56. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to read:

26.9 Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a
26.10 county or watershed, or, for purposes of wetland replacement, bank service area where 80
26.11 percent or more of the presettlement wetland acreage is intact and:

26.12 (1) ten percent or more of the current total land area is wetland; or

26.13 (2) 50 percent or more of the current total land area is state or federal land.

26.14 Sec. 57. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

26.15 Subd. 10h. **Less than 50 percent area.** "Less than 50 percent area" means a county or watershed,
26.16 or, for purposes of wetland replacement, bank service area with less than 50
26.17 percent of the presettlement wetland acreage intact or any county or watershed, or bank
26.18 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

26.19 Sec. 58. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

26.20 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
26.21 partially, unless replaced by actions that provide at least equal public value under a
26.22 replacement plan approved as provided in section 103G.2242, a replacement plan under a
26.23 local governmental unit's comprehensive wetland protection and management plan approved
26.24 by the board under section 103G.2243, or, if a permit to mine is required under section
26.25 93.481, under a mining reclamation plan approved by the commissioner under the permit
26.26 to mine. Project-specific wetland replacement plans submitted as part of a project for which
26.27 a permit to mine is required and approved by the commissioner on or after July 1, 1991,
26.28 may include surplus wetland credits to be allocated by the commissioner to offset future
26.29 mining-related wetland impacts under any permits to mine held by the permittee, the operator,
26.30 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an
26.31 assignment under section 93.481, subdivision 5. For project-specific wetland replacement
26.32 completed prior to wetland impacts authorized or conducted under a permit to mine within

27.1 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single
27.2 watershed for purposes of determining wetland replacement ratios. Mining reclamation
27.3 plans shall apply the same principles and standards for replacing wetlands that are applicable
27.4 to mitigation plans approved as provided in section 103G.2242. Public value must be
27.5 determined in accordance with section 103B.3355 or a comprehensive wetland protection
27.6 and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372
27.7 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4,
27.8 and 5 wetlands.

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

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

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

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

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

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

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

27.22 For a project involving the draining or filling of wetlands in an amount not exceeding
27.23 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
27.24 paragraph (a), the local government unit may make an on-site sequencing determination
27.25 without a written alternatives analysis from the applicant.

27.26 (c) If a wetland is located in a cultivated field, then replacement must be accomplished
27.27 through restoration only without regard to the priority order in paragraph (b), provided that
27.28 the altered wetland is not converted to a nonagricultural use for at least ten years.

27.29 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,
27.30 subdivision 2, paragraph (b) or (e), the local government unit may require a deed restriction
27.31 that prohibits nonagricultural use for at least ten years. The local government unit may
27.32 require the deed restriction if it determines the wetland area drained is at risk of conversion
27.33 to a nonagricultural use within ten years based on the zoning classification, proximity to a

28.1 municipality or full service road, or other criteria as determined by the local government
28.2 unit.

28.3 (e) Restoration and replacement of wetlands must be accomplished in accordance with
28.4 the ecology of the landscape area affected and ponds that are created primarily to fulfill
28.5 storm water management, and water quality treatment requirements may not be used to
28.6 satisfy replacement requirements under this chapter unless the design includes pretreatment
28.7 of runoff and the pond is functioning as a wetland.

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

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

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

28.16 (i) Except in a greater than 80 percent area, only wetlands that have been restored from
28.17 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,
28.18 wetlands created by dikes or dams along public or private drainage ditches, or wetlands
28.19 created by dikes or dams associated with the restoration of previously drained or filled
28.20 wetlands may be used for wetland replacement according to rules adopted under section
28.21 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring
28.22 wetlands from one type to another are not eligible for wetland replacement.

28.23 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision
28.24 2, shall ensure that sufficient time has occurred for the wetland to develop wetland
28.25 characteristics of soils, vegetation, and hydrology before recommending that the wetland
28.26 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason
28.27 to believe that the wetland characteristics may change substantially, the panel shall postpone
28.28 its recommendation until the wetland has stabilized.

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

28.31 (l) For projects involving draining or filling of wetlands associated with a new public
28.32 transportation project, and for projects expanded solely for additional traffic capacity, public
28.33 transportation authorities may purchase credits from the board at the cost to the board to

29.1 establish credits. Proceeds from the sale of credits provided under this paragraph are
29.2 appropriated to the board for the purposes of this paragraph. For the purposes of this
29.3 paragraph, "transportation project" does not include an airport project.

29.4 (m) A replacement plan for wetlands is not required for individual projects that result
29.5 in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or
29.6 replacement of a currently serviceable existing state, city, county, or town public road
29.7 necessary, as determined by the public transportation authority, to meet state or federal
29.8 design or safety standards or requirements, excluding new roads or roads expanded solely
29.9 for additional traffic capacity lanes. This paragraph only applies to authorities for public
29.10 transportation projects that:

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

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

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

29.22 Those required to receive notice of public transportation projects may appeal
29.23 minimization, delineation, and on-site mitigation decisions made by the public transportation
29.24 authority to the board according to the provisions of section 103G.2242, subdivision 9. The
29.25 Technical Evaluation Panel shall review minimization and delineation decisions made by
29.26 the public transportation authority and provide recommendations regarding on-site mitigation
29.27 if requested to do so by the local government unit, a contiguous landowner, or a member
29.28 of the Technical Evaluation Panel.

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

29.33 Public transportation authorities at their discretion may deviate from federal and state
29.34 design standards on existing road projects when practical and reasonable to avoid wetland

30.1 filling or draining, provided that public safety is not unreasonably compromised. The local
 30.2 road authority and its officers and employees are exempt from liability for any tort claim
 30.3 for injury to persons or property arising from travel on the highway and related to the
 30.4 deviation from the design standards for construction or reconstruction under this paragraph.
 30.5 This paragraph does not preclude an action for damages arising from negligence in
 30.6 construction or maintenance on a highway.

30.7 (n) If a landowner seeks approval of a replacement plan after the proposed project has
 30.8 already affected the wetland, the local government unit may require the landowner to replace
 30.9 the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

30.10 (o) A local government unit may request the board to reclassify a county or watershed
 30.11 on the basis of its percentage of presettlement wetlands remaining. After receipt of
 30.12 satisfactory documentation from the local government, the board shall change the
 30.13 classification of a county or watershed. If requested by the local government unit, the board
 30.14 must assist in developing the documentation. Within 30 days of its action to approve a
 30.15 change of wetland classifications, the board shall publish a notice of the change in the
 30.16 Environmental Quality Board Monitor.

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

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

30.24 Sec. 59. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

30.25 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to Wetland~~
 30.26 replacement occurring outside of a greater than 80 percent area must not be replaced in a
 30.27 ~~50 to greater than 80 percent area or in a less than 50 percent area. Impacted wetlands in a~~
 30.28 ~~less than 50 percent area must be replaced in a less than 50 percent area.~~ All wetland
 30.29 replacement must follow this priority order:

30.30 (1) ~~on-site or~~ in the same minor watershed as the impacted wetland;

30.31 (2) in the same watershed as the impacted wetland;

30.32 (3) in the same ~~county or~~ wetland bank service area as the impacted wetland; and

31.1 (4) in another wetland bank service area.

31.2 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a
31.3 complete wetland banking application submitted to a local government unit by April 1,
31.4 1996, may be used to replace wetland impacts resulting from public transportation projects
31.5 statewide.

31.6 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement
31.7 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under
31.8 section 103G.2242, subdivision 1.

31.9 (d) When reasonable, practicable, and environmentally beneficial replacement
31.10 opportunities are not available in siting priorities listed in paragraph (a), the applicant may
31.11 seek opportunities at the next level.

31.12 (e) For the purposes of this section, "reasonable, practicable, and environmentally
31.13 beneficial replacement opportunities" are defined as opportunities that:

31.14 (1) take advantage of naturally occurring hydrogeomorphological conditions and require
31.15 minimal landscape alteration;

31.16 (2) have a high likelihood of becoming a functional wetland that will continue in
31.17 perpetuity;

31.18 (3) do not adversely affect other habitat types or ecological communities that are
31.19 important in maintaining the overall biological diversity of the area; and

31.20 (4) are available and capable of being done after taking into consideration cost, existing
31.21 technology, and logistics consistent with overall project purposes.

31.22 (f) Regulatory agencies, local government units, and other entities involved in wetland
31.23 restoration shall collaborate to identify potential replacement opportunities within their
31.24 jurisdictional areas.

31.25 (g) The board must establish wetland replacement ratios and wetland bank service area
31.26 priorities to implement the siting and targeting of wetland replacement and encourage the
31.27 use of high priority areas for wetland replacement.

31.28 Sec. 60. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

31.29 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type
31.30 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an
31.31 on-site inspection. The Technical Evaluation Panel shall be composed of a technical
31.32 professional employee of the board, a technical professional employee of the local soil and

32.1 water conservation district or districts, a technical professional with expertise in water
 32.2 resources management appointed by the local government unit, and a technical professional
 32.3 employee of the Department of Natural Resources for projects affecting public waters or
 32.4 wetlands adjacent to public waters. Members of the Technical Evaluation Panel who have
 32.5 an ownership interest in a wetland bank shall disclose in writing all of the member's
 32.6 ownership interests in wetland banks to the local government unit. The panel shall use the
 32.7 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),
 32.8 including updates, supplementary guidance, and replacements, if any, "Wetlands of the
 32.9 United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and
 32.10 "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition).
 32.11 The panel shall provide the wetland determination and recommendations on other technical
 32.12 matters to the local government unit that must approve a replacement plan, sequencing,
 32.13 exemption determination, no-loss determination, or wetland boundary or type determination
 32.14 and may recommend approval or denial of the plan. The authority must consider and include
 32.15 the decision of the Technical Evaluation Panel in their approval or denial of a plan or
 32.16 determination.

32.17 (b) Persons conducting wetland or public waters boundary delineations or type
 32.18 determinations are exempt from the requirements of chapter 326. The board may develop
 32.19 a professional wetland delineator certification program.

32.20 (c) The board must establish an interagency team to assist in identifying and evaluating
 32.21 potential wetland replacement sites. The team must consist of members of the Technical
 32.22 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution
 32.23 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other
 32.24 organizations as determined by the board.

32.25 Sec. 61. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

32.26 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state, a
 32.27 person, partnership, or association, private or public corporation, county, municipality, or
 32.28 other political subdivision of the state may not appropriate or use waters of the state without
 32.29 a water-use permit from the commissioner.

32.30 (b) This section does not apply to use for a water supply by less than 25 persons for
 32.31 domestic purposes, except as required by the commissioner under section 103G.287,
 32.32 subdivision 4, paragraph (b).

32.33 (c) The commissioner may issue a state general permit for appropriation of water to a
 32.34 governmental subdivision or to the general public. The general permit may authorize more

33.1 than one project and the appropriation or use of more than one source of water. Water-use
 33.2 permit processing fees and reports required under subdivision 6 and section 103G.281,
 33.3 subdivision 3, are required for each project or water source that is included under a general
 33.4 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

33.5 (d) This section does not apply to appropriation or use of storm water collected and used
 33.6 to reduce storm-water runoff volume, treat storm water, or sustain groundwater supplies
 33.7 when water is extracted from constructed management facilities for storm water.

33.8 Sec. 62. Minnesota Statutes 2016, section 103G.411, is amended to read:

33.9 **103G.411 STIPULATION OF LOW-WATER MARK.**

33.10 If the state is a party in a civil action relating to the navigability or ownership of the bed
 33.11 of a body of water, river, or stream, the commissioner, in behalf of the state, ~~with the approval~~
 33.12 ~~of the attorney general~~, may agree by written stipulation with a riparian owner who is a
 33.13 party to the action on the location of the ordinary low-water mark on the riparian land of
 33.14 the party. After the stipulation is executed by all parties, it must be presented to the judge
 33.15 of the district court where the action is pending for approval. If the stipulation is approved,
 33.16 the judge shall make and enter an order providing that the final judgment when entered shall
 33.17 conform to the location of the ordinary, low-water mark as provided for in the stipulation
 33.18 as it relates to the parties to the stipulation.

33.19 Sec. 63. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

33.20 Subdivision 1. **General rule.** Except as provided in subdivisions 2 to ~~4~~5, a person is
 33.21 responsible for a release from a tank if the person is an owner or operator of the tank at any
 33.22 time during or after the release.

33.23 Sec. 64. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision
 33.24 to read:

33.25 Subd. 5. **Heating fuel oil vendor.** A heating oil vendor is not a responsible person for
 33.26 a heating fuel oil release at a residential location if the release was caused solely by the
 33.27 failure of a tank owned by the homeowner.

33.28 Sec. 65. Minnesota Statutes 2016, section 116.0714, is amended to read:

33.29 **116.0714 NEW OPEN AIR SWINE BASINS.**

34.1 The commissioner of the Pollution Control Agency or a county board shall not approve
 34.2 any permits for the construction of new open air swine basins, except that existing facilities
 34.3 may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment
 34.4 program for resolving pollution problems or to allow conversion of an existing basin of less
 34.5 than 1,000,000 gallons to a different animal type, provided all standards are met. This section
 34.6 expires June 30, ~~2017~~ 2022.

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

34.8 Sec. 66. Minnesota Statutes 2016, section 160.06, is amended to read:

34.9 **160.06 TRAIL OR PORTAGE DEDICATION.**

34.10 Any trail or portage between public or navigable bodies of water or from public or
 34.11 navigable water to a public highway in this state ~~which~~ that has been in continued and
 34.12 uninterrupted use by the general public for 15 years or more as a trail or portage for the
 34.13 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or
 34.14 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~
 34.15 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of travel~~
 34.16 to the same extent as public highways. The width of all trails and portages dedicated by
 34.17 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.

34.18 Sec. 67. Laws 2013, chapter 114, article 4, section 105, is amended to read:

34.19 **Sec. 105. RULES; SILICA SAND.**

34.20 ~~(a) The commissioner of the Pollution Control Agency shall adopt rules pertaining to~~
 34.21 ~~the control of particulate emissions from silica sand projects. The rulemaking is exempt~~
 34.22 ~~from Minnesota Statutes, section 14.125.~~

34.23 ~~(b)~~ (a) The commissioner of natural resources shall adopt rules pertaining to the
 34.24 reclamation of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section
 34.25 14.125.

34.26 ~~(c)~~ (b) By January 1, 2014, the Department of Health shall adopt an air quality
 34.27 health-based value for silica sand.

34.28 ~~(d)~~ (c) The Environmental Quality Board shall amend its rules for environmental review,
 34.29 adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to
 34.30 take into account the increased activity in the state and concerns over the size of specific
 34.31 operations. The Environmental Quality Board shall consider whether the requirements of
 34.32 Minnesota Statutes, section 116C.991, should remain part of the environmental review

35.1 requirements for silica sand and whether the requirements should be different for different
35.2 geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section
35.3 14.125.

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

35.5 Sec. 68. **CANCELLATION OF PERMITS.**

35.6 Water-use permits issued before July 1, 2017, for water use exempted under Minnesota
35.7 Statutes, section 103G.271, subdivision 1, paragraph (d), are canceled effective July 1, 2017.

35.8 Sec. 69. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

35.9 A solid waste permit issued by the Pollution Control Agency to an existing class I
35.10 demolition debris landfill facility that is operating under the Pollution Control Agency
35.11 Demolition Landfill Guidance, issued August 2005, is extended pursuant to Minnesota
35.12 Rules, part 7001.0160, for a period of five years, unless a new permit is issued for the facility
35.13 by the Pollution Control Agency after the effective date of this section.

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

35.15 Sec. 70. **REPEALER.**

35.16 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;
35.17 97C.515, subdivisions 4 and 5; 97C.701, subdivisions 1a and 6; 97C.705; and 97C.711, are
35.18 repealed.

35.19 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;
35.20 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed.

84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.

Subd. 3. **Procurement law.** All contractual and grant agreements under this section shall be processed according to section 16C.05.

97B.031 USE AND POSSESSION OF FIREARMS.

Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who is under age 60, who obtains the required licenses, and who has a visual impairment. The scope may not have magnification capabilities.

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

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

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

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

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

(g) A permit is not required under this subdivision to use an electronic range finder according to section 97B.081, subdivision 3, paragraph (c).

97C.515 IMPORTED MINNOWS.

Subd. 4. **Private fish hatchery or aquatic farm.** Live minnows used for feeding fish at a licensed private fish hatchery or aquatic farm must be obtained within the state. Dead minnows may be imported for feeding hatchery or aquatic farm fish according to section 97C.341, paragraph (d).

Subd. 5. **Special permits.** (a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license, which private fish hatchery has been designated as a containment facility under section 17.4982, subdivision 8, to import live minnows from other states for export. A containment facility for the purposes of this section applies to live minnows imported for later export and does not need to comply with section 17.4982, subdivision 8, clause (4). The permit shall include conditions necessary to avoid spreading aquatic invasive species and fish pathogens. Permits shall not be issued to containment facilities located within a 25-year floodplain.

(b) An applicant for a permit under this subdivision shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, disease certification, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

(c) The premises, property, vehicles, private aquatic life, and equipment that are part of a containment facility permitted under this subdivision are subject to reasonable and necessary inspections at reasonable times by a fish health specialist delegated by the commissioner. The owner, operator, or designee may be present when inspections are conducted. During the inspection, a representative sample of imported minnows may be collected for the purpose of fish pathogen or invasive species screening.

APPENDIX

Repealed Minnesota Statutes: S0865-1

(d) The commissioner may require the applicant to furnish evidence of financial responsibility at the time of application for a permit under this section, as prescribed by the commissioner.

97C.701 TAKING MUSSELS.

Subd. 1a. **Handpicking required.** A person may only harvest mussels by handpicking.

Subd. 6. **Possession, sale, and transportation.** Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes.

97C.705 MUSSEL SEASONS.

Subdivision 1. **Open seasons.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Subd. 2. **Closed areas.** The commissioner may close up to 50 percent of the mussel-producing waters of the state to the taking of mussels.

97C.711 UNDERSIZED MUSSELS.

A person must return undersized mussels to the water without injury.

6258.0100 SEASON FOR HARVESTING MUSSEL SHELLS FOR PERSONAL USE.

Live mussels may not be harvested for personal use. During the open season, a person possessing a valid resident or nonresident angling license or a person exempt from licensing may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand picking only and may not be purchased or sold.

6258.0200 SEASON TO COMMERCIALY HARVEST MUSSELS BY PERMIT.

Subpart 1. **Open season for commercially harvesting mussels.** The open season for taking mussels is May 16 through August 31.

Subp. 2. **Allowed times for harvesting.** Mussels may be harvested from sunrise to sunset only.

6258.0300 COMMERCIAL PERMITS FOR MUSSELS.

Subpart 1. **Commercial permit required.** A person may not take, possess, buy, sell, or transport live freshwater mussels or more than 24 whole shells or 48 shell halves of dead freshwater mussels, or assist another person in such taking, without first obtaining a commercial mussel permit from the commissioner.

Subp. 2. **Commercial permit issuance.** Commercial mussel permits may be issued subject to the criteria in items A to C.

A. Applications must be submitted to the local area or regional fisheries office on forms provided by the commissioner.

B. Approved permits will be issued only to Minnesota residents who possess a valid Minnesota resident angling license or who are exempt from licensing.

C. Application forms must be signed by the applicant. All requested information must be provided. Failure to properly and fully complete an application form will result in its rejection.

Subp. 3. **Commercial permit duration.** A commercial mussel permit may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Commercial permit termination to protect resource.** The commissioner may terminate a commercial mussel permit upon 48 hours' written notice to protect aquatic resources.

6258.0400 SPECIES FOR COMMERCIAL HARVEST.

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial mussel permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a three-inch diameter hole.

6258.0500 HARVEST SITES FOR PERMITTEES.

Subpart 1. **Identification of mussel harvest sites.** Mussel harvest sites must be identified in the application and permit by legal description or in other defining terms as needed to accurately locate the area.

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee from a place outside the permitted harvest site is prohibited.

Subp. 3. **Harvesting prohibited on certain border waters.** Mussel harvesting is not permitted on the Minnesota-Wisconsin border waters described in part 6266.0500, subpart 1.

6258.0600 HARVEST GEAR FOR PERMITTEES.

Mussels may be taken only by hand picking with or without aid of breathing apparatus.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subpart 1. **Notice of harvest operations.** To ensure compliance with permit conditions, the commissioner may require the permittee to inform the local area fisheries office and conservation officer 24 hours in advance of any intended mussel harvest operations. Changes in location or dates may require an additional notification.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subp. 4. **Return of undersized mussels or shells.** Undersized three ridge mussels or unlawful mussel shells, live or dead, must be returned immediately to the water at the site where taken.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subp. 5. **Restriction on harvesting mussels near dams.** Harvesting of mussels may not occur within 1,000 feet downstream of a dam.

6258.0800 PERMITTEE REPORTS, RECORDS, AND INSPECTIONS.

Subpart 1. **Required records.** A permittee must keep records of each mussel sales transaction. The records must be verifiable with supporting sales slips and include:

- A. pounds of mussels sold;
- B. name and address of the buyer; and
- C. date of transaction.

Records must be kept current within 48 hours of each transaction. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permittee ineligible for permits for one year. All records must be maintained and available for inspection, at the permittee's address, for three years.

Subp. 2. **Required reports.** A permittee must submit reports monthly while the permit is valid on forms provided by the commissioner. Reports for the previous month must be submitted by the permittee to the address identified on the form so that they are received by the department by the 15th of each month even if no harvest activity took place. All information requested on the report must be provided. Failure to submit required reports may result in revocation of the existing permit and may render the permittee ineligible for permits for one year.

Subp. 3. **Inspections.** Records required in this part, business and operation premises, and boats, vehicles, and gear used in the mussel harvesting operations may be inspected at all reasonable times by the commissioner.

6258.0900 SPECIAL RESTRICTIONS ON TAKING MUSSELS.

Subpart 1. **Restriction on returning processed mussels to the water.** Meats resulting from the processing of live whole mussels may not be returned to the water or deposited on a shoreline or adjacent land. The meat of mussels lawfully obtained may be used as bait for angling purposes.

Subp. 2. **Restriction on harvest of certain species of mussels.** The Higgins' eye (*Lampsilis higginsii*), elephant ear (*Elliptio crassidens*), ebony shell (*Fusconaia ebena*), winged mapleleaf (*Quadrula fragosa*), fat pocketbook (*Proptera capax*) mussels, or any mussel listed as endangered or threatened in this state may not be harvested or intentionally disturbed. If these species are located within the harvest site, all harvest operations must immediately stop and the permittee or personal use harvester must notify the area fisheries office within 24 hours.

Subp. 3. **Transfer of mussels prohibited.** Live mussels may not be transferred within or between bodies of water, except under permit issued by the commissioner.