

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 723

(SENATE AUTHORS: INGEBRIGTSEN and Tomassoni)

DATE	D-PG	OFFICIAL STATUS
02/06/2017	529	Introduction and first reading
		Referred to Environment and Natural Resources Finance
03/23/2017	1683	Comm report: To pass as amended and re-refer to Finance
03/27/2017		Comm report: To pass as amended
		Second reading

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment, natural

1.3 resources, and tourism purposes; modifying fees; creating accounts; providing for

1.4 disposition of certain receipts; modifying grant, contract, and lease provisions;

1.5 modifying land, water, forest, and park management; modifying provisions to take,

1.6 possess, and transport wildlife; modifying duties and authority; modifying buffer

1.7 requirements; modifying wetland replacement and evaluation requirements;

1.8 modifying permit and license requirements; modifying Petroleum Tank Release

1.9 Cleanup Act; establishing a water quality improvement goal; extending ban on

1.10 open air swine basins; modifying certain local authority; requiring agreements;

1.11 modifying environmental review; modifying appeal provisions; eliminating

1.12 Environmental Quality Board and reassigning duties; requiring reports; removing

1.13 certain mandatory rulemaking requirements; requiring rulemaking; amending

1.14 Minnesota Statutes 2016, sections 3.886, subdivision 4; 13.7411, subdivision 9;

1.15 18B.045; 18E.06; 84.01, by adding a subdivision; 84.027, subdivisions 14a, 14b,

1.16 by adding subdivisions; 84.788, subdivision 2; 84.793, subdivision 1; 84.8031;

1.17 84.82, subdivision 2; 84.925, subdivision 1; 84.9256, subdivision 1; 84.946,

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

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

1.20 subdivision 2a, by adding a subdivision; 84D.11, by adding a subdivision; 85.0505,

1.21 by adding a subdivision; 85.053, subdivisions 8, 10; 85.054, by adding a

1.22 subdivision; 85.22, subdivision 2a; 85.32, subdivision 1; 86B.301, subdivision 2;

1.23 86B.313, subdivision 1; 86B.511; 86B.701, subdivision 3; 88.523; 89.39; 90.01,

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

1.25 subdivision 2; 90.14; 90.145, subdivision 2; 90.151, subdivision 1; 90.162; 90.252;

1.26 93.25, subdivision 2; 93.47, subdivision 4; 93.50; 94.343, subdivision 9; 94.344,

1.27 subdivision 9; 97A.015, subdivisions 39, 43, 45, 52, 53, by adding a subdivision;

1.28 97A.045, subdivision 10; 97A.075, subdivision 1; 97B.031, subdivision 6; 97B.071;

1.29 97B.405; 97B.431; 97B.655, subdivision 1; 97C.315, subdivision 1; 97C.355,

1.30 subdivision 2a; 97C.401, subdivision 2; 97C.501, subdivision 1; 97C.515,

1.31 subdivision 2; 97C.701, by adding a subdivision; 103A.204; 103B.101, subdivisions

1.32 9, 12a; 103B.151; 103B.315, subdivision 5; 103F.411, subdivision 1; 103F.48,

1.33 subdivisions 1, 3, 7; 103G.005, subdivisions 10b, 10h, by adding a subdivision;

1.34 103G.222, subdivisions 1, 3; 103G.223; 103G.2242, subdivisions 1, 2; 103G.2372,

1.35 subdivision 1; 103G.271, subdivisions 1, 6a, 7, by adding a subdivision; 103G.287,

1.36 subdivisions 1, 4; 103G.289; 103G.411; 103H.151, subdivision 4; 103H.175,

1.37 subdivision 3; 114D.25, by adding a subdivision; 115A.32; 115A.33; 115A.34;

1.38 115A.35; 115A.36; 115A.37; 115A.38, subdivisions 1, 3; 115A.39; 115B.20,

1.39 subdivision 6; 115B.39, subdivision 2; 115B.40, subdivision 4; 115C.021,

2.1 subdivision 1, by adding a subdivision; 116.03, subdivision 2b, by adding a
 2.2 subdivision; 116.07, subdivision 4d, by adding subdivisions; 116.0714; 116C.74,
 2.3 subdivision 2; 116C.91, by adding a subdivision; 116C.92; 116C.94; 116C.95;
 2.4 116C.96; 116C.97; 116C.99, subdivisions 2, 3; 116C.991; 116C.992; 116D.04,
 2.5 subdivisions 2a, 5b, 10, 13, 14; 116D.045, subdivision 1; 116F.06, subdivision 2;
 2.6 160.06; 216B.243, subdivision 7; 216C.18, subdivision 2; 282.018, subdivision
 2.7 1; 282.04, subdivision 1; Laws 2000, chapter 486, section 4, as amended; Laws
 2.8 2013, chapter 114, article 4, section 105; Laws 2016, chapter 189, article 3, sections
 2.9 3, subdivision 3; 6; proposing coding for new law in Minnesota Statutes, chapters
 2.10 85; 97B; 103A; 115; 116; 471; repealing Minnesota Statutes 2016, sections 84.026,
 2.11 subdivision 3; 97B.031, subdivision 5; 97C.701, subdivisions 1a, 6; 97C.705;
 2.12 97C.711; 103A.403; 103A.43; 103F.614; 116C.02; 116C.03, subdivisions 1, 2,
 2.13 2a, 3a, 4, 5, 6; 116C.04, subdivisions 1, 2, 3, 4, 7, 10, 11; 116C.06; 116C.08;
 2.14 116C.71, subdivisions 1c, 2a; 116C.721; 116C.722; 116C.724, subdivisions 2, 3;
 2.15 116C.91, subdivision 2; 116G.03, subdivision 2; Minnesota Rules, parts 6258.0100;
 2.16 6258.0200; 6258.0300; 6258.0400; 6258.0500; 6258.0600; 6258.0700, subparts
 2.17 1, 4, 5; 6258.0800; 6258.0900.

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

2.19 **ARTICLE 1**

2.20 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

2.22 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.23 and for the purposes specified in this article. The appropriations are from the general fund,
 2.24 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.25 The figures "2018" and "2019" used in this article mean that the appropriations listed under
 2.26 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.
 2.27 "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"
 2.28 is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are
 2.29 effective the day following final enactment.

2.30 **APPROPRIATIONS**

2.31 **Available for the Year**

2.32 **Ending June 30**

2.33 **2018** **2019**

2.34 Sec. 2. **POLLUTION CONTROL AGENCY**

2.35 **Subdivision 1. Total Appropriation** **\$** **90,094,000** **\$** **89,774,000**

2.36 **Appropriations by Fund**

2.37		<u>2018</u>	<u>2019</u>
2.38	<u>General</u>	<u>818,000</u>	<u>818,000</u>
2.39	<u>State Government</u>	<u>.....</u>	<u>.....</u>

3.1	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>		
3.2	<u>Environmental</u>	<u>77,767,000</u>	<u>77,447,000</u>		
3.3	<u>Remediation</u>	<u>11,434,000</u>	<u>11,434,000</u>		
3.4	<u>Subd. 2. Environmental Analysis and Outcomes</u>			<u>11,619,000</u>	<u>11,619,000</u>
3.5	<u>Appropriations by Fund</u>				
3.6		<u>2018</u>	<u>2019</u>		
3.7	<u>General</u>	<u>818,000</u>	<u>818,000</u>		
3.8	<u>Environmental</u>	<u>10,620,000</u>	<u>10,620,000</u>		
3.9	<u>Remediation</u>	<u>181,000</u>	<u>181,000</u>		
3.10	<u>(a) \$88,000 the first year and \$88,000 the</u>				
3.11	<u>second year are from the environmental fund</u>				
3.12	<u>for:</u>				
3.13	<u>(1) a municipal liaison to assist municipalities</u>				
3.14	<u>in implementing and participating in the water</u>				
3.15	<u>quality standards rulemaking process and</u>				
3.16	<u>navigating the NPDES/SDS permitting</u>				
3.17	<u>process;</u>				
3.18	<u>(2) enhanced economic analysis in the water</u>				
3.19	<u>quality standards rulemaking process,</u>				
3.20	<u>including more specific analysis and</u>				
3.21	<u>identification of cost-effective permitting;</u>				
3.22	<u>(3) development of statewide economic</u>				
3.23	<u>analyses and templates to reduce the amount</u>				
3.24	<u>of information and time required for</u>				
3.25	<u>municipalities to apply for variances from</u>				
3.26	<u>water quality standards; and</u>				
3.27	<u>(4) coordinating with the Public Facilities</u>				
3.28	<u>Authority to identify and advocate for the</u>				
3.29	<u>resources needed for municipalities to achieve</u>				
3.30	<u>permit requirements.</u>				
3.31	<u>(b) \$204,000 the first year and \$204,000 the</u>				
3.32	<u>second year are from the environmental fund</u>				
3.33	<u>for a statewide monitoring program under</u>				
3.34	<u>Minnesota Statutes, section 116.454.</u>				

4.1 (c) \$346,000 the first year and \$346,000 the
 4.2 second year are from the environmental fund
 4.3 for monitoring ambient air for hazardous
 4.4 pollutants.

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

4.12 (e) \$109,000 the first year and \$109,000 the
 4.13 second year are from the environmental fund
 4.14 for registration of wastewater laboratories.

4.15 (f) \$913,000 the first year and \$913,000 the
 4.16 second year are from the environmental fund
 4.17 to continue perfluorochemical biomonitoring
 4.18 in eastern metropolitan communities, as
 4.19 recommended by the Environmental Health
 4.20 Tracking and Biomonitoring Advisory Panel,
 4.21 and address other environmental health risks,
 4.22 including air quality. The communities must
 4.23 include Hmong and other immigrant farming
 4.24 communities. Of this amount, up to \$677,000
 4.25 the first year and \$677,000 the second year
 4.26 are for transfer to the Department of Health.

4.27 (g) The direct appropriation base budget for
 4.28 environmental analysis and outcomes in the
 4.29 environmental fund for fiscal year 2020 and
 4.30 later is \$11,420,000. The general fund
 4.31 appropriations in this subdivision are onetime.

4.32 Subd. 3. **Industrial** 13,509,000 13,508,000

4.33 Appropriations by Fund

4.34 2018 2019

5.1	<u>Environmental</u>	<u>12,979,000</u>	<u>12,978,000</u>
5.2	<u>Remediation</u>	<u>530,000</u>	<u>530,000</u>

5.3 \$530,000 the first year and \$530,000 the
 5.4 second year are from the remediation fund for
 5.5 purposes of the leaking underground storage
 5.6 tank program to investigate, clean up, and
 5.7 prevent future releases from underground
 5.8 petroleum storage tanks, and to the petroleum
 5.9 remediation program for purposes of vapor
 5.10 assessment and remediation. These same
 5.11 annual amounts are transferred from the
 5.12 petroleum tank fund to the remediation fund.

5.13	<u>Subd. 4. Municipal</u>	<u>6,625,000</u>	<u>6,624,000</u>
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5.14	<u>Appropriations by Fund</u>		
5.15		<u>2018</u>	<u>2019</u>
5.16	<u>Environmental</u>	<u>6,625,000</u>	<u>6,624,000</u>

5.17 (a) \$162,000 the first year and \$162,000 the
 5.18 second year are from the environmental fund
 5.19 for:

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

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

5.29 (3) development of statewide economic
 5.30 analyses and templates to reduce the amount
 5.31 of information and time required for
 5.32 municipalities to apply for variances from
 5.33 water quality standards; and

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

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

6.9 (c) \$615,000 the first year and \$614,000 the
6.10 second year are from the environmental fund
6.11 for subsurface sewage treatment system
6.12 (SSTS) program administration and
6.13 community technical assistance and education,
6.14 including grants and technical assistance to
6.15 communities for water quality protection. Of
6.16 this amount, \$129,000 each year is for
6.17 assistance to counties through grants for SSTS
6.18 program administration. A county receiving
6.19 a grant from this appropriation shall submit
6.20 the results achieved with the grant to the
6.21 commissioner as part of its annual SSTS
6.22 report. Any unexpended balance in the first
6.23 year does not cancel but is available in the
6.24 second year.

6.25 (d) \$639,000 the first year and \$640,000 the
6.26 second year are from the environmental fund
6.27 to address the need for continued increased
6.28 activity in the areas of new technology review,
6.29 technical assistance for local governments,
6.30 and enforcement under Minnesota Statutes,
6.31 sections 115.55 to 115.58, and to complete the
6.32 requirements of Laws 2003, chapter 128,
6.33 article 1, section 165.

6.34 (e) Notwithstanding Minnesota Statutes,
6.35 section 16A.28, the appropriations

7.1 encumbered on or before June 30, 2019, as
 7.2 grants or contracts for subsurface sewage
 7.3 treatment systems, surface water and
 7.4 groundwater assessments, storm water, and
 7.5 water quality protection in this subdivision are
 7.6 available until June 30, 2022.

7.7 **Subd. 5. Operations** 4,639,000 4,640,000

7.8	<u>Appropriations by Fund</u>	
7.9	<u>2018</u>	<u>2019</u>
7.10	<u>Environmental</u> <u>3,875,000</u>	<u>3,875,000</u>
7.11	<u>Remediation</u> <u>764,000</u>	<u>765,000</u>

7.12 \$174,000 the first year and \$174,000 the
 7.13 second year are from the remediation fund for
 7.14 purposes of the leaking underground storage
 7.15 tank program to investigate, clean up, and
 7.16 prevent future releases from underground
 7.17 petroleum storage tanks, and to the petroleum
 7.18 remediation program for purposes of vapor
 7.19 assessment and remediation. These same
 7.20 annual amounts are transferred from the
 7.21 petroleum tank fund to the remediation fund.

7.22 **Subd. 6. Remediation** 10,645,000 10,644,000

7.23	<u>Appropriations by Fund</u>	
7.24	<u>2018</u>	<u>2019</u>
7.25	<u>Environmental</u> <u>904,000</u>	<u>904,000</u>
7.26	<u>Remediation</u> <u>9,741,000</u>	<u>9,740,000</u>

7.27 (a) All money for environmental response,
 7.28 compensation, and compliance in the
 7.29 remediation fund not otherwise appropriated
 7.30 is appropriated to the commissioners of the
 7.31 Pollution Control Agency and agriculture for
 7.32 purposes of Minnesota Statutes, section
 7.33 115B.20, subdivision 2, clauses (1), (2), (3),
 7.34 (6), and (7). At the beginning of each fiscal
 7.35 year, the two commissioners shall jointly

8.1 submit an annual spending plan to the
8.2 commissioner of management and budget that
8.3 maximizes the utilization of resources and
8.4 appropriately allocates the money between the
8.5 two departments. This appropriation is
8.6 available until June 30, 2019.

8.7 (b) \$432,000 the first year and \$432,000 the
8.8 second year are from the environmental fund
8.9 to manage contaminated sediment projects at
8.10 multiple sites identified in the St. Louis River
8.11 remedial action plan to restore water quality
8.12 in the St. Louis River area of concern. The
8.13 base budget for fiscal year 2020 is \$432,000
8.14 and for fiscal year 2021 is \$0.

8.15 (c) \$3,521,000 the first year and \$3,520,000
8.16 the second year are from the remediation fund
8.17 for purposes of the leaking underground
8.18 storage tank program to investigate, clean up,
8.19 and prevent future releases from underground
8.20 petroleum storage tanks, and to the petroleum
8.21 remediation program for purposes of vapor
8.22 assessment and remediation. These same
8.23 annual amounts are transferred from the
8.24 petroleum tank fund to the remediation fund.

8.25 (d) \$252,000 the first year and \$252,000 the
8.26 second year are from the remediation fund for
8.27 transfer to the commissioner of health for
8.28 private water supply monitoring and health
8.29 assessment costs in areas contaminated by
8.30 unpermitted mixed municipal solid waste
8.31 disposal facilities and drinking water
8.32 advisories and public information activities
8.33 for areas contaminated by hazardous releases.

9.1	<u>Subd. 7. Resource Management and Assistance</u>	<u>33,537,000</u>	<u>33,519,000</u>
9.2	<u>Appropriations by Fund</u>		
9.3		<u>2018</u>	<u>2019</u>
9.4	<u>State Government</u>	<u>.....</u>	<u>.....</u>
9.5	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
9.6	<u>Environmental</u>	<u>33,462,000</u>	<u>33,444,000</u>

9.7 (a) Up to \$150,000 the first year and \$150,000
 9.8 the second year may be transferred from the
 9.9 environmental fund to the small business
 9.10 environmental improvement loan account
 9.11 established in Minnesota Statutes, section
 9.12 116.993.

9.13 (b) \$400,000 the first year and \$400,000 the
 9.14 second year are from the environmental fund
 9.15 for competitive recycling grants under
 9.16 Minnesota Statutes, section 115A.565. This
 9.17 appropriation is available until June 30, 2021.
 9.18 Any unencumbered grant and loan balances
 9.19 in the first year do not cancel but are available
 9.20 for grants and loans in the second year. This
 9.21 is a onetime appropriation.

9.22 (c) \$693,000 the first year and \$693,000 the
 9.23 second year are from the environmental fund
 9.24 for emission reduction activities and grants to
 9.25 small businesses and other nonpoint emission
 9.26 reduction efforts.

9.27 (d) \$17,750,000 the first year and \$17,750,000
 9.28 the second year are from the environmental
 9.29 fund for SCORE block grants to counties.

9.30 (e) \$119,000 the first year and \$119,000 the
 9.31 second year are from the environmental fund
 9.32 for environmental assistance grants or loans
 9.33 under Minnesota Statutes, section 115A.0716.
 9.34 Any unencumbered grant and loan balances

10.1 in the first year do not cancel but are available
10.2 for grants and loans in the second year.

10.3 (f) \$68,000 the first year and \$69,000 the
10.4 second year are from the environmental fund
10.5 for subsurface sewage treatment system
10.6 (SSTS) program administration and
10.7 community technical assistance and education,
10.8 including grants and technical assistance to
10.9 communities for water quality protection.

10.10 (g) \$125,000 the first year and \$126,000 the
10.11 second year are from the environmental fund
10.12 to address the need for continued increased
10.13 activity in the areas of new technology review,
10.14 technical assistance for local governments,
10.15 and enforcement under Minnesota Statutes,
10.16 sections 115.55 to 115.58, and to complete the
10.17 requirements of Laws 2003, chapter 128,
10.18 article 1, section 165.

10.19 (h) \$20,000 the first year is from the
10.20 environmental fund for four grants to local
10.21 units of government to assist with plastic bag
10.22 recycling efforts. Two of the grants must be
10.23 for local units of government in urban areas
10.24 and two of the grants to local units of
10.25 government in rural areas of the state. By
10.26 January 15, 2018, grantees shall report to the
10.27 commissioner on the activities and results of
10.28 their efforts to increase plastic bag recycling.
10.29 This is a onetime appropriation.

10.30 (i) All money deposited in the environmental
10.31 fund for the metropolitan solid waste landfill
10.32 fee in accordance with Minnesota Statutes,
10.33 section 473.843, and not otherwise
10.34 appropriated, is appropriated for the purposes
10.35 of Minnesota Statutes, section 473.844.

11.1 (j) Notwithstanding Minnesota Statutes,
 11.2 section 16A.28, the appropriations
 11.3 encumbered on or before June 30, 2019, as
 11.4 contracts or grants for environmental
 11.5 assistance awarded under Minnesota Statutes,
 11.6 section 115A.0716; technical and research
 11.7 assistance under Minnesota Statutes, section
 11.8 115A.152; technical assistance under
 11.9 Minnesota Statutes, section 115A.52; and
 11.10 pollution prevention assistance under
 11.11 Minnesota Statutes, section 115D.04, are
 11.12 available until June 30, 2021.

11.13 **Subd. 8. Watershed** 9,520,000 9,220,000

11.14	<u>Appropriations by Fund</u>		
11.15		<u>2018</u>	<u>2019</u>
11.16	<u>Environmental</u>	<u>9,302,000</u>	<u>9,002,000</u>
11.17	<u>Remediation</u>	<u>218,000</u>	<u>218,000</u>

11.18 (a) \$1,959,000 the first year and \$1,959,000
 11.19 the second year are from the environmental
 11.20 fund for grants to delegated counties to
 11.21 administer the county feedlot program under
 11.22 Minnesota Statutes, section 116.0711,
 11.23 subdivisions 2 and 3. Money remaining after
 11.24 the first year is available for the second year.

11.25 (b) \$207,000 the first year and \$207,000 the
 11.26 second year are from the environmental fund
 11.27 for the costs of implementing general
 11.28 operating permits for feedlots over 1,000
 11.29 animal units.

11.30 (c) \$118,000 the first year and \$118,000 the
 11.31 second year are from the remediation fund for
 11.32 purposes of the leaking underground storage
 11.33 tank program to investigate, clean up, and
 11.34 prevent future releases from underground
 11.35 petroleum storage tanks, and to the petroleum

12.1 remediation program for purposes of vapor
12.2 assessment and remediation. These same
12.3 annual amounts are transferred from the
12.4 petroleum tank fund to the remediation fund.

12.5 (d) \$300,000 the first year is from the
12.6 environmental fund for a grant agreement with
12.7 the Shell Rock River Watershed District for
12.8 a pilot project to develop and implement a
12.9 model for a water-quality credit trading
12.10 program for storm water. The model must
12.11 include identifying and quantifying projects
12.12 in the Shell Rock River watershed completed
12.13 on or after July 1, 2013, and identifying
12.14 additional credit generators such as
12.15 landowners, livestock farmers, in-lake water
12.16 management practices, and stream restoration
12.17 projects. The program must include
12.18 credit-estimation methodologies and required
12.19 trade ratios, credit demand calculation
12.20 procedures, implementation recommendations,
12.21 and a transferable credit trading infrastructure.

12.22 The commissioner must convene a stakeholder
12.23 group to guide the project. By July 1, 2019,
12.24 the commissioner must provide a final report
12.25 to the chairs and ranking minority members
12.26 of the senate and house of representatives
12.27 committees with jurisdiction over
12.28 environmental and natural resources policy
12.29 and finance. This is a onetime appropriation
12.30 and is available until June 30, 2019.

12.31 **Subd. 9. Transfer to Remediation Fund**

12.32 The commissioner shall transfer up to
12.33 \$34,000,000 from the environmental fund to
12.34 the remediation fund for the purposes of the

14.1 future mineral income, and projects to promote
 14.2 new mineral resource opportunities.

14.3 (c) \$700,000 the first year and \$200,000 the
 14.4 second year are from the state forest suspense
 14.5 account in the permanent school fund to secure
 14.6 maximum long-term economic return from
 14.7 the school trust lands consistent with fiduciary
 14.8 responsibilities and sound natural resources
 14.9 conservation and management principles. Of
 14.10 this amount, \$500,000 in the first year is for
 14.11 the school trust lands director to initiate the
 14.12 private sale of surplus school trust lands
 14.13 identified according to Minnesota Statutes,
 14.14 section 92.82, paragraph (d), including but not
 14.15 limited to valuation expenses, legal fees, and
 14.16 transactional staff costs. This is a onetime
 14.17 appropriation and is available until June 30,
 14.18 2019.

14.19 **Subd. 3. Ecological and Water Resources** 29,903,000 25,503,000

14.20	<u>Appropriations by Fund</u>	
14.21	<u>2018</u>	<u>2019</u>
14.22 <u>General</u>	<u>14,446,000</u>	<u>10,046,000</u>
14.23 <u>Natural Resources</u>	<u>10,576,000</u>	<u>10,576,000</u>
14.24 <u>Game and Fish</u>	<u>4,881,000</u>	<u>4,881,000</u>

14.25 (a) \$3,242,000 the first year and \$3,242,000
 14.26 the second year are from the invasive species
 14.27 account in the natural resources fund and
 14.28 \$2,206,000 the first year and \$2,206,000 the
 14.29 second year are from the general fund for
 14.30 management, public awareness, assessment
 14.31 and monitoring research, and water access
 14.32 inspection to prevent the spread of invasive
 14.33 species; management of invasive plants in
 14.34 public waters; and management of terrestrial
 14.35 invasive species on state-administered lands.

- 15.1 (b) \$5,000,000 the first year and \$5,000,000
15.2 the second year are from the water
15.3 management account in the natural resources
15.4 fund for only the purposes specified in
15.5 Minnesota Statutes, section 103G.27,
15.6 subdivision 2.
- 15.7 (c) \$124,000 the first year and \$124,000 the
15.8 second year are for a grant to the Mississippi
15.9 Headwaters Board for up to 50 percent of the
15.10 cost of implementing the comprehensive plan
15.11 for the upper Mississippi within areas under
15.12 the board's jurisdiction.
- 15.13 (d) \$10,000 the first year and \$10,000 the
15.14 second year are for payment to the Leech Lake
15.15 Band of Chippewa Indians to implement the
15.16 band's portion of the comprehensive plan for
15.17 the upper Mississippi.
- 15.18 (e) \$264,000 the first year and \$264,000 the
15.19 second year are for grants for up to 50 percent
15.20 of the cost of implementation of the Red River
15.21 mediation agreement.
- 15.22 (f) \$2,018,000 the first year and \$2,018,000
15.23 the second year are from the heritage
15.24 enhancement account in the game and fish
15.25 fund for only the purposes specified in
15.26 Minnesota Statutes, section 297A.94,
15.27 paragraph (e), clause (1).
- 15.28 (g) \$950,000 the first year and \$950,000 the
15.29 second year are from the nongame wildlife
15.30 management account in the natural resources
15.31 fund for the purpose of nongame wildlife
15.32 management. Notwithstanding Minnesota
15.33 Statutes, section 290.431, \$100,000 the first
15.34 year and \$100,000 the second year may be

16.1 used for nongame wildlife information,
16.2 education, and promotion.

16.3 (h) Notwithstanding Minnesota Statutes,
16.4 section 84.943, \$13,000 the first year and
16.5 \$13,000 the second year from the critical
16.6 habitat private sector matching account may
16.7 be used to publicize the critical habitat license
16.8 plate match program.

16.9 (i) \$4,400,000 the first year and \$2,000,000
16.10 the second year are from the general fund for
16.11 the following activities:

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

16.16 (2) surface water monitoring and analysis,
16.17 including installation of monitoring gauges;

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

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

16.23 (5) precipitation data and analysis to improve
16.24 the use of irrigation;

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

16.28 (7) compliance and monitoring.

16.29 (j) \$400,000 the first year and \$400,000 the
16.30 second year are from the heritage enhancement
16.31 account in the game and fish fund for grants
16.32 to the Minnesota Aquatic Invasive Species
16.33 Research Center at the University of

17.1 Minnesota to prioritize, support, and develop
 17.2 research-based solutions that can reduce the
 17.3 effects of aquatic invasive species in
 17.4 Minnesota by preventing spread, controlling
 17.5 populations, and managing ecosystems and to
 17.6 advance knowledge to inspire action by others.

17.7 **Subd. 4. Forest Management** 41,731,000 42,031,000

17.8	<u>Appropriations by Fund</u>	
17.9	<u>2018</u>	<u>2019</u>
17.10	<u>General</u>	<u>28,100,000</u> <u>27,100,000</u>
17.11	<u>Natural Resources</u>	<u>12,344,000</u> <u>13,644,000</u>
17.12	<u>Game and Fish</u>	<u>1,287,000</u> <u>1,287,000</u>

17.13 (a) \$7,145,000 the first year and \$7,145,000
 17.14 the second year are for prevention,
 17.15 presuppression, and suppression costs of
 17.16 emergency firefighting and other costs
 17.17 incurred under Minnesota Statutes, section
 17.18 88.12. The amount necessary to pay for
 17.19 presuppression and suppression costs during
 17.20 the biennium is appropriated from the general
 17.21 fund.

17.22 By January 15 of each year, the commissioner
 17.23 of natural resources shall submit a report to
 17.24 the chairs and ranking minority members of
 17.25 the house and senate committees and divisions
 17.26 having jurisdiction over environment and
 17.27 natural resources finance, identifying all
 17.28 firefighting costs incurred and reimbursements
 17.29 received in the prior fiscal year. These
 17.30 appropriations may not be transferred. Any
 17.31 reimbursement of firefighting expenditures
 17.32 made to the commissioner from any source
 17.33 other than federal mobilizations shall be
 17.34 deposited into the general fund.

18.1 (b) \$12,144,000 the first year and \$13,644,000
 18.2 the second year are from the forest
 18.3 management investment account in the natural
 18.4 resources fund for only the purposes specified
 18.5 in Minnesota Statutes, section 89.039,
 18.6 subdivision 2. Of these amounts, \$500,000 the
 18.7 first year is for state forest road maintenance
 18.8 and \$1,000,000 the second year is for
 18.9 reforestation.

18.10 (c) \$1,287,000 the first year and \$1,287,000
 18.11 the second year are from the heritage
 18.12 enhancement account in the game and fish
 18.13 fund to advance ecological classification
 18.14 systems (ECS) scientific management tools
 18.15 for forest and invasive species management.

18.16 (d) \$780,000 the first year and \$780,000 the
 18.17 second year are for the Forest Resources
 18.18 Council for implementation of the Sustainable
 18.19 Forest Resources Act.

18.20 (e) \$200,000 the first year is from the forest
 18.21 management investment account in the natural
 18.22 resources fund for a study of the ability to
 18.23 sustainably harvest at least 1,000,000 cords
 18.24 of wood annually on state-administered forest
 18.25 lands. No later than January 2, 2018, the
 18.26 commissioner must report the study's findings
 18.27 to the legislative committees with jurisdiction
 18.28 over environment and natural resources policy
 18.29 and finance. This is a onetime appropriation.

18.30 (f) The general fund base amount for this
 18.31 subdivision for fiscal year 2020 and later is
 18.32 \$26,600,000 per year.

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

75,850,000

75,650,000

18.34 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
19.1		
19.2	<u>25,182,000</u>	<u>24,927,000</u>
19.3	<u>48,395,000</u>	<u>48,450,000</u>
19.4	<u>2,273,000</u>	<u>2,273,000</u>

19.5 (a) \$13,650,000 the first year and \$13,650,000
 19.6 the second year are from the state parks
 19.7 account for state park operations.

19.8 (b) \$1,075,000 the first year and \$1,075,000
 19.9 the second year are from the water recreation
 19.10 account in the natural resources fund for
 19.11 enhancing public water access facilities.

19.12 (c) \$5,740,000 the first year and \$5,740,000
 19.13 the second year are from the natural resources
 19.14 fund for state trail, park, and recreation area
 19.15 operations. This appropriation is from the
 19.16 revenue deposited in the natural resources fund
 19.17 under Minnesota Statutes, section 297A.94,
 19.18 paragraph (e), clause (2).

19.19 (d) \$1,005,000 the first year and \$1,005,000
 19.20 the second year are from the natural resources
 19.21 fund for park and trail grants to local units of
 19.22 government on land to be maintained for at
 19.23 least 20 years for the purposes of the grants.

19.24 This appropriation is from the revenue
 19.25 deposited in the natural resources fund under
 19.26 Minnesota Statutes, section 297A.94,
 19.27 paragraph (e), clause (4). Any unencumbered
 19.28 balance does not cancel at the end of the first
 19.29 year and is available for the second year.

19.30 (e) \$130,000 the first year is from the general
 19.31 fund, and \$8,294,000 the first year and
 19.32 \$8,424,000 the second year are from the
 19.33 snowmobile trails and enforcement account
 19.34 in the natural resources fund for the
 19.35 snowmobile grants-in-aid program. Any

20.1 unencumbered balance does not cancel at the
20.2 end of the first year and is available for the
20.3 second year.

20.4 (f) \$1,560,000 the first year and \$1,685,000
20.5 the second year are from the natural resources
20.6 fund for the off-highway vehicle grants-in-aid
20.7 program. Of this amount, \$1,085,000 the first
20.8 year and \$1,210,000 the second year are from
20.9 the all-terrain vehicle account; \$150,000 each
20.10 year is from the off-highway motorcycle
20.11 account; and \$325,000 each year is from the
20.12 off-road vehicle account. Any unencumbered
20.13 balance does not cancel at the end of the first
20.14 year and is available for the second year.

20.15 (g) \$125,000 the first year is from the general
20.16 fund for all terrain vehicle grants-in-aid
20.17 program. This is a onetime appropriation.

20.18 (h) \$75,000 the first year and \$75,000 the
20.19 second year are from the cross-country ski
20.20 account in the natural resources fund for
20.21 grooming and maintaining cross-country ski
20.22 trails in state parks, trails, and recreation areas.

20.23 (i) \$250,000 the first year and \$250,000 the
20.24 second year are from the state land and water
20.25 conservation account in the natural resources
20.26 fund for priorities established by the
20.27 commissioner for eligible state projects and
20.28 administrative and planning activities
20.29 consistent with Minnesota Statutes, section
20.30 84.0264, and the federal Land and Water
20.31 Conservation Fund Act. Any unencumbered
20.32 balance does not cancel at the end of the first
20.33 year and is available for the second year.

- 21.1 (j) \$250,000 the first year and \$250,000 the
21.2 second year are from the general fund for
21.3 matching grants for local parks and outdoor
21.4 recreation areas under Minnesota Statutes,
21.5 section 85.019, subdivision 2.
- 21.6 (k) \$250,000 the first year and \$250,000 the
21.7 second year are from the general fund for
21.8 matching grants for local trail connections
21.9 under Minnesota Statutes, section 85.019,
21.10 subdivision 4c.
- 21.11 (l) \$50,000 the first year is from the all-terrain
21.12 vehicle account in the natural resources fund
21.13 for a grant to the city of Virginia to assist the
21.14 Virginia Area All-Terrain Vehicle Club to
21.15 plan, design, engineer, and permit a
21.16 comprehensive all-terrain vehicle system in
21.17 the Virginia area and to connect with the Iron
21.18 Range Off-Highway Vehicle Recreation Area.
21.19 This is a onetime appropriation and is
21.20 available until June 30, 2020.
- 21.21 (m) \$150,000 the first year is from the
21.22 all-terrain vehicle account in the natural
21.23 resources fund for a grant to the city of Orr to
21.24 predesign, design, and construct the Voyageur
21.25 all-terrain vehicle trail system, including:
- 21.26 (1) design of the alignment for phase I of the
21.27 Voyageur all-terrain vehicle trail system and
21.28 development of a preliminary phase II
21.29 alignment;
- 21.30 (2) completion of wetland delineation and
21.31 wetland permitting;
- 21.32 (3) completion of the engineering design and
21.33 cost estimates for a snowmobile and

22.1 off-highway vehicle bridge over the Vermilion
 22.2 River to establish a trail connection; and
 22.3 (4) completion of the master plan for the
 22.4 Voyageur all-terrain vehicle trail system.

22.5 This is a onetime appropriation and is
 22.6 available until June 30, 2020.

22.7 (n) In fiscal year 2018 and fiscal year 2019,
 22.8 the level of service and hours of operation at
 22.9 Hills Annex Mine State Park must be
 22.10 maintained at fiscal year 2016 levels.

22.11 **Subd. 6. Fish and Wildlife Management** 67,591,000 67,541,000

22.12 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
22.13 <u>Natural Resources</u>	<u>1,912,000</u>	<u>1,912,000</u>
22.14 <u>Game and Fish</u>	<u>65,679,000</u>	<u>65,629,000</u>

22.16 (a) \$8,167,000 the first year and \$8,167,000
 22.17 the second year are from the heritage
 22.18 enhancement account in the game and fish
 22.19 fund only for activities specified in Minnesota
 22.20 Statutes, section 297A.94, paragraph (e),
 22.21 clause (1). Notwithstanding Minnesota
 22.22 Statutes, section 297A.94, five percent of this
 22.23 appropriation may be used for expanding
 22.24 hunter and angler recruitment and retention.

22.25 (b) \$20,000 the first year is from the heritage
 22.26 enhancement account in the game and fish
 22.27 fund for a study on the effects of lead shot on
 22.28 wildlife on state lands. By January 15, 2018,
 22.29 the commissioner shall provide a report of the
 22.30 study to the chairs and ranking minority
 22.31 members of the legislative committees with
 22.32 jurisdiction over natural resources policy and
 22.33 finance. This is a onetime appropriation.

23.1 (c) \$30,000 the first year is from the heritage
 23.2 enhancement account in the game and fish
 23.3 fund for the commissioner of natural resources
 23.4 to contract with a private entity to search for
 23.5 a site to construct a world-class shooting range
 23.6 and club house for use by the Minnesota State
 23.7 High School League and for other regional,
 23.8 statewide, national, and international shooting
 23.9 events. The commissioner must provide public
 23.10 notice of the search, including making the
 23.11 public aware of the process through the
 23.12 Department of Natural Resources' media
 23.13 outlets, and solicit input on the location and
 23.14 building options for the facility. The siting
 23.15 search process must include a public process
 23.16 to determine if any business or individual is
 23.17 interested in donating land for the facility,
 23.18 anticipated to be at least 500 acres. The site
 23.19 search team must meet with interested third
 23.20 parties affected by or interested in the facility.
 23.21 The commissioner must submit a report with
 23.22 the results of the site search to the chairs and
 23.23 ranking minority members of the legislative
 23.24 committees and divisions with jurisdiction
 23.25 over the environment and natural resources
 23.26 by March 1, 2018. This is a onetime
 23.27 appropriation.

23.28 (d) \$10,000 the first year and \$10,000 the
 23.29 second year from the heritage enhancement
 23.30 account in the game and fish fund are for
 23.31 grants to Midwest Hmong Outdoors for hunter
 23.32 and angler recruitment. This is a onetime
 23.33 appropriation.

23.34 Subd. 7. **Enforcement**

39,377,000

39,377,000

23.35 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
24.1		
24.2	<u>5,140,000</u>	<u>5,140,000</u>
24.3	<u>10,309,000</u>	<u>10,309,000</u>
24.4	<u>23,828,000</u>	<u>23,828,000</u>
24.5	<u>100,000</u>	<u>100,000</u>

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

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

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

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

24.31 (e) \$250,000 the first year and \$250,000 the
 24.32 second year are from the all-terrain vehicle
 24.33 account for grants to qualifying organizations
 24.34 to assist in safety and environmental education
 24.35 and monitoring trails on public lands under

25.1 Minnesota Statutes, section 84.9011. Grants
 25.2 issued under this paragraph must be issued
 25.3 through a formal agreement with the
 25.4 organization and must not be used as a
 25.5 substitute for traditional spending by the
 25.6 organization. By December 15 each year, an
 25.7 organization receiving a grant under this
 25.8 paragraph shall report to the commissioner
 25.9 with details on expenditures and outcomes
 25.10 from the grant. Of this appropriation, \$25,000
 25.11 each year is for administration of these grants.
 25.12 Any unencumbered balance does not cancel
 25.13 at the end of the first year and is available for
 25.14 the second year.
 25.15 (f) \$510,000 the first year and \$510,000 the
 25.16 second year are from the natural resources
 25.17 fund for grants to county law enforcement
 25.18 agencies for off-highway vehicle enforcement
 25.19 and public education activities based on
 25.20 off-highway vehicle use in the county. Of this
 25.21 amount, \$498,000 each year is from the
 25.22 all-terrain vehicle account; \$11,000 each year
 25.23 is from the off-highway motorcycle account;
 25.24 and \$1,000 each year is from the off-road
 25.25 vehicle account. The county enforcement
 25.26 agencies may use money received under this
 25.27 appropriation to make grants to other local
 25.28 enforcement agencies within the county that
 25.29 have a high concentration of off-highway
 25.30 vehicle use. Of this appropriation, \$25,000
 25.31 each year is for administration of these grants.
 25.32 Any unencumbered balance does not cancel
 25.33 at the end of the first year and is available for
 25.34 the second year.
 25.35 **Subd. 8. Operations Support**

320,000320,000

26.1	<u>Appropriations by Fund</u>		
26.2		<u>2018</u>	<u>2019</u>
26.3	<u>Natural Resources</u>	<u>320,000</u>	<u>320,000</u>

26.4 \$320,000 the first year and \$320,000 the
 26.5 second year are from the natural resources
 26.6 fund for grants to be divided equally between
 26.7 the city of St. Paul for the Como Park Zoo and
 26.8 Conservatory and the city of Duluth for the
 26.9 Duluth Zoo. This appropriation is from the
 26.10 revenue deposited to the natural resources fund
 26.11 under Minnesota Statutes, section 297A.94,
 26.12 paragraph (e), clause (5).

26.13	<u>Sec. 4. BOARD OF WATER AND SOIL</u>		
26.14	<u>RESOURCES</u>	<u>\$</u>	<u>13,404,000</u>
		<u>\$</u>	<u>13,404,000</u>

26.15 (a) \$3,423,000 the first year and \$3,423,000
 26.16 the second year are for natural resources block
 26.17 grants to local governments. Grants must be
 26.18 matched with a combination of local cash or
 26.19 in-kind contributions. The base grant portion
 26.20 related to water planning must be matched by
 26.21 an amount as specified by Minnesota Statutes,
 26.22 section 103B.3369. The board may reduce the
 26.23 amount of the natural resources block grant
 26.24 to a county by an amount equal to any
 26.25 reduction in the county's general services
 26.26 allocation to a soil and water conservation
 26.27 district from the county's previous year
 26.28 allocation when the board determines that the
 26.29 reduction was disproportionate. The base
 26.30 amount for fiscal year 2020 and later is
 26.31 \$3,223,000 per year.

26.32 (b) \$3,116,000 the first year and \$3,116,000
 26.33 the second year are for grants to soil and water
 26.34 conservation districts for general purposes,
 26.35 nonpoint engineering, and implementation and

- 27.1 stewardship of the reinvest in Minnesota
27.2 reserve program. Expenditures may be made
27.3 from these appropriations for supplies and
27.4 services benefiting soil and water conservation
27.5 districts. Any district receiving a payment
27.6 under this paragraph shall maintain a Web
27.7 page that publishes, at a minimum, its annual
27.8 report, annual audit, annual budget, and
27.9 meeting notices.
- 27.10 (c) \$260,000 the first year and \$260,000 the
27.11 second year are for feedlot water quality cost
27.12 share grants for feedlots under 300 animal
27.13 units and nutrient and manure management
27.14 projects in watersheds where there are
27.15 impaired waters.
- 27.16 (d) \$1,200,000 the first year and \$1,200,000
27.17 the second year are for soil and water
27.18 conservation district cost-sharing contracts for
27.19 perennially vegetated riparian buffers, erosion
27.20 control, water retention and treatment, and
27.21 other high-priority conservation practices.
- 27.22 (e) \$100,000 the first year is for county
27.23 cooperative weed management cost-share
27.24 programs and to restore native plants in
27.25 selected invasive species management sites.
27.26 The base amount for fiscal year 2020 and later
27.27 is \$62,000 per year.
- 27.28 (f) \$166,000 the first year and \$166,000 the
27.29 second year are to provide technical assistance
27.30 to local drainage management officials and
27.31 for the costs of the Drainage Work Group.
27.32 This is a onetime appropriation.
- 27.33 (g) \$100,000 the first year and \$100,000 the
27.34 second year are for a grant to the Red River

28.1 Basin Commission for water quality and
28.2 floodplain management, including
28.3 administration of programs. This appropriation
28.4 must be matched by nonstate funds. If the
28.5 appropriation in either year is insufficient, the
28.6 appropriation in the other year is available for
28.7 it.

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

28.12 (i) \$761,000 the first year and \$761,000 the
28.13 second year are for implementation,
28.14 enforcement, and oversight of the Wetland
28.15 Conservation Act, including administration of
28.16 the wetland banking program and in-lieu fee
28.17 mechanism. The base amount for fiscal year
28.18 2020 and later is \$500,000 per year.

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

28.27 (k) \$3,898,000 the first year and \$3,898,000
28.28 the second year are for Board of Water and
28.29 Soil Resources agency administration and
28.30 operations. The base amount for fiscal year
28.31 2020 and later is \$3,684,000 per year.

28.32 (l) Notwithstanding Minnesota Statutes,
28.33 section 103C.501, the board may shift
28.34 cost-share funds in this section and may adjust

30.1 Natural Resources 490,000 490,000

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

30.7 **Sec. 7. ZOOLOGICAL BOARD** **\$ 8,410,000 \$ 8,410,000**

30.8 Appropriations by Fund

30.9	<u>2018</u>	<u>2019</u>
30.10 <u>General</u>	<u>8,250,000</u>	<u>8,250,000</u>
30.11 <u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>

30.12 \$160,000 the first year and \$160,000 the
 30.13 second year are from the natural resources
 30.14 fund from the revenue deposited under
 30.15 Minnesota Statutes, section 297A.94,
 30.16 paragraph (e), clause (5).

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

30.18 **Sec. 9. EXPLORE MINNESOTA TOURISM** **\$ 14,248,000 \$ 14,248,000**

30.19 (a) To develop maximum private sector
 30.20 involvement in tourism, \$500,000 the first
 30.21 year and \$500,000 the second year must be
 30.22 matched by Explore Minnesota Tourism from
 30.23 nonstate sources. Each \$1 of state incentive
 30.24 must be matched with \$6 of private sector
 30.25 funding. Cash match is defined as revenue to
 30.26 the state or documented cash expenditures
 30.27 directly expended to support Explore
 30.28 Minnesota Tourism programs. Up to one-half
 30.29 of the private sector contribution may be
 30.30 in-kind or soft match. The incentive in fiscal
 30.31 year 2018 shall be based on fiscal year 2017
 30.32 private sector contributions. The incentive in
 30.33 fiscal year 2019 shall be based on fiscal year

33.1 lands director. This is a onetime appropriation
 33.2 and is available until June 30, 2019.

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

33.4 **ARTICLE 2**

33.5 **STATUTORY PROVISIONS**

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

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

33.13 Sec. 2. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
 33.14 read:

33.15 Subd. 14c. **Operating efficiency.** (a) The natural resources enforcement account is
 33.16 created in the special revenue fund. Money appropriated from the natural resources fund to
 33.17 the commissioner for enforcement activities under sections 84.794, 84.803, 84.927, 84D.15,
 33.18 85.055, 86B.706, and 297A.94 may be transferred to this account.

33.19 (b) This subdivision does not apply to money appropriated for local law enforcement
 33.20 grants, county boat and water safety grants, and safety and environmental education and
 33.21 monitoring grants.

33.22 Sec. 3. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

34.7 Sec. 4. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

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

34.11 (b) Except for operation on public road rights-of-way that is permitted under section
34.12 84.795, subdivision 1, a driver's license issued by the state or another state is required to
34.13 operate an off-highway motorcycle along or on a public road right-of-way.

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

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

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

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

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

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

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

35.1 Sec. 5. Minnesota Statutes 2016, section 84.8031, is amended to read:

35.2 **84.8031 GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

35.3 The commissioner must review an off-road vehicle grant-in-aid application and, if
35.4 approved, ~~commence~~ begin public review of the application within 60 days after the
35.5 completed application has been locally approved and submitted to an area parks and trails
35.6 office. If the commissioner fails to approve or deny the application within 60 days after
35.7 submission, the application is deemed approved and the commissioner must provide for a
35.8 30-day public review period. If the commissioner denies an application, the commissioner
35.9 must provide the applicant with a written explanation for denying the application at the time
35.10 the applicant is notified of the denial.

35.11 Sec. 6. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

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

35.16 (b) A person who purchases a snowmobile from a retail dealer shall make application
35.17 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary
35.18 21-day registration permit to each purchaser who applies to the dealer for registration. The
35.19 temporary permit must contain the dealer's identification number and phone number. Each
35.20 retail dealer shall submit completed registration and fees to the deputy registrar at least once
35.21 a week. No fee may be charged by a dealer to a purchaser for providing the temporary
35.22 permit.

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

35.31 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also
35.32 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement
35.33 with the commissioner of public safety may prescribe the accounting and procedural

36.1 requirements necessary to assure efficient handling of registrations and registration fees.
 36.2 Deputy registrars shall strictly comply with these accounting and procedural requirements.

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

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

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

36.13 Sec. 7. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

36.14 Subdivision 1. **Program established.** (a) The commissioner shall establish a
 36.15 comprehensive all-terrain vehicle environmental and safety education and training program,
 36.16 including the preparation and dissemination of vehicle information and safety advice to the
 36.17 public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle
 36.18 safety certificates to vehicle operators over the age of 12 years who successfully complete
 36.19 the all-terrain vehicle environmental and safety education and training course. A parent or
 36.20 guardian must be present at the hands-on training portion of the program for youth who are
 36.21 six through ten years of age.

36.22 (b) For the purpose of administering the program and to defray the expenses of training
 36.23 and certifying vehicle operators, the commissioner shall collect a fee from each person who
 36.24 receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for
 36.25 licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The
 36.26 commissioner shall establish both fees in a manner that neither significantly overrecovers
 36.27 nor underrecovers costs, including overhead costs, involved in providing the services. The
 36.28 fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not
 36.29 apply. The fees may be established by the commissioner notwithstanding section 16A.1283.
 36.30 Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall
 36.31 be deposited in the all-terrain vehicle account in the natural resources fund and the amount
 36.32 thereof, except for the electronic licensing system commission established by the
 36.33 commissioner under section 84.027, subdivision 15, and issuing fees collected by the
 36.34 commissioner, is appropriated annually to the Enforcement Division of the Department of

37.1 Natural Resources for the administration of the programs. In addition to the fee established
37.2 by the commissioner, instructors may charge each person up to the established fee amount
37.3 for class materials and expenses.

37.4 (c) The commissioner shall cooperate with private organizations and associations, private
37.5 and public corporations, and local governmental units in furtherance of the program
37.6 established under this section. School districts may cooperate with the commissioner and
37.7 volunteer instructors to provide space for the classroom portion of the training. The
37.8 commissioner shall consult with the commissioner of public safety in regard to training
37.9 program subject matter and performance testing that leads to the certification of vehicle
37.10 operators. The commissioner shall incorporate a riding component in the safety education
37.11 and training program.

37.12 Sec. 8. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38.29 Sec. 9. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

38.30 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a
38.31 capital expenditure on a capital asset previously owned by the state, within the meaning of
38.32 generally accepted accounting principles as applied to public expenditures. The commissioner

39.1 of natural resources will consult with the commissioner of management and budget to the
39.2 extent necessary to ensure this and will furnish the commissioner of management and budget
39.3 a list of projects to be financed from the account in order of their priority. The legislature
39.4 assumes that many projects for preservation and replacement of portions of existing capital
39.5 assets will constitute betterments and capital improvements within the meaning of the
39.6 Constitution and capital expenditures under generally accepted accounting principles, and
39.7 will be financed more efficiently and economically under this section than by direct
39.8 appropriations for specific projects.

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

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

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

39.23 Sec. 10. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to
39.24 read:

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

39.30 Sec. 11. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

39.31 Subd. 3. **Training and mentoring.** The commissioner must develop and implement a
39.32 training program that adequately prepares Minnesota Naturalist Corps members for the

40.1 tasks assigned. Each corps member ~~shall be~~ is assigned a ~~state park~~ an interpretive naturalist
40.2 as a mentor.

40.3 Sec. 12. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

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

40.8 Sec. 13. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

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

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

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

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

40.16 Sec. 14. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

40.17 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible
40.18 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~
40.19 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members
40.20 are not employees of the state within the meaning of section 43A.02, subdivision 21.

40.21 Sec. 15. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

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

40.25 (b) In waters that are listed as infested waters, except those listed as infested with
40.26 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
40.27 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42.1 This paragraph expires December 1, 2017.

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

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

42.7 Sec. 16. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

42.8 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**
42.9 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines
42.10 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
42.11 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined
42.12 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~
42.13 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~
42.14 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~
42.15 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~
42.16 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~
42.17 tagged with tags provided by the commissioner, as specified in the commercial licensee's
42.18 license or permit. Tagged gear must not be used in any water bodies other than those specified
42.19 in the license or permit. The permit may authorize department staff to remove tags after the
42.20 gear is decontaminated. This tagging requirement does not apply to commercial fishing
42.21 equipment used in Lake Superior.

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

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

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

43.3 Sec. 17. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

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

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

43.9 (2) regulated invasive species, which may not be introduced except as provided in section
43.10 84D.07;

43.11 (3) unlisted nonnative species, which are subject to the classification procedure in section
43.12 84D.06; and

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

43.14 Sec. 18. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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

43.23 (5) when being transported for disposal as part of a harvest or control activity when
43.24 specifically authorized under a permit issued by the commissioner according to section
43.25 103G.615, when being transported for disposal as specified under a commercial fishing
43.26 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,
43.27 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

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

44.1 (7) when being transported from riparian property to a legal disposal site that is at least
44.2 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited
44.3 invasive species are in a covered commercial vehicle specifically designed and used for
44.4 hauling trash; or

44.5 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

44.6 Sec. 19. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

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

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

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

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

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

44.24 Sec. 20. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision
44.25 to read:

44.26 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
44.27 targeted pilot study to include water-related equipment with zebra mussels attached for the
44.28 Gull Narrows State Water Access Site, Government Point State Water Access Site, and
44.29 Gull East State Water Access Site on Gull Lake (DNR Division of Waters number 11-0305)
44.30 in Cass and Crow Wing Counties utilizing the same authorities, general procedures, and
44.31 requirements provided for the Lake Minnetonka pilot project in section 84D.108, subdivision

45.1 2a. Lake service providers participating in the Gull Lake targeted pilot study place of business
 45.2 must be located within Cass or Crow Wing County.

45.3 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
 45.4 the report to the chairs and ranking minority members of the senate and house of
 45.5 representatives committees having jurisdiction over natural resources required under Laws
 45.6 2016, chapter 189, article 3, section 48, shall also include the Gull Lake targeted pilot study
 45.7 recommendations and assessments.

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

45.9 Sec. 21. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to
 45.10 read:

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

45.15 Sec. 22. Minnesota Statutes 2016, section 85.0505, is amended by adding a subdivision
 45.16 to read:

45.17 Subd. 3. **Fort Ridgely State Park.** Liquor may be sold and consumed by the drink on
 45.18 the golf course in Fort Ridgely State Park, subject to other laws relating to the sale of
 45.19 intoxicating liquor when the golf course is operated by a nonstate entity.

45.20 Sec. 23. **[85.0507] FORT RIDGELY GOLF COURSE; GOLF CARTS.**

45.21 Golf carts may be operated on the golf course portion of Fort Ridgely State Park when
 45.22 the golf course is operated by a nonstate entity.

45.23 Sec. 24. Minnesota Statutes 2016, section 85.053, subdivision 8, is amended to read:

45.24 Subd. 8. **Free permit; military personnel; exemption.** (a) ~~A one-day permit, Annual~~
 45.25 ~~permits under subdivision 4, shall~~ 1 must be issued without a fee ~~for a motor vehicle being~~
 45.26 ~~used by a person who is serving in~~ to active military service personnel in any branch or unit
 45.27 ~~of the United States armed forces and who is stationed outside Minnesota, during the period~~
 45.28 ~~of active service and for 90 days immediately thereafter, if the~~ or their dependents and to
 45.29 recipients of a Purple Heart medal. To qualify for a free permit under this subdivision, a
 45.30 person ~~presents the person's current military orders~~ must present qualifying military
 45.31 identification or an annual pass for the United States military issued through the National

46.1 Parks and Federal Recreational Lands Pass program to the park attendant on duty or other
46.2 designee of the commissioner.

46.3 (b) For purposes of this section, ~~"active service" has the meaning given under section~~
46.4 ~~190.05, subdivision 5e, when performed outside Minnesota~~ subdivision, the commissioner
46.5 shall establish what constitutes qualifying military identification in the State Register.

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

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

46.14 Sec. 25. Minnesota Statutes 2016, section 85.053, subdivision 10, is amended to read:

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

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

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

46.28 Sec. 26. Minnesota Statutes 2016, section 85.054, is amended by adding a subdivision to
46.29 read:

46.30 Subd. 19. **Fort Ridgely golf course.** A state park permit is not required and a fee may
46.31 not be charged for motor vehicle entry or parking for persons using only the golf course
46.32 portion of Fort Ridgely State Park when the golf course is operated by a nonstate entity.

47.1 Sec. 27. Minnesota Statutes 2016, section 85.22, subdivision 2a, is amended to read:

47.2 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state
 47.3 park items, tours at ~~Forestville Mystery Cave State Park~~, interpretation programs, educational
 47.4 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be
 47.5 credited to the state parks working capital account. Receipts and expenses from Douglas
 47.6 Lodge shall be tracked separately within the account. Money in the account is annually
 47.7 appropriated for the purchase and payment of expenses attributable to items for resale or
 47.8 rental and operation of Douglas Lodge. Any excess receipts in this account are annually
 47.9 appropriated for state park management and interpretive programs.

47.10 Sec. 28. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

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

47.26 Sec. 29. **[85.47] SPECIAL USE PERMITS; FEES.**

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

47.30 Sec. 30. Minnesota Statutes 2016, section 86B.301, subdivision 2, is amended to read:

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

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

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

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

48.12 (4) a ship's lifeboat;

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

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

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

48.17 (8) a seaplane;

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

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

48.22 Sec. 31. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

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

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

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

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

- 49.1 (i) a shoreline;
- 49.2 (ii) a dock;
- 49.3 (iii) a swimmer;
- 49.4 (iv) a raft used for swimming or diving; or
- 49.5 (v) a moored, anchored, or nonmotorized watercraft;
- 49.6 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other
- 49.7 device unless:
- 49.8 (i) an observer is on board; or
- 49.9 (ii) the personal watercraft is equipped with factory-installed or factory-specified
- 49.10 accessory mirrors that give the operator a wide field of vision to the rear;
- 49.11 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,
- 49.12 or personal flotation device of the operator, if the personal watercraft is equipped by the
- 49.13 manufacturer with such a device;
- 49.14 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or
- 49.15 tampered with so as to interfere with the return-to-idle system;
- 49.16 (7) to chase or harass wildlife;
- 49.17 (8) through emergent or floating vegetation at other than a slow-no wake speed;
- 49.18 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,
- 49.19 including weaving through congested watercraft traffic, jumping the wake of another
- 49.20 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing
- 49.21 backwards;
- 49.22 (10) in any other manner that is not reasonable and prudent; or
- 49.23 (11) without a personal watercraft rules decal, issued by the commissioner, attached to
- 49.24 the personal watercraft so as to be in full view of the operator.
- 49.25 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft
- 49.26 to launch or land a person on water skis, a kneeboard, or similar device by the most direct
- 49.27 route to open water.

49.28 Sec. 32. Minnesota Statutes 2016, section 86B.511, is amended to read:

49.29 **86B.511 LIGHTS.**

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

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

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

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

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

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

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

50.19 Sec. 33. Minnesota Statutes 2016, section 86B.701, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

51.8 Sec. 34. Minnesota Statutes 2016, section 88.523, is amended to read:

51.9 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

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

51.18 Sec. 35. Minnesota Statutes 2016, section 89.39, is amended to read:

51.19 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

51.20 Every individual, partnership, or private corporation to whom any planting stock is
 51.21 supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must
 51.22 execute an agreement, ~~upon a form~~ in a format approved by the ~~attorney general~~
 51.23 commissioner, to comply with ~~all~~ the requirements of sections 89.35 to 89.39 and ~~all~~
 51.24 conditions prescribed by the commissioner ~~hereunder~~ thereunder. Any party to such an
 51.25 agreement who ~~shall violate any provision thereof shall,~~ violates the agreement is, in addition
 51.26 to any other penalties that may be applicable, ~~be~~ liable to the state in a sum equal to three
 51.27 times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees
 51.28 were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for
 51.29 any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty shall be
 51.30 is equal to three times the sale price. ~~Such~~ The penalties ~~shall be~~ are recoverable in a civil
 51.31 action brought in the name of the state by the attorney general.

52.1 Sec. 36. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to
52.2 read:

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

52.4 (1) controls, is controlled by, or is under common control with any other person,
52.5 including, without limitation, a partner, business entity with common ownership, or principal
52.6 of any business entity or a subsidiary, parent company, or holding company of any person;
52.7 or

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

52.9 Sec. 37. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

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

52.12 Sec. 38. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

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

52.18 Sec. 39. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

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

52.27 Sec. 40. Minnesota Statutes 2016, section 90.051, is amended to read:

52.28 **90.051 SUPERVISION OF SALES; BOND.**

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

53.4 Sec. 41. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

53.5 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner
53.6 shall compile a list containing a description of each tract of land upon which any timber to
53.7 be offered is situated and a statement of the estimated quantity of timber and of the appraised
53.8 price of each kind of timber thereon as shown by the report of the state appraiser. No
53.9 description shall be added after the list is posted and no timber shall be sold from land not
53.10 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.
53.11 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet
53.12 or conspicuously posted in the forest office or other public facility most accessible to potential
53.13 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to
53.14 be published once not less than one week before the date of sale in a legal newspaper in the
53.15 county or counties where the land is situated. The notice shall state the time and place of
53.16 the sale and the location at which further information regarding the sale may be obtained.
53.17 The commissioner may give other published or posted notice as the commissioner deems
53.18 proper to reach prospective bidders.

53.19 Sec. 42. Minnesota Statutes 2016, section 90.14, is amended to read:

53.20 **90.14 AUCTION SALE PROCEDURE.**

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

53.25 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,
53.26 or, if unsold at public auction, at the time of purchase at a subsequent sale under section
53.27 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the
53.28 appraised value. In case any purchaser fails to make such payment, the purchaser shall be
53.29 liable therefor to the state in a civil action, and the commissioner may reoffer the timber
53.30 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been
53.31 made.

53.32 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state
53.33 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of

54.1 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~
54.2 commissioner to purchase a permit based solely on the appraiser's estimate of the volume
54.3 of timber described in the permit, provided that the commissioner has expressly designated
54.4 the availability of such option for that tract on the list of tracts available for sale as required
54.5 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the
54.6 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate
54.7 of the volume of timber described on the permit does not have recourse to the provisions
54.8 of section 90.281.

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

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

54.23 Sec. 43. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

54.24 Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section
54.25 90.151, the commissioner may establish a registration system to verify the qualifications
54.26 of a person or affiliate as a responsible bidder to purchase a timber permit. Any system
54.27 implemented by the commissioner shall be limited in scope to only that information that is
54.28 required for the efficient administration of the purchaser qualification requirements of this
54.29 chapter. The registration system established under this subdivision is not subject to the
54.30 rulemaking provisions of chapter 14 and section 14.386 does not apply.

54.31 Sec. 44. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

54.32 Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for
54.33 state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered

55.1 permit to the purchaser, in a ~~form~~ format approved by the ~~attorney general~~ commissioner,
 55.2 by the terms of which the purchaser ~~shall be~~ is authorized to enter upon the land; and to cut
 55.3 and remove the timber ~~therein~~ described in the permit as designated for cutting in the report
 55.4 of the state appraiser, according to the provisions of this chapter. The permit ~~shall~~ must be
 55.5 correctly dated and executed by the commissioner and signed by the purchaser. If a permit
 55.6 is not signed by the purchaser within 45 days from the date of purchase, the permit cancels
 55.7 and the down payment for timber required under section 90.14 forfeits to the state. The
 55.8 commissioner may grant an additional period for the purchaser to sign the permit, not to
 55.9 exceed ten business days, provided the purchaser pays a \$200 penalty fee.

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

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

55.22 Sec. 45. Minnesota Statutes 2016, section 90.162, is amended to read:

55.23 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

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

55.30 Sec. 46. Minnesota Statutes 2016, section 90.252, is amended to read:

55.31 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**
 55.32 **FEES.**

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

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

56.20 Sec. 47. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

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

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

57.1 Sec. 48. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

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

57.11 Sec. 49. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

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

57.17 Sec. 50. Minnesota Statutes 2016, section 97A.015, is amended by adding a subdivision
57.18 to read:

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

57.22 Sec. 51. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

57.23 Subd. 39. **Protected wild animals.** ~~"Protected wild animals" are the following wild~~
57.24 ~~animals;~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,
57.25 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,
57.26 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal
57.27 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter
57.28 6134, and wild animals that are protected by a restriction in the time or manner of taking,
57.29 other than a restriction in the use of artificial lights, poison, or motor vehicles.

58.1 Sec. 52. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

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

58.5 Sec. 53. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

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

58.10 Sec. 54. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

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

58.14 Sec. 55. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

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

58.19 Sec. 56. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

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

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

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

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

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

59.5 Sec. 57. Minnesota Statutes 2016, section 97A.075, subdivision 1, is amended to read:

59.6 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,
59.7 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),
59.8 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and
59.9 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

59.10 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife
59.11 trust fund, established in section 97A.4742, for each license issued under section 97A.473,
59.12 subdivision 4, shall be credited to the deer management account and is appropriated to the
59.13 commissioner for deer habitat improvement or deer management programs.

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

59.19 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild
59.20 cervidae health management account and is appropriated for emergency deer feeding and
59.21 wild cervidae health management. Money appropriated for emergency deer feeding and
59.22 wild cervidae health management is available until expended.

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

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

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

60.1 Sec. 58. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

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

60.5 Sec. 59. **[97B.032] RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

60.6 The commissioner of natural resources shall not adopt rules further restricting the use
60.7 of lead shot.

60.8 **EFFECTIVE DATE.** This section is effective the day following final enactment and
60.9 applies to rules adopted on or after that date.

60.10 Sec. 60. Minnesota Statutes 2016, section 97B.071, is amended to read:

60.11 **97B.071 ~~BLAZE ORANGE~~ CLOTHING REQUIREMENTS; BLAZE ORANGE**
60.12 **OR BLAZE PINK.**

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

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

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

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

61.1 Sec. 61. Minnesota Statutes 2016, section 97B.405, is amended to read:

61.2 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

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

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

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

61.15 Sec. 62. Minnesota Statutes 2016, section 97B.431, is amended to read:

61.16 **97B.431 BEAR-HUNTING OUTFITTERS.**

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

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

61.29 Sec. 63. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

61.30 Subdivision 1. **Owners and occupants may take certain animals.** A person or the
61.31 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,
61.32 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the

62.1 person where the animal is causing damage. The person or the person's agent may take the
 62.2 animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed
 62.3 season or by poison. Raccoons may be taken under this subdivision with artificial lights
 62.4 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,
 62.5 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer
 62.6 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

62.7 Sec. 64. Minnesota Statutes 2016, section 97C.315, subdivision 1, is amended to read:

62.8 Subdivision 1. **Lines.** An angler may not use more than one line except:

62.9 (1) two lines may be used to take fish through the ice; ~~and~~

62.10 (2) the commissioner may, by rule, authorize the use of two lines in areas designated by
 62.11 the commissioner in Lake Superior; and

62.12 (3) two lines may be used to take fish during the open-water season, except on waters
 62.13 during a catch and release season for any species, by a resident or nonresident angler who
 62.14 purchases a second-line endorsement for \$5. Of the amount collected from purchases of
 62.15 second-line endorsements, 50 percent must be spent on walleye stocking.

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

62.17 Sec. 65. Minnesota Statutes 2016, section 97C.355, subdivision 2a, is amended to read:

62.18 Subd. 2a. **Portable shelters.** (a) A person using a portable shelter that is not identified
 62.19 under subdivision 1 may not leave the portable shelter unattended between midnight and
 62.20 sunrise and must remain within 200 feet of the shelter while the shelter is on the ice of state
 62.21 waters.

62.22 (b) If a person leaves the portable shelter unattended any time between midnight and
 62.23 one hour before sunrise or is not within 200 feet of the portable shelter, the portable shelter
 62.24 must be licensed as provided under subdivision 2.

62.25 Sec. 66. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

62.26 Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person
 62.27 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~
 62.28 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

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

63.1 Sec. 67. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

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

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

63.10 (1) as provided in subdivision 3;

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

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

63.17 Sec. 68. Minnesota Statutes 2016, section 97C.515, subdivision 2, is amended to read:

63.18 Subd. 2. **Permit for transportation; importation.** (a) A person may transport live
 63.19 minnows through the state with a permit from the commissioner. The permit must state the
 63.20 name and address of the person, the number and species of minnows, the point of entry into
 63.21 the state, the destination, and the route through the state. The permit is not valid for more
 63.22 than 12 hours after it is issued. A person must not import minnows into the state except as
 63.23 provided in this section.

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

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

64.1 (d) Golden shiner minnows may be imported as provided in this subdivision. Golden
 64.2 shiner minnows that are imported must be certified as healthy according to Arkansas
 64.3 standards in accordance with the Arkansas baitfish certification program.

64.4 (e) Golden shiner minnows must be certified free of viral hemorrhagic septicemia,
 64.5 infectious hematopoietic necrosis, infectious pancreatic necrosis, spring viremia of carp
 64.6 virus, fathead minnow nidovirus, heterosporis, aeromonas salmonicida, and yersinia ruckeri.

64.7 (f) Golden shiner minnows must originate from a biosecure facility that has tested
 64.8 negative for invasive species.

64.9 (g) Only a person that holds a Minnesota wholesale minnow dealer's license issued under
 64.10 section 97C.501, subdivision 2, may obtain a permit to import golden shiner minnows.

64.11 Sec. 69. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision
 64.12 to read:

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

64.19 Sec. 70. **[103A.213] PROGRESS FOR IMPROVING WATER QUALITY.**

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

64.25 Subd. 2. **Cooperating agencies and input process.** The Departments of Agriculture,
 64.26 Health, and Natural Resources, the Pollution Control Agency, the Board of Water and Soil
 64.27 Resources, the Metropolitan Council, the Public Facilities Authority, and the Environmental
 64.28 Quality Board must jointly conduct a broad public and stakeholder engagement process
 64.29 across the state seeking input on how to achieve the goal under subdivision 1. The process
 64.30 must consider, but is not limited to, water safety and quality parameters such as chloride,
 64.31 infectious agents, phosphorus, sediment, nitrates, lead, and other factors that can contribute
 64.32 to biological and human health risks. The Clean Water Council and local government

65.1 representatives must be consulted before the public and stakeholder input process begins.

65.2 The initial public and stakeholder input process must be completed by November 15, 2017.

65.3 Subd. 3. **Scope of public and stakeholder input.** The public and stakeholder input
65.4 process must include, but is not limited to, obtaining input on:

65.5 (1) what additional data or analyses are needed and how the data or analyses can be used
65.6 to accomplish and measure progress toward the goal;

65.7 (2) mechanisms to provide assurance, accountability, and cost-benefit measures for
65.8 accomplishing progress toward the goal;

65.9 (3) what changes to the Clean Water Legacy Act or other state statutes or agency
65.10 programs would be helpful to accelerate and sustain progress toward the goal;

65.11 (4) what local government programs or authorities could be added or modified to
65.12 accelerate and sustain progress toward the goal;

65.13 (5) options to prioritize, sequence, and locate multiple-benefit practices, projects, and
65.14 infrastructure needed to accelerate and sustain progress toward the goal;

65.15 (6) options to leverage nonstate funding for practices, projects, and infrastructure needed
65.16 to accelerate and sustain progress toward the goal;

65.17 (7) how technology and private sector roles or investments could be used to accelerate
65.18 and sustain progress toward the goal;

65.19 (8) how to accomplish personal, community, ecological, and economic health objectives
65.20 and goals as part of accelerating and sustaining progress toward the water quality
65.21 improvement goal; and

65.22 (9) information deemed relevant and useful according to the objectives outlined in
65.23 sections 103A.212, 103H.001, and 114D.10 and other related information deemed relevant
65.24 and useful by the Departments of Agriculture, Health, and Natural Resources, the Pollution
65.25 Control Agency, the Board of Water and Soil Resources, the Metropolitan Council, the
65.26 Public Facilities Authority, and the Environmental Quality Board.

65.27 Subd. 4. **Report and recommendations.** By December 15, 2017, the cooperating
65.28 agencies must jointly submit a report to the governor and the Legislative Water Commission
65.29 on the results of the public input process. The report must include any policy and budget
65.30 recommendations based on the input received.

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

66.1 Sec. 71. Minnesota Statutes 2016, section 103B.101, subdivision 12a, is amended to read:

66.2 Subd. 12a. **Authority to issue penalty orders.** (a) ~~A county or watershed district with~~
 66.3 ~~jurisdiction or~~ The Board of Water and Soil Resources may issue an order requiring violations
 66.4 of the water resources riparian protection requirements under sections 103F.415, 103F.421,
 66.5 and 103F.48 to be corrected and administratively assessing monetary penalties up to \$500
 66.6 for noncompliance commencing on day one of the 11th month after the noncompliance
 66.7 notice was issued. The proceeds collected from an administrative penalty order issued under
 66.8 this section must be remitted to ~~the county or watershed district with jurisdiction over the~~
 66.9 ~~noncompliant site, or otherwise remitted to~~ the Board of Water and Soil Resources.

66.10 (b) Before exercising this authority, the Board of Water and Soil Resources must adopt
 66.11 a plan containing procedures for the issuance of administrative penalty orders ~~by local~~
 66.12 ~~governments and the board as authorized in this subdivision.~~ This plan, and any subsequent
 66.13 amendments, will become effective 30 days after being published in the State Register. The
 66.14 initial plan must be published in the State Register no later than July 1, 2017.

66.15 (c) Administrative penalties may be reissued and appealed under paragraph (a) according
 66.16 to section 103F.48, subdivision 9.

66.17 Sec. 72. Minnesota Statutes 2016, section 103F.411, subdivision 1, is amended to read:

66.18 Subdivision 1. **Authority.** The Board of Water and Soil Resources, in consultation with
 66.19 counties, soil and water conservation districts, and other appropriate agencies, shall adopt
 66.20 a model ordinance and rules that serve as a guide for local governments that have adopted
 66.21 a soil loss ordinance to implement sections 103F.401 to 103F.455 and provide administrative
 66.22 procedures for the board for sections 103F.401 to 103F.455.

66.23 Sec. 73. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

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

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

66.27 (c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants
 66.28 and noxious weeds, adjacent to all bodies of water within the state and that protects the
 66.29 water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and
 66.30 protects or provides riparian corridors.

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

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

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

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

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

67.10 (i) "Public waters" ~~has the meaning given in section 103G.005, subdivision 15. The term~~
67.11 means public waters as used in this section applies to waters that are on the public waters
67.12 inventory as provided in section 103G.201 that have water in them continually for 12 months
67.13 each year.

67.14 (j) "With jurisdiction" means a board determination that the county or watershed district
67.15 has adopted a rule, ordinance, or official controls providing procedures for ~~the issuance of~~
67.16 ~~administrative penalty orders, enforcement, and appeals for purposes of this section and~~
67.17 ~~section 103B.101, subdivision 12a~~ enforcing this section.

67.18 Sec. 74. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

67.19 Subd. 3. **Water resources riparian protection requirements on public waters and**
67.20 **public drainage systems.** (a) Except as provided in paragraph (b), landowners owning
67.21 property adjacent to a water body identified and mapped on a buffer protection map must
67.22 maintain a buffer to protect the state's water resources as follows:

67.23 (1) for all public waters that have a shoreland classification, the more restrictive of:

67.24 (i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially
67.25 rooted vegetation; or

67.26 (ii) the state shoreland standards and criteria adopted by the commissioner under section
67.27 103F.211; and

67.28 (2) for public drainage systems established under chapter 103E and public waters that
67.29 do not have a shoreland classification, a 16.5-foot minimum width continuous buffer as
67.30 provided in section 103E.021, subdivision 1. The buffer vegetation shall not impede future
67.31 maintenance of the ditch.

68.1 (b) A landowner owning property adjacent to a water body identified in a buffer protection
68.2 map and whose property is used for cultivation farming may meet the requirements under
68.3 paragraph (a) by adopting an alternative riparian water quality practice, or combination of
68.4 structural, vegetative, and management practices, based on the Natural Resources
68.5 Conservation Service Field Office Technical Guide or other practices approved by the local
68.6 soil and water conservation district board, that provide water quality protection comparable
68.7 to the buffer protection for the water body that the property abuts. Included in these practices
68.8 are retention ponds and alternative measures that prevent overland flow to the water resource.

68.9 (c) The width of a buffer on public waters must be measured from the top or crown of
68.10 the bank. Where there is no defined bank, measurement must be from the edge of the normal
68.11 water level. The width of the buffer on public drainage systems must be measured as provided
68.12 in section 103E.021, subdivision 1.

68.13 (d) Upon request by a landowner or authorized agent or operator of a landowner, a
68.14 technical professional employee or contractor of the soil and water conservation district or
68.15 its delegate may issue a validation of compliance with the requirements of this subdivision.
68.16 The soil and water conservation district validation may be appealed to the board as described
68.17 in subdivision 9.

68.18 (e) Buffers or alternative water quality practices required under paragraph (a) or (b)
68.19 must be in place on or before:

68.20 (1) November 1, ~~2017~~ 2019, for public waters; and

68.21 (2) November 1, ~~2018~~ 2020, for public drainage systems.

68.22 (f) Nothing in this section limits the eligibility of a landowner or authorized agent or
68.23 operator of a landowner to participate in federal or state conservation programs, including
68.24 enrolling or reenrolling in federal conservation programs.

68.25 (g) After the effective date of this section, a person planting buffers or water quality
68.26 protection practices to meet the requirements in paragraph (a) must use only seed mixes
68.27 that were grown and processed in Minnesota. The board, a county, or a watershed district
68.28 must not take corrective action under subdivision 7 against a landowner who does not have
68.29 seed available to comply with this paragraph.

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

69.1 Sec. 75. Minnesota Statutes 2016, section 103F.48, subdivision 7, is amended to read:

69.2 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines
69.3 a landowner is not in compliance with this section, and the landowner has declined state or
69.4 federal assistance to pay 100 percent of the cost to establish buffers or other water resource
69.5 protection measures approved by the board and annual payments or an easement for the
69.6 land, the district must notify the county or watershed district with jurisdiction over the
69.7 noncompliant site and the board. The county or watershed district with jurisdiction or the
69.8 board must provide the landowner with a list of corrective actions needed to come into
69.9 compliance and a practical timeline to meet the requirements in this section. The county or
69.10 watershed district with jurisdiction must provide a copy of the corrective action notice to
69.11 the board.

69.12 (b) A county or watershed district exercising jurisdiction under this subdivision ~~and the~~
69.13 ~~enforcement authority granted in section 103B.101, subdivision 12a,~~ shall affirm their
69.14 jurisdiction and identify the ordinance, rule, or other official controls to carry out the
69.15 compliance provisions of this section ~~and section 103B.101, subdivision 12a,~~ by notice to
69.16 the board ~~prior to March 31, 2017.~~ A county or watershed district must provide notice to
69.17 the board at least 60 days prior to the effective date of a subsequent decision on their
69.18 jurisdiction.

69.19 (c) If the landowner does not comply with the list of actions and timeline provided, the
69.20 county or watershed district may enforce this section ~~under the authority granted in section~~
69.21 ~~103B.101, subdivision 12a,~~ or by rule of the watershed district or ordinance or other official
69.22 control of the county. ~~Before exercising administrative penalty authority, a county or~~
69.23 ~~watershed district must adopt a plan consistent with the plan adopted by the board containing~~
69.24 ~~procedures for the issuance of administrative penalty orders and may issue orders beginning~~
69.25 ~~November 1, 2017.~~ If a county or watershed district with jurisdiction over the noncompliant
69.26 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the
69.27 board must enforce this section under the authority granted in section 103B.101, subdivision
69.28 12a.

69.29 (d) If the county, watershed district, or board determines that sufficient steps have been
69.30 taken to fully resolve noncompliance, all or part of the penalty may be forgiven.

69.31 (e) An order issued under paragraph (c) may be appealed to the board as provided under
69.32 subdivision 9.

69.33 (f) A corrective action is not required for conditions resulting from a flood or other act
69.34 of nature.

70.1 (g) A landowner agent or operator of a landowner may not remove or willfully degrade
 70.2 a riparian buffer or water quality practice, wholly or partially, unless the agent or operator
 70.3 has obtained a signed statement from the property owner stating that the permission for the
 70.4 work has been granted by the unit of government authorized to approve the work in this
 70.5 section or that a buffer or water quality practice is not required as validated by the soil and
 70.6 water conservation district. Removal or willful degradation of a riparian buffer or water
 70.7 quality practice, wholly or partially, by an agent or operator is a separate and independent
 70.8 offense and may be subject to the corrective actions and penalties in this subdivision.

70.9 (h) A county or watershed district or the board shall not enforce this section unless
 70.10 federal or state assistance is available to the landowner to pay 100 percent of the cost to
 70.11 establish buffers or other water resource protection measures approved by the board and
 70.12 annual payments or an easement for the land.

70.13 Sec. 76. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision
 70.14 to read:

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

70.20 Sec. 77. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to read:

70.21 Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a
 70.22 county $\text{\textcircled{r}}$, watershed, or, for purposes of wetland replacement, bank service area where 80
 70.23 percent or more of the presettlement wetland acreage is intact and:

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

70.25 (2) 50 percent or more of the current total land area is state or federal land.

70.26 Sec. 78. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

70.27 Subd. 10h. **Less than 50 percent area.** "Less than 50 percent area" means a county $\text{\textcircled{r}}$,
 70.28 watershed, or, for purposes of wetland replacement, bank service area with less than 50
 70.29 percent of the presettlement wetland acreage intact or any county $\text{\textcircled{r}}$ watershed, or bank
 70.30 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

71.1 Sec. 79. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

71.2 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
71.3 partially, unless replaced by actions that provide at least equal public value under a
71.4 replacement plan approved as provided in section 103G.2242, a replacement plan under a
71.5 local governmental unit's comprehensive wetland protection and management plan approved
71.6 by the board under section 103G.2243, or, if a permit to mine is required under section
71.7 93.481, under a mining reclamation plan approved by the commissioner under the permit
71.8 to mine. Project-specific wetland replacement plans submitted as part of a project for which
71.9 a permit to mine is required and approved by the commissioner on or after July 1, 1991,
71.10 may include surplus wetland credits to be allocated by the commissioner to offset future
71.11 mining-related wetland impacts under any permits to mine held by the permittee, the operator,
71.12 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an
71.13 assignment under section 93.481, subdivision 5. For project-specific wetland replacement
71.14 completed prior to wetland impacts authorized or conducted under a permit to mine within
71.15 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single
71.16 watershed for purposes of determining wetland replacement ratios. Mining reclamation
71.17 plans shall apply the same principles and standards for replacing wetlands that are applicable
71.18 to mitigation plans approved as provided in section 103G.2242. Public value must be
71.19 determined in accordance with section 103B.3355 or a comprehensive wetland protection
71.20 and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372
71.21 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4,
71.22 and 5 wetlands.

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

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

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

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

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

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

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

72.3 For a project involving the draining or filling of wetlands in an amount not exceeding
72.4 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
72.5 paragraph (a), the local government unit may make an on-site sequencing determination
72.6 without a written alternatives analysis from the applicant.

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

72.10 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,
72.11 subdivision 2, paragraph (b) or (e), the local government unit may require a deed restriction
72.12 that prohibits nonagricultural use for at least ten years. The local government unit may
72.13 require the deed restriction if it determines the wetland area drained is at risk of conversion
72.14 to a nonagricultural use within ten years based on the zoning classification, proximity to a
72.15 municipality or full service road, or other criteria as determined by the local government
72.16 unit.

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

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

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

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

72.30 (i) Except in a greater than 80 percent area, only wetlands that have been restored from
72.31 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,
72.32 wetlands created by dikes or dams along public or private drainage ditches, or wetlands
72.33 created by dikes or dams associated with the restoration of previously drained or filled

73.1 wetlands may be used for wetland replacement according to rules adopted under section
73.2 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring
73.3 wetlands from one type to another are not eligible for wetland replacement.

73.4 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision
73.5 2, shall ensure that sufficient time has occurred for the wetland to develop wetland
73.6 characteristics of soils, vegetation, and hydrology before recommending that the wetland
73.7 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason
73.8 to believe that the wetland characteristics may change substantially, the panel shall postpone
73.9 its recommendation until the wetland has stabilized.

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

73.12 (l) For projects involving draining or filling of wetlands associated with a new public
73.13 transportation project, and for projects expanded solely for additional traffic capacity, public
73.14 transportation authorities may purchase credits from the board at the cost to the board to
73.15 establish credits. Proceeds from the sale of credits provided under this paragraph are
73.16 appropriated to the board for the purposes of this paragraph. For the purposes of this
73.17 paragraph, "transportation project" does not include an airport project.

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

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

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

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

74.4 Those required to receive notice of public transportation projects may appeal
74.5 minimization, delineation, and on-site mitigation decisions made by the public transportation
74.6 authority to the board according to the provisions of section 103G.2242, subdivision 9. The
74.7 Technical Evaluation Panel shall review minimization and delineation decisions made by
74.8 the public transportation authority and provide recommendations regarding on-site mitigation
74.9 if requested to do so by the local government unit, a contiguous landowner, or a member
74.10 of the Technical Evaluation Panel.

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

74.15 Public transportation authorities at their discretion may deviate from federal and state
74.16 design standards on existing road projects when practical and reasonable to avoid wetland
74.17 filling or draining, provided that public safety is not unreasonably compromised. The local
74.18 road authority and its officers and employees are exempt from liability for any tort claim
74.19 for injury to persons or property arising from travel on the highway and related to the
74.20 deviation from the design standards for construction or reconstruction under this paragraph.
74.21 This paragraph does not preclude an action for damages arising from negligence in
74.22 construction or maintenance on a highway.

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

74.26 (o) A local government unit may request the board to reclassify a county or watershed
74.27 on the basis of its percentage of presettlement wetlands remaining. After receipt of
74.28 satisfactory documentation from the local government, the board shall change the
74.29 classification of a county or watershed. If requested by the local government unit, the board
74.30 must assist in developing the documentation. Within 30 days of its action to approve a
74.31 change of wetland classifications, the board shall publish a notice of the change in the
74.32 Environmental Quality Board Monitor.

74.33 (p) One hundred citizens who reside within the jurisdiction of the local government unit
74.34 may request the local government unit to reclassify a county or watershed on the basis of

75.1 its percentage of presettlement wetlands remaining. In support of their petition, the citizens
 75.2 shall provide satisfactory documentation to the local government unit. The local government
 75.3 unit shall consider the petition and forward the request to the board under paragraph (o) or
 75.4 provide a reason why the petition is denied.

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

75.6 Sec. 80. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

75.7 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Wetland
 75.8 replacement occurring outside of a greater than 80 percent area must not be replaced in a
 75.9 50 to greater than 80 percent area or in a less than 50 percent area. Impacted wetlands in a
 75.10 less than 50 percent area must be replaced in a less than 50 percent area. All wetland
 75.11 replacement must follow this priority order:

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

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

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

75.15 (4) in another wetland bank service area.

75.16 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a
 75.17 complete wetland banking application submitted to a local government unit by April 1,
 75.18 1996, may be used to replace wetland impacts resulting from public transportation projects
 75.19 statewide.

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

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

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

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

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

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

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

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

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

76.11 Sec. 81. Minnesota Statutes 2016, section 103G.223, is amended to read:

76.12 **103G.223 CALCAREOUS FENS.**

76.13 (a) Calcareous fens, as identified by the commissioner by written order published in the
76.14 State Register, may not be filled, drained, or otherwise degraded, wholly or partially, by
76.15 any activity, unless the commissioner, under an approved management plan, decides some
76.16 alteration is necessary. Identifications made by the commissioner are not subject to the
76.17 rulemaking provisions of chapter 14 and section 14.386 does not apply.

76.18 (b) Notwithstanding paragraph (a), the commissioner must allow temporary reductions
76.19 in groundwater resources on a seasonal basis under an approved management plan for
76.20 appropriating water.

76.21 Sec. 82. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

76.22 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type
76.23 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an
76.24 on-site inspection. The Technical Evaluation Panel shall be composed of a technical
76.25 professional employee of the board, a technical professional employee of the local soil and
76.26 water conservation district or districts, a technical professional with expertise in water
76.27 resources management appointed by the local government unit, and a technical professional
76.28 employee of the Department of Natural Resources for projects affecting public waters or
76.29 wetlands adjacent to public waters. Members of the Technical Evaluation Panel who have
76.30 an ownership interest in a wetland bank shall disclose in writing all of the member's
76.31 ownership interests in wetland banks to the local government unit. The panel shall use the
76.32 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),

77.1 including updates, supplementary guidance, and replacements, if any, "Wetlands of the
77.2 United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and
77.3 "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition).
77.4 The panel shall provide the wetland determination and recommendations on other technical
77.5 matters to the local government unit that must approve a replacement plan, sequencing,
77.6 exemption determination, no-loss determination, or wetland boundary or type determination
77.7 and may recommend approval or denial of the plan. The authority must consider and include
77.8 the decision of the Technical Evaluation Panel in their approval or denial of a plan or
77.9 determination.

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

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

77.18 Sec. 83. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to read:

77.19 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,
77.20 conservation officers, and peace officers shall enforce laws preserving and protecting
77.21 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,
77.22 a conservation officer, or a peace officer may issue a cease and desist order to stop any
77.23 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

77.24 (b) In the order, or by separate order, the commissioner, conservation officer, or peace
77.25 officer may require restoration or replacement of the wetland or public waters, as determined
77.26 by the local soil and water conservation district for wetlands and the commissioner of natural
77.27 resources for public waters. Restoration or replacement orders may be recorded or filed in
77.28 the office of the county recorder or registrar of titles, as appropriate, in the county where
77.29 the real property is located by the commissioner of natural resources, conservation officers,
77.30 or peace officers as a deed restriction on the property that runs with the land and is binding
77.31 on the owners, successors, and assigns until the conditions of the order are met or the order
77.32 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee
77.33 for any document filed under this section.

78.1 (c) If a court has ruled that there has been no violation of the restoration or replacement
78.2 order, an order may not be recorded or filed under this section.

78.3 (d) If an order was recorded or filed before the effective date of this section and the deed
78.4 restriction would have been in violation of paragraph (c), the commissioner must remove
78.5 the deed restriction if the owner of the property requests the commissioner to remove it.

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

78.7 Sec. 84. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

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

78.12 (b) This section does not apply to the following water uses:

78.13 (1) use for a water supply by less than 25 persons for domestic purposes, except as
78.14 required by the commissioner under section 103G.287, subdivision 4, paragraph (b); and

78.15 (2) nonconsumptive diversion of a surface water of the state from its natural channel for
78.16 the production of hydroelectric or hydromechanical power at structures that were in existence
78.17 on and before July 1, 1937, or those that are regulated by the Federal Energy Regulatory
78.18 Commission.

78.19 (c) The commissioner may issue a state general permit for appropriation of water to a
78.20 governmental subdivision or to the general public. The general permit may authorize more
78.21 than one project and the appropriation or use of more than one source of water. Water-use
78.22 permit processing fees and reports required under subdivision 6 and section 103G.281,
78.23 subdivision 3, are required for each project or water source that is included under a general
78.24 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

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

78.28 Sec. 85. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

78.29 Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water
78.30 without a required permit under subdivision 1 must pay the applicable water-use permit
78.31 processing fee specified in subdivision 6 for the period during which the unpermitted

79.1 appropriation occurred. The fees for unpermitted appropriations are required for the previous
79.2 seven calendar years after being notified of the need for a permit. This fee is in addition to
79.3 any other fee or penalty assessed. The commissioner may waive payment of fees for past
79.4 unpermitted appropriations for a residential system permitted under subdivision 5, paragraph
79.5 (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of
79.6 the state from its natural channel.

79.7 Sec. 86. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

79.8 Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive
79.9 owner of real property if the permittee conveys the real property where the source of water
79.10 is located. The new owner must notify the commissioner immediately after the conveyance
79.11 and request transfer of the permit. If notified, the commissioner must transfer the permit to
79.12 the successive owner.

79.13 Sec. 87. Minnesota Statutes 2016, section 103G.271, is amended by adding a subdivision
79.14 to read:

79.15 Subd. 8. **Management plans; economic impacts.** Before requiring a change to a
79.16 management plan for appropriating water, the commissioner must provide estimates of the
79.17 economic impact of any new restriction or policy on existing and future groundwater users
79.18 in the affected area.

79.19 Sec. 88. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

79.20 Subdivision 1. **Applications for groundwater appropriations; preliminary well**
79.21 **construction approval.** (a) Groundwater use permit applications are not complete until the
79.22 applicant has supplied:

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

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

79.28 (3) information on groundwater quality in terms of the measures of quality commonly
79.29 specified for the proposed water use and details on water treatment necessary for the proposed
79.30 use;

80.1 (4) the results of an aquifer test completed according to specifications approved by the
80.2 commissioner. The test must be conducted at the maximum pumping rate requested in the
80.3 application and for a length of time adequate to assess or predict impacts to other wells and
80.4 surface water and groundwater resources. The permit applicant is responsible for all costs
80.5 related to the aquifer test, including the construction of groundwater and surface water
80.6 monitoring installations, and water level readings before, during, and after the aquifer test;
80.7 and

80.8 (5) the results of any assessments conducted by the commissioner under paragraph (c).

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

80.13 (c) The commissioner shall provide an assessment of a proposed well needing a
80.14 groundwater appropriation permit. The commissioner shall evaluate the information submitted
80.15 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the
80.16 anticipated appropriation request is likely to meet the applicable requirements of this chapter.
80.17 If the appropriation request is likely to meet applicable requirements, the commissioner
80.18 shall provide the person submitting the information with a letter providing preliminary
80.19 approval to construct the well and the requirements, including test-well information, that
80.20 will be needed to obtain the permit.

80.21 (d) The commissioner must provide an applicant denied a groundwater use permit or
80.22 issued a groundwater use permit that is reduced or restricted from the original request with
80.23 all information the commissioner used in making the determination, including hydrographs,
80.24 flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment
80.25 calibration.

80.26 Sec. 89. Minnesota Statutes 2016, section 103G.287, subdivision 4, is amended to read:

80.27 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate
80.28 groundwater management areas and limit total annual water appropriations and uses within
80.29 a designated area to ensure sustainable use of groundwater that protects ecosystems, water
80.30 quality, and the ability of future generations to meet their own needs. Water appropriations
80.31 and uses within a designated management area must be consistent with a groundwater
80.32 management area plan approved by the commissioner that addresses water conservation
80.33 requirements and water allocation priorities established in section 103G.261. At least 30
80.34 days prior to implementing or modifying a groundwater management area plan under this

81.1 subdivision, the commissioner shall consult with the advisory team established in paragraph
81.2 (c).

81.3 (b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota
81.4 Rules, within designated groundwater management areas, the commissioner may require
81.5 general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water
81.6 users using less than 10,000 gallons per day or 1,000,000 gallons per year and water suppliers
81.7 serving less than 25 persons for domestic purposes. The commissioner may waive the
81.8 requirements under section 103G.281 for general permits issued under this paragraph, and
81.9 the fee specified in section 103G.301, subdivision 2, paragraph (c), does not apply to general
81.10 permits issued under this paragraph.

81.11 (c) When designating a groundwater management area, the commissioner shall assemble
81.12 an advisory team to assist in developing a groundwater management area plan for the area.
81.13 The advisory team members shall be selected from public and private entities that have an
81.14 interest in the water resources affected by the groundwater management area. A majority
81.15 of the advisory team members shall be public and private entities that currently hold water-use
81.16 permits for water appropriations from the affected water resources. The commissioner shall
81.17 consult with the League of Minnesota Cities, the Association of Minnesota Counties, the
81.18 Minnesota Association of Watershed Districts, and the Minnesota Association of Townships
81.19 in appointing the local government representatives to the advisory team. The advisory team
81.20 may also include representatives from the University of Minnesota, the Minnesota State
81.21 Colleges and Universities, other institutions of higher learning in Minnesota, political
81.22 subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and
81.23 federal agencies.

81.24 (d) Before making a change under a groundwater management area plan, the
81.25 commissioner must provide estimates of the economic effect of any new restriction or policy
81.26 on existing and future groundwater users in the affected area.

81.27 Sec. 90. Minnesota Statutes 2016, section 103G.289, is amended to read:

81.28 **103G.289 WELL INTERFERENCE; WELL SEALING.**

81.29 (a) The commissioner shall not validate a well interference claim if the affected well
81.30 has been sealed prior to the completion of the commissioner's investigation of the complaint.
81.31 If the well is sealed prior to completion of the investigation, the commissioner must dismiss
81.32 the complaint.

82.1 (b) An agreement, written offer, or settlement between a complainant and permittee or
 82.2 permit applicant must take into account depreciation of 2.5 percent per year, for the first 30
 82.3 years of the life of the complainant's well, when calculating the costs a permittee or permit
 82.4 applicant is responsible for as a result of a well interference claim.

82.5 Sec. 91. Minnesota Statutes 2016, section 103G.411, is amended to read:

82.6 **103G.411 STIPULATION OF LOW-WATER MARK.**

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

82.16 Sec. 92. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision
 82.17 to read:

82.18 Subd. 6. **Impaired waters list; public notice and process.** The commissioner of the
 82.19 Pollution Control Agency must allow at least 60 days for public comment after publishing
 82.20 the draft impaired waters list required under the federal Clean Water Act. A person may
 82.21 petition the agency to hold a contested case hearing on the draft impaired waters list. A
 82.22 valid basis for challenging an impairment determination includes, but is not limited to,
 82.23 agency reliance on data that do not reflect recent significant infrastructure investments and
 82.24 documented pollutant reductions.

82.25 Sec. 93. **[115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED**
 82.26 **WASTEWATER TREATMENT FACILITIES.**

82.27 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have
 82.28 the meanings given:

82.29 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit
 82.30 or state disposal system (SDS) permit; and

83.1 (2) "permit applicant" means a person or entity submitting an application for a new
83.2 permit or renewal, modification, or revocation of an existing permit for a publicly owned
83.3 wastewater treatment facility.

83.4 Subd. 2. **Applicability.** This section applies to all draft permits and permits for publicly
83.5 owned wastewater treatment facilities for which the commissioner of the Pollution Control
83.6 Agency makes a preliminary determination whether to issue or deny.

83.7 Subd. 3. **Notice requirements.** The commissioner of the Pollution Control Agency must
83.8 provide a permit applicant with a copy of the draft permit and any fact sheets required by
83.9 agency rules at least 30 days before the distribution and public notice of the permit application
83.10 and preliminary determination.

83.11 Subd. 4. **Public comment period.** The commissioner must prepare and issue a public
83.12 notice of a completed application and the commissioner's preliminary determination as to
83.13 whether the permit should be issued or denied. The public comment period must be at least
83.14 60 days for permit applications under this section.

83.15 Sec. 94. Minnesota Statutes 2016, section 115B.39, subdivision 2, is amended to read:

83.16 Subd. 2. **Definitions.** (a) In addition to the definitions in this subdivision, the definitions
83.17 in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445, except as
83.18 specifically modified in this subdivision.

83.19 (b) "Cleanup order" means a consent order between responsible persons and the agency
83.20 or an order issued by the United States Environmental Protection Agency under section 106
83.21 of the federal Superfund Act.

83.22 (c) "Closure" means actions to prevent or minimize the threat to public health and the
83.23 environment posed by a mixed municipal solid waste disposal facility that has stopped
83.24 accepting waste by controlling the sources of releases or threatened releases at the facility.
83.25 "Closure" includes removing contaminated equipment and liners; applying final cover;
83.26 grading and seeding final cover; installing wells, borings, and other monitoring devices;
83.27 constructing groundwater and surface water diversion structures; and installing gas control
83.28 systems and site security systems, as necessary. The commissioner may authorize use of
83.29 final cover that includes processed materials that meet the requirements in Code of Federal
83.30 Regulations, title 40, section 503.32, paragraph (a).

83.31 (d) "Closure upgrade" means construction activity that will, at a minimum, modify an
83.32 existing cover so that it satisfies current rule requirements for mixed municipal solid waste
83.33 land disposal facilities.

84.1 (e) "Contingency action" means organized, planned, or coordinated courses of action to
 84.2 be followed in case of fire, explosion, or release of solid waste, waste by-products, or
 84.3 leachate that could threaten human health or the environment.

84.4 (f) "Corrective action" means steps taken to repair facility structures including liners,
 84.5 monitoring wells, separation equipment, covers, and aeration devices and to bring the facility
 84.6 into compliance with design, construction, groundwater, surface water, and air emission
 84.7 standards.

84.8 (g) "Custodial" or "custodial care" means actions taken for the care, maintenance, and
 84.9 monitoring of closure actions at a mixed municipal solid waste disposal facility after
 84.10 completion of the postclosure period.

84.11 (h) "Decomposition gases" means gases produced by chemical or microbial activity
 84.12 during the decomposition of solid waste.

84.13 ~~(h)~~ (i) "Dump materials" means nonhazardous mixed municipal solid wastes disposed
 84.14 at a Minnesota waste disposal site other than a qualified facility prior to 1973.

84.15 ~~(h)~~ (j) "Environmental response action" means response action at a qualified facility,
 84.16 including corrective action, closure, postclosure care; contingency action; environmental
 84.17 studies, including remedial investigations and feasibility studies; engineering, including
 84.18 remedial design; removal; remedial action; site construction; and other similar cleanup-related
 84.19 activities.

84.20 ~~(h)~~ (k) "Environmental response costs" means:

84.21 (1) costs of environmental response action, not including legal or administrative expenses;
 84.22 and

84.23 (2) costs required to be paid to the federal government under section 107(a) of the federal
 84.24 Superfund Act, as amended.

84.25 ~~(h)~~ (l) "Postclosure" or "postclosure care" means actions taken for the care, maintenance,
 84.26 and monitoring of closure actions at a mixed municipal solid waste disposal facility.

84.27 ~~(h)~~ (m) "Qualified facility" means a mixed municipal solid waste disposal facility as
 84.28 described in the most recent agency permit, including adjacent property used for solid waste
 84.29 disposal that did not occur under a permit from the agency, that:

84.30 (1)(i) is or was permitted by the agency;

84.31 (ii) stopped accepting solid waste, except demolition debris, for disposal by April 9,
 84.32 1994; and

85.1 (iii) stopped accepting demolition debris for disposal by June 1, 1994, except that
 85.2 demolition debris may be accepted until May 1, 1995, at a permitted area where disposal
 85.3 of demolition debris is allowed, if the area where the demolition debris is deposited is at
 85.4 least 50 feet from the fill boundary of the area where mixed municipal solid waste was
 85.5 deposited; ~~or~~

85.6 (2) is or was permitted by the agency; and

85.7 (i) stopped accepting waste by January 1, 2000, except that demolition debris, industrial
 85.8 waste, and municipal solid waste combustor ash may be accepted until January 1, 2001, at
 85.9 a permitted area where disposal of such waste is allowed, if the area where the waste is
 85.10 deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid
 85.11 waste was deposited; or

85.12 (ii) stopped accepting waste by January 1, 2019, and is located in a county that meets
 85.13 all applicable recycling goals in section 115A.551 and that has arranged for all mixed
 85.14 municipal solid waste generated in the county to be delivered to and processed by a resource
 85.15 recovery facility located in the county for at least 20 years; or

85.16 (3) is or was permitted by the agency and stopped accepting mixed municipal solid waste
 85.17 and industrial waste for disposal by January 1, 2009, and for which the postclosure care
 85.18 period ended on July 26, 2013.

85.19 Sec. 95. Minnesota Statutes 2016, section 115B.40, subdivision 4, is amended to read:

85.20 Subd. 4. **Qualified facility not under cleanup order; duties.** (a) The owner or operator
 85.21 of a qualified facility that is not subject to a cleanup order shall:

85.22 (1) complete closure activities at the facility, or enter into a binding agreement with the
 85.23 commissioner to do so, as provided in paragraph (e), within one year from the date the
 85.24 owner or operator is notified by the commissioner under subdivision 3 of the closure activities
 85.25 that are necessary to properly close the facility in compliance with facility's permit, closure
 85.26 orders, or enforcement agreement with the agency, and with the solid waste rules in effect
 85.27 at the time the facility stopped accepting waste;

85.28 (2) undertake or continue postclosure or custodial care at the facility until the date of
 85.29 notice of compliance under subdivision 7;

85.30 (3) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
 85.31 ~~(h)~~ (m), clause (1), transfer to the commissioner of revenue for deposit in the remediation
 85.32 fund established in section 116.155 any funds required for proof of financial responsibility
 85.33 under section 116.07, subdivision 4h, that remain after facility closure and any postclosure

86.1 care and response action undertaken by the owner or operator at the facility including, if
 86.2 proof of financial responsibility is provided through a letter of credit or other financial
 86.3 instrument or mechanism that does not accumulate money in an account, the amount that
 86.4 would have accumulated had the owner or operator utilized a trust fund, less any amount
 86.5 used for closure, postclosure care, and response action at the facility; ~~and~~

86.6 (4) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
 86.7 ~~(4)~~ (m), clause (2), transfer to the commissioner of revenue for deposit in the remediation
 86.8 fund established in section 116.155 an amount of cash that is equal to the sum of their
 86.9 approved current contingency action cost estimate and the present value of their approved
 86.10 estimated remaining postclosure care costs required for proof of financial responsibility
 86.11 under section 116.07, subdivision 4h; and

86.12 (5) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
 86.13 (m), clause (3), transfer to the commissioner of revenue for deposit in the remediation fund
 86.14 established in section 116.155 an amount of cash that is equal to any funds required for
 86.15 proof of financial responsibility under section 116.07, subdivision 4h, that remain after
 86.16 facility closure and any postclosure and custodial care and response action undertaken by
 86.17 the owner or operator at the facility have been reimbursed.

86.18 (b) The owner or operator of a qualified facility that is not subject to a cleanup order
 86.19 shall:

86.20 (1) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
 86.21 ~~(1)~~ (m), clause (1), provide the commissioner with a copy of all applicable comprehensive
 86.22 general liability insurance policies and other liability policies relating to property damage,
 86.23 certificates, or other evidence of insurance coverage held during the life of the facility; and

86.24 (2) enter into a binding agreement with the commissioner to:

86.25 (i) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
 86.26 ~~(1)~~ (m), clause (1), take any actions necessary to preserve the owner or operator's rights to
 86.27 payment or defense under insurance policies included in clause (1); cooperate with the
 86.28 commissioner in asserting claims under the policies; and, within 60 days of a request by
 86.29 the commissioner, but no earlier than July 1, 1996, assign only those rights under the policies
 86.30 related to environmental response costs;

86.31 (ii) cooperate with the commissioner or other persons acting at the direction of the
 86.32 commissioner in taking additional environmental response actions necessary to address
 86.33 releases or threatened releases and to avoid any action that interferes with environmental

87.1 response actions, including allowing entry to the property and to the facility's records and
87.2 allowing entry and installation of equipment; and

87.3 (iii) refrain from developing or altering the use of property described in any permit for
87.4 the facility except after consultation with the commissioner and in conformance with any
87.5 conditions established by the commissioner for that property, including use restrictions, to
87.6 protect public health and welfare and the environment.

87.7 (c) The owner or operator of a qualified facility defined in section 115B.39, subdivision
87.8 2, paragraph ~~(h)~~ (m), clause (1), that is a political subdivision may use a portion of any funds
87.9 established for response at the facility, which are available directly or through a financial
87.10 instrument or other financial arrangement, for closure or postclosure care at the facility if
87.11 funds available for closure or postclosure care are inadequate and shall assign the rights to
87.12 any remainder to the commissioner.

87.13 (d) The agreement required in paragraph (b), clause (2), must be in writing and must
87.14 apply to and be binding upon the successors and assigns of the owner. The owner shall
87.15 record the agreement, or a memorandum approved by the commissioner that summarizes
87.16 the agreement, with the county recorder or registrar of titles of the county where the property
87.17 is located.

87.18 (e) A binding agreement entered into under paragraph (a), clause (1), may include a
87.19 provision that the owner or operator will reimburse the commissioner for the costs of closing
87.20 the facility to the standard required in that clause.

87.21 Sec. 96. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

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

87.25 Sec. 97. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision
87.26 to read:

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

88.1 Sec. 98. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision to
88.2 read:

88.3 Subd. 7. **Clean Air Act settlement money.** "Clean Air Act settlement money" means
88.4 money required to be paid to the state as a result of litigation or settlements of alleged
88.5 violations of the federal Clean Air Act, United States Code, title 42, section 7401, et seq.,
88.6 or rules adopted thereunder, by an automobile manufacturer. The commissioner of
88.7 management and budget must establish the Clean Air Act settlement account in the
88.8 environmental fund. Notwithstanding sections 16A.013 to 16A.016, the commissioner of
88.9 management and budget must deposit Clean Air Act settlement money into the Clean Air
88.10 Act settlement account. Clean Air Act settlement money must not be spent until it is
88.11 specifically appropriated by law. The commissioner of management and budget must
88.12 eliminate the Clean Air Act settlement account in the environmental fund after all Clean
88.13 Air Act settlement money has been expended.

88.14 Sec. 99. Minnesota Statutes 2016, section 116.0714, is amended to read:

88.15 **116.0714 NEW OPEN AIR SWINE BASINS.**

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

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

88.23 Sec. 100. **[116.083] PROPANE SCHOOL BUS AND FUELING STATION REBATE**
88.24 **PROGRAM.**

88.25 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have
88.26 the meanings given:

88.27 (1) "fueling station" means a station at a fixed location intended for use in fueling propane
88.28 vehicles;

88.29 (2) "propane school bus" means a school bus fueled by propane and used by a school
88.30 or under contract with the school to transport pupils to or from a school or to or from
88.31 school-related activities;

88.32 (3) "school" means a Minnesota school district or Minnesota charter school; and

89.1 (4) "school bus" means a type A, B, C, or D school bus under section 169.011, subdivision
 89.2 71.

89.3 Subd. 2. **Rebate eligibility.** (a) Schools that purchase a propane school bus or purchase
 89.4 and install a fueling station are eligible for a rebate under this section. A school that contracts
 89.5 for pupil transportation may apply for a rebate on behalf of the school bus contractor.

89.6 (b) Propane school buses must be registered and licensed in Minnesota. Fueling stations
 89.7 must be located in Minnesota.

89.8 (c) The following expenses are eligible for a rebate:

89.9 (1) the cost of an original equipment manufacturer propane school bus purchased; and

89.10 (2) the cost of fueling station equipment, including construction and installation costs.

89.11 Subd. 3. **Rebate amounts.** Rebates under this section may be issued for:

89.12 (1) no more than 25 percent of the cost of a propane school bus, not to exceed \$25,000;

89.13 and

89.14 (2) no more than 50 percent of the cost of a fueling station, not to exceed \$50,000.

89.15 Subd. 4. **Maximum rebate allowed.** A school may receive no more than five propane
 89.16 school bus rebates per year. A school may receive one fueling station rebate.

89.17 Subd. 5. **Funding.** \$1,500,000 is annually appropriated from the Clean Air Act settlement
 89.18 account in the environmental fund to the agency for grants under this section. The grants
 89.19 must be awarded through a request for proposal process established by the commissioner
 89.20 and must comply with the litigation or settlement order providing receipts to the account.

89.21 Sec. 101. Minnesota Statutes 2016, section 160.06, is amended to read:

89.22 **160.06 TRAIL OR PORTAGE DEDICATION.**

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

90.1 Sec. 102. Minnesota Statutes 2016, section 282.018, subdivision 1, is amended to read:

90.2 Subdivision 1. **Land on or adjacent to public waters.** (a) All land which is the property
90.3 of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether
90.4 the land is held in trust for taxing districts, and which borders on or is adjacent to meandered
90.5 lakes and other public waters and watercourses, and the live timber growing or being thereon,
90.6 is hereby withdrawn from sale except as hereinafter provided. The authority having
90.7 jurisdiction over the timber on any ~~such~~ of these lands may sell the timber as otherwise
90.8 provided by law for cutting and removal under ~~such~~ the conditions as the authority may
90.9 prescribe in accordance with approved, sustained yield forestry practices. The authority
90.10 having jurisdiction over the timber shall reserve ~~such~~ the timber and impose ~~such~~ the
90.11 conditions as the authority deems necessary for the protection of watersheds, wildlife habitat,
90.12 shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties
90.13 described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on
90.14 tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on
90.15 federal lands.

90.16 (b) Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public
90.17 waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary
90.18 high-water mark being the waterside boundary thereof, and the land side boundary thereof
90.19 being a line drawn parallel to the ordinary high-water mark and two rods distant landward
90.20 therefrom, hereby is reserved for public travel thereon, and whatever the conformation of
90.21 the shore line or conditions require, the authority having jurisdiction over ~~such~~ these lands
90.22 shall reserve a wider strip for ~~such~~ these purposes.

90.23 (c) Any tract or parcel of land which has 150 feet or less of waterfront may be sold by
90.24 the authority having jurisdiction over the land, in the manner otherwise provided by law
90.25 for the sale of ~~such~~ the lands, if the authority determines that it is in the public interest to
90.26 do so. Any tract or parcel of land within a plat of record bordering on or adjacent to
90.27 meandered lakes and other public waters and watercourses may be sold by the authority
90.28 having jurisdiction over the land, in the manner otherwise provided by law for the sale of
90.29 the lands, if the authority determines that it is in the public interest to do so. If the authority
90.30 having jurisdiction over the land is not the commissioner of natural resources, the land may
90.31 not be offered for sale without the prior approval of the commissioner of natural resources.

90.32 (d) Where the authority having jurisdiction over lands withdrawn from sale under this
90.33 section is not the commissioner of natural resources, the authority may submit proposals
90.34 for disposition of the lands to the commissioner. The commissioner of natural resources
90.35 shall evaluate the lands and their public benefits and make recommendations on the proposed

91.1 dispositions to the committees of the legislature with jurisdiction over natural resources.
91.2 The commissioner shall include any recommendations of the commissioner for disposition
91.3 of lands withdrawn from sale under this section over which the commissioner has jurisdiction.
91.4 The commissioner's recommendations may include a public sale, sale to a private party,
91.5 acquisition by the Department of Natural Resources for public purposes, or a cooperative
91.6 management agreement with, or transfer to, another unit of government.

91.7 Sec. 103. Minnesota Statutes 2016, section 282.04, subdivision 1, is amended to read:

91.8 Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor, with terms
91.9 and conditions set by the county board, may sell timber upon any tract that may be approved
91.10 by the natural resources commissioner. The sale of timber shall be made for cash at not less
91.11 than the appraised value determined by the county board to the highest bidder after not less
91.12 than one week's published notice in an official paper within the county. Any timber offered
91.13 at the public sale and not sold may thereafter be sold at private sale by the county auditor
91.14 at not less than the appraised value thereof, until the time as the county board may withdraw
91.15 the timber from sale. The appraised value of the timber and the forestry practices to be
91.16 followed in the cutting of said timber shall be approved by the commissioner of natural
91.17 resources.

91.18 (b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made
91.19 in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales,
91.20 the down payment shall be no less than 15 percent of the appraised value, and the balance
91.21 shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a
91.22 single sale with predetermined cutting blocks, the down payment shall be no less than 15
91.23 percent of the appraised price of the entire timber sale which may be held until the satisfactory
91.24 completion of the sale or applied in whole or in part to the final cutting block. The value of
91.25 each separate block must be paid in full before any cutting may begin in that block. With
91.26 the permission of the county contract administrator the purchaser may enter unpaid blocks
91.27 and cut necessary timber incidental to developing logging roads as may be needed to log
91.28 other blocks provided that no timber may be removed from an unpaid block until separately
91.29 scaled and paid for. If payment is provided as specified in this paragraph as security under
91.30 paragraph (a) and no cutting has taken place on the contract, the county auditor may credit
91.31 the security provided, less any down payment required for an auction sale under this
91.32 paragraph, to any other contract issued to the contract holder by the county under this chapter
91.33 to which the contract holder requests in writing that it be credited, provided the request and
91.34 transfer is made within the same calendar year as the security was received.

92.1 (c) The county board may sell any timber, including biomass, as appraised or scaled.
92.2 Any parcels of land from which timber is to be sold by scale of cut products shall be so
92.3 designated in the published notice of sale under paragraph (a), in which case the notice shall
92.4 contain a description of the parcels, a statement of the estimated quantity of each species
92.5 of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per
92.6 piece, as the case may be. In those cases any bids offered over and above the appraised
92.7 prices shall be by percentage, the percent bid to be added to the appraised price of each of
92.8 the different species of timber advertised on the land. The purchaser of timber from the
92.9 parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the
92.10 notice of sale as estimated to be standing on the land, and in addition shall pay at the same
92.11 rate for any additional amounts which the final scale shows to have been cut or was available
92.12 for cutting on the land at the time of sale under the terms of the sale. Where the final scale
92.13 of cut products shows that less timber was cut or was available for cutting under terms of
92.14 the sale than was originally paid for, the excess payment shall be refunded from the forfeited
92.15 tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board
92.16 as in case of other claims against the county. No timber, except hardwood pulpwood, may
92.17 be removed from the parcels of land or other designated landings until scaled by a person
92.18 or persons designated by the county board and approved by the commissioner of natural
92.19 resources. Landings other than the parcel of land from which timber is cut may be designated
92.20 for scaling by the county board by written agreement with the purchaser of the timber. The
92.21 county board may, by written agreement with the purchaser and with a consumer designated
92.22 by the purchaser when the timber is sold by the county auditor, and with the approval of
92.23 the commissioner of natural resources, accept the consumer's scale of cut products delivered
92.24 at the consumer's landing. No timber shall be removed until fully paid for in cash. Small
92.25 amounts of timber not exceeding ~~\$3,000~~ 500 cords in appraised ~~valuation~~ volume may be
92.26 sold for not less than the full appraised value at private sale to individual persons without
92.27 first publishing notice of sale or calling for bids, provided that in case of a sale involving a
92.28 total appraised value of more than \$200 the sale shall be made subject to final settlement
92.29 on the basis of a scale of cut products in the manner above provided and not more than two
92.30 of the sales, directly or indirectly to any individual shall be in effect at one time.

92.31 (d) As directed by the county board, the county auditor may lease tax-forfeited land to
92.32 individuals, corporations or organized subdivisions of the state at public or private sale, and
92.33 at the prices and under the terms as the county board may prescribe, for use as cottage and
92.34 camp sites and for agricultural purposes and for the purpose of taking and removing of hay,
92.35 stumps, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites
92.36 and other temporary uses provided that no leases shall be for a period to exceed ten years;

93.1 provided, further that any leases involving a consideration of more than \$12,000 per year,
93.2 except to an organized subdivision of the state shall first be offered at public sale in the
93.3 manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain
93.4 subject to the lease for not to exceed one year from the beginning of the term of the lease.
93.5 Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be
93.6 refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and
93.7 allowed by the county board as in case of other claims against the county.

93.8 (e) As directed by the county board, the county auditor may lease tax-forfeited land to
93.9 individuals, corporations, or organized subdivisions of the state at public or private sale, at
93.10 the prices and under the terms as the county board may prescribe, for the purpose of taking
93.11 and removing for use for road construction and other purposes tax-forfeited stockpiled
93.12 iron-bearing material. The county auditor must determine that the material is needed and
93.13 suitable for use in the construction or maintenance of a road, tailings basin, settling basin,
93.14 dike, dam, bank fill, or other works on public or private property, and that the use would
93.15 be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile
93.16 for these purposes must first be approved by the commissioner of natural resources. The
93.17 request shall be deemed approved unless the requesting county is notified to the contrary
93.18 by the commissioner of natural resources within six months after receipt of a request for
93.19 approval for use of a stockpile. Once use of a stockpile has been approved, the county may
93.20 continue to lease it for these purposes until approval is withdrawn by the commissioner of
93.21 natural resources.

93.22 (f) The county auditor, with the approval of the county board is authorized to grant
93.23 permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores,
93.24 tailings, or waste products from mines or ore milling plants, or to use for facilities needed
93.25 to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer area needed
93.26 for a mining operation, upon the conditions and for the consideration and for the period of
93.27 time, not exceeding 25 years, as the county board may determine. The permits, licenses, or
93.28 leases are subject to approval by the commissioner of natural resources.

93.29 (g) Any person who removes any timber from tax-forfeited land before said timber has
93.30 been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

93.31 (h) The county auditor may, with the approval of the county board, and without first
93.32 offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of
93.33 peat and for the production or removal of farm-grown closed-loop biomass as defined in
93.34 section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands
93.35 upon the terms and conditions as the county board may prescribe. Any lease for the removal

94.1 of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited
 94.2 lands must first be reviewed and approved by the commissioner of natural resources if the
 94.3 lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop
 94.4 biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this
 94.5 section without first holding a public hearing on the auditor's intention to lease. One printed
 94.6 notice in a legal newspaper in the county at least ten days before the hearing, and posted
 94.7 notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

94.8 (i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County
 94.9 auditor may, at the discretion of the county board, sell timber to the party who bids the
 94.10 highest price for all the several kinds of timber, as provided for sales by the commissioner
 94.11 of natural resources under section 90.14. Bids offered over and above the appraised price
 94.12 need not be applied proportionately to the appraised price of each of the different species
 94.13 of timber.

94.14 (j) In lieu of any payment or deposit required in paragraph (b), as directed by the county
 94.15 board and under terms set by the county board, the county auditor may accept an irrevocable
 94.16 bank letter of credit in the amount equal to the amount otherwise determined in paragraph
 94.17 (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written
 94.18 request of the purchaser, the county may periodically allow the bank letter of credit to be
 94.19 reduced by an amount proportionate to the value of timber that has been harvested and for
 94.20 which the county has received payment. The remaining amount of the bank letter of credit
 94.21 after a reduction under this paragraph must not be less than 20 percent of the value of the
 94.22 timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the
 94.23 down payment required in paragraph (b), and no cutting of timber has taken place on the
 94.24 contract for which a letter of credit has been provided, the county may allow the transfer
 94.25 of the letter of credit to any other contract issued to the contract holder by the county under
 94.26 this chapter to which the contract holder requests in writing that it be credited.

94.27 Sec. 104. [471.9998] MERCHANT BAGS.

94.28 Subdivision 1. Citation. This section may be cited as the Consumer Choice Act.

94.29 Subd. 2. Merchant option. All merchants, itinerant vendors, and peddlers doing business
 94.30 in this state shall have the option to provide customers a paper, plastic, or reusable bag for
 94.31 the packaging of any item or good purchased, provided the purchase is of a size and manner
 94.32 commensurate with the use of paper, plastic, or reusable bags.

94.33 Subd. 3. Prohibition; bag ban or tax. Notwithstanding any other provision of law, no
 94.34 political subdivision shall impose any ban, fee, or tax upon the use of paper, plastic, or

95.1 reusable bags for packaging of any item or good purchased from a merchant, itinerant
 95.2 vendor, or peddler.

95.3 **EFFECTIVE DATE.** This section is effective May 31, 2017. Ordinances existing on
 95.4 the effective date of this section that would be prohibited under this section are invalid as
 95.5 of the effective date of this section.

95.6 Sec. 105. Laws 2000, chapter 486, section 4, as amended by Laws 2001, chapter 182,
 95.7 section 2, is amended to read:

95.8 Sec. 4. [**BOATHOUSE LEASES; SOUDAN UNDERGROUND MINE STATE**
 95.9 **PARK.]**

95.10 (a) In 1965, United States Steel Corporation conveyed land to the state of Minnesota
 95.11 that was included in the Soudan underground mine state park, with certain lands at Stuntz
 95.12 Bay subject to leases outstanding for employee boathouse sites.

95.13 (b) Notwithstanding Minnesota Statutes, sections 85.011, 85.012, subdivision 1, and
 95.14 86A.05, subdivision 2, upon the expiration of a boathouse lease described under paragraph
 95.15 (a), the commissioner of natural resources shall offer a new lease to the party in possession
 95.16 at the time of lease expiration, or, if there has been a miscellaneous lease issued by the
 95.17 Department of Natural Resources due to expiration of a lease described under paragraph
 95.18 (a), upon its expiration to the lessee. The new lease shall be issued under the terms and
 95.19 conditions of Minnesota Statutes, section 92.50, ~~with the following limitations~~ except as
 95.20 follows:

95.21 (1) the term of the lease shall be for the lifetime of the party being issued a renewed
 95.22 lease and, if transferred, for the lifetime of the party to whom the lease is transferred;

95.23 (2) the new lease shall provide that the lease may be transferred only once and the transfer
 95.24 must be to a person within the third degree of kindred or first cousin according to civil law;
 95.25 **and**

95.26 (3) the commissioner shall limit the number of lessees per lease to no more than two
 95.27 persons who have attained legal age; and

95.28 (4) the lease amount must not exceed 50 percent of the average market rate, based on
 95.29 comparable private lease rates, as determined once every five years per lease.

95.30 At the time of the new lease, the commissioner may offer, and after agreement with the
 95.31 leaseholder, lease equivalent alternative sites to the leaseholder.

96.1 (c) The commissioner shall not cancel a boathouse lease described under paragraphs (a)
96.2 and (b) except for noncompliance with the lease agreement.

96.3 (d) The commissioner must issue a written receipt to the lessee for each lease payment.

96.4 ~~(d) By January 15, 2001, the commissioner of natural resources shall report to the senate
96.5 and house environment and natural resources policy and finance committees on boathouse
96.6 leases in state parks. The report shall include information on:~~

96.7 ~~(1) the number of boathouse leases;~~

96.8 ~~(2) the number of leases that have forfeited;~~

96.9 ~~(3) the expiration dates of the leases;~~

96.10 ~~(4) the historical significance of the boathouses;~~

96.11 ~~(5) recommendations on the inclusion of the land described in paragraph (d) within the
96.12 park boundary; and~~

96.13 ~~(6) any other relevant information on the leases.~~

96.14 (e) The commissioner of natural resources shall contact U.S.X. Corporation and local
96.15 units of government regarding the inclusion of the following lands within Soudan
96.16 underground mine state park:

96.17 (1) all lands located South of Vermillion Lake shoreline in Section 13, Township 62
96.18 North, Range 15 West;

96.19 (2) all lands located South of Vermillion Lake shoreline in the S1/2-SE1/4 of Section
96.20 14, Township 62 North, Range 15 West;

96.21 (3) NE1/4-SE1/4 and E1/2-NE1/4 of Section 22, Township 62 North, Range 15 West;

96.22 (4) all lands located South of Vermillion Lake shoreline in Section 23, Township 62
96.23 North, Range 15 West;

96.24 (5) all of Section 24, Township 62 North, Range 15 West;

96.25 (6) all lands North of trunk highway No. 169 located in Section 25, Township 62 North,
96.26 Range 15 West;

96.27 (7) all lands North of trunk highway No. 169 located in Section 26, Township 62 North,
96.28 Range 15 West;

96.29 (8) NE1/4-SE1/4 and SE1/4-NE1/4 of Section 27, Township 62 North, Range 15 West;
96.30 and

97.1 (9) NW1/4 of Section 19, Township 62 North, Range 14 West.

97.2 **EFFECTIVE DATE.** This section is effective the day following final enactment and
97.3 applies to monthly lease payments made on or after that date.

97.4 Sec. 106. Laws 2013, chapter 114, article 4, section 105, is amended to read:

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

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

97.9 ~~(b)~~ (a) The commissioner of natural resources shall adopt rules pertaining to the
97.10 reclamation of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section
97.11 14.125.

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

97.14 ~~(d)~~ (c) The Environmental Quality Board shall amend its rules for environmental review,
97.15 adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to
97.16 take into account the increased activity in the state and concerns over the size of specific
97.17 operations. The Environmental Quality Board shall consider whether the requirements of
97.18 Minnesota Statutes, section 116C.991, should remain part of the environmental review
97.19 requirements for silica sand and whether the requirements should be different for different
97.20 geographic areas of the state. The rulemaking is exempt from Minnesota Statutes, section
97.21 14.125.

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

97.23 Sec. 107. **FORT RIDGELY STATE PARK GOLF COURSE.**

97.24 (a) By May 1, 2017, the commissioner of natural resources must work out an agreement
97.25 with the city of Fairfax that allows the city to lease and operate the golf course at Fort
97.26 Ridgely State Park. The agreement must include:

97.27 (1) lease and operation of the existing golf course;

97.28 (2) lease of the irrigation system, including the ability to maintain and repair it;

97.29 (3) lease of the upper level of the Fort Ridgely State Park Chalet;

97.30 (4) lease of Storage Building 4-292;

98.1 (5) the ability for golf carts to be used by users of the golf course;

98.2 (6) the ability to offer liquor for sale;

98.3 (7) public access to the golf course without requiring a state park permit; and

98.4 (8) the ability to improve the golf course, including improvements to golf-cart paths and
98.5 the chalet.

98.6 (b) The agreement must allow the city to lease the golf course for 12 months and renew
98.7 the lease annually for at least ten years. The rental fee must not exceed eight percent of the
98.8 total green fees received, excluding golf-cart rental fees. The commissioner must ensure
98.9 that the golf course has a playable surface when the lease begins and the city of Fairfax
98.10 must ensure the golf course has a playable surface should the lease expire.

98.11 (c) Admission to property leased under this section is exempt from state park permit
98.12 fees required under Minnesota Statutes, chapter 85.

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

98.14 Sec. 108. **CANCELLATION OF PERMITS.**

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

98.17 Sec. 109. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

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

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

98.24 Sec. 110. **DISPOSITION OF PROCEEDS; ST. LOUIS COUNTY**
98.25 **ENVIRONMENTAL TRUST FUND.**

98.26 Notwithstanding Minnesota Statutes, chapter 282, and any other law relating to the
98.27 disposition of proceeds from the sale of tax-forfeited land, the St. Louis County Board must
98.28 deposit any money received from the sale of tax-forfeited land purchased by the Fond du
98.29 Lac Band of Lake Superior Chippewa with money appropriated under Laws 2014, chapter
98.30 256, article 1, section 2, subdivision 3, paragraph (a), into an environmental trust fund

99.1 established by the county. The principal from the sale of the land may not be expended.

99.2 The county may spend interest earned on the principal only for purposes related to improving
99.3 natural resources.

99.4 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after
99.5 the St. Louis County Board and its chief clerical officer timely complete their compliance
99.6 with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

99.7 Sec. 111. **WATER USE PERMIT AND DATA COLLECTION; APPROPRIATION.**

99.8 (a) Notwithstanding Minnesota Statutes, sections 84.0895 and 103G.223, or other law
99.9 to the contrary, the commissioner of natural resources must issue, upon application, a water
99.10 use permit for calcareous fens located in Pipestone County. The permittee must agree to
99.11 the following permit conditions:

99.12 (1) the permit is for a term of 15 years, but may be revoked after five years if paragraph
99.13 (b) applies;

99.14 (2) water use under the permit is limited to irrigation of agricultural crops at a rate of
99.15 no more than 800 gallons per minute in accordance with an irrigation plan submitted with
99.16 the water use permit application;

99.17 (3) the permittee must pay for the irrigation system installed during the term of the
99.18 permit; and

99.19 (4) installation of the irrigation system must minimize disturbance to the existing plant
99.20 community in the calcareous fens. The commissioner must provide technical advice for
99.21 installation of the irrigation system.

99.22 (b) If, at any time after five years of water use, the commissioner determines the
99.23 drawdown of water from the fens endangers the continued sustainability of the calcareous
99.24 fens, the commissioner may revoke the permit. If the commissioner revokes the permit
99.25 before the permit's expiration date, the permittee must be reimbursed for the cost of the
99.26 irrigation system, prorated over the full 15-year term of the original permit.

99.27 (c) The commissioner must monitor the calcareous fens to collect data on the effects of
99.28 water use from the fens for the duration of the permit. If the commissioner concludes that,
99.29 based on collected data, the calcareous fens remain viable after 15 years of water use, the
99.30 commissioner must renew the water use permit for an additional 15 years, free of the
99.31 condition imposed under paragraph (a), clause (1).

100.1 Sec. 112. **SAND DUNES STATE FOREST MANAGEMENT.**

100.2 **Subdivision 1. Forest management.** When managing the Sand Dunes State Forest, the
100.3 commissioner must not convert additional land to oak savanna unless it is done as a result
100.4 of a contract entered into before the effective date of this section.

100.5 **Subd. 2. School trust lands.** Nothing in this section restricts the ability of the
100.6 commissioner or the school trust lands director from managing school trust lands within
100.7 the Sand Dunes State Forest for long-term economic return.

100.8 **Subd. 3. Township road.** If the commissioner of natural resources finds that any portion
100.9 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the
100.10 commissioner must convey an easement over and across state-owned lands administered
100.11 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width
100.12 of 233rd Avenue.

100.13 **Subd. 4. Sunset.** This section expires two years from the day following final enactment.

100.14 Sec. 113. **RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

100.15 **(a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,**
100.16 **part 7001.0150, subpart 2, item A, by inserting the following:**

100.17 **"For a municipality that constructs a publicly owned treatment works facility to comply**
100.18 **with a new or modified effluent limitation, compliance with any new or modified effluent**
100.19 **limitation adopted after construction begins that would require additional capital investment**
100.20 **is required no sooner than 16 years after the date of initiation of operation of the facility."**

100.21 **(b) The commissioner may use the good cause exemption under Minnesota Statutes,**
100.22 **section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota**
100.23 **Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,**
100.24 **section 14.388.**

100.25 Sec. 114. **REVISOR'S INSTRUCTION.**

100.26 **In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall replace all**
100.27 **references to Minnesota Statutes, section 115B.39, subdivision 2, paragraph (l), with**
100.28 **Minnesota Statutes, section 115B.39, subdivision 2, paragraph (m), and shall make all other**
100.29 **necessary changes to preserve the meaning of the text and to conform with the paragraph**
100.30 **relettering in this act.**

101.1 Sec. 115. **REPEALER.**

101.2 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;
101.3 97C.701, subdivisions 1a and 6; 97C.705; and 97C.711, are repealed.

101.4 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;
101.5 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed.

101.6 **ARTICLE 3**

101.7 **ENVIRONMENTAL REFORMS**

101.8 Section 1. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:

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

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

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

101.29 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject
101.30 to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~
101.31 permit applicant, in writing, whether the application is complete or incomplete. If the
101.32 commissioner determines that an application is incomplete, the notice to the applicant must
101.33 enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,

102.1 and advise the applicant on how the deficiencies can be remedied. If the commissioner
 102.2 determines that the application is complete, the notice must confirm the application's Tier
 102.3 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2
 102.4 permit, provide the permit applicant with a schedule for reviewing the permit application.
 102.5 This paragraph does not apply to an application for a permit that is subject to a grant or loan
 102.6 agreement under chapter 446A.

102.7 (e) When public notice of a draft individual Tier 2 permit is required, the commissioner
 102.8 must issue the notice with the draft permit within 150 days of receiving a completed permit
 102.9 application unless the permit applicant and the commissioner mutually agree to a different
 102.10 date. Upon request of the permit applicant, the commissioner must provide a copy of the
 102.11 draft permit to the permit applicant and consider comments on the draft permit from the
 102.12 permit applicant before issuing the public notice.

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

102.14 Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct,~~
 102.15 ~~reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of
 102.16 natural resources to construct, reconstruct, or modify a project or to operate a facility may
 102.17 offer to reimburse the department for the reasonable costs ~~of staff time or consultant services~~
 102.18 needed to expedite the preapplication process and permit development process through the
 102.19 final decision on the permit, including the analysis of environmental review documents.
 102.20 The reimbursement shall be in addition to permit application fees imposed by law. When
 102.21 the commissioner determines that additional resources are needed to develop the permit
 102.22 application in an expedited manner, and that expediting the development is consistent with
 102.23 permitting program priorities, the commissioner may accept the reimbursement. The
 102.24 commissioner must give the permit applicant an estimate of costs for the expedited service
 102.25 to be incurred by the commissioner. The estimate must include a brief description of the
 102.26 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each
 102.27 task. The proposer and the commissioner shall enter into a written agreement detailing the
 102.28 estimated costs for the expedited service to be incurred by the department and any recourse
 102.29 available to the applicant if the department fails to comply with the schedule. The agreement
 102.30 must also identify staff anticipated to be assigned to the project and describe the
 102.31 commissioner's commitment to making assigned staff available for the project until the
 102.32 permit decision is made. The commissioner must not issue a permit until the applicant has
 102.33 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.
 102.34 Reimbursements accepted by the commissioner are appropriated to the commissioner for
 102.35 the purpose of developing the permit or analyzing environmental review documents.

103.1 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of
 103.2 a permit; shall not affect the commissioner's decision on whether to issue or deny a permit,
 103.3 what conditions are included in a permit, or the application of state and federal statutes and
 103.4 rules governing permit determinations; and shall not affect final decisions regarding
 103.5 environmental review.

103.6 Sec. 3. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
 103.7 read:

103.8 Subd. 14c. **Irrevocability, suspensions, or expiration of permits; environmental**
 103.9 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to
 103.10 appropriate money to the commissioner of natural resources for environmental review and
 103.11 permitting activities of the Department of Natural Resources:

103.12 (1) a permit granted by the commissioner may not be terminated or suspended for the
 103.13 term of the permit nor shall it expire without the consent of the permittee, except for breach
 103.14 or nonperformance of any condition of the permit by the permittee that is an imminent threat
 103.15 to impair or destroy the environment or injure the health, safety, or welfare of the citizens
 103.16 of the state; and

103.17 (2) environmental review and permit application work on environmental review and
 103.18 permits filed before July 1 of that year must not be suspended or terminated.

103.19 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the
 103.20 commissioner for the environmental review and permitting activities is enacted.

103.21 Sec. 4. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
 103.22 read:

103.23 Subd. 14d. **Unadopted rules.** (a) The commissioner of natural resources must not enforce
 103.24 or attempt to enforce an unadopted rule. For the purposes of this subdivision, "unadopted
 103.25 rule" means a guideline, bulletin, criterion, manual standard, interpretive statement, or
 103.26 similar pronouncement, if the guideline, bulletin, criterion, manual standard, interpretive
 103.27 statement, or similar pronouncement meets the definition of a rule as defined under section
 103.28 14.02, subdivision 4, but has not been adopted according to the rulemaking process provided
 103.29 under chapter 14. If an unadopted rule is challenged under section 14.381, the commissioner
 103.30 must overcome a presumption against the unadopted rule.

103.31 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,
 103.32 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or

104.1 standard, the commissioner must follow the rulemaking process provided under chapter 14
104.2 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive
104.3 statement, or similar pronouncement.

104.4 Sec. 5. Minnesota Statutes 2016, section 93.25, subdivision 2, is amended to read:

104.5 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals or petroleum
104.6 must be approved by the Executive Council, and any other mineral lease issued pursuant
104.7 to this section that covers 160 or more acres must be approved by the Executive Council.
104.8 The rents, royalties, terms, conditions, and covenants of all such leases shall be fixed by
104.9 the commissioner according to rules adopted by the commissioner, but no lease shall be for
104.10 a longer term than 50 years, and all rents, royalties, terms, conditions, and covenants shall
104.11 be fully set forth in each lease issued. No lease shall be canceled by the state for failure to
104.12 meet production requirements prior to the 36th year of the lease. The rents and royalties
104.13 shall be credited to the funds as provided in section 93.22.

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

104.16 Sec. 6. Minnesota Statutes 2016, section 93.50, is amended to read:

104.17 **93.50 APPEAL.**

104.18 Any person aggrieved by any final order, ruling, or decision of the commissioner may
104.19 appeal seek judicial review of such order, ruling, or decision in the manner provided in
104.20 chapter 14 under sections 14.63 to 14.69.

104.21 Sec. 7. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

104.22 Subd. 3. **Wetland replacement siting.** (a) Impacted wetlands in a 50 to 80 percent area
104.23 must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted
104.24 wetlands in a less than 50 percent area must be replaced in a less than 50 percent area. All
104.25 wetland replacement must follow this priority order:

104.26 (1) on site or in the same minor watershed as the impacted wetland;

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

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

104.29 (4) in another wetland bank service area.

105.1 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a
105.2 complete wetland banking application submitted to a local government unit by April 1,
105.3 1996, may be used to replace wetland impacts resulting from public transportation projects
105.4 statewide.

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

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

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

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

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

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

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

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

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

105.27 (h) Wetland replacement sites identified in accordance with the priority order for
105.28 replacement siting in paragraph (a) as part of the completion of an adequate environmental
105.29 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,
105.30 or 103G.2243 without further modification related to the priority order, notwithstanding
105.31 availability of new mitigation sites or availability of credits after completion of an adequate
105.32 environmental impact statement. Wetland replacement plan applications must be submitted

106.1 within one year of the adequacy determination of the environmental impact statement to be
 106.2 eligible for approval under this paragraph.

106.3 Sec. 8. Minnesota Statutes 2016, section 103G.2242, subdivision 1, is amended to read:

106.4 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt
 106.5 rules governing the approval of wetland value replacement plans under this section and
 106.6 public-waters-work permits affecting public waters wetlands under section 103G.245. These
 106.7 rules must address the criteria, procedure, timing, and location of acceptable replacement
 106.8 of wetland values and may address the state establishment and administration of a wetland
 106.9 banking program for public and private projects, including provisions for an in-lieu fee
 106.10 program; the administrative, monitoring, and enforcement procedures to be used; and a
 106.11 procedure for the review and appeal of decisions under this section. In the case of peatlands,
 106.12 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program
 106.13 established by the board must conform with Code of Federal Regulations, title 33, section
 106.14 332.8, as amended.

106.15 (b) After the adoption of the rules, a replacement plan must be approved by a resolution
 106.16 of the governing body of the local government unit, consistent with the provisions of the
 106.17 rules or a comprehensive wetland protection and management plan approved under section
 106.18 103G.2243.

106.19 (c) If the local government unit fails to apply the rules, or fails to implement a local
 106.20 comprehensive wetland protection and management plan established under section
 106.21 103G.2243, the government unit is subject to penalty as determined by the board.

106.22 (d) When making a determination under rules adopted pursuant to this subdivision on
 106.23 whether a rare natural community will be permanently adversely affected, consideration of
 106.24 measures to mitigate any adverse effect on the community must be considered.

106.25 Sec. 9. [115.051] REVIEW OF PROPOSED ACTIONS OF THE POLLUTION
 106.26 CONTROL AGENCY.

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

106.28 (b) "Local government unit" means a statutory or home rule charter city, county, local
 106.29 public utilities commission, sanitary district, or an organization formed for the joint exercise
 106.30 of powers under section 471.59.

106.31 (c) "Proposed action" means an action that is all of the following:

107.1 (1) being considered by the commissioner of the Pollution Control Agency or has been
107.2 undertaken by the commissioner but is not yet final;

107.3 (2) would, once final, constitute one of the following:

107.4 (i) the issuance, amendment, modification, or denial of a water quality standard under
107.5 section 115.44, a water-related permit, a total maximum daily load (TMDL) study, or a
107.6 watershed restoration and protection strategy (WRAPS); or

107.7 (ii) another action or decision undertaken pursuant to the commissioner's authority under
107.8 chapter 114D or 115 that is or would be eligible for a contested case hearing under chapter
107.9 14 or that would constitute rulemaking under that chapter.

107.10 (d) "Requisite number" means five or more if the proposed action is rulemaking under
107.11 chapter 14. The term means one or more if the proposed action is one that is or would be
107.12 eligible for a contested case hearing under chapter 14.

107.13 (e) "Review petition" means a written petition of a local government unit adopted by
107.14 resolution of the applicable governing body that describes the need for review by an expert
107.15 review panel of the scientific basis of a proposed action that potentially affects the petitioner.

107.16 (f) "Review proceeding" means a proceeding under chapter 14 of the Office of
107.17 Administrative Hearings to review a proposed action.

107.18 **Subd. 2. Office of Administrative Hearings review of scientific basis for proposed**
107.19 **action. In any review proceeding, the administrative law judge must examine the**
107.20 **administrative record and, without deference to the commissioner, independently determine**
107.21 **from the record whether:**

107.22 (1) the proposed action is based on reliable scientific data and analyses, as confirmed
107.23 by publicly available peer-reviewed literature;

107.24 (2) every test, measurement, or model the commissioner relied on in support of the
107.25 proposed action was used by the commissioner for the purpose for which the test,
107.26 measurement, or model was designed, consistent with generally accepted and peer-reviewed
107.27 scientific practice;

107.28 (3) the proposed action is consistent with the findings of any applicable external peer
107.29 review panel the commissioner convened under section 115.035; and

107.30 (4) the proposed action is based on a demonstrated, significant causal relationship between
107.31 the parameters of concern and the water-quality objective at issue, not the correlation alone.
107.32 When a causal relationship may be confounded by other factors, the reviewing authority

108.1 must determine whether the relevance and effect of those factors were assessed to ensure
108.2 the predicted causal relationship is valid.

108.3 **Subd. 3. Effect of Office of Administrative Hearings finding of inadequate basis for**
108.4 **proposed action.** If an administrative law judge determines that any of the conditions set
108.5 forth in subdivision 2, clauses (1) to (4), are not satisfied, then:

108.6 (1) if the proposed action was a proposed rule, the administrative law judge must find
108.7 that the need for or reasonableness of the rule has not been established pursuant to section
108.8 14.14, subdivision 2; and

108.9 (2) if the proposed action was before the Office of Administrative Hearings as part of a
108.10 contested case hearing, the administrative law judge must include this finding in the report
108.11 required by sections 14.48 to 14.56, which shall constitute the final decision in the case.

108.12 **Subd. 4. When independent expert review panel required; composition.** The Office
108.13 of Administrative Hearings must convene an expert review panel to review the scientific
108.14 basis of a proposed action when it receives the requisite number of review petitions and
108.15 finds, based on its independent review of the petitions, that the petitions demonstrate the
108.16 existence of a material scientific dispute regarding the scientific validity of the commissioner's
108.17 proposed action. The Office of Administrative Hearings shall issue an order granting or
108.18 denying a petition within 30 days of its receipt of the petition. A review panel must consist
108.19 of three independent experts with qualifications in the subject matter of the scientific dispute
108.20 who are employed neither by the Pollution Control Agency nor by a petitioner to the
108.21 proceeding and who are not directly or indirectly involved with the work conducted or
108.22 contracted by the agency. The composition of the panel must be determined as follows:

108.23 (1) the commissioner of the Pollution Control Agency must select one expert satisfying
108.24 the requirements of this subdivision;

108.25 (2) the petitioners must jointly select one expert satisfying the requirements of this
108.26 subdivision; and

108.27 (3) the two experts selected under clauses (1) and (2) must mutually agree to a third
108.28 expert satisfying the requirements of this subdivision. If the two experts are unable to agree
108.29 on a third expert, the Office of Administrative Hearings must make the appointment.

108.30 **Subd. 5. Conduct of independent expert review panel.** Upon granting a petition for
108.31 independent expert review, the Office of Administrative Hearings must, as soon as practicable
108.32 thereafter, issue an order establishing the independent expert review panel, identifying the
108.33 independent experts selected pursuant to subdivision 4. This order must include a statement

109.1 of the specific scientific issues or questions in dispute to be submitted for review by the
109.2 panel. The commissioner and all petitioners must agree on the issues or questions in dispute
109.3 to be submitted for review. If they cannot agree on one or more issues or questions, the
109.4 Office of Administrative Hearings must determine the issue or questions to be submitted
109.5 giving substantial consideration to the questions raised in any petitions it has received. The
109.6 panel must review the scientific evidence relevant to those issues or questions as found in
109.7 the petitions, the administrative record for the proposed action, and the results of any external
109.8 peer review conducted according to section 115.035, in accordance with the guidance in
109.9 the United States Environmental Protection Agency's Peer Review Handbook. The panel
109.10 must submit a written opinion on the scientific validity of the commissioner's approach that
109.11 is in controversy. If the panel finds deficiencies, the panel must recommend how the
109.12 deficiencies can be corrected. The written opinion shall become part of the administrative
109.13 record and must be submitted to the Office of Administrative Hearings, which shall send a
109.14 written copy of the opinion to the commissioner of the Pollution Control Agency, all
109.15 petitioners, and the chairs and ranking minority members of the house of representatives
109.16 and senate committees having jurisdiction over environment and natural resources policy
109.17 and finance.

109.18 Subd. 6. **Status of action pending independent expert panel review.** Once the Office
109.19 of Administrative Hearings has received the requisite number of review petitions, it must
109.20 notify the Pollution Control Agency of this fact and:

109.21 (1) the Pollution Control Agency shall not grant or deny a contested case petition filed
109.22 by the local government unit on the proposed action that is the subject of a petition or
109.23 otherwise proceed towards finalizing the proposed action until the Office of Administrative
109.24 Hearings denies the petition for independent expert review, or if the petition is granted, it
109.25 has received and considered the written opinion required by subdivision 5; and

109.26 (2) the Office of Administrative Hearings shall not conduct the review required by
109.27 subdivision 2 until it has received the written opinion required by subdivision 5.

109.28 Subd. 7. **Chapter 14 requirements must be followed.** Nothing in this section shall be
109.29 construed to abrogate or otherwise repeal any of the procedural requirements of chapter 14.
109.30 Upon receipt of a written opinion pursuant to subdivision 5, the Pollution Control Agency
109.31 and the Office of Administrative Hearings shall make the opinion available to the public
109.32 for review and continue to follow all applicable provisions of chapter 14, including public
109.33 comment and hearing requirements.

110.1 Subd. 8. **Timing of review petition submission.** A review petition submitted to the
110.2 Office of Administrative Hearings must be submitted within the time period for filing a
110.3 contested case petition or prior to the expiration of the public comment period as noticed
110.4 in the statement of intent to adopt the rule, as applicable.

110.5 Subd. 9. **This section is supplementary.** The duties and procedures set forth in this
110.6 section are supplementary and applicable to those set forth in section 14.091.

110.7 Sec. 10. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

110.8 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and
110.9 resource management permits be issued or denied within 90 days for Tier 1 permits or 150
110.10 days for Tier 2 permits following submission of a permit application. The commissioner of
110.11 the Pollution Control Agency shall establish management systems designed to achieve the
110.12 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require
110.13 individualized actions or public comment periods, and "Tier 2 permits" are permits that
110.14 require individualized actions or public comment periods.

110.15 (b) The commissioner shall prepare an annual permitting efficiency report that includes
110.16 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit
110.17 categories. The report is due August 1 each year. For permit applications that have not met
110.18 the goal, the report must state the reasons for not meeting the goal. In stating the reasons
110.19 for not meeting the goal, the commissioner shall separately identify delays caused by the
110.20 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the
110.21 level of public engagement. The report must specify the number of days from initial
110.22 submission of the application to the day of determination that the application is complete.
110.23 The report must aggregate the data for the year and assess whether program or system
110.24 changes are necessary to achieve the goal. The report must be posted on the agency's Web
110.25 site and submitted to the governor and the chairs and ranking minority members of the house
110.26 of representatives and senate committees having jurisdiction over environment policy and
110.27 finance.

110.28 (c) The commissioner shall allow electronic submission of environmental review and
110.29 permit documents to the agency.

110.30 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject
110.31 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~
110.32 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If
110.33 the commissioner determines that an application is incomplete, the notice to the applicant
110.34 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,

111.1 and advise the applicant on how the deficiencies can be remedied. If the commissioner
111.2 determines that the application is complete, the notice must confirm the application's Tier
111.3 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2
111.4 permit, provide the permit applicant with a schedule for reviewing the permit application.

111.5 This paragraph does not apply to an application for a permit that is subject to a grant or loan
111.6 agreement under chapter 446A.

111.7 (e) For purposes of this subdivision, "permit professional" means an individual not
111.8 employed by the Pollution Control Agency who:

111.9 (1) has a professional license issued by the state of Minnesota in the subject area of the
111.10 permit;

111.11 (2) has at least ten years of experience in the subject area of the permit; and

111.12 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency
111.13 under agency rules and complies with all applicable requirements under chapter 326.

111.14 (f) Upon the agency's request, an applicant relying on a permit professional must
111.15 participate in a meeting with the agency before submitting an application:

111.16 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at
111.17 least the following:

111.18 (i) project description, including, but not limited to, scope of work, primary emissions
111.19 points, discharge outfalls, and water intake points;

111.20 (ii) location of the project, including county, municipality, and location on the site;

111.21 (iii) business schedule for project completion; and

111.22 (iv) other information requested by the agency at least four weeks prior to the scheduled
111.23 meeting; and

111.24 (2) during the preapplication meeting, the agency shall provide for the applicant at least
111.25 the following:

111.26 (i) an overview of the permit review program;

111.27 (ii) a determination of which specific application or applications will be necessary to
111.28 complete the project;

111.29 (iii) a statement notifying the applicant if the specific permit being sought requires a
111.30 mandatory public hearing or comment period;

112.1 (iv) a review of the timetable established in the permit review program for the specific
112.2 permit being sought; and

112.3 (v) a determination of what information must be included in the application, including
112.4 a description of any required modeling or testing.

112.5 (g) The applicant may select a permit professional to undertake the preparation of the
112.6 permit application and draft permit.

112.7 (h) If a preapplication meeting was held, the agency shall, within seven business days
112.8 of receipt of an application, notify the applicant and submitting permit professional that the
112.9 application is complete or is denied, specifying the deficiencies of the application.

112.10 (i) Upon receipt of notice that the application is complete, the permit professional shall
112.11 submit to the agency a timetable for submitting a draft permit. The permit professional shall
112.12 submit a draft permit on or before the date provided in the timetable. Within 60 days after
112.13 the close of the public comment period, the commissioner shall notify the applicant whether
112.14 the permit can be issued.

112.15 (j) Nothing in this section shall be construed to modify:

112.16 (1) any requirement of law that is necessary to retain federal delegation to or assumption
112.17 by the state; or

112.18 (2) the authority to implement a federal law or program.

112.19 (k) The permit application and draft permit shall identify or include as an appendix all
112.20 studies and other sources of information used to substantiate the analysis contained in the
112.21 permit application and draft permit. The commissioner shall request additional studies, if
112.22 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and
112.23 information necessary for the commissioner to perform the commissioner's responsibility
112.24 to review, modify, and determine the completeness of the application and approve the draft
112.25 permit.

112.26 Sec. 11. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision to
112.27 read:

112.28 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2
112.29 permit is required, the commissioner must issue the notice with the draft permit within 150
112.30 days of receiving a completed permit application unless the permit applicant and the
112.31 commissioner mutually agree to a different date. Upon request of the permit applicant, the

113.1 commissioner must provide a copy of the draft permit to the permit applicant and consider
113.2 comments on the draft permit from the permit applicant before issuing the public notice.

113.3 Sec. 12. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

113.4 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater
113.5 than those necessary to cover the reasonable costs of developing, reviewing, and acting
113.6 upon applications for agency permits and implementing and enforcing the conditions of the
113.7 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The
113.8 fee schedule must reflect reasonable and routine direct and indirect costs associated with
113.9 permitting, implementation, and enforcement. The agency may impose an additional
113.10 enforcement fee to be collected for a period of up to two years to cover the reasonable costs
113.11 of implementing and enforcing the conditions of a permit under the rules of the agency.
113.12 Any money collected under this paragraph shall be deposited in the environmental fund.

113.13 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner
113.14 or operator of all stationary sources, emission facilities, emissions units, air contaminant
113.15 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage
113.16 facilities subject to a notification, permit, or license requirement under this chapter,
113.17 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401
113.18 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and
113.19 indirect reasonable costs, including legal costs, required to develop and administer the
113.20 notification, permit, or license program requirements of this chapter, subchapters I and V
113.21 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules
113.22 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon
113.23 an application for a permit; implementing and enforcing statutes, rules, and the terms and
113.24 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally
113.25 applicable regulations; responding to federal guidance; modeling, analyses, and
113.26 demonstrations; preparing inventories and tracking emissions; and providing information
113.27 to the public about these activities.

113.28 (c) The agency shall set fees that:

113.29 (1) will result in the collection, in the aggregate, from the sources listed in paragraph
113.30 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant
113.31 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of
113.32 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national
113.33 primary ambient air quality standard has been promulgated;

114.1 (2) may result in the collection, in the aggregate, from the sources listed in paragraph
114.2 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is
114.3 regulated under this chapter or air quality rules adopted under this chapter; and

114.4 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount
114.5 needed to match grant funds received by the state under United States Code, title 42, section
114.6 7405 (section 105 of the federal Clean Air Act).

114.7 The agency must not include in the calculation of the aggregate amount to be collected
114.8 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant
114.9 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge
114.10 on existing fees. The commissioner may not collect the surcharge after the grant funds
114.11 become unavailable. In addition, the commissioner shall use nonfee funds to the extent
114.12 practical to match the grant funds so that the fee surcharge is minimized.

114.13 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide
114.14 in the rules promulgated under paragraph (c) for an increase in the fee collected in each
114.15 year by the percentage, if any, by which the Consumer Price Index for the most recent
114.16 calendar year ending before the beginning of the year the fee is collected exceeds the
114.17 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the
114.18 Consumer Price Index for any calendar year is the average of the Consumer Price Index for
114.19 all-urban consumers published by the United States Department of Labor, as of the close
114.20 of the 12-month period ending on August 31 of each calendar year. The revision of the
114.21 Consumer Price Index that is most consistent with the Consumer Price Index for calendar
114.22 year 1989 shall be used.

114.23 (e) Any money collected under paragraphs (b) to (d) must be deposited in the
114.24 environmental fund and must be used solely for the activities listed in paragraph (b).

114.25 (f) Permit applicants who wish to construct, reconstruct, or modify a ~~facility project~~ may
114.26 offer to reimburse the agency for the reasonable costs of staff time or consultant services
114.27 needed to expedite the preapplication process and permit development process through the
114.28 final decision on the permit, including the analysis of environmental review documents.
114.29 The reimbursement shall be in addition to permit application fees imposed by law. When
114.30 the agency determines that it needs additional resources to develop the permit application
114.31 in an expedited manner, and that expediting the development is consistent with permitting
114.32 program priorities, the agency may accept the reimbursement. The commissioner must give
114.33 the applicant an estimate of costs to be incurred by the commissioner. The estimate must
114.34 include a brief description of the tasks to be performed, a schedule for completing the tasks,

115.1 and the estimated cost for each task. The applicant and the commissioner must enter into a
115.2 written agreement detailing the estimated costs for the expedited permit decision-making
115.3 process to be incurred by the agency and any recourse available to the applicant if the agency
115.4 fails to meet the schedule. The agreement must also identify staff anticipated to be assigned
115.5 to the project and describe the commissioner's commitment to make assigned staff available
115.6 for the project until the permit decision is made. The commissioner must not issue a permit
115.7 until the applicant has paid all fees in full. The commissioner must refund any unobligated
115.8 balance of fees paid. Reimbursements accepted by the agency are appropriated to the agency
115.9 for the purpose of developing the permit or analyzing environmental review documents.
115.10 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of
115.11 a permit; shall not affect the agency's decision on whether to issue or deny a permit, what
115.12 conditions are included in a permit, or the application of state and federal statutes and rules
115.13 governing permit determinations; and shall not affect final decisions regarding environmental
115.14 review.

115.15 (g) The fees under this subdivision are exempt from section 16A.1285.

115.16 Sec. 13. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to
115.17 read:

115.18 Subd. 13. **Irrevocability, suspensions, or expiration of permits; environmental**
115.19 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to
115.20 appropriate money to the commissioner of the Pollution Control Agency for environmental
115.21 review and permitting activities of the agency:

115.22 (1) a permit granted by the commissioner may not be terminated or suspended for the
115.23 term of the permit nor shall it expire without the consent of the permittee, except for breach
115.24 or nonperformance of any condition of the permit by the permittee that is an imminent threat
115.25 to impair or destroy the environment or injure the health, safety, or welfare of the citizens
115.26 of the state; and

115.27 (2) environmental review and permit application work on environmental review and
115.28 permits filed before July 1 of that year must not be suspended or terminated.

115.29 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the
115.30 commissioner for the environmental review and permitting activities is enacted.

116.1 Sec. 14. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to
 116.2 read:

116.3 Subd. 14. **Unadopted rules.** (a) The commissioner of the Pollution Control Agency
 116.4 must not enforce or attempt to enforce an unadopted rule. For the purposes of this subdivision,
 116.5 "unadopted rule" means a guideline, bulletin, criterion, manual standard, interpretive
 116.6 statement, or similar pronouncement, if the guideline, bulletin, criterion, manual standard,
 116.7 interpretive statement, or similar pronouncement meets the definition of a rule as defined
 116.8 under section 14.02, subdivision 4, but has not been adopted according to the rulemaking
 116.9 process provided under chapter 14. If an unadopted rule is challenged under section 14.381,
 116.10 the commissioner must overcome a presumption against the unadopted rule.

116.11 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,
 116.12 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or
 116.13 standard, the commissioner must follow the rulemaking process provided under chapter 14
 116.14 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive
 116.15 statement, or similar pronouncement.

116.16 Sec. 15. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

116.17 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental
 116.18 effects resulting from any major governmental action, the action shall be preceded by a
 116.19 detailed environmental impact statement prepared by the responsible governmental unit.
 116.20 The environmental impact statement shall be an analytical rather than an encyclopedic
 116.21 document which describes the proposed action in detail, analyzes its significant environmental
 116.22 impacts, discusses appropriate alternatives to the proposed action and their impacts, and
 116.23 explores methods by which adverse environmental impacts of an action could be mitigated.
 116.24 The environmental impact statement shall also analyze those economic, employment, and
 116.25 sociological effects that cannot be avoided should the action be implemented. To ensure its
 116.26 use in the decision-making process, the environmental impact statement shall be prepared
 116.27 as early as practical in the formulation of an action.

116.28 ~~(a)~~ (b) The board shall by rule establish categories of actions for which environmental
 116.29 impact statements and for which environmental assessment worksheets shall be prepared
 116.30 as well as categories of actions for which no environmental review is required under this
 116.31 section. A mandatory environmental assessment worksheet ~~shall~~ is not be required for the
 116.32 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),
 116.33 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol
 116.34 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded

117.1 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or
117.2 biobutanol facility meets or exceeds thresholds of other categories of actions for which
117.3 environmental assessment worksheets must be prepared. The responsible governmental unit
117.4 for an ethanol plant or biobutanol facility project for which an environmental assessment
117.5 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for
117.6 supervising or approving the project as a whole.

117.7 (c) A mandatory environmental impact statement ~~shall~~ is not ~~be~~ required for a facility
117.8 or plant located outside the seven-county metropolitan area that produces less than
117.9 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less
117.10 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as
117.11 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined
117.12 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that
117.13 only uses a cellulosic feedstock to produce chemical products for use by another facility as
117.14 a feedstock ~~shall~~ is not ~~be~~ considered a fuel conversion facility as used in rules adopted
117.15 under this chapter.

117.16 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion
117.17 of an environmental assessment worksheet by publishing the notice in at least one newspaper
117.18 of general circulation in the geographic area where the project is proposed, by posting the
117.19 notice on a Web site that has been designated as the official publication site for publication
117.20 of proceedings, public notices, and summaries of a political subdivision in which the project
117.21 is proposed, or in any other manner determined by the board and shall provide copies of
117.22 the environmental assessment worksheet to the board and its member agencies. Comments
117.23 on the need for an environmental impact statement may be submitted to the responsible
117.24 governmental unit during a 30-day period following publication of the notice that an
117.25 environmental assessment worksheet has been completed. The responsible governmental
117.26 unit's decision on the need for an environmental impact statement shall be based on the
117.27 environmental assessment worksheet and the comments received during the comment period,
117.28 and shall be made within 15 days after the close of the comment period. The board's chair
117.29 may extend the 15-day period by not more than 15 additional days upon the request of the
117.30 responsible governmental unit.

117.31 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed
117.32 action whenever material evidence accompanying a petition by not less than 100 individuals
117.33 who reside or own property in the state, submitted before the proposed project has received
117.34 final approval by the appropriate governmental units, demonstrates that, because of the
117.35 nature or location of a proposed action, there may be potential for significant environmental

118.1 effects. Petitions requesting the preparation of an environmental assessment worksheet shall
 118.2 be submitted to the board. The chair of the board shall determine the appropriate responsible
 118.3 governmental unit and forward the petition to it. A decision on the need for an environmental
 118.4 assessment worksheet shall be made by the responsible governmental unit within 15 days
 118.5 after the petition is received by the responsible governmental unit. The board's chair may
 118.6 extend the 15-day period by not more than 15 additional days upon request of the responsible
 118.7 governmental unit.

118.8 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part
 118.9 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
 118.10 review under this chapter and rules of the board, if:

118.11 (1) the proposed action is:

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

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

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

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

118.23 Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300,
 118.24 subpart 29, item B, applies, a mandatory environmental assessment worksheet is not required
 118.25 for an animal feedlot facility with a capacity of less than 2,000 animal units or an expansion
 118.26 of an existing animal feedlot facility with a total cumulative capacity of less than 2,000
 118.27 animal units.

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

118.32 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental
 118.33 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or

119.1 location of the project, have the potential for significant environmental effects. The same
119.2 process shall be utilized to determine the form, content, and level of detail of the statement
119.3 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In
119.4 addition, the permits ~~which~~ that will be required for the proposed action shall be identified
119.5 during the scoping process. Further, the process shall identify those permits for which
119.6 information will be developed concurrently with the environmental impact statement. The
119.7 board shall provide in its rules for the expeditious completion of the scoping process. The
119.8 determinations reached in the process shall be incorporated into the order requiring the
119.9 preparation of an environmental impact statement.

119.10 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication
119.11 and ensure coordination between state and federal environmental review and between
119.12 environmental review and environmental permitting. Whenever practical, information
119.13 needed by a governmental unit for making final decisions on permits or other actions required
119.14 for a proposed project shall be developed in conjunction with the preparation of an
119.15 environmental impact statement. When an environmental impact statement is prepared for
119.16 a project requiring multiple permits for which two or more agencies' decision processes
119.17 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before
119.18 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to
119.19 the contrary, conduct the hearings in a single consolidated hearing process if requested by
119.20 the proposer. All agencies having jurisdiction over a permit that is included in the
119.21 consolidated hearing shall participate. The responsible governmental unit shall establish
119.22 appropriate procedures for the consolidated hearing process, including procedures to ensure
119.23 that the consolidated hearing process is consistent with the applicable requirements for each
119.24 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest
119.25 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over
119.26 a permit identified in the draft environmental impact statement must accept and begin
119.27 reviewing any permit application upon publication of the notice of preparation of the
119.28 environmental impact statement.

119.29 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined
119.30 within 280 days after notice of its preparation unless the time is extended by consent of the
119.31 parties or by the governor for good cause. The responsible governmental unit shall determine
119.32 the adequacy of an environmental impact statement, unless within 60 days after notice is
119.33 published that an environmental impact statement will be prepared, the board chooses to
119.34 determine the adequacy of an environmental impact statement. If an environmental impact

120.1 statement is found to be inadequate, the responsible governmental unit shall have 60 days
 120.2 to prepare an adequate environmental impact statement.

120.3 ~~(j)~~ (k) The proposer of a specific action may include in the information submitted to the
 120.4 responsible governmental unit a preliminary draft environmental impact statement under
 120.5 this section on that action for review, modification, and determination of completeness and
 120.6 adequacy by the responsible governmental unit. A preliminary draft environmental impact
 120.7 statement prepared by the project proposer and submitted to the responsible governmental
 120.8 unit shall identify or include as an appendix all studies and other sources of information
 120.9 used to substantiate the analysis contained in the preliminary draft environmental impact
 120.10 statement. The responsible governmental unit shall require additional studies, if needed,
 120.11 and obtain from the project proposer all additional studies and information necessary for
 120.12 the responsible governmental unit to perform its responsibility to review, modify, and
 120.13 determine the completeness and adequacy of the environmental impact statement.

120.14 Sec. 16. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

120.15 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an
 120.16 environmental assessment worksheet, the need for an environmental impact statement, or
 120.17 the adequacy of an environmental impact statement is entitled to judicial review of the
 120.18 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved
 120.19 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of
 120.20 Appeals and served on the responsible governmental unit not more than ~~30~~ 45 days after
 120.21 ~~the party receives the final decision and order of the responsible governmental unit provides~~
 120.22 notice of the decision as required by law. Proceedings for review under this section must
 120.23 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon
 120.24 the responsible governmental unit and by promptly filing the proof of service in the Office
 120.25 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by
 120.26 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the
 120.27 attorney general at the time of service. Copies of the writ must be served, personally or by
 120.28 certified mail, upon the responsible governmental unit and the project proposer. The filing
 120.29 of the writ of certiorari does not stay the enforcement of any other governmental action,
 120.30 provided that the responsible governmental unit may stay enforcement or the Court of
 120.31 Appeals may order a stay upon terms it deems proper. A bond may be required under section
 120.32 562.02 unless at the time of hearing on the application for the bond the petitioner-relator
 120.33 has shown that the claim is likely to succeed on the merits. The board may initiate judicial
 120.34 review of decisions referred to herein and the board or a project proposer may intervene as
 120.35 of right in any proceeding brought under this subdivision.

121.1 Sec. 17. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

121.2 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

121.3 (1) assess the proposer of a specific action for the responsible governmental unit's
 121.4 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.
 121.5 The costs ~~shall~~ must be determined by the responsible governmental unit ~~pursuant~~ according
 121.6 to the rules ~~promulgated~~ adopted by the board; and

121.7 (2) authorize a proposer of a specific action to prepare a draft environmental impact
 121.8 statement for that action for submission to and review, modification, and determination of
 121.9 completeness and adequacy by the responsible governmental unit.

121.10 Sec. 18. **SUSPENSION OF CERTAIN WATER QUALITY RULES.**

121.11 Until July 1, 2019, the water quality standards or other water quality rule changes adopted
 121.12 on or after July 2, 2014, that require a local unit of government to upgrade or update its
 121.13 wastewater treatment facility or to construct a new wastewater treatment facility, are
 121.14 suspended. Water quality standards and other water quality rules in effect on July 1, 2014,
 121.15 are in effect until July 1, 2019. Any actions brought by the commissioner of the Pollution
 121.16 Control Agency before, or contested cases under Minnesota Statutes, chapter 14, that are
 121.17 pending on the effective date of this section, to enforce water quality standards or other
 121.18 water quality rules adopted on or after July 2, 2014, are suspended until July 1, 2019.

121.19 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 121.20 expires July 1, 2019.

121.21 **ARTICLE 4**

121.22 **ENVIRONMENTAL QUALITY BOARD**

121.23 Section 1. Minnesota Statutes 2016, section 3.886, subdivision 4, is amended to read:

121.24 Subd. 4. **Powers and duties.** (a) The Legislative Water Commission shall review water
 121.25 policy reports and recommendations of the ~~Environmental Quality Board, the Board of~~
 121.26 Water and Soil Resources, the Pollution Control Agency, the Department of Natural
 121.27 Resources, the Metropolitan Council, and other water-related reports as may be required
 121.28 by law or the legislature.

121.29 (b) The commission may conduct public hearings and otherwise secure data and
 121.30 comments.

122.1 (c) The commission shall make recommendations as it deems proper to assist the
122.2 legislature in formulating legislation.

122.3 (d) Data or information compiled by the Legislative Water Commission or its
122.4 subcommittees shall be made available to the Legislative-Citizen Commission on Minnesota
122.5 Resources, the Clean Water Council, and standing and interim committees of the legislature
122.6 on request of the chair of the respective commission, council, or committee.

122.7 (e) The commission shall coordinate with the Clean Water Council.

122.8 Sec. 2. Minnesota Statutes 2016, section 13.7411, subdivision 9, is amended to read:

122.9 Subd. 9. **Environmental Quality Board** Low-level radioactive waste. ~~(a) Study data~~
122.10 ~~for radioactive waste disposal. Access to data derived from testing or studies for the~~
122.11 ~~disposal of radioactive waste is governed by section 116C.724, subdivision 3.~~

122.12 ~~(b) Low-level radioactive waste.~~ Certain data given to the Pollution Control Agency
122.13 by persons who generate, transport, or dispose of low-level radioactive waste are classified
122.14 under section 116C.840.

122.15 Sec. 3. Minnesota Statutes 2016, section 18B.045, is amended to read:

122.16 **18B.045 PESTICIDE MANAGEMENT PLAN.**

122.17 Subdivision 1. **Development.** The commissioner shall develop a pesticide management
122.18 plan for the prevention, evaluation, and mitigation of occurrences of pesticides or pesticide
122.19 breakdown products in groundwaters and surface waters of the state. The pesticide
122.20 management plan must include components promoting prevention, developing appropriate
122.21 responses to the detection of pesticides or pesticide breakdown products in groundwater
122.22 and surface waters, and providing responses to reduce or eliminate continued pesticide
122.23 movement to groundwater and surface water. By September 1 of each even-numbered year,
122.24 the commissioner must submit a status report on the plan to the ~~Environmental Quality~~
122.25 ~~Board for review and then to the~~ house of representatives and senate committees with
122.26 jurisdiction over the environment, natural resources, and agriculture.

122.27 Subd. 2. **Coordination.** The pesticide management plan shall be coordinated and
122.28 developed with other state agency plans and with other state agencies ~~through the~~
122.29 ~~Environmental Quality Board.~~ In addition, the University of Minnesota Extension Service,
122.30 farm organizations, farmers, environmental organizations, and industry shall be involved
122.31 in the pesticide management plan development.

123.1 Sec. 4. Minnesota Statutes 2016, section 18E.06, is amended to read:

123.2 **18E.06 REPORT.**

123.3 By December 1 of each year, the Agricultural Chemical Response Compensation Board
123.4 and the commissioner shall submit to the house of representatives Committee on Ways and
123.5 Means, the senate Committee on Finance, and the house of representatives and senate
123.6 committees with jurisdiction over the environment, natural resources, and agriculture, ~~and~~
123.7 ~~the Environmental Quality Board~~ a report detailing the board's activities and reimbursements
123.8 and the expenditures and activities associated with the commissioner's incident response
123.9 program for which money from the account has been spent during the previous year.

123.10 Sec. 5. Minnesota Statutes 2016, section 103A.204, is amended to read:

123.11 **103A.204 GROUNDWATER POLICY.**

123.12 (a) The responsibility for the protection of groundwater in Minnesota is vested in a
123.13 multiagency approach to management. The following is a list of agencies and the groundwater
123.14 protection areas for which the agencies are primarily responsible; the list is not intended to
123.15 restrict the areas of responsibility to only those specified:

123.16 (1) ~~Environmental Quality Board~~ Clean Water Council: coordination of state groundwater
123.17 protection programs;

123.18 (2) Pollution Control Agency: water quality monitoring and reporting and the
123.19 development of best management practices and regulatory mechanisms for protection of
123.20 groundwater from nonagricultural chemical contaminants;

123.21 (3) Department of Agriculture: sustainable agriculture, integrated pest management,
123.22 water quality monitoring, and the development of best management practices and regulatory
123.23 mechanisms for protection of groundwater from agricultural chemical contaminants;

123.24 (4) Board of Water and Soil Resources: reporting on groundwater education and outreach
123.25 with local government officials, local water planning and management, and local cost share
123.26 programs;

123.27 (5) Department of Natural Resources: water quantity monitoring and regulation,
123.28 sensitivity mapping, and development of a plan for the use of integrated pest management
123.29 and sustainable agriculture on state-owned lands; and

123.30 (6) Department of Health: regulation of wells and borings, and the development of health
123.31 risk limits under section 103H.201.

124.1 (b) The ~~Environmental Quality Board shall~~ Clean Water Council must prepare a report
 124.2 on policy issues related to its responsibilities listed in paragraph (a); and include these reports
 124.3 with ~~the assessments in section 103A.43 and~~ the "Minnesota Water Plan" in section
 124.4 103B.151.

124.5 Sec. 6. Minnesota Statutes 2016, section 103B.101, subdivision 9, is amended to read:

124.6 Subd. 9. **Powers and duties.** In addition to the powers and duties prescribed elsewhere,
 124.7 the board ~~shall~~ must:

124.8 (1) coordinate the water and soil resources planning and implementation activities of
 124.9 counties, soil and water conservation districts, watershed districts, watershed management
 124.10 organizations, and any other local units of government through its various authorities for
 124.11 approval of local plans, administration of state grants, contracts and easements, and by other
 124.12 means as may be appropriate;

124.13 (2) facilitate communication and coordination among state agencies ~~in cooperation with~~
 124.14 ~~the Environmental Quality Board~~, and between state and local units of government, in order
 124.15 to make the expertise and resources of state agencies involved in water and soil resources
 124.16 management available to the local units of government to the greatest extent possible;

124.17 (3) coordinate state and local interests with respect to the study in southwestern Minnesota
 124.18 under United States Code, title 16, section 1009;

124.19 (4) develop information and education programs designed to increase awareness of local
 124.20 water and soil resources problems and awareness of opportunities for local government
 124.21 involvement in preventing or solving them;

124.22 (5) provide a forum for the discussion of local issues and opportunities relating to water
 124.23 and soil resources management;

124.24 (6) adopt an annual budget and work program that integrate the various functions and
 124.25 responsibilities assigned to it by law; and

124.26 (7) report to the governor and the legislature by October 15 of each even-numbered year
 124.27 with an assessment of board programs and recommendations for any program changes and
 124.28 board membership changes necessary to improve state and local efforts in water and soil
 124.29 resources management.

124.30 The board may accept grants, gifts, donations, or contributions in money, services,
 124.31 materials, or otherwise from the United States, a state agency, or other source to achieve
 124.32 an authorized or delegated purpose. The board may enter into a contract or agreement

125.1 necessary or appropriate to accomplish the transfer. The board may conduct or participate
 125.2 in local, state, or federal programs or projects that have as one purpose or effect the
 125.3 preservation or enhancement of water and soil resources and may enter into and administer
 125.4 agreements with local governments or landowners or their designated agents as part of those
 125.5 programs or projects. The board may receive and expend money to acquire conservation
 125.6 easements, as defined in chapter 84C, on behalf of the state and federal government consistent
 125.7 with the Camp Ripley's Army Compatible Use Buffer Project.

125.8 Any money received is hereby deposited in an account in a fund other than the general
 125.9 fund and appropriated and dedicated for the purpose for which it is granted.

125.10 Sec. 7. Minnesota Statutes 2016, section 103B.151, is amended to read:

125.11 **103B.151 COORDINATION OF WATER RESOURCE PLANNING.**

125.12 Subdivision 1. **Water planning.** The ~~Environmental Quality Board~~ Clean Water Council
 125.13 ~~shall~~ must:

125.14 (1) coordinate public water resource management and regulation activities among the
 125.15 state agencies having jurisdiction in the area;

125.16 (2) coordinate comprehensive long-range water resources planning in furtherance of the
 125.17 Environmental Quality Board's "Minnesota Water Plan," published in January 1991, by
 125.18 September 15, 2000, and each ten-year interval afterwards;

125.19 (3) coordinate water planning activities of local, regional, and federal bodies with state
 125.20 water planning and integrate these plans with state strategies;

125.21 (4) coordinate development of state water policy recommendations and priorities, and
 125.22 a recommended program for funding identified needs, including priorities for implementing
 125.23 the state water resources monitoring plan;

125.24 (5) administer federal water resources planning with multiagency interests;

125.25 (6) ensure that groundwater quality monitoring and related data is provided and integrated
 125.26 into the Minnesota land management information system according to published data
 125.27 compatibility guidelines. Costs of integrating the data in accordance with data compatibility
 125.28 standards must be borne by the agency generating the data;

125.29 (7) coordinate the development and evaluation of water information and education
 125.30 materials and resources; and

125.31 (8) coordinate the dissemination of water information and education through existing
 125.32 delivery systems.

126.1 Subd. 2. **Governor's representative.** The ~~Environmental Quality Board~~ Clean Water
126.2 Council chair shall represent the governor on interstate water resources organizations.

126.3 Sec. 8. Minnesota Statutes 2016, section 103B.315, subdivision 5, is amended to read:

126.4 Subd. 5. **State review.** (a) After conducting the public hearing but before final adoption,
126.5 the county board must submit its local water management plan, all written comments received
126.6 on the plan, a record of the public hearing under subdivision 4, and a summary of changes
126.7 incorporated as a result of the review process to the board for review. The board shall
126.8 complete the review within 90 days after receiving a local water management plan and
126.9 supporting documents. The board shall consult with the Departments of Agriculture, Health,
126.10 and Natural Resources; the Pollution Control Agency; ~~the Environmental Quality Board;~~
126.11 and other appropriate state agencies during the review.

126.12 (b) The board may disapprove a local water management plan if the board determines
126.13 the plan is not consistent with state law. If a plan is disapproved, the board shall provide a
126.14 written statement of its reasons for disapproval. A disapproved local water management
126.15 plan must be revised by the county board and resubmitted for approval by the board within
126.16 120 days after receiving notice of disapproval of the local water management plan, unless
126.17 the board extends the period for good cause.

126.18 (c) If the local government unit disagrees with the board's decision to disapprove the
126.19 plan, it may, within 60 days, initiate mediation through the board's informal dispute resolution
126.20 process as established pursuant to section 103B.345, subdivision 1. A local government
126.21 unit may appeal disapproval to the Court of Appeals. A decision of the board on appeal is
126.22 subject to judicial review under sections 14.63 to 14.69.

126.23 Sec. 9. Minnesota Statutes 2016, section 103H.151, subdivision 4, is amended to read:

126.24 Subd. 4. **Evaluation.** The commissioners of agriculture and the Pollution Control Agency
126.25 shall, through field audits and other appropriate means, monitor the use and effectiveness
126.26 of best management practices developed and promoted under this section. The information
126.27 collected must be submitted to the ~~Environmental Quality Board, which must include the~~
126.28 ~~information in the report required in section 103A.43, paragraph (d)~~ Clean Water Council.

126.29 Sec. 10. Minnesota Statutes 2016, section 103H.175, subdivision 3, is amended to read:

126.30 Subd. 3. **Report.** Every five years, the Pollution Control Agency, in cooperation with
126.31 other agencies participating in the monitoring of water resources, shall provide a draft report
126.32 on the status of groundwater monitoring to the ~~Environmental Quality Board for review~~

127.1 ~~and then to the~~ house of representatives and senate committees with jurisdiction over the
 127.2 environment, natural resources, and agriculture as part of the report in section 103A.204.

127.3 Sec. 11. Minnesota Statutes 2016, section 115A.32, is amended to read:

127.4 **115A.32 RULES.**

127.5 The ~~board shall promulgate~~ commissioner of the Pollution Control Agency must adopt
 127.6 rules ~~pursuant~~ according to chapter 14 to govern ~~its~~ the activities under sections 115A.32
 127.7 to 115A.39. ~~For the purposes of sections 115A.32 to 115A.39, "board" means the~~
 127.8 Environmental Quality Board established in section 116C.03. In all of its activities and
 127.9 ~~deliberations under sections 115A.32 to 115A.39, the board shall consult with the~~
 127.10 ~~commissioner of the Pollution Control Agency.~~

127.11 Sec. 12. Minnesota Statutes 2016, section 115A.33, is amended to read:

127.12 **115A.33 ELIGIBILITY; REQUEST FOR REVIEW.**

127.13 (a) The following persons ~~shall be~~ are eligible to request supplementary review by the
 127.14 temporary advisory board ~~pursuant~~ according to sections 115A.32 to 115A.39:

127.15 ~~(a)~~ (1) a generator of sewage sludge within the state ~~who~~ that has been issued permits
 127.16 by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage
 127.17 treatment;

127.18 ~~(b)~~ (2) a political subdivision ~~which~~ that has been issued permits by the agency, or a
 127.19 political subdivision acting on behalf of a person ~~who~~ that has been issued permits by the
 127.20 agency, for a solid waste facility ~~which~~ that is no larger than 250 acres, not including any
 127.21 proposed buffer area, and located outside the metropolitan area;

127.22 ~~(c)~~ (3) a generator of hazardous waste within the state ~~who~~ that has been issued permits
 127.23 by the agency for a hazardous waste facility to be owned and operated by the generator, on
 127.24 property owned by the generator, and to be used by the generator for managing the hazardous
 127.25 wastes produced by the generator only;

127.26 ~~(d)~~ (4) a person ~~who~~ that has been issued permits by the agency for a commercial
 127.27 hazardous waste processing facility at a site included in the board's inventory of preferred
 127.28 sites for such facilities adopted pursuant to Minnesota Statutes 1996, section 115A.09; and

127.29 ~~(e)~~ (5) a person ~~who~~ that has been issued permits by the agency for a disposal facility
 127.30 for the nonhazardous sludge, ash, or other solid waste generated by a permitted hazardous
 127.31 waste processing facility operated by the person.

128.1 (b) The ~~board~~ commissioner may require completion of a plan conforming to the
 128.2 requirements of section 115A.46, before granting review under ~~clause (b)~~ paragraph (a),
 128.3 clause (2). A request for supplementary review ~~shall~~ must show that the required permits
 128.4 for the facility have been issued by the agency and that a political subdivision has refused
 128.5 to approve the establishment or operation of the facility.

128.6 Sec. 13. Minnesota Statutes 2016, section 115A.34, is amended to read:

128.7 **115A.34 APPOINTMENT OF TEMPORARY ~~BOARD MEMBERS~~ ADVISORY**
 128.8 **BOARD.**

128.9 Within 45 days of the submission of a request determined by the ~~board~~ commissioner
 128.10 to satisfy the requirements for review under sections 115A.32 to 115A.39, a temporary
 128.11 ~~members shall~~ advisory board must be added to the board established for the purpose of the
 128.12 a supplementary review and providing recommendations to the commissioner on a final
 128.13 decision. Three members ~~shall~~ must be selected by the governing body of the city or town
 128.14 in which the ~~chair of the board~~ commissioner determines the facility would be principally
 128.15 located, and three members ~~shall~~ must be selected by the governing body of the county in
 128.16 which the ~~chair of the board~~ commissioner determines the proposed facility would be
 128.17 principally located. If the proposed facility is located in unorganized territory, all six members
 128.18 ~~shall~~ must be selected by the governing board of the county. Temporary advisory board
 128.19 ~~members shall~~ must be residents of the county in which the proposed facility would be
 128.20 located and ~~shall~~ must be selected to represent broadly the local interests that would be
 128.21 directly affected by the proposed facility. At least one member appointed by the city or
 128.22 town ~~shall~~ must live within one mile of the proposed facility, and at least one member
 128.23 appointed by the county ~~shall~~ must be a resident of a city or town in which the proposed
 128.24 facility would be located. If the appointing authority fails to appoint temporary advisory
 128.25 board members in the period allowed, the governor ~~shall~~ must appoint the temporary members
 128.26 to represent the local interests ~~in accordance with~~ according to this section. Temporary
 128.27 advisory board members ~~shall~~ serve for terms lasting until the ~~board~~ commissioner has
 128.28 taken final action on the facility.

128.29 Sec. 14. Minnesota Statutes 2016, section 115A.35, is amended to read:

128.30 **115A.35 REVIEW PROCEDURE.**

128.31 The temporary advisory board ~~shall~~ must meet to ~~commence~~ begin the supplementary
 128.32 review within 90 days of the submission of a request determined by the ~~board~~ commissioner
 128.33 to satisfy the requirements for review under this section. At the meeting ~~commencing~~ to

129.1 begin the review, the chair ~~shall~~, selected by members of the temporary advisory board,
 129.2 must recommend and the temporary advisory board must establish a scope and procedure,
 129.3 in accordance with the rules of the ~~board~~ commissioner, for the supplemental review and
 129.4 final decision by the commissioner on the proposed facility. The procedure ~~shall~~ must require
 129.5 the ~~board~~ commissioner to make a final decision on the proposed facility within 90 days
 129.6 following the commencement of review. The procedure ~~shall~~ must require the temporary
 129.7 advisory board to hold, at the call of the chair, at least one public hearing in the county
 129.8 within which the proposed facility would be located. A majority of ~~permanent~~ the members
 129.9 of the board ~~shall~~ must be present at the hearing. The hearing ~~shall~~ must be conducted for
 129.10 the board by the state Office of Administrative Hearings in a manner determined by the
 129.11 administrative law judge to be consistent with the expeditious completion of the proceedings
 129.12 as required by sections 115A.32 to 115A.39. The hearing ~~shall~~ must not be deemed a
 129.13 contested case under chapter 14. Notice of the hearing ~~shall~~ must be published in a newspaper
 129.14 or newspapers of general circulation in the area for two successive weeks ending at least
 129.15 15 days before the date of the meeting. The notice ~~shall~~ must describe the proposed facility,
 129.16 its location, the permits, and the temporary advisory board's scope and procedure for review.
 129.17 The notice ~~shall~~ must identify a location or locations within the city or town and county
 129.18 where the permit applications, the agency permits, and the temporary advisory board's scope
 129.19 and procedure for review are available for review and where copies may be obtained.

129.20 Sec. 15. Minnesota Statutes 2016, section 115A.36, is amended to read:

129.21 **115A.36 SCOPE AND CONTENT OF REVIEW.**

129.22 In its review ~~and final decision on~~ of the proposed facility, the temporary advisory board
 129.23 ~~shall~~ must consider at least the following matters:

129.24 ~~(a)~~ (1) the risk and effect of the proposed facility on local residents, units of government,
 129.25 and the local public health, safety, and welfare, including such dangers as an accidental
 129.26 release of wastes during transportation to the facility, water, air, and land pollution, and fire
 129.27 or explosion where appropriate, and the degree to which the risk or effect may be alleviated;

129.28 ~~(b)~~ (2) the consistency of the proposed facility with, and its effect on, existing and
 129.29 planned local land use and development; local laws, ordinances, and permits; and local
 129.30 public facilities and services;

129.31 ~~(c)~~ (3) the adverse effects of the facility on agriculture and natural resources and
 129.32 opportunities to mitigate or eliminate the adverse effects by additional stipulations,
 129.33 conditions, and requirements respecting the proposed facility at the proposed site;

130.1 ~~(d)~~ (4) the need for the proposed facility, especially its contribution to abating solid and
 130.2 hazardous waste disposal, the availability of alternative sites, and opportunities to mitigate
 130.3 or eliminate need by additional and alternative waste management strategies or actions of
 130.4 a significantly different nature;

130.5 ~~(e)~~ (5) whether, in the case of solid waste resource recovery facilities, the applicant has
 130.6 considered the feasible and prudent waste processing alternatives for accomplishing the
 130.7 purposes of the proposed project and has compared and evaluated the costs of the alternatives,
 130.8 including capital and operating costs, and the effects of the alternatives on the cost to
 130.9 generators.

130.10 Sec. 16. Minnesota Statutes 2016, section 115A.37, is amended to read:

130.11 **115A.37 FINAL DECISION OF BOARD COMMISSIONER.**

130.12 Subdivision 1. **Approval or disapproval.** (a) In its making a final decision on the
 130.13 proposed facility, the ~~board~~ commissioner must consider the recommendations of the
 130.14 temporary advisory board and may either approve or disapprove the proposed facility at the
 130.15 proposed site. The ~~board's~~ commissioner's approval ~~shall~~ must embody all terms, conditions,
 130.16 and requirements of the permitting agencies, provided that the ~~board~~ commissioner may:

130.17 ~~(a)~~ (1) finally resolve any conflicts between state agencies regarding permit terms,
 130.18 conditions, and requirements;² and

130.19 ~~(b)~~ (2) require more stringent permit terms, conditions, and requirements respecting the
 130.20 design, construction, operation, inspection, monitoring, and maintenance of the proposed
 130.21 facility at the proposed site.

130.22 (b) The ~~board's~~ commissioner's resolution of conflicts under ~~clause paragraph~~ (a) shall,
 130.23 clause (1), must be in favor of the more stringent terms, conditions, and requirements.

130.24 Subd. 2. **Decision paramount.** The decision of the ~~board~~ commissioner to approve a
 130.25 facility ~~shall be~~ is final and ~~shall supersede and preempt~~ supersedes and preempts
 130.26 requirements of state agencies and political subdivisions and the requirements of sections
 130.27 473H.02 to 473H.17; except that the facility ~~shall be~~ is subject to those terms, conditions,
 130.28 and requirements of permitting agencies embodied in the ~~board's~~ commissioner's approval
 130.29 and any requirements imposed pursuant to subdivision 3. The permitting agencies ~~shall~~
 130.30 must issue or amend the permits for the facility within 60 days following and in accordance
 130.31 with the final decision of the ~~board~~ commissioner, and all permits ~~shall~~ must conform to
 130.32 the terms, conditions, and requirements of the ~~board's~~ commissioner's decision. No charter
 130.33 provision, ordinance, rule, permit, or other requirement of any state agency or political

131.1 subdivision shall prevent or restrict the establishment, operation, expansion, continuance,
 131.2 or closure of the facility in accordance with the final decision of the ~~board~~ commissioner
 131.3 and permits issued pursuant ~~thereto~~ to the final decision.

131.4 Subd. 3. **Local requirements.** A political subdivision may impose reasonable
 131.5 requirements respecting the construction, inspection, operation, monitoring, and maintenance
 131.6 of a facility. Any such requirements ~~shall be~~ are subject to review by the agency to determine
 131.7 their reasonableness and consistency with the establishment and use of a facility in
 131.8 accordance with the final decision of the ~~board~~ commissioner and permits issued pursuant
 131.9 ~~thereto~~ to the final decision. The agency may approve, disapprove, suspend, modify, or
 131.10 reverse any such requirements. The decision of the agency ~~shall be~~ is final.

131.11 Sec. 17. Minnesota Statutes 2016, section 115A.38, subdivision 1, is amended to read:

131.12 Subdivision 1. **Reports to legislative commission.** At least 30 days before making a
 131.13 final decision under section 115A.37 in a review brought ~~pursuant~~ according to section
 131.14 115A.33, ~~clause (d)~~ paragraph (a), clause (4), the chair of the temporary advisory board or
 131.15 commissioner may report to the legislative commission describing permit conditions or
 131.16 requirements being considered ~~which~~ that are not within the existing authority of the agency
 131.17 or the board or ~~which~~ that would require legislation or public financial assistance. In any
 131.18 such report, the chair of the board may request intervention in the review pursuant to
 131.19 subdivisions 2 and 3.

131.20 Sec. 18. Minnesota Statutes 2016, section 115A.38, subdivision 3, is amended to read:

131.21 Subd. 3. **Suspension of review process; intervention proceeding.** Following the report
 131.22 of the intervenor, the legislative commission may suspend the review process for an additional
 131.23 period not to exceed 90 days for an intervention proceeding. The intervenor ~~shall be~~ is in
 131.24 charge of the intervention proceeding and may call for such participation and establish such
 131.25 procedures as the intervenor deems necessary and appropriate to facilitate agreement. The
 131.26 intervenor shall keep the chair of the legislative commission informed on the progress of
 131.27 the intervention proceeding, particularly with respect to agreements or proposed agreements
 131.28 ~~which~~ that may require action or decisions not within the authority of the agency ~~or board~~,
 131.29 legislative action, or public financial assistance. The intervenor shall make recommendations
 131.30 to the commission respecting any such agreements or proposed agreements. The commission
 131.31 may make recommendations to the intervenor respecting any such agreement or proposed
 131.32 agreement. If the commission approves of an agreement, or a decision based upon an
 131.33 agreement, ~~which~~ that requires action or decisions not within the authority of the agency

132.1 ~~or board~~, legislative action, or public financial assistance, the commission shall cause the
 132.2 matter and recommendations to be submitted to the legislature for consideration.

132.3 Sec. 19. Minnesota Statutes 2016, section 115A.39, is amended to read:

132.4 **115A.39 JUDICIAL REVIEW.**

132.5 Judicial review with respect to conduct or decisions in supplementary reviews brought
 132.6 ~~pursuant~~ according to section 115A.33, clause (e) or (d) paragraph (a), clause (3) or (4),
 132.7 shall be as provided in section 115A.30.

132.8 Sec. 20. Minnesota Statutes 2016, section 115B.20, subdivision 6, is amended to read:

132.9 Subd. 6. **Report to legislature.** By January 31 of each odd-numbered year, the
 132.10 commissioner of agriculture and the agency shall submit to the senate Finance Committee,
 132.11 the house of representatives Ways and Means Committee, the Environment and Natural
 132.12 Resources Committees of the senate and house of representatives, the Finance Division of
 132.13 the senate Committee on Environment and Natural Resources, and the house of
 132.14 representatives Committee on Environment and Natural Resources Finance, ~~and the~~
 132.15 ~~Environmental Quality Board~~ a report detailing the activities for which money has been
 132.16 spent pursuant to this section during the previous fiscal year.

132.17 Sec. 21. Minnesota Statutes 2016, section 116C.74, subdivision 2, is amended to read:

132.18 Subd. 2. **Violations; penalties.** (a) A person who violates section 116C.723, ~~116C.724,~~
 132.19 or 116C.731 is:

132.20 (1) guilty of a misdemeanor and is subject to a fine of not more than \$20,000; and

132.21 (2) subject to a civil penalty of not more than \$10,000 for each day of violation, payable
 132.22 to the state, and may be ordered by the court to pay to the state an additional sum as
 132.23 compensation for cleanup and for pollution, destruction, or impairment of the environment,
 132.24 including but not limited to contamination of water supplies or water aquifers.

132.25 (b) A violation of section 116C.723, ~~116C.724,~~ or 116C.731 may be enjoined as provided
 132.26 by law in an action in the name of the state brought by the attorney general.

132.27 (c) This subdivision does not limit other remedies otherwise available to either the state
 132.28 or private parties for violations of section 116C.723, ~~116C.724,~~ or 116C.731.

133.1 Sec. 22. Minnesota Statutes 2016, section 116C.91, is amended by adding a subdivision
133.2 to read:

133.3 Subd. 2a. **Commissioner.** "Commissioner" means the commissioner of agriculture.

133.4 Sec. 23. Minnesota Statutes 2016, section 116C.92, is amended to read:

133.5 **116C.92 COORDINATION OF ACTIVITIES.**

133.6 Subdivision 1. **State coordinating organization.** The ~~Environmental Quality Board~~
133.7 Department of Agriculture is designated the state coordinating organization for state and
133.8 federal regulatory activities relating to genetically engineered organisms.

133.9 Subd. 2. **Notice of nationwide action.** The ~~board~~ commissioner of natural resources
133.10 ~~shall~~ must notify interested parties if a permit to release genetically engineered wild rice is
133.11 issued anywhere in the United States. For purposes of this subdivision, "interested parties"
133.12 means:

- 133.13 (1) the state's ~~wild-rice~~ wild-rice industry;
- 133.14 (2) the legislature;
- 133.15 (3) federally recognized tribes within Minnesota; and
- 133.16 (4) individuals who request to be notified.

133.17 Sec. 24. Minnesota Statutes 2016, section 116C.94, is amended to read:

133.18 **116C.94 RULES.**

133.19 Subdivision 1. **General authority.** (a) Except as provided in paragraph (b), the ~~board~~
133.20 commissioner shall adopt rules consistent with sections 116C.91 to 116C.96 that require
133.21 an environmental assessment worksheet and otherwise comply with chapter 116D and rules
133.22 adopted under it for a proposed release and a permit for a release. The ~~board~~ commissioner
133.23 may place conditions on a permit and may deny, modify, suspend, or revoke a permit.

133.24 (b) The ~~board~~ commissioner shall adopt rules that require an environmental impact
133.25 statement and otherwise comply with chapter 116D and rules adopted under it for a proposed
133.26 release and a permit for a release of genetically engineered wild rice. The ~~board~~ commissioner
133.27 may place conditions on the permit and may deny, modify, suspend, or revoke the permit.

133.28 Subd. 2. **Significant environmental permit.** The rules ~~shall~~ must provide that the ~~board~~
133.29 commissioner shall authorize an agency with a significant environmental permit to administer
133.30 the regulatory oversight for the release of certain genetically engineered organisms.

134.1 Subd. 3. **Commercialization.** The ~~board~~ commissioner may adopt rules providing
134.2 exemptions to the requirements to prepare an environmental assessment worksheet and
134.3 obtain a permit for releases of genetically engineered organisms for which substantial
134.4 evidence from past releases has shown to the ~~board's~~ commissioner's satisfaction that the
134.5 organism can be released without jeopardizing public health or the environment.

134.6 Subd. 4. **Alternative regulatory oversight.** The ~~board~~ commissioner may adopt rules
134.7 providing alternative regulatory oversight to the requirements to prepare an environmental
134.8 assessment worksheet and obtain a permit for releases of genetically engineered organisms
134.9 for which substantial evidence from past experience, including releases and laboratory data,
134.10 has shown to the ~~board's~~ commissioner's satisfaction that the alternative oversight will
134.11 protect public health and the environment.

134.12 Subd. 5. **Rules; federal oversight.** The ~~board~~ commissioner may adopt rules to implement
134.13 the authorities granted ~~to it~~ in section 116C.97, subdivision 2.

134.14 Subd. 6. **Consultation.** The ~~board~~ commissioner shall consult with local units of
134.15 government and with private citizens before adopting any rules.

134.16 Sec. 25. Minnesota Statutes 2016, section 116C.95, is amended to read:

134.17 **116C.95 LIABILITY.**

134.18 Rules established by the ~~board~~ commissioner under section 116C.94 ~~shall do~~ not affect
134.19 liability under any other law or regulation for adverse effects resulting from activities relating
134.20 to genetically engineered organisms.

134.21 Sec. 26. Minnesota Statutes 2016, section 116C.96, is amended to read:

134.22 **116C.96 COST REIMBURSEMENT.**

134.23 The ~~board~~ commissioner shall assess the proposer of a release for the necessary and
134.24 reasonable costs of processing exemptions from a release permit under rules authorized by
134.25 sections 116C.94, subdivisions 1, 3, and 4, and 116C.97, subdivision 2, paragraph (c), or
134.26 applications for a release permit. An estimated budget ~~shall~~ must be prepared for each
134.27 exemption or application by the ~~chair of the board~~ commissioner. The proposer must remit
134.28 25 percent of the estimated budget within 14 days of the receipt of the estimated budget
134.29 from the ~~chair~~ commissioner. The unpaid balance ~~shall~~ must be billed in periodic installments,
134.30 due upon receipt of an invoice from the ~~chair~~ commissioner. Costs in excess of the estimated
134.31 budget must be certified by the ~~board~~ commissioner and upon certification constitute prima
134.32 facie evidence that the expenses are reasonable and necessary and ~~shall~~ must be charged to

135.1 the proposer. The proposer may review all actual costs and present objections to the ~~board~~
 135.2 commissioner, ~~which~~ who may modify the cost or determine that the cost assessed is
 135.3 reasonable. The assessment paid by the proposer ~~shall~~ must not exceed the sum of the costs
 135.4 incurred. All money received under this section ~~shall~~ must be deposited in the special account
 135.5 established under section 116D.045, subdivision 3, ~~for the purpose of paying~~ to pay costs
 135.6 incurred in processing exemptions and applications.

135.7 Sec. 27. Minnesota Statutes 2016, section 116C.97, is amended to read:

135.8 **116C.97 EXEMPTIONS.**

135.9 Subdivision 1. **Human gene therapy.** The requirements of sections 116C.91 to 116C.96
 135.10 and of the rules of the ~~board~~ adopted ~~pursuant~~ according to section 116C.94 do not apply
 135.11 to genetic engineering of human germ cells and human somatic cells intended for use in
 135.12 human gene therapy.

135.13 Subd. 2. **Federal oversight.** (a) If the ~~board~~ commissioner determines, upon ~~its~~ the
 135.14 commissioner's own volition or at the request of any person, that a federal program exists
 135.15 for regulating the release of certain genetically engineered organisms and the federal oversight
 135.16 under the program is adequate to protect human health or the environment, then any person
 135.17 may release such genetically engineered organisms after obtaining the necessary federal
 135.18 approval and without obtaining a state release permit or a significant environmental permit
 135.19 or complying with the other requirements of sections 116C.91 to 116C.96 and the rules of
 135.20 ~~the board~~ adopted pursuant to section 116C.94.

135.21 (b) If the ~~board~~ commissioner determines the federal program is adequate to meet only
 135.22 certain requirements of sections 116C.91 to 116C.96 and the rules of the ~~board~~ adopted
 135.23 pursuant to section 116C.94, the ~~board~~ commissioner may exempt such releases from those
 135.24 requirements.

135.25 (c) A person proposing a release for which a federal authorization is required may apply
 135.26 to the ~~board~~ commissioner for an exemption from the ~~board's~~ commissioner's permit or to
 135.27 a state agency with a significant environmental permit for the proposed release for an
 135.28 exemption from the agency's permit. The proposer must file with the ~~board~~ commissioner
 135.29 or state agency a written request for exemption with a copy of the federal application and
 135.30 the information necessary to determine if there is a potential for significant environmental
 135.31 effects under chapter 116D and rules adopted under it. The ~~board~~ commissioner or state
 135.32 agency shall give public notice of the request in the first available issue of the ~~EQB~~
 135.33 Environmental Quality Monitor and shall provide an opportunity for public comment on
 135.34 the environmental review process consistent with chapter 116D and rules adopted under it.

136.1 The ~~board~~ commissioner or state agency may grant the exemption if the ~~board~~ commissioner
 136.2 or state agency finds that the federal authorization issued is adequate to meet the requirements
 136.3 of chapter 116D and rules adopted under it and any other requirement of the ~~board's~~
 136.4 commissioner's or state agency's authority regarding the release of genetically engineered
 136.5 organisms. The ~~board~~ commissioner or state agency must grant or deny the exemption
 136.6 within 45 days after the receipt of the written request and the information required by the
 136.7 ~~board~~ commissioner or state agency.

136.8 (d) This subdivision does not apply to genetically engineered organisms for which an
 136.9 environmental impact statement is required under sections 116C.91 to 116C.96.

136.10 Sec. 28. Minnesota Statutes 2016, section 116C.99, subdivision 2, is amended to read:

136.11 Subd. 2. **Standards and criteria.** (a) ~~By October 1, 2013,~~ The commissioner of natural
 136.12 resources may maintain and update model standards and criteria developed by the
 136.13 Environmental Quality Board, in consultation with local units of government, shall develop
 136.14 ~~model standards and criteria~~ for mining, processing, and transporting silica sand. These
 136.15 standards and criteria may be used by local units of government in developing local
 136.16 ordinances. The standards and criteria shall be different for different geographic areas of
 136.17 the state. The unique karst conditions and landforms of southeastern Minnesota shall be
 136.18 considered unique when compared with the flat scoured river terraces and uniform hydrology
 136.19 of the Minnesota Valley. The standards and criteria developed shall reflect those differences
 136.20 in varying regions of the state. The standards and criteria must include:

136.21 (1) recommendations for setbacks or buffers for mining operation and processing,
 136.22 including:

136.23 (i) any residence or residential zoning district boundary;

136.24 (ii) any property line or right-of-way line of any existing or proposed street or highway;

136.25 (iii) ordinary high-water levels of public waters;

136.26 (iv) bluffs;

136.27 (v) designated trout streams, Class 2A water as designated in the rules of the Pollution
 136.28 Control Agency, or any perennially flowing tributary of a designated trout stream or Class
 136.29 2A water;

136.30 (vi) calcareous fens;

136.31 (vii) wellhead protection areas as defined in section 103I.005;

- 137.1 (viii) critical natural habitat acquired by the commissioner of natural resources under
137.2 section 84.944; and
- 137.3 (ix) a natural resource easement paid wholly or in part by public funds;
- 137.4 (2) standards for hours of operation;
- 137.5 (3) groundwater and surface water quality and quantity monitoring and mitigation plan
137.6 requirements, including:
- 137.7 (i) applicable groundwater and surface water appropriation permit requirements;
- 137.8 (ii) well-sealing requirements;
- 137.9 (iii) annual submission of monitoring well data; and
- 137.10 (iv) storm water runoff rate limits not to exceed two-, ten-, and 100-year storm events;
- 137.11 (4) air monitoring and data submission requirements;
- 137.12 (5) dust control requirements;
- 137.13 (6) noise testing and mitigation plan requirements;
- 137.14 (7) blast monitoring plan requirements;
- 137.15 (8) lighting requirements;
- 137.16 (9) inspection requirements;
- 137.17 (10) containment requirements for silica sand in temporary storage to protect air and
137.18 water quality;
- 137.19 (11) containment requirements for chemicals used in processing;
- 137.20 (12) financial assurance requirements;
- 137.21 (13) road and bridge impacts and requirements; and
- 137.22 (14) reclamation plan requirements as required under the rules adopted by the
137.23 commissioner of natural resources.

137.24 Sec. 29. Minnesota Statutes 2016, section 116C.99, subdivision 3, is amended to read:

137.25 Subd. 3. **Silica sand technical assistance team.** ~~By October 1, 2013, the Environmental~~
137.26 ~~Quality Board~~ The commissioner of natural resources shall assemble a silica sand technical
137.27 assistance team to provide local units of government, at their request, with assistance with
137.28 ordinance development, zoning, environmental review and permitting, monitoring, or other
137.29 issues arising from silica sand mining and processing operations. The technical assistance

138.1 team may be chosen from representatives of the following entities: the Department of Natural
138.2 Resources, the Pollution Control Agency, the Board of Water and Soil Resources, the
138.3 Department of Health, the Department of Transportation, the University of Minnesota, the
138.4 Minnesota State Colleges and Universities, and federal agencies. A majority of the members
138.5 must be from a state agency and all members must have expertise in one or more of the
138.6 following areas: silica sand mining, hydrology, air quality, water quality, land use, or other
138.7 areas related to silica sand mining.

138.8 Sec. 30. Minnesota Statutes 2016, section 116C.991, is amended to read:

138.9 **116C.991 ENVIRONMENTAL REVIEW; SILICA SAND PROJECTS.**

138.10 (a) Until a final rule is adopted pursuant to Laws 2013, chapter 114, article 4, section
138.11 105, paragraph (d), an environmental assessment worksheet must be prepared for any silica
138.12 sand project that meets or exceeds the following thresholds, unless the project meets or
138.13 exceeds the thresholds for an environmental impact statement under rules of the
138.14 ~~Environmental Quality Board~~ adopted under section 116D.04, and an environmental impact
138.15 statement must be prepared:

138.16 (1) excavates 20 or more acres of land to a mean depth of ten feet or more during its
138.17 existence. The local government is the responsible governmental unit; or

138.18 (2) is designed to store or is capable of storing more than 7,500 tons of silica sand or
138.19 has an annual throughput of more than 200,000 tons of silica sand and is not required to
138.20 receive a permit from the Pollution Control Agency. The Pollution Control Agency is the
138.21 responsible governmental unit.

138.22 (b) In addition to the contents required under statute and rule, an environmental
138.23 assessment worksheet completed according to this section must include:

138.24 (1) a hydrogeologic investigation assessing potential groundwater and surface water
138.25 effects and geologic conditions that could create an increased risk of potentially significant
138.26 effects on groundwater and surface water;

138.27 (2) for a project with the potential to require a groundwater appropriation permit from
138.28 the commissioner of natural resources, an assessment of the water resources available for
138.29 appropriation;

138.30 (3) an air quality impact assessment that includes an assessment of the potential effects
138.31 from airborne particulates and dust;

139.1 (4) a traffic impact analysis, including documentation of existing transportation systems,
 139.2 analysis of the potential effects of the project on transportation, and mitigation measures to
 139.3 eliminate or minimize adverse impacts;

139.4 (5) an assessment of compatibility of the project with other existing uses; and

139.5 (6) mitigation measures that could eliminate or minimize any adverse environmental
 139.6 effects for the project.

139.7 Sec. 31. Minnesota Statutes 2016, section 116C.992, is amended to read:

139.8 **116C.992 TECHNICAL ASSISTANCE, ORDINANCE, AND PERMIT LIBRARY.**

139.9 ~~By October 1, 2013, the Environmental Quality Board, in consultation with local units~~
 139.10 ~~of government, shall create and~~ The commissioner of natural resources must maintain a
 139.11 library on local government ordinances and local government permits that have been
 139.12 approved for regulation of silica sand projects for reference by local governments.

139.13 Sec. 32. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

139.14 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental
 139.15 effects resulting from any major governmental action, the action shall be preceded by a
 139.16 detailed environmental impact statement prepared by the responsible governmental unit.
 139.17 The environmental impact statement shall be an analytical rather than an encyclopedic
 139.18 document which describes the proposed action in detail, analyzes its significant environmental
 139.19 impacts, discusses appropriate alternatives to the proposed action and their impacts, and
 139.20 explores methods by which adverse environmental impacts of an action could be mitigated.
 139.21 The environmental impact statement shall also analyze those economic, employment, and
 139.22 sociological effects that cannot be avoided should the action be implemented. To ensure its
 139.23 use in the decision-making process, the environmental impact statement shall be prepared
 139.24 as early as practical in the formulation of an action.

139.25 ~~(a)~~ (b) ~~The board~~ The commissioner of the Pollution Control Agency shall by rule establish
 139.26 categories of actions for which environmental impact statements and for which environmental
 139.27 assessment worksheets shall be prepared as well as categories of actions for which no
 139.28 environmental review is required under this section. A mandatory environmental assessment
 139.29 worksheet ~~shall~~ is not be required for the expansion of an ethanol plant, as defined in section
 139.30 41A.09, subdivision 2a, paragraph (b), or the conversion of an ethanol plant to a biobutanol
 139.31 facility or the expansion of a biobutanol facility as defined in section 41A.15, subdivision
 139.32 2d, based on the capacity of the expanded or converted facility to produce alcohol fuel, but

140.1 must be required if the ethanol plant or biobutanol facility meets or exceeds thresholds of
140.2 other categories of actions for which environmental assessment worksheets must be prepared.
140.3 The responsible governmental unit for an ethanol plant or biobutanol facility project for
140.4 which an environmental assessment worksheet is prepared ~~shall be~~ is the state agency with
140.5 the greatest responsibility for supervising or approving the project as a whole.

140.6 (c) A mandatory environmental impact statement ~~shall~~ is not be required for a facility
140.7 or plant located outside the seven-county metropolitan area that produces less than
140.8 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less
140.9 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as
140.10 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined
140.11 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that
140.12 only uses a cellulosic feedstock to produce chemical products for use by another facility as
140.13 a feedstock ~~shall~~ is not be considered a fuel conversion facility as used in rules adopted
140.14 under this chapter.

140.15 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion
140.16 of an environmental assessment worksheet by publishing the notice in at least one newspaper
140.17 of general circulation in the geographic area where the project is proposed, by posting the
140.18 notice on a Web site that has been designated as the official publication site for publication
140.19 of proceedings, public notices, and summaries of a political subdivision in which the project
140.20 is proposed, or in any other manner determined by the ~~board~~ commissioner and shall provide
140.21 copies of the environmental assessment worksheet to the ~~board and its member agencies~~
140.22 commissioner. Comments on the need for an environmental impact statement may be
140.23 submitted to the responsible governmental unit during a 30-day period following publication
140.24 of the notice that an environmental assessment worksheet has been completed. The
140.25 responsible governmental unit's decision on the need for an environmental impact statement
140.26 shall be based on the environmental assessment worksheet and the comments received
140.27 during the comment period, and shall be made within 15 days after the close of the comment
140.28 period. The ~~board's chair~~ commissioner may extend the 15-day period by not more than 15
140.29 additional days upon the request of the responsible governmental unit.

140.30 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed
140.31 action whenever material evidence accompanying a petition by not less than 100 individuals
140.32 who reside or own property in the state, submitted before the proposed project has received
140.33 final approval by the appropriate governmental units, demonstrates that, because of the
140.34 nature or location of a proposed action, there may be potential for significant environmental
140.35 effects. Petitions requesting the preparation of an environmental assessment worksheet shall

141.1 be submitted to the ~~board~~ commissioner. The ~~chair of the board~~ commissioner shall determine
 141.2 the appropriate responsible governmental unit and forward the petition to it. A decision on
 141.3 the need for an environmental assessment worksheet shall be made by the responsible
 141.4 governmental unit within 15 days after the petition is received by the responsible
 141.5 governmental unit. The ~~board's chair~~ commissioner may extend the 15-day period by not
 141.6 more than 15 additional days upon request of the responsible governmental unit.

141.7 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part
 141.8 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
 141.9 review under this chapter and rules ~~of the board~~ adopted under this chapter, if:

141.10 (1) the proposed action is:

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

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

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

141.17 (3) the county board holds a public meeting for citizen input at least ten business days
 141.18 ~~prior to~~ before the Pollution Control Agency or county issuing a feedlot permit for the
 141.19 animal feedlot facility unless another public meeting for citizen input has been held with
 141.20 regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition
 141.21 to other exemptions provided under other law and rules ~~of the board~~ adopted under this
 141.22 chapter.

141.23 ~~(e)~~ (g) The ~~board~~ commissioner may, ~~prior to~~ before final approval of a proposed project,
 141.24 require preparation of an environmental assessment worksheet by a responsible governmental
 141.25 unit selected by the ~~board~~ commissioner for any action where environmental review under
 141.26 this section has not been specifically provided for by rule or otherwise initiated.

141.27 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental
 141.28 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or
 141.29 location of the project, have the potential for significant environmental effects. The same
 141.30 process shall be utilized to determine the form, content, and level of detail of the statement
 141.31 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In
 141.32 addition, the permits ~~which~~ that will be required for the proposed action shall be identified
 141.33 during the scoping process. Further, the process shall identify those permits for which

142.1 information will be developed concurrently with the environmental impact statement. The
142.2 ~~board~~ commissioner shall provide in ~~its~~ rules adopted under this chapter for the expeditious
142.3 completion of the scoping process. The determinations reached in the process shall be
142.4 incorporated into the order requiring the preparation of an environmental impact statement.

142.5 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication
142.6 and ensure coordination between state and federal environmental review and between
142.7 environmental review and environmental permitting. Whenever practical, information
142.8 needed by a governmental unit for making final decisions on permits or other actions required
142.9 for a proposed project shall be developed in conjunction with the preparation of an
142.10 environmental impact statement. When an environmental impact statement is prepared for
142.11 a project requiring multiple permits for which two or more agencies' decision processes
142.12 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before
142.13 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to
142.14 the contrary, conduct the hearings in a single consolidated hearing process if requested by
142.15 the proposer. All agencies having jurisdiction over a permit that is included in the
142.16 consolidated hearing shall participate. The responsible governmental unit shall establish
142.17 appropriate procedures for the consolidated hearing process, including procedures to ensure
142.18 that the consolidated hearing process is consistent with the applicable requirements for each
142.19 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest
142.20 applicable hearing procedure to initiate the hearing.

142.21 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined
142.22 within 280 days after notice of its preparation unless the time is extended by consent of the
142.23 parties or by the governor for good cause. The responsible governmental unit shall determine
142.24 the adequacy of an environmental impact statement, unless within 60 days after notice is
142.25 published that an environmental impact statement will be prepared, the ~~board~~ commissioner
142.26 chooses to determine the adequacy of an environmental impact statement. If an environmental
142.27 impact statement is found to be inadequate, the responsible governmental unit shall have
142.28 60 days to prepare an adequate environmental impact statement.

142.29 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the
142.30 responsible governmental unit a preliminary draft environmental impact statement under
142.31 this section on that action for review, modification, and determination of completeness and
142.32 adequacy by the responsible governmental unit. A preliminary draft environmental impact
142.33 statement prepared by the project proposer and submitted to the responsible governmental
142.34 unit shall identify or include as an appendix all studies and other sources of information
142.35 used to substantiate the analysis contained in the preliminary draft environmental impact

143.1 statement. The responsible governmental unit shall require additional studies, if needed,
143.2 and obtain from the project proposer all additional studies and information necessary for
143.3 the responsible governmental unit to perform its responsibility to review, modify, and
143.4 determine the completeness and adequacy of the environmental impact statement.

143.5 Sec. 33. Minnesota Statutes 2016, section 116D.04, subdivision 5b, is amended to read:

143.6 Subd. 5b. **Review of environmental assessment worksheets and environmental**
143.7 **impact statements.** By December 1, 2012, and every five years thereafter, the ~~Environmental~~
143.8 ~~Quality Board~~, Pollution Control Agency, Department of Natural Resources, and Department
143.9 of Transportation, after consultation with political subdivisions, shall submit to the governor
143.10 and the chairs of the house of representatives and senate committees having jurisdiction
143.11 over environment and natural resources a list of mandatory environmental assessment
143.12 worksheet and mandatory environmental impact statement categories for which the agency
143.13 or a political subdivision is designated as the responsible government unit, and for each
143.14 worksheet or statement category, a document including:

143.15 (1) intended historical purposes of the category;

143.16 (2) whether projects that fall within the category are also subject to local, state, or federal
143.17 permits; and

143.18 (3) an analysis of whether the mandatory category should be modified, eliminated, or
143.19 unchanged based on its relationship to existing permits or other federal, state, or local laws
143.20 or ordinances.

143.21 Sec. 34. Minnesota Statutes 2016, section 116D.04, subdivision 13, is amended to read:

143.22 Subd. 13. **Enforcement.** This section may be enforced by injunction, action to compel
143.23 performance, or other appropriate action in the district court of the county where the violation
143.24 takes place. Upon the request of the ~~board or the chair of the board~~ commissioner of the
143.25 Pollution Control Agency, the attorney general may bring an action under this subdivision.

143.26 Sec. 35. Minnesota Statutes 2016, section 116D.04, subdivision 14, is amended to read:

143.27 Subd. 14. **Customized environmental assessment worksheet forms; electronic**
143.28 **submission.** (a) The commissioners of natural resources and the Pollution Control Agency
143.29 ~~and the board~~ shall periodically review mandatory environmental assessment worksheet
143.30 categories under rules adopted under this section, and other project types that are frequently
143.31 subject to environmental review, and develop customized environmental assessment
143.32 worksheet forms for the category or project type. The forms must include specific questions

144.1 that focus on key environmental issues for the category or project type. In assessing categories
144.2 and project types and developing forms, the ~~board~~ commissioners shall seek the input of
144.3 governmental units that are frequently responsible for the preparation of a worksheet for
144.4 the particular category or project type. The commissioners ~~and the board~~ shall also seek
144.5 input from the general public on the development of customized forms. The commissioners
144.6 ~~and board~~ shall make the customized forms available online.

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

144.9 Sec. 36. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

144.10 Subdivision 1. **Assessment.** The ~~board shall~~ commissioner must by rule adopt procedures
144.11 to assess the proposer of a specific action for reasonable costs of preparing, reviewing, and
144.12 distributing the environmental impact statement. The costs ~~shall~~ must be determined by the
144.13 responsible governmental unit ~~pursuant~~ according to the rules ~~promulgated by the board~~
144.14 adopted under this chapter.

144.15 Sec. 37. Minnesota Statutes 2016, section 116F.06, subdivision 2, is amended to read:

144.16 Subd. 2. **Agency review; sale prohibition.** The agency shall review new or revised
144.17 packages or containers except when such changes involve only color, size, shape or printing.
144.18 The agency shall review innovations including, but not limited to, changes in constituent
144.19 materials or combinations thereof and changes in closures. When the agency determines
144.20 that any new or revised package or container would constitute a solid waste disposal problem
144.21 or be inconsistent with state environmental policies, the manufacturer of the product may
144.22 withdraw it from further consideration until such time as the manufacturer may resubmit
144.23 such product to the agency, or, the agency may, by order made after notice and hearing as
144.24 provided in chapter 14, ~~and following an additional period not to exceed 30 days during~~
144.25 ~~which the Environmental Quality Board may review the proposed action,~~ prohibit the sale
144.26 of the package or container in the state. Any such prohibition shall continue in effect until
144.27 revoked by the agency or until the last legislative day of the next following legislative
144.28 session, whichever occurs first, unless extended by law. This subdivision shall not apply to
144.29 any package or container sold at retail in this state prior to September 7, 1979.

144.30 Sec. 38. Minnesota Statutes 2016, section 216B.243, subdivision 7, is amended to read:

144.31 Subd. 7. **Participation by other agency or political subdivision.** (a) Other state agencies
144.32 authorized to issue permits for siting, construction or operation of large energy facilities,

145.1 and those state agencies authorized to participate in matters before the commission involving
145.2 utility rates and adequacy of utility services, shall present their position regarding need and
145.3 participate in the public hearing process prior to the issuance or denial of a certificate of
145.4 need. Issuance or denial of certificates of need shall be the sole and exclusive prerogative
145.5 of the commission and these determinations and certificates shall be binding upon other
145.6 state departments and agencies, regional, county, and local governments and special purpose
145.7 government districts except as provided in ~~sections 116C.01 to 116C.08 and~~ section 116D.04,
145.8 subdivision 9.

145.9 (b) An applicant for a certificate of need shall notify the commissioner of agriculture if
145.10 the proposed project will impact cultivated agricultural land, as that term is defined in section
145.11 216G.01, subdivision 4. The commissioner may participate in any proceeding on the
145.12 application and advise the commission as to whether to grant the certificate of need, and
145.13 the best options for mitigating adverse impacts to agricultural lands if the certificate is
145.14 granted. The Department of Agriculture shall be the lead agency on the development of any
145.15 agricultural mitigation plan required for the project.

145.16 Sec. 39. Minnesota Statutes 2016, section 216C.18, subdivision 2, is amended to read:

145.17 Subd. 2. **Draft report; public meeting.** ~~Prior to the preparation of~~ Before preparing a
145.18 final report, the commissioner shall issue a draft report to ~~the Environmental Quality Board~~
145.19 ~~and~~ any person, upon request, and shall hold a public meeting. Notice of the public meeting
145.20 shall be provided to each regional development commission.

145.21 Sec. 40. **TRANSFER OF AUTHORITY.**

145.22 The responsibilities of the Environmental Quality Board under Minnesota Statutes,
145.23 chapter 116D, are transferred to the Pollution Control Agency as provided in Minnesota
145.24 Statutes, section 15.039.

145.25 Sec. 41. **REVISOR'S INSTRUCTION.**

145.26 (a) The revisor of statutes shall change the term "Environmental Quality Board" or
145.27 "board" when referring thereto to "commissioner of the Pollution Control Agency" or
145.28 "commissioner" wherever it appears in Minnesota Statutes, sections 116D.04, subdivisions
145.29 2b, 4a, 7, 8, 9, 10, 11, 15, and 16; 116D.045, subdivision 2; and 116D.11, subdivisions 2
145.30 and 3.

146.1 (b) The revisor of statutes shall change the term "Environmental Quality Board Monitor"
146.2 or "EQB Monitor" to "Environmental Quality Monitor" wherever it appears in Minnesota
146.3 Statutes or Minnesota Rules.

146.4 (c) The revisor of statutes shall change the term "Environmental Quality Board" or
146.5 "board" when referring thereto to "commissioner of natural resources" or "commissioner"
146.6 wherever it appears in Minnesota Statutes, sections 116G.01 to 116G.14 and 116G.151.

146.7 (d) The revisor of statutes shall change the term "Environmental Quality Board" or
146.8 "board" when referring thereto to "commissioner of agriculture" or "commissioner" wherever
146.9 it appears in Minnesota Statutes, sections 40A.122 and 473H.15.

146.10 Sec. 42. **REPEALER.**

146.11 Minnesota Statutes 2016, sections 103A.403; 103A.43; 103F.614; 116C.02; 116C.03,
146.12 subdivisions 1, 2, 2a, 3a, 4, 5, and 6; 116C.04, subdivisions 1, 2, 3, 4, 7, 10, and 11; 116C.06;
146.13 116C.08; 116C.71, subdivisions 1c and 2a; 116C.721; 116C.722; 116C.724, subdivisions
146.14 2 and 3; 116C.91, subdivision 2; and 116G.03, subdivision 2, are repealed.

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ARTICLE 1	APPROPRIATIONS	Page.Ln 2.19
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ARTICLE 3	ENVIRONMENTAL REFORMS	Page.Ln 101.6
ARTICLE 4	ENVIRONMENTAL QUALITY BOARD	Page.Ln 121.21

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.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.

103A.403 STATEWIDE NITRATE DATA.

The Environmental Quality Board shall ensure that all available data regarding the presence of nitrates in groundwater in the state that meet state standards recommended under Laws 1992, chapter 544, section 13, are integrated into the Minnesota Geospatial Information Office's statewide nitrate database according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency

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generating the data or, if the data are not generated by an entity that receives or received state appropriations for monitoring or information management, by the Environmental Quality Board.

103A.43 WATER ASSESSMENTS AND REPORTS.

(a) The Environmental Quality Board shall consolidate the assessments required in paragraphs (b) and (c) with the policy report in section 103A.204 and submit a single report to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture and the Legislative-Citizen Commission on Minnesota Resources by September 15, 2010, and every five years thereafter.

(b) The Pollution Control Agency and the Department of Agriculture shall provide an assessment and analysis of water quality, groundwater degradation trends, and efforts to reduce, prevent, minimize, and eliminate degradation of water. The assessment and analysis must include an analysis of relevant monitoring data.

(c) The Department of Natural Resources shall provide an assessment and analysis of the quantity of surface and ground water in the state and the availability of water to meet the state's needs.

103F.614 EMINENT DOMAIN ACTIONS.

Subdivision 1. **Applicability.** An agency of the state, a public benefit corporation, a local government, or any other entity with the power of eminent domain under chapter 117, except a public utility as defined in section 216B.02, a municipal electric or gas utility, a municipal power agency, a cooperative electric association organized under chapter 308A, or a pipeline operating under the authority of the Natural Gas Act, United States Code, title 15, sections 717 to 717z, shall follow the procedures in this section before:

(1) acquiring land or an easement in land with a total area over ten acres within a wetland preservation area; or

(2) advancing a grant, loan, interest subsidy, or other funds for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities that could be used to serve structures in areas that are not for agricultural use, that require an acquisition of land or an easement in a wetland preservation area.

Subd. 2. **Notice of intent.** At least 60 days before an action described in subdivision 1, notice of intent must be filed with the Environmental Quality Board containing information and in the manner and form required by the Environmental Quality Board. The notice of intent must contain a report justifying the proposed action, including an evaluation of alternatives that would not affect land within a wetland preservation area.

Subd. 3. **Review and order.** The Environmental Quality Board, in consultation with affected local governments, shall review the proposed action to determine its effect on the preservation and enhancement of wetlands and the relationship to local and regional comprehensive plans. If the Environmental Quality Board finds that the proposed action might have an unreasonable effect on a wetland preservation area, the Environmental Quality Board shall issue an order within the 60-day period under subdivision 2 for the party to refrain from the proposed action for an additional 60 days.

Subd. 4. **Public hearing.** During the additional 60 days, the Environmental Quality Board shall hold a public hearing concerning the proposed action at a place within the affected wetland preservation area or easily accessible to the wetland preservation area. Notice of the hearing must be published in a newspaper having a general circulation within the area. Individual written notice must be given to the local governments with jurisdiction over the wetland preservation area, the agency, corporation or government proposing to take the action, the owner of land in the wetland preservation area, and any public agency having the power of review or approval of the action.

Subd. 5. **Joint review.** The review process required in this section may be conducted jointly with any other environmental impact review by the Environmental Quality Board.

Subd. 6. **Suspension.** The Environmental Quality Board may suspend an eminent domain action for up to one year if it determines that the action is contrary to wetland preservation and that there are feasible and prudent alternatives that may have a less negative impact on the wetland preservation area.

Subd. 7. **Wetland preservation area terminates.** The benefits and limitations of a wetland preservation area, including the restrictive covenant for the portion of the wetland preservation area taken, end on the date title and possession of the property is obtained.

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Subd. 8. **Action by attorney general.** The Environmental Quality Board may request the attorney general to bring an action to enjoin an agency, corporation, or government from violating this section.

Subd. 9. **Exception.** This section does not apply to an emergency project that is immediately necessary for the protection of life and property.

116C.02 DEFINITIONS.

Subdivision 1. **Applicability.** For the purposes of sections 116C.01 to 116C.08, the following terms have the meaning given them.

Subd. 2. **Board.** "Board" means the Minnesota Environmental Quality Board.

116C.03 CREATION OF ENVIRONMENTAL QUALITY BOARD; MEMBERSHIP; CHAIR; STAFF.

Subdivision 1. **Creation.** An environmental quality board, designated as the Minnesota Environmental Quality Board, is hereby created.

Subd. 2. **Membership.** The members of the board are the commissioner of administration, the commissioner of commerce, the commissioner of the Pollution Control Agency, the commissioner of natural resources, the commissioner of agriculture, the commissioner of health, the commissioner of employment and economic development, the commissioner of transportation, the chair of the Board of Water and Soil Resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members must have knowledge of and be conversant in water management issues in the state. Notwithstanding the provisions of section 15.06, subdivision 6, members of the board may not delegate their powers and responsibilities as board members to any other person.

Subd. 2a. **Public members.** The membership terms, compensation, removal, and filling of vacancies of public members of the board shall be as provided in section 15.0575.

Subd. 3a. **Chair.** The representative of the governor's office shall serve as chair of the board.

Subd. 4. **Support.** Staff and consultant support for board activities shall be provided by the Pollution Control Agency. This support shall be provided based upon an annual budget and work program developed by the board and certified to the commissioner by the chair of the board. The board shall have the authority to request and require staff support from all other agencies of state government as needed for the execution of the responsibilities of the board.

Subd. 5. **Administration.** The board shall contract with the Pollution Control Agency for administrative services necessary to the board's activities. The services shall include personnel, budget, payroll and contract administration.

Subd. 6. **Annual budget and work program.** The board shall adopt an annual budget and work program.

116C.04 POWERS AND DUTIES.

Subdivision 1. **Scope; votes.** The powers and duties of the Minnesota Environmental Quality Board shall be as provided in this section and as otherwise provided by law or executive order. Actions of the board shall be taken only at an open meeting upon a majority vote of all the permanent members of the board.

Subd. 2. **Jurisdiction.** (a) The board shall determine which environmental problems of interdepartmental concern to state government shall be considered by the board. The board shall initiate interdepartmental investigations into those matters that it determines are in need of study. Topics for investigation may include but need not be limited to future population and settlement patterns, air and water resources and quality, solid waste management, transportation and utility corridors, economically productive open space, energy policy and need, growth and development, and land use planning.

(b) The board shall review programs of state agencies that significantly affect the environment and coordinate those it determines are interdepartmental in nature, and insure agency compliance with state environmental policy.

(c) The board may review environmental rules and criteria for granting and denying permits by state agencies and may resolve conflicts involving state agencies with regard to programs, rules, permits and procedures significantly affecting the environment, provided that such resolution of conflicts is consistent with state environmental policy.

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(d) State agencies shall submit to the board all proposed legislation of major significance relating to the environment and the board shall submit a report to the governor and the legislature with comments on such major environmental proposals of state agencies.

Subd. 3. **Cooperation.** The board shall cooperate with regional development commissions in appropriate matters of environmental concern.

Subd. 4. **Task forces.** The board may establish interdepartmental or citizen task forces or subcommittees to study particular problems.

Subd. 7. **Annual congress.** At its discretion, the board shall convene an annual Environmental Quality Board congress including, but not limited to, representatives of state, federal and regional agencies, citizen organizations, associations, industries, colleges and universities, and private enterprises who are active in or have a major impact on environmental quality. The purpose of the congress shall be to receive reports and exchange information on progress and activities related to environmental improvement.

Subd. 10. **Stipulation agreements.** The board may enter into and enforce stipulation agreements made to enforce statutes and rules administered by the board.

Subd. 11. **Coordination.** The Environmental Quality Board shall coordinate the implementation of an interagency compliance with existing state and federal lead regulations and report to the legislature by January 31, 1992, on the changes in programs needed to comply.

116C.06 HEARINGS.

Subdivision 1. **Process.** The board shall hold public hearings on matters that it determines to be of major environmental impact. The board shall prescribe by rule in conformity to the provisions of chapter 14, the procedures for the conduct of all hearings and review procedures.

Subd. 2. **Delegation to hearings officer.** The board may delegate its authority to conduct a hearing to a hearings officer. The hearings officer shall have the same power as the board to compel the attendance of witnesses to examine them under oath, to require the production of books, papers, and other evidence, and to issue subpoenas and cause the same to be served and executed in any part of the state. The hearings officer shall be knowledgeable in matters of law and the environment.

If a hearings officer conducts a hearing, the officer shall make findings of fact and submit them to the board. The transcript of testimony and exhibits shall constitute the exclusive record upon which such findings are made. The findings shall be available for public inspection.

Subd. 3. **Recommendations.** After receipt of the findings of fact of the hearings officer, the board shall make recommendations to the governor and legislature as to administrative and legislative actions to be considered in regard to the matter.

116C.08 FEDERAL FUNDS; DONATIONS.

The board may apply for, receive, and disburse federal funds made available to the state by federal law or rules promulgated thereunder for any purpose related to the powers and duties of the board. The board shall comply with any and all requirements of such federal law or such rules and regulations promulgated thereunder in order to apply for, receive, and disburse such funds. The board is authorized to accept any donations or grants from any public or private concern. All such moneys received by the board shall be deposited in the state treasury and are hereby appropriated to it for the purpose for which they are received. None of such moneys in the state treasury shall cancel.

116C.71 DEFINITIONS.

Subd. 1c. **Board.** "Board" means the Minnesota Environmental Quality Board.

Subd. 2a. **Chair.** "Chair" means the chair of the board.

116C.721 PUBLIC PARTICIPATION.

Subdivision 1. **Information meetings.** The board shall conduct public information meetings within an area designated in a draft area recommendation report, final area recommendation report, draft area characterization plan, or final area characterization plan. Information meetings shall be held within 30 days after the board receives each of the reports.

Subd. 2. **Notice.** The board shall notify the public of information meetings and the availability of the area recommendation reports and the area characterization plans. Copies of the reports shall be made available for public review and distribution at the board office, the Minnesota Geological Survey office, regional development commission offices in regions that

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include a part of the potentially impacted areas, county courthouses in counties that include a part of a potentially impacted area, and other appropriate places determined by the board to provide public accessibility.

Subd. 3. **Transmittal of public concerns.** The board shall transmit public concerns expressed at public information meetings to the department of energy.

116C.722 LEGAL AND TECHNICAL ASSISTANCE TO INDIAN TRIBES.

If an Indian tribal council that has jurisdiction over part of a potentially impacted area within the state requests legal or technical assistance, the board shall provide assistance.

116C.724 FIELD INVESTIGATIONS, TESTS, AND STUDIES.

Subd. 2. **Drilling.** A permit shall be obtained from the Environmental Quality Board, in accordance with chapter 14, for any geologic and hydrologic drilling related to disposal. Conditions of obtaining and retaining the permit must be specified by rule and must include:

(1) compliance with state drilling and drill hole restoration rules as an exploratory boring under chapter 103I;

(2) proof that access to the test site has been obtained by a negotiated agreement or other legal process;

(3) payment by the permittee of a fee covering the costs of processing and monitoring drilling activities;

(4) unrestricted access by the commissioner of health, the commissioner of natural resources, the commissioner of the Pollution Control Agency, the director of the Minnesota Geological Survey, the agent of a community health board as authorized under section 145A.04, and their employees and agents to the drilling sites to inspect and monitor the drill holes, drilling operations, and abandoned sites, and to sample air and water that may be affected by drilling;

(5) submission of splits or portions of a core sample, requested by the commissioner of natural resources or director of the Minnesota Geological Survey, except that the commissioner or director may accept certified data on the sample in lieu of a sample if certain samples are required in their entirety by the permittee; and

(6) that a sample submitted may become property of the state.

Subd. 3. **Other requirements.** (a) A person who conducts geologic, hydrologic, or geophysical testing or studies shall provide unrestricted access to both raw and interpretive data to the chair and the director of the Minnesota Geological Survey or their designated representatives. The raw and interpretive data includes core samples, well logs, water samples and chemical analyses, survey charts and graphs, and predecisional reports. Studies and data shall be made available within 30 days of a formal request by the chair.

(b) A person proposing to investigate shall hold at least one public meeting before a required permit is issued, and during the investigation at least once every three months, during the investigation within the potentially impacted area. The meetings shall provide the public with current information on the progress of the investigation. The person investigating shall respond in writing to the Environmental Quality Board about concerns and issues raised at the public meetings.

(c) Before a person engages in negotiations regarding property interests in land or water, or permitting activities, the person shall notify the chair in writing. Copies of terms and agreements shall also be provided to the chair.

116C.91 DEFINITIONS.

Subd. 2. **Board.** "Board" means the Environmental Quality Board.

116G.03 DEFINITIONS.

Subd. 2. **Board.** "Board" means the Minnesota Environmental Quality Board.

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.