

116.3 **ARTICLE 13**  
116.4 **ENVIRONMENT AND NATURAL RESOURCES**

116.5 Section 1. **APPROPRIATIONS.**

116.6 The sums shown in the columns marked "Appropriations" are added to or, if shown in  
116.7 parentheses, subtracted from the appropriations in Laws 2017, chapter 93, or appropriated  
116.8 to the agencies and for the purposes specified in this article. The appropriations are from  
116.9 the general fund, or another named fund, and are available for the fiscal year indicated for  
116.10 each purpose. The figures "2018" and "2019" used in this article mean that the addition to  
116.11 the appropriations listed under them are available for the fiscal year ending June 30, 2018,  
116.12 or June 30, 2019, respectively. "The first year" is fiscal year 2018. "The second year" is  
116.13 fiscal year 2019.

|        |                                      |  |                    |
|--------|--------------------------------------|--|--------------------|
| 116.14 | <b><u>APPROPRIATIONS</u></b>         |  |                    |
| 116.15 | <b><u>Available for the Year</u></b> |  |                    |
| 116.16 | <b><u>Ending June 30</u></b>         |  |                    |
| 116.17 | <b><u>2018</u></b>                   |  | <b><u>2019</u></b> |

116.18 Sec. 2. **POLLUTION CONTROL AGENCY**

116.19 **Subdivision 1. Total Appropriation**                      **\$**                      **.....** **\$**                      **300,000**

24.24 **ARTICLE 3**  
24.25 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

24.27 (a) The sums shown in the columns marked "Appropriations" are added to the  
24.28 appropriations in Laws 2017, chapter 93, article 1, to the agencies and for the purposes  
24.29 specified in this article. The appropriations are from the general fund, or another named  
24.30 fund, and are available for the fiscal years indicated for each purpose. The figures "2018"  
24.31 and "2019" used in this article mean that the appropriations listed under them are available  
25.1 for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is  
25.2 fiscal year 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018  
25.3 and 2019. Appropriations for the fiscal year ending June 30, 2018, are effective the day  
25.4 following final enactment.

25.5 (b) If an appropriation in this article is enacted more than once in the 2018 legislative  
25.6 session, the appropriation must be given effect only once.

|       |                                      |  |                    |
|-------|--------------------------------------|--|--------------------|
| 25.7  | <b><u>APPROPRIATIONS</u></b>         |  |                    |
| 25.8  | <b><u>Available for the Year</u></b> |  |                    |
| 25.9  | <b><u>Ending June 30</u></b>         |  |                    |
| 25.10 | <b><u>2018</u></b>                   |  | <b><u>2019</u></b> |

25.11 Sec. 2. **POLLUTION CONTROL AGENCY**                      **\$**                      **-0-** **\$**                      **199,000**

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

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

117.22 This is a onetime appropriation and is  
117.23 available until June 30, 2020.

25.12 \$199,000 the second year is from the  
25.13 environmental fund for the voluntary  
25.14 certification program for deicer applicators  
25.15 under Minnesota Statutes, section 116.2025.  
25.16 The base for fiscal year 2020 and later is  
25.17 \$184,000.

117.24 Sec. 3. **NATURAL RESOURCES.**

25.18 Sec. 3. NATURAL RESOURCES

|        |                                                  |                  |                   |                  |                         |
|--------|--------------------------------------------------|------------------|-------------------|------------------|-------------------------|
| 117.25 | <b><u>Subdivision 1. Total Appropriation</u></b> | <b><u>\$</u></b> | <b><u>-0-</u></b> | <b><u>\$</u></b> | <b><u>3,382,000</u></b> |
|--------|--------------------------------------------------|------------------|-------------------|------------------|-------------------------|

|       |                                                  |                  |                      |                  |                         |
|-------|--------------------------------------------------|------------------|----------------------|------------------|-------------------------|
| 25.19 | <b><u>Subdivision 1. Total Appropriation</u></b> | <b><u>\$</u></b> | <b><u>50,000</u></b> | <b><u>\$</u></b> | <b><u>2,552,000</u></b> |
|-------|--------------------------------------------------|------------------|----------------------|------------------|-------------------------|

|        |                               |                  |
|--------|-------------------------------|------------------|
| 117.26 | <u>Appropriations by Fund</u> |                  |
| 117.27 | <u>2018</u>                   | <u>2019</u>      |
| 117.28 | <u>General</u>                | <u>-0-</u>       |
| 117.29 | <u>Natural Resources</u>      | <u>2,403,000</u> |
| 117.30 | <u>Game and Fish</u>          | <u>2,060,000</u> |

|       |                               |                             |
|-------|-------------------------------|-----------------------------|
| 25.20 | <u>Appropriations by Fund</u> |                             |
| 25.21 | <u>2018</u>                   | <u>2019</u>                 |
| 25.22 | <u>General</u>                | <u>-0-</u> <u>750,000</u>   |
| 25.23 | <u>Natural Resources</u>      | <u>-0-</u> <u>1,802,000</u> |
| 25.24 | <u>Game and Fish</u>          | <u>50,000</u> <u>-0-</u>    |

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

118.1 Subd. 2. Lands and Minerals Management -0- 625,000

118.2 (a) \$425,000 the second year is for aggregate  
118.3 mapping. This is a onetime appropriation and  
118.4 is available until June 30, 2020.

118.5 (b) \$200,000 the second year is to expand  
118.6 monitoring and modeling of water levels in  
118.7 the Canisteo and Arcturus to Hill Annex  
118.8 open-pit mine groups, with priority on the  
118.9 latter. The monitoring and modeling results  
118.10 must be used by the commissioner to develop  
118.11 plans to control and reduce the water levels in  
118.12 each pit group and ameliorate, mitigate, or  
118.13 eliminate the public safety hazards resulting  
118.14 from rising water in both open-pit groups. This  
118.15 is a onetime appropriation.

118.16 Subd. 3. Ecological and Water Resources -0- (475,000)

118.17 (a) \$425,000 the second year is for grants to  
118.18 lake associations to manage aquatic invasive

25.28 Subd. 2. Land and Mineral Resources  
25.29 Management -0- 347,000

25.30 \$319,000 the second year is from the mineral  
25.31 management account in the natural resources  
25.32 fund for environmental research relating to  
26.1 mine permitting, in consultation with the  
26.2 Mineral Coordinating Committee.

26.3 \$28,000 the second year is from the land  
26.4 acquisition account in the natural resources  
26.5 fund to compensate the permanent school fund  
26.6 for a road easement on school trust lands in  
26.7 Sand Dunes State Forest. This appropriation  
26.8 must be matched with nonstate money by 20  
26.9 percent of the total cost of the easement. This  
26.10 is a onetime appropriation.

26.11 Subd. 3. Ecological and Water Resources \$50,000 -0-

118.19 species, including grants for projects to control  
118.20 and provide public awareness of aquatic  
118.21 invasive species and for watercraft inspections  
118.22 in partnership with local units of government.  
118.23 This is a onetime appropriation.

118.24 (b) \$1,000,000 the second year is a reduction  
118.25 from the general fund for water monitoring  
118.26 and compliance.

118.27 (c) \$100,000 the second year is from the  
118.28 heritage enhancement account in the game and  
118.29 fish fund for a grant to the Board of Regents  
118.30 of the University of Minnesota to conduct a  
118.31 statewide survey and analysis of Minnesotans'  
118.32 attitude toward fish stocking. The survey must  
118.33 include a representative sample of  
118.34 Minnesotans from all regions of the state and  
119.1 must examine Minnesotans' attitudes toward  
119.2 the stocking of each fish species that is or has  
119.3 been stocked by the Department of Natural  
119.4 Resources. The Board of Regents must report  
119.5 the results of the survey and analysis to the  
119.6 chairs and ranking minority members of the  
119.7 legislative committees with jurisdiction over  
119.8 environment and natural resources finance no  
119.9 later than March 1, 2020. The report must  
119.10 include data about the amount spent on  
119.11 stocking each fish species. This is a onetime  
119.12 appropriation.

26.12 \$50,000 the first year is from the heritage  
26.13 enhancement account in the game and fish  
26.14 fund to prepare a report on the actions  
26.15 necessary to protect, restore, and enhance the  
26.16 naturally occurring wild rice in the public  
26.17 waters of Minnesota as required under this act.  
26.18 This is a onetime appropriation and is  
26.19 available until June 30, 2019.

119.13 Subd. 4. Forest Management -0- (131,000)

119.14 (a) \$1,131,000 the second year is a reduction  
119.15 to the general fund for the Next Generation  
119.16 Core Forestry data system.

119.17 (b) \$1,000,000 the second year is from the  
119.18 forest management investment account in the  
119.19 natural resources fund for the Next Generation  
119.20 Core Forestry data system. The appropriation  
119.21 is available until June 30, 2021.

119.22 Subd. 5. Parks and Trails -0- 1,363,000

119.23 (a) \$100,000 the second year is from the  
119.24 all-terrain vehicle account in the natural  
119.25 resources fund to the commissioner of natural  
119.26 resources for a grant to the city of Virginia to  
119.27 develop, in cooperation with the Quad Cities  
119.28 ATV Club, an all-terrain vehicle trail system  
119.29 in the cities of Virginia, Eveleth, Gilbert, and  
119.30 Mountain Iron and surrounding areas. This is  
119.31 a onetime appropriation and is available until  
119.32 June 30, 2021.

119.33 (b) \$150,000 the second year is from the  
119.34 off-road vehicle account for a contract to assist  
120.1 the commissioner in planning, designing, and  
120.2 providing a system of state touring routes for  
120.3 off-road vehicles by identifying sustainable,  
120.4 legal routes suitable for licensed four-wheel  
120.5 drive vehicles and a system of recreational  
120.6 trails for registered off-road vehicles. This is  
120.7 a onetime appropriation and is available until  
120.8 June 30, 2019.

120.9 (c) \$200,000 the second year is from the  
120.10 off-road vehicle account in the natural  
120.11 resources fund for a contract to prepare a

26.20 Subd. 4. Parks and Trails Management -0- 1,415,000

27.22 (d) \$100,000 the second year is from the  
27.23 all-terrain vehicle account in the natural  
27.24 resources fund for a grant to the city of  
27.25 Virginia to develop, in cooperation with the  
27.26 Quad Cities ATV Club, an all-terrain vehicle  
27.27 trail system in the cities of Virginia, Eveleth,  
27.28 Gilbert, and Mountain Iron and surrounding  
27.29 areas. This is a onetime appropriation and is  
27.30 available until June 30, 2021.

27.31 (e) \$200,000 the second year is from the  
27.32 off-road vehicle account in the natural  
27.33 resources fund for a contract with a project  
27.34 administrator to assist the commissioner in  
27.35 planning, designing, and providing a system  
28.1 of state touring routes for off-road vehicles by  
28.2 identifying sustainable, legal routes suitable  
28.3 for licensed four-wheel drive vehicles and a  
28.4 system of recreational trails for registered  
28.5 off-road vehicles. This is a onetime  
28.6 appropriation.

28.7 (f) \$200,000 the second year is appropriated  
28.8 from the off-road vehicle account in the  
28.9 natural resources fund for a contract to prepare

120.12 comprehensive, statewide, strategic master  
120.13 plan for trails for off-road vehicles. The master  
120.14 plan must be consistent with federal, tribal,  
120.15 state, and local law and regulations. The  
120.16 commissioner must consult with the Minnesota  
120.17 Four Wheel Drive Association in developing  
120.18 contract criteria. This is a onetime  
120.19 appropriation and is available until June 30,  
120.20 2019.

120.21 (d) \$200,000 the second year is from the  
120.22 off-road vehicle account in the natural  
120.23 resources fund to share the cost by reimbursing  
120.24 federal, state, county, and township entities  
120.25 for additional needs on forest roads when the  
120.26 needs are a result of increased use by off-road  
120.27 vehicles and are attributable to a  
120.28 border-to-border touring route established by  
120.29 the commissioner. This section does apply to  
120.30 roads that are operated by a public road  
120.31 authority as defined in Minnesota Statutes,  
120.32 section 160.02, subdivision 25. This is a  
120.33 onetime appropriation and is available until

28.10 a comprehensive, statewide, strategic master  
28.11 plan for trails for off-road vehicles. This is a  
28.12 onetime appropriation. At a minimum, the  
28.13 plan must:  
28.14 (1) identify opportunities to develop new,  
28.15 high-quality, comprehensive trails for off-road  
28.16 vehicles in a system that serves regional and  
28.17 tourist destinations;  
28.18 (2) enhance connectivity with trails for  
28.19 off-road vehicles, trails and parks for other  
28.20 off-highway vehicles, and trails and parks for  
28.21 other types of vehicles;  
28.22 (3) provide opportunities for new exposure  
28.23 and economic development in greater  
28.24 Minnesota;  
28.25 (4) help people connect with the outdoors in  
28.26 a safe and environmentally sustainable  
28.27 manner;  
28.28 (5) create new and support existing  
28.29 opportunities for social, economic, and cultural  
28.30 benefits and meaningful and mutually  
28.31 beneficial relationships for users of off-road  
28.32 vehicles and the communities that host trails  
28.33 for off-road vehicles; and  
29.1 (6) require the commissioner to cooperate with  
29.2 local governments, organizations, and other  
29.3 interested partners.  
29.4 (g) \$200,000 the second year is from the  
29.5 off-road vehicle account in the natural  
29.6 resources fund to reimburse federal, county,  
29.7 and township entities for additional needs on  
29.8 forest roads when the needs are a result of  
29.9 increased use by off-road vehicles and are  
29.10 attributable to a border-to-border touring route  
29.11 established by the commissioner. This  
29.12 paragraph does apply to roads that are operated  
29.13 by a public road authority as defined in  
29.14 Minnesota Statutes, section 160.02,  
29.15 subdivision 25. This is a onetime appropriation  
29.16 and is available until June 30, 2023. To be

120.34 June 30, 2021. To be eligible for  
121.1 reimbursement under this paragraph, the  
121.2 claimant must demonstrate that:

121.3 (1) the needs result from additional traffic  
121.4 generated by the border-to-border touring  
121.5 route; and

121.6 (2) increased use attributable to a  
121.7 border-to-border touring route has caused at  
121.8 least a 50 percent increase in maintenance  
121.9 costs for forest roads under the claimant's  
121.10 jurisdiction, based on a ten-year maintenance  
121.11 average.

121.12 Before reimbursing a claim under this  
121.13 paragraph, the commissioner must consider  
121.14 whether the claim is consistent with claims  
121.15 made by other entities that administer forest  
121.16 roads on the touring route, in terms of the  
121.17 amount requested for reimbursement and the  
121.18 frequency of claims made.

121.19 (e) \$313,000 the second year is from the  
121.20 natural resources fund for a grant to St. Louis  
121.21 County as a match to a state bonding grant for  
121.22 trail and bridge construction and for a  
121.23 maintenance fund for a five-mile segment of  
121.24 the Voyageur Country ATV trail system,  
121.25 including a multiuse bridge over the Vermilion  
121.26 River that would serve ATVs, snowmobiles,  
121.27 off-road vehicles, off-highway motorcycles,  
121.28 and emergency vehicles in St. Louis County.  
121.29 Of this amount, \$285,000 is from the  
121.30 all-terrain vehicle account, \$14,000 is from  
121.31 the off-road vehicle account, and \$14,000 is  
121.32 from the off-highway motorcycle account.  
121.33 This is a onetime appropriation and is  
121.34 available until June 30, 2021.

29.17 eligible for reimbursement under this  
29.18 paragraph, the claimant must demonstrate that  
29.19 the needs result from additional traffic  
29.20 generated by the border-to-border touring  
29.21 route.

26.21 (a) \$315,000 the second year is from the  
26.22 natural resources fund for a grant to St. Louis  
26.23 County to be used as a match to a state  
26.24 bonding grant for trail and bridge construction  
26.25 and for a maintenance fund for a five-mile  
26.26 segment of the Voyageur Country ATV trail  
26.27 system, including a multiuse bridge over the  
26.28 Vermilion River that would serve ATVs,  
26.29 snowmobiles, off-road vehicles, off-highway  
26.30 motorcycles, and emergency vehicles in St.  
26.31 Louis County. Of this amount, \$285,000 is  
26.32 from the all-terrain vehicle account, \$15,000  
26.33 is from the off-road vehicle account, and  
26.34 \$15,000 is from the off-highway motorcycle  
27.1 account. This is a onetime appropriation and  
27.2 is available until June 30, 2021.



122.1 (f) \$300,000 the second year is from the  
122.2 natural resources fund for a grant to Lake  
122.3 County to match other funding sources to  
122.4 develop the Prospectors Loop trail system. Of  
122.5 this amount, \$270,000 is from the all-terrain  
122.6 vehicle account, \$15,000 is from the  
122.7 off-highway motorcycle account, and \$15,000  
122.8 is from the off-road vehicle account. This is  
122.9 a onetime appropriation and is available until  
122.10 June 30, 2021.

122.11 (g) \$100,000 the second year is from the  
122.12 all-terrain vehicle account in the natural  
122.13 resources fund for wetland delineation and  
122.14 work on an environmental assessment  
122.15 worksheet for the Taconite State Trail from  
122.16 Ely to Tower consistent with the 2017  
122.17 Taconite State Trail Master Plan. This is a  
122.18 onetime appropriation and is available until  
122.19 June 30, 2021.

|        |                                              |            |                  |
|--------|----------------------------------------------|------------|------------------|
| 122.20 | <b>Subd. 6. Fish and Wildlife Management</b> | <b>-0-</b> | <b>1,960,000</b> |
|--------|----------------------------------------------|------------|------------------|

122.21 (a) \$7,146,000 the second year is a reduction  
122.22 from the operations account in the game and  
122.23 fish fund.

122.24 (b) \$8,606,000 the second year is from the  
122.25 deer management account in the game and  
122.26 fish fund.

122.27 (c) Notwithstanding Minnesota Statutes,  
122.28 section 297A.94, \$500,000 the second year is  
122.29 from the heritage enhancement account in the  
122.30 game and fish fund for planning and  
122.31 emergency response to disease outbreaks in  
122.32 wildlife. This is a onetime appropriation and  
122.33 is available until June 30, 2020.

27.3 (b) \$300,000 the second year is from the  
27.4 natural resources fund for a grant to Lake  
27.5 County to match other funding sources to  
27.6 develop the Prospectors Loop trail system. Of  
27.7 this amount, \$270,000 is from the all-terrain  
27.8 vehicle account, \$15,000 is from the  
27.9 off-highway motorcycle account, and \$15,000  
27.10 is from the off-road vehicle account. This is  
27.11 a onetime appropriation and is available until  
27.12 June 30, 2021.

27.13 (c) \$100,000 the second year is from the  
27.14 all-terrain vehicle account in the natural  
27.15 resources fund for wetland delineation and  
27.16 work on an environmental assessment  
27.17 worksheet for the Taconite State Trail from  
27.18 Ely to Tower consistent with the 2017  
27.19 Taconite State Trail Master Plan. This is a  
27.20 onetime appropriation and is available until  
27.21 June 30, 2021.

|       |                                              |            |                |
|-------|----------------------------------------------|------------|----------------|
| 29.22 | <b>Subd. 5. Fish and Wildlife Management</b> | <b>-0-</b> | <b>650,000</b> |
|-------|----------------------------------------------|------------|----------------|

36.27 (e) \$8,606,000 the second year is from the  
36.28 deer management account in the game and  
36.29 fish fund for the purposes specified under  
36.30 Minnesota Statutes, section 97A.075,  
36.31 subdivision 1, paragraph (b).

29.23 (a) \$650,000 the second year is for wildlife  
29.24 disease surveillance and response. This is a  
29.25 onetime appropriation.

123.1 (d) The commissioner may use up to \$7,000  
123.2 of the amount appropriated from the general  
123.3 fund in Laws 2017, chapter 93, article 1,  
123.4 section 3, subdivision 8, to cover the cost of:  
123.5 (1) the redesign of the printed and digital  
123.6 versions of fishing regulations and hunting  
123.7 and trapping regulations; and (2) the  
123.8 reprogramming of the electronic licensing  
123.9 system, to conform to the requirements of  
123.10 providing voter registration information under  
123.11 Minnesota Statutes, section 97A.409.

123.12 Subd. 7. Enforcement -0- 40,000

123.13 \$40,000 the second year is from the all-terrain  
123.14 vehicle account in the natural resources fund  
123.15 for the development and implementation of  
123.16 safety coursework for younger riders. This is  
123.17 a onetime appropriation.

123.18 Subd. 8. Cancellation

123.19 On July 1, 2018, \$492,000 is canceled to the  
123.20 general fund from the amount appropriated  
123.21 for legal costs under Laws 2017, chapter 93,  
123.22 article 1, section 3, subdivision 8.

29.26 (b) The commissioner may use up to \$7,000  
29.27 of the amount appropriated from the general  
29.28 fund in Laws 2017, chapter 93, article 1,  
29.29 section 3, subdivision 8, to cover the cost of:  
29.30 (1) the redesign of the printed and digital  
29.31 versions of fishing regulations and hunting  
29.32 and trapping regulations; and (2) the  
29.33 reprogramming of the electronic licensing  
29.34 system, to conform to the requirements of  
30.1 providing voter registration information under  
30.2 Minnesota Statutes, section 97A.409.

30.3 Subd. 6. Enforcement -0- 140,000

30.13 (b) \$40,000 the second year is from the  
30.14 all-terrain vehicle account in the natural  
30.15 resources fund to develop a voluntary online  
30.16 youth all-terrain vehicle training program  
30.17 under Minnesota Statutes, section 84.925,  
30.18 subdivision 1. This is a onetime appropriation.

30.4 (a) \$100,000 the second year is for responding  
30.5 to escaped animals from Cervidae farms,  
30.6 including inspection of farmed Cervidae,  
30.7 farmed Cervidae facilities, and farmed  
30.8 Cervidae records when the commissioner has  
30.9 reasonable suspicion that laws protecting  
30.10 native wild animals or other provisions of  
30.11 Minnesota Statutes, section 35.155 have been  
30.12 violated. This is a onetime appropriation.

\$ -0- \$ 650,000

123.25 (a) \$600,000 the second year is for a grant to  
123.26 the Alexandria Lake Area Sanitary District  
123.27 for lake management activities, including but  
123.28 not limited to alum treatment in Lake Agnes,  
123.29 carp removal in Lake Winona, and related  
123.30 management and reassessment measures that  
123.31 are intended to achieve and maintain  
123.32 compliance with water quality standards for  
123.33 phosphorus and the total maximum daily load  
123.34 for Lake Winona. This is a onetime  
124.1 appropriation and is available until June 30,  
124.2 2020.

124.3 (b) \$50,000 the second year is for a grant to  
124.4 the Red River Basin Commission for water  
124.5 quality and floodplain management. This  
124.6 amount is in addition to the appropriation in  
124.7 Laws 2017, chapter 93, article 1, section 4,  
124.8 paragraph (i).

|       |                                     |           |          |           |          |
|-------|-------------------------------------|-----------|----------|-----------|----------|
| 124.9 | Sec. 5. <u>METROPOLITAN COUNCIL</u> | <u>\$</u> | <u>0</u> | <u>\$</u> | <u>0</u> |
|-------|-------------------------------------|-----------|----------|-----------|----------|

124.10 Appropriations by Fund

|        |             |             |
|--------|-------------|-------------|
| 124.11 | <u>2018</u> | <u>2019</u> |
|--------|-------------|-------------|

|        |                |            |                  |
|--------|----------------|------------|------------------|
| 124.12 | <u>General</u> | <u>-0-</u> | <u>(270,000)</u> |
|--------|----------------|------------|------------------|

|        |                          |            |                |
|--------|--------------------------|------------|----------------|
| 124.13 | <u>Natural Resources</u> | <u>-0-</u> | <u>270,000</u> |
|--------|--------------------------|------------|----------------|

124.14 (a) \$270,000 the second year is a reduction  
124.15 from the general fund for metropolitan area  
124.16 regional parks operations and maintenance  
124.17 according to Minnesota Statutes, section  
124.18 473.351.

124.19 (b) \$270,000 the second year is from the  
124.20 natural resources fund for metropolitan area  
124.21 regional parks and trails maintenance and  
124.22 operations. This appropriation is from the  
124.23 revenue deposited in the natural resources fund  
124.24 under Minnesota Statutes, section 297A.94,  
124.25 paragraph (h), clause (3).

124.26 Sec. 6. Laws 2010, chapter 361, article 4, section 78, is amended to read:  
124.27 Sec. 78. **APPROPRIATION; MOOSE TRAIL.**

124.28 \$100,000 in fiscal year 2011 is appropriated to the commissioner of natural resources  
124.29 from the all-terrain vehicle account in the natural resources fund for a grant to the city of  
124.30 Hoyt Lakes ~~to convert the Moose Trail snowmobile trail to~~ for a dual usage trail, so that it  
124.31 ~~may also be used as an~~ off-highway vehicle trail connecting the city of Biwabik to the Iron  
124.32 Range Off-Highway Vehicle Recreation Area. This is a onetime appropriation and is available  
124.33 until ~~spent~~ June 30, 2020.

125.1 Sec. 7. Laws 2016, chapter 189, article 3, section 3, subdivision 5, is amended to read:

125.2 Subd. 5. **Parks and Trails Management** -0- 6,459,000

125.3 Appropriations by Fund

|               |      |           |
|---------------|------|-----------|
| 125.4         | 2016 | 2017      |
| 125.5 General | -0-  | 2,929,000 |

30.19 Sec. 4. **NATURAL RESOURCES DAMAGES**  
30.20 **ACCOUNT TRANSFER**

30.21 By June 30, 2018, any money in the general  
30.22 portion of the remediation fund dedicated for  
30.23 the purposes of the natural resources damages  
30.24 account must be transferred to the natural  
30.25 resources damages account.

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

30.27 Sec. 5. Laws 2010, chapter 361, article 4, section 78, is amended to read:  
30.28 Sec. 78. **APPROPRIATION; MOOSE TRAIL.**

30.29 \$100,000 in fiscal year 2011 is appropriated to the commissioner of natural resources  
30.30 from the all-terrain vehicle account in the natural resources fund for a grant to the city of  
30.31 Hoyt Lakes ~~to convert the Moose Trail snowmobile trail to~~ for a dual usage trail, so that it  
30.32 ~~may also be used as an~~ off-highway vehicle trail connecting the city of Biwabik to the Iron  
31.1 Range Off-Highway Vehicle Recreation Area. This is a onetime appropriation and is available  
31.2 until ~~spent~~ June 30, 2020.

31.3 Sec. 6. Laws 2016, chapter 189, article 3, section 3, subdivision 5, is amended to read:

31.4 Subd. 5. **Parks and Trails Management** -0- 6,459,000

31.5 Appropriations by Fund

|              |      |           |
|--------------|------|-----------|
| 31.6         | 2016 | 2017      |
| 31.7 General | -0-  | 2,929,000 |

125.6 Natural Resources -0- 3,530,000

125.7 \$2,800,000 the second year is a onetime  
125.8 appropriation.

125.9 \$2,300,000 the second year is from the state  
125.10 parks account in the natural resources fund.  
125.11 Of this amount, \$1,300,000 is onetime, of  
125.12 which \$1,150,000 is for strategic park  
125.13 acquisition.

125.14 \$20,000 the second year is from the natural  
125.15 resources fund to design and erect signs  
125.16 marking the David Dill trail designated in this  
125.17 act. Of this amount, \$10,000 is from the  
125.18 snowmobile trails and enforcement account  
125.19 and \$10,000 is from the all-terrain vehicle  
125.20 account. This is a onetime appropriation.

125.21 \$100,000 the second year is for the  
125.22 improvement of the infrastructure for sanitary  
125.23 sewer service at the Woodenfrog Campground  
125.24 in Kabetogama State Forest. This is a onetime  
125.25 appropriation.

125.26 \$29,000 the second year is for computer  
125.27 programming related to the transfer-on-death  
125.28 title changes for watercraft. This is a onetime  
125.29 appropriation.

125.30 \$210,000 the first year is from the water  
125.31 recreation account in the natural resources  
125.32 fund for implementation of Minnesota  
125.33 Statutes, section 86B.532, established in this  
125.34 act. This is a onetime appropriation. The  
126.1 commissioner of natural resources shall seek  
126.2 federal and other nonstate funds to reimburse  
126.3 the department for the initial costs of  
126.4 producing and distributing carbon monoxide  
126.5 boat warning labels. All amounts collected

31.8 Natural Resources -0- 3,530,000

31.9 \$2,800,000 the second year is a onetime  
31.10 appropriation.

31.11 \$2,300,000 the second year is from the state  
31.12 parks account in the natural resources fund.  
31.13 Of this amount, \$1,300,000 is onetime, of  
31.14 which \$1,150,000 is for strategic park  
31.15 acquisition.

31.16 \$20,000 the second year is from the natural  
31.17 resources fund to design and erect signs  
31.18 marking the David Dill trail designated in this  
31.19 act. Of this amount, \$10,000 is from the  
31.20 snowmobile trails and enforcement account  
31.21 and \$10,000 is from the all-terrain vehicle  
31.22 account. This is a onetime appropriation.

31.23 \$100,000 the second year is for the  
31.24 improvement of the infrastructure for sanitary  
31.25 sewer service at the Woodenfrog Campground  
31.26 in Kabetogama State Forest. This is a onetime  
31.27 appropriation.

31.28 \$29,000 the second year is for computer  
31.29 programming related to the transfer-on-death  
31.30 title changes for watercraft. This is a onetime  
31.31 appropriation.

31.32 \$210,000 the first year is from the water  
31.33 recreation account in the natural resources  
32.1 fund for implementation of Minnesota  
32.2 Statutes, section 86B.532, established in this  
32.3 act. This is a onetime appropriation. The  
32.4 commissioner of natural resources shall seek  
32.5 federal and other nonstate funds to reimburse  
32.6 the department for the initial costs of  
32.7 producing and distributing carbon monoxide  
32.8 boat warning labels. All amounts collected

126.6 under this paragraph shall be deposited into  
126.7 the water recreation account.

126.8 \$1,000,000 the second year is from the natural  
126.9 resources fund for a grant to Lake County for  
126.10 construction, including bridges, of the  
126.11 Prospectors ATV Trail System linking the  
126.12 communities of Ely, Babbitt, Embarrass, and  
126.13 Tower; Bear Head Lake and Lake  
126.14 Vermilion-Soudan Underground Mine State  
126.15 Parks; the Taconite State Trail; and the Lake  
126.16 County Regional ATV Trail System. Of this  
126.17 amount, \$900,000 is from the all-terrain  
126.18 vehicle account, \$50,000 is from the  
126.19 off-highway motorcycle account, and \$50,000  
126.20 is from the off-road vehicle account. This is  
126.21 a onetime appropriation and is available until  
126.22 June 30, 2019.

32.9 under this paragraph shall be deposited into  
32.10 the water recreation account.

32.11 \$1,000,000 the second year is from the natural  
32.12 resources fund for a grant to Lake County for  
32.13 construction, including bridges, of the  
32.14 Prospectors ATV Trail System linking the  
32.15 communities of Ely, Babbitt, Embarrass, and  
32.16 Tower; Bear Head Lake and Lake  
32.17 Vermilion-Soudan Underground Mine State  
32.18 Parks; the Taconite State Trail; and the Lake  
32.19 County Regional ATV Trail System. Of this  
32.20 amount, \$900,000 is from the all-terrain  
32.21 vehicle account, \$50,000 is from the  
32.22 off-highway motorcycle account, and \$50,000  
32.23 is from the off-road vehicle account. This is  
32.24 a onetime appropriation and is available until  
32.25 June 30, 2019.

32.26 Sec. 7. Laws 2016, chapter 189, article 3, section 4, is amended to read:

|       |                                        |    |     |            |
|-------|----------------------------------------|----|-----|------------|
| 32.27 | Sec. 4. <b>BOARD OF WATER AND SOIL</b> |    |     |            |
| 32.28 | <b>RESOURCES</b>                       | \$ | -0- | \$ 479,000 |

32.29 \$479,000 the second year is for the  
32.30 development of a detailed plan to implement  
32.31 a working lands watershed restoration program  
32.32 to incentivize the establishment and  
32.33 maintenance of perennial crops that includes  
32.34 the following:

33.1 (1) a process for selecting pilot watersheds  
33.2 that are expected to result in the greatest water  
33.3 quality improvements and exhibit readiness  
33.4 to participate in the program;

33.5 (2) an assessment of the quantity of  
33.6 agricultural land that is expected to be eligible  
33.7 for the program in each watershed;

- 33.8 (3) an assessment of landowner interest in  
33.9 participating in the program;
- 33.10 (4) an assessment of the contract terms and  
33.11 any recommendations for changes to the terms,  
33.12 including consideration of variable payment  
33.13 rates for lands of different priority or type;
- 33.14 (5) an assessment of the opportunity to  
33.15 leverage federal funds through the program  
33.16 and recommendations on how to maximize  
33.17 the use of federal funds for assistance to  
33.18 establish perennial crops;
- 33.19 (6) an assessment of how other state programs  
33.20 could complement the program;
- 33.21 (7) an estimate of water quality improvements  
33.22 expected to result from implementation in pilot  
33.23 watersheds;
- 33.24 (8) an assessment of how to best integrate  
33.25 program implementation with existing  
33.26 conservation requirements and develop  
33.27 recommendations on harvest practices and  
33.28 timing to benefit wildlife production;
- 33.29 (9) an assessment of the potential viability and  
33.30 water quality benefit of cover crops used in  
33.31 biomass processing facilities;
- 34.1 (10) a timeline for implementation,  
34.2 coordinated to the extent possible with  
34.3 proposed biomass processing facilities; ~~and~~
- 34.4 (11) a projection of funding sources needed  
34.5 to complete implementation;
- 34.6 (12) outreach to local governments, interest  
34.7 groups, and individual farmers on the

- 34.8 economic and environmental benefits of  
34.9 perennial and cover crops;
- 34.10 (13) establishment of detailed criteria to target  
34.11 the location of perennial and cover crops on  
34.12 a watershed basis to maximize the  
34.13 environmental benefit at the lowest cost; and
- 34.14 (14) development of model contracts to  
34.15 include payment rates, duration, type of crops,  
34.16 harvest standards, and monitoring procedures  
34.17 for use in future program implementation.
- 34.18 This is a onetime appropriation and is  
34.19 available until June 30, ~~2018~~ 2019.
- 34.20 The board shall coordinate development of  
34.21 the working lands watershed restoration plan  
34.22 with stakeholders and the commissioners of  
34.23 natural resources, agriculture, and the  
34.24 Pollution Control Agency. The board must  
34.25 submit an interim report by October 15, ~~2017~~  
34.26 2018, and the feasibility study and program  
34.27 plan by February 1, 2018 ~~2019~~, to the chairs  
34.28 and ranking minority members of the  
34.29 legislative committees and divisions with  
34.30 jurisdiction over agriculture, natural resources,  
34.31 and environment policy and finance and to the  
34.32 Clean Water Council.

35.1 Sec. 8. Laws 2017, chapter 93, article 1, section 3, subdivision 6, is amended to read:

|      |                                              |            |                       |
|------|----------------------------------------------|------------|-----------------------|
| 35.2 |                                              |            | <del>67,750,000</del> |
| 35.3 | Subd. 6. <b>Fish and Wildlife Management</b> | 68,207,000 | <u>69,210,000</u>     |

|      |                        |           |           |
|------|------------------------|-----------|-----------|
| 35.4 | Appropriations by Fund |           |           |
| 35.5 |                        | 2018      | 2019      |
| 35.6 | Natural Resources      | 1,912,000 | 1,912,000 |



|       |                                                   |            |                       |
|-------|---------------------------------------------------|------------|-----------------------|
| 35.7  |                                                   |            | <del>65,838,000</del> |
| 35.8  | Game and Fish                                     | 66,295,000 | <u>67,298,000</u>     |
| 35.9  | (a) \$8,283,000 the first year and \$8,386,000    |            |                       |
| 35.10 | the second year are from the heritage             |            |                       |
| 35.11 | enhancement account in the game and fish          |            |                       |
| 35.12 | fund only for activities specified in Minnesota   |            |                       |
| 35.13 | Statutes, section 297A.94, paragraph (e),         |            |                       |
| 35.14 | clause (1). Notwithstanding Minnesota             |            |                       |
| 35.15 | Statutes, section 297A.94, five percent of this   |            |                       |
| 35.16 | appropriation may be used for expanding           |            |                       |
| 35.17 | hunter and angler recruitment and retention.      |            |                       |
| 35.18 | (b) Notwithstanding Minnesota Statutes,           |            |                       |
| 35.19 | section 297A.94, \$30,000 the first year is from  |            |                       |
| 35.20 | the heritage enhancement account in the game      |            |                       |
| 35.21 | and fish fund for the commissioner of natural     |            |                       |
| 35.22 | resources to contract with a private entity to    |            |                       |
| 35.23 | search for a site to construct a world-class      |            |                       |
| 35.24 | shooting range and club house for use by the      |            |                       |
| 35.25 | Minnesota State High School League and for        |            |                       |
| 35.26 | other regional, statewide, national, and          |            |                       |
| 35.27 | international shooting events. The                |            |                       |
| 35.28 | commissioner must provide public notice of        |            |                       |
| 35.29 | the search, including making the public aware     |            |                       |
| 35.30 | of the process through the Department of          |            |                       |
| 35.31 | Natural Resources' media outlets, and solicit     |            |                       |
| 35.32 | input on the location and building options for    |            |                       |
| 35.33 | the facility. The siting search process must      |            |                       |
| 35.34 | include a public process to determine if any      |            |                       |
| 35.35 | business or individual is interested in donating  |            |                       |
| 35.36 | land for the facility, anticipated to be at least |            |                       |
| 36.1  | 500 acres. The site search team must meet         |            |                       |
| 36.2  | with interested third parties affected by or      |            |                       |
| 36.3  | interested in the facility. The commissioner      |            |                       |
| 36.4  | must submit a report with the results of the      |            |                       |
| 36.5  | site search to the chairs and ranking minority    |            |                       |
| 36.6  | members of the legislative committees and         |            |                       |
| 36.7  | divisions with jurisdiction over environment      |            |                       |
| 36.8  | and natural resources by March 1, 2018. This      |            |                       |
| 36.9  | is a onetime appropriation.                       |            |                       |

36.10 (c) Notwithstanding Minnesota Statutes,  
36.11 section 297A.94, \$30,000 the first year is from  
36.12 the heritage enhancement account in the game  
36.13 and fish fund for a study of lead shot  
36.14 deposition on state lands. By March 1, 2018,  
36.15 the commissioner shall provide a report of the  
36.16 study to the chairs and ranking minority  
36.17 members of the legislative committees with  
36.18 jurisdiction over natural resources policy and  
36.19 finance. This is a onetime appropriation.

36.20 (d) Notwithstanding Minnesota Statutes,  
36.21 section 297A.94, \$500,000 the first year is  
36.22 from the heritage enhancement account in the  
36.23 game and fish fund for planning and  
36.24 emergency response to disease outbreaks in  
36.25 wildlife. This is a onetime appropriation and  
36.26 is available until June 30, 2019.

36.27 (e) \$8,606,000 the second year is from the  
36.28 deer management account in the game and  
36.29 fish fund for the purposes specified under  
36.30 Minnesota Statutes, section 97A.075,  
36.31 subdivision 1, paragraph (b).

36.32 Sec. 9. Laws 2017, chapter 93, article 1, section 4, is amended to read:

|       |                                        |    |            |               |
|-------|----------------------------------------|----|------------|---------------|
| 36.33 | Sec. 4. <b>BOARD OF WATER AND SOIL</b> |    |            |               |
| 36.34 | <b>RESOURCES</b>                       | \$ | 14,311,000 | \$ 14,164,000 |

37.1 (a) \$3,423,000 the first year and \$3,423,000  
37.2 the second year are for natural resources block  
37.3 grants to local governments. Grants must be  
37.4 matched with a combination of local cash or  
37.5 in-kind contributions. The base grant portion  
37.6 related to water planning must be matched by  
37.7 an amount as specified by Minnesota Statutes,  
37.8 section 103B.3369. The board may reduce the  
37.9 amount of the natural resources block grant  
37.10 to a county by an amount equal to any  
37.11 reduction in the county's general services  
37.12 allocation to a soil and water conservation

37.13 district from the county's previous year  
37.14 allocation when the board determines that the  
37.15 reduction was disproportionate.

37.16 (b) \$3,116,000 the first year and \$3,116,000  
37.17 the second year are for grants to soil and water  
37.18 conservation districts for the purposes of  
37.19 Minnesota Statutes, sections 103C.321 and  
37.20 103C.331, and for general purposes, nonpoint  
37.21 engineering, and implementation and  
37.22 stewardship of the reinvest in Minnesota  
37.23 reserve program. Expenditures may be made  
37.24 from these appropriations for supplies and  
37.25 services benefiting soil and water conservation  
37.26 districts. Any district receiving a payment  
37.27 under this paragraph shall maintain a Web  
37.28 page that publishes, at a minimum, its annual  
37.29 report, annual audit, annual budget, and  
37.30 meeting notices.

37.31 (c) \$260,000 the first year and \$260,000 the  
37.32 second year are for feedlot water quality cost  
37.33 share grants for feedlots under 300 animal  
37.34 units and nutrient and manure management  
38.1 projects in watersheds where there are  
38.2 impaired waters.

38.3 (d) \$1,200,000 the first year and \$1,200,000  
38.4 the second year are for soil and water  
38.5 conservation district cost-sharing contracts for  
38.6 perennially vegetated riparian buffers, erosion  
38.7 control, water retention and treatment, and  
38.8 other high-priority conservation practices.

38.9 (e) \$100,000 the first year and \$100,000 the  
38.10 second year are for county cooperative weed  
38.11 management cost-share programs and to  
38.12 restore native plants in selected invasive  
38.13 species management sites.

38.14 (f) \$761,000 the first year and \$761,000 the  
38.15 second year are for implementation,  
38.16 enforcement, and oversight of the Wetland

38.17 Conservation Act, including administration of  
38.18 the wetland banking program and in-lieu fee  
38.19 mechanism.

38.20 (g) \$300,000 the first year is for improving  
38.21 the efficiency and effectiveness of Minnesota's  
38.22 wetland regulatory programs through  
38.23 continued examination of United States Clean  
38.24 Water Act section 404 assumption including  
38.25 negotiation of draft agreements with the  
38.26 United States Environmental Protection  
38.27 Agency and the United States Army Corps of  
38.28 Engineers, planning for an online permitting  
38.29 system, upgrading the existing wetland  
38.30 banking database, and developing an in-lieu  
38.31 fee wetland banking program as authorized  
38.32 by statute. This is a onetime appropriation and  
38.33 is available until June 30, 2019.

39.1 (h) \$166,000 the first year and \$166,000 the  
39.2 second year are to provide technical assistance  
39.3 to local drainage management officials and  
39.4 for the costs of the Drainage Work Group. The  
39.5 Board of Water and Soil Resources must  
39.6 coordinate the stakeholder drainage work  
39.7 group in accordance with Minnesota Statutes,  
39.8 section 103B.101, subdivision 13, to evaluate  
39.9 and make recommendations to accelerate  
39.10 drainage system acquisition and establishment  
39.11 of ditch buffer strips under Minnesota Statutes,  
39.12 chapter 103E, or compatible alternative  
39.13 practices required by Minnesota Statutes,  
39.14 section 103F.48. The evaluation and  
39.15 recommendations must be submitted in a  
39.16 report to the senate and house of  
39.17 representatives committees with jurisdiction  
39.18 over agriculture and environment policy by  
39.19 February 1, 2018.

39.20 (i) \$100,000 the first year and \$100,000 the  
39.21 second year are for a grant to the Red River  
39.22 Basin Commission for water quality and  
39.23 floodplain management, including

39.24 administration of programs. This appropriation  
39.25 must be matched by nonstate funds. If the  
39.26 appropriation in either year is insufficient, the  
39.27 appropriation in the other year is available for  
39.28 it.

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

39.33 (k) \$125,000 the first year and \$125,000 the  
39.34 second year are for conservation easement  
39.35 stewardship.

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

40.9 (m) \$4,380,000 the first year and \$4,533,000  
40.10 the second year are for Board of Water and  
40.11 Soil Resources agency administration and  
40.12 operations.

40.13 (n) Notwithstanding Minnesota Statutes,  
40.14 section 103C.501, the board may shift  
40.15 cost-share funds in this section and may adjust  
40.16 the technical and administrative assistance  
40.17 portion of the grant funds to leverage federal  
40.18 or other nonstate funds or to address  
40.19 high-priority needs identified in local water  
40.20 management plans or comprehensive water  
40.21 management plans.

40.22 (o) The appropriations for grants in this section  
40.23 are available until June 30, 2021, except  
40.24 returned grants are available for two years

40.25 after they are returned. If an appropriation for  
40.26 grants in either year is insufficient, the  
40.27 appropriation in the other year is available for  
40.28 it.

40.29 (p) Notwithstanding Minnesota Statutes,  
40.30 section 16B.97, the appropriations for grants  
40.31 in this section are exempt from Department  
40.32 of Administration, Office of Grants  
40.33 Management Policy 08-08 Grant Payments  
40.34 and 08-10 Grant Monitoring.

126.23 **ARTICLE 14**  
126.24 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

126.25 Section 1. **[11A.236] ACCOUNT FOR INVESTMENT OF PERMIT TO MINE**  
126.26 **FINANCIAL ASSURANCE MONEY.**

126.27 Subdivision 1. **Establishment; appropriation.** (a) The State Board of Investment, when  
126.28 requested by the commissioner of natural resources, may invest money collected by the  
126.29 commissioner as part of financial assurance provided under a permit to mine issued under  
126.30 chapter 93. The State Board of Investment may establish one or more accounts into which  
126.31 money may be deposited for the purposes of this section, subject to the policies and  
126.32 procedures of the State Board of Investment. Use of any money in the account shall be  
126.33 restricted to the financial assurance purposes identified in sections 93.46 to 93.51, and rules  
127.1 adopted thereunder, and as authorized under any trust fund agreements or other conditions  
127.2 established under a permit to mine.

127.3 (b) Money in the accounts is appropriated to the commissioner for the purposes for  
127.4 which the account is established under this section.

127.5 Subd. 2. **Account maintenance and investment.** The commissioner of natural resources  
127.6 may deposit money in the appropriate account and may withdraw money from the appropriate  
127.7 account for the financial assurance purposes identified in sections 93.46 to 93.51 and rules  
127.8 adopted thereunder and as authorized under any trust fund agreements or other conditions  
127.9 established under the permit to mine for which the financial assurance is provided, subject  
127.10 to the policies and procedures of the State Board of Investment. Investment strategies related  
127.11 to an account established under this section must be determined jointly by the commissioner  
127.12 of natural resources and the executive director of the State Board of Investment. The  
127.13 authorized investments for an account shall be the investments authorized under section  
127.14 11A.24 that are made available for investment by the State Board of Investment. Investment  
127.15 transactions must be at a time and in a manner determined by the executive director of the

41.1 **ARTICLE 4**  
41.2 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

127.16 State Board of Investment. Decisions to withdraw money from the account must be  
127.17 determined by the commissioner of natural resources, subject to the policies and procedures  
127.18 of the State Board of Investment. Investment earnings must be credited to the appropriate  
127.19 account for financial assurance under the identified permit to mine. An account may be  
127.20 terminated by the commissioner of natural resources at any time, so long as the termination  
127.21 is in accordance with applicable statutes, rules, trust fund agreements, or other conditions  
127.22 established under the permit to mine, subject to the policies and procedures of the State  
127.23 Board of Investment.

127.24 Sec. 2. Minnesota Statutes 2016, section 17.494, is amended to read:

127.25 **17.494 AQUACULTURE PERMITS; RULES.**

127.26 (a) The commissioner shall act as permit or license coordinator for aquatic farmers and  
127.27 shall assist aquatic farmers to obtain licenses or permits.

127.28 ~~By July 1, 1992,~~ (b) A state agency issuing multiple permits or licenses for aquaculture  
127.29 shall consolidate the permits or licenses required for every aquatic farm location. The  
127.30 Department of Natural Resources transportation permits are exempt from this requirement.  
127.31 State agencies shall adopt rules or issue commissioner's orders that establish permit and  
127.32 license requirements, approval timelines, and compliance standards. Saltwater aquatic farms,  
127.33 as defined in section 17.4982, and processing facilities for saltwater aquatic life, as defined  
128.1 in section 17.4982, must be classified as agricultural operations for purposes of any  
128.2 construction, discharge, or other permit issued by the Pollution Control Agency.

128.3 Nothing in this section modifies any state agency's regulatory authority over aquaculture  
128.4 production.

128.5 Sec. 3. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to  
128.6 read:

128.7 Subd. 20a. **Saltwater aquaculture.** "Saltwater aquaculture" means the commercial  
128.8 propagation and rearing of saltwater aquatic life, including, but not limited to, crustaceans,  
128.9 primarily for consumption as human food.

128.10 Sec. 4. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to  
128.11 read:

128.12 Subd. 20b. **Saltwater aquatic farm.** "Saltwater aquatic farm" means a facility used for  
128.13 saltwater aquaculture, including, but not limited to, artificial ponds, vats, tanks, raceways,  
128.14 and other facilities that an aquatic farmer owns or has exclusive control of for the sole  
128.15 purpose of producing saltwater aquatic life.

128.16 Sec. 5. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to  
128.17 read:

128.18 Subd. 20c. **Saltwater aquatic life.** "Saltwater aquatic life" means aquatic species that  
128.19 are saltwater obligates or perform optimally when raised in salinities closer to that of natural  
128.20 seawater and need saltwater to survive.

128.21 Sec. 6. **[17.499] TRANSPORTATION OR IMPORTATION OF SALTWATER**  
128.22 **AQUATIC LIFE; QUARANTINE REQUIREMENT.**

128.23 Subdivision 1. **Purpose.** The legislature finds that it is in the public interest to increase  
128.24 private saltwater aquaculture production and processing in this state under the coordination  
128.25 of the commissioner of agriculture. Additional private production will reduce dependence  
128.26 on foreign suppliers and benefit the rural economy by creating new jobs and economic  
128.27 activity.

128.28 Subd. 2. **Transportation permit.** (a) Notwithstanding the requirements in section  
128.29 17.4985, saltwater aquatic life transportation and importation requirements are governed  
128.30 by this section. A transportation permit is required prior to any importation or intrastate  
128.31 transportation of saltwater aquatic life not exempted under subdivision 3. A transportation  
129.1 permit may be used for multiple shipments within the 30-day term of the permit if the source  
129.2 and the destination remain the same. Transportation permits must be obtained from the  
129.3 commissioner prior to shipment of saltwater aquatic life.

129.4 (b) An application for a transportation permit must be made in the form required by the  
129.5 commissioner. The commissioner may reject an incomplete application.

129.6 (c) An application for a transportation permit must be accompanied by satisfactory  
129.7 evidence, as determined by the commissioner, that the shipment is free of any nonindigenous  
129.8 species of animal other than the saltwater aquatic species and either:

129.9 (1) the facility from which the saltwater aquatic life originated has provided  
129.10 documentation of 36 or more consecutive months of negative testing by an approved  
129.11 laboratory as free of any disease listed by OIE - the World Organisation for Animal Health  
129.12 for that species following the testing guidelines outlined in the OIE Aquatic Animal Health  
129.13 Code for crustaceans or the AFS Fish Health Blue Book for other species, as appropriate;  
129.14 or

129.15 (2) the saltwater aquatic life to be imported or transported includes documentation of  
129.16 negative testing for that specific lot by an approved laboratory as free of any disease listed  
129.17 by OIE - the World Organisation for Animal Health for crustaceans or in the AFS Fish  
129.18 Health Blue Book for other species, as appropriate.



129.19 If a shipment authorized by the commissioner under clause (1) includes saltwater aquatic  
129.20 life that originated in a foreign country, the shipment must be quarantined at the receiving  
129.21 facility according to a quarantine plan approved by the commissioner. A shipment authorized  
129.22 by the commissioner under clause (2) must be quarantined at the receiving facility according  
129.23 to a quarantine plan approved by the commissioner.

129.24 (d) For purposes of this subdivision, "approved laboratory" means a laboratory approved  
129.25 by the commissioner or the United States Department of Agriculture, Animal and Plant  
129.26 Health Inspection Services.

129.27 (e) No later than 14 calendar days after a completed transportation permit application  
129.28 is received, the commissioner must approve or deny the transportation permit application.

129.29 (f) A copy of the transportation permit must accompany a shipment of saltwater aquatic  
129.30 life while in transit and must be available for inspection by the commissioner.

129.31 (g) A vehicle used by a licensee for transporting aquatic life must be identified with the  
129.32 license number and the licensee's name and town of residence as it appears on the license.  
129.33 A vehicle used by a licensee must have identification displayed so that it is readily visible  
130.1 from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and  
130.2 three-eighths inch wide. Identification may be permanently affixed to vehicles or displayed  
130.3 on removable plates or placards placed on opposite doors of the vehicle or on the tanks  
130.4 carried on the vehicle.

130.5 (h) An application to license a vehicle for brood stock or larvae transport or for use as  
130.6 a saltwater aquatic life vendor that is received by the commissioner is a temporary license  
130.7 until approved or denied by the commissioner.

130.8 Subd. 3. **Exemptions.** (a) A transportation permit is not required to transport or import  
130.9 saltwater aquatic life:

130.10 (1) previously processed for use as food or other purposes unrelated to propagation;

130.11 (2) transported directly to an outlet for processing as food or for other food purposes if  
130.12 accompanied by shipping documents;

130.13 (3) that is being exported if accompanied by shipping documents;

130.14 (4) that is being transported through the state if accompanied by shipping documents;  
130.15 or

130.16 (5) transported intrastate within or between facilities licensed for saltwater aquaculture  
130.17 by the commissioner if accompanied by shipping documents.

130.18 (b) Shipping documents required under paragraph (a) must include the place of origin,  
130.19 owner or consignee, destination, number, species, and satisfactory evidence, as determined  
130.20 by the commissioner, of the disease-free certification required under subdivision 2, paragraph  
130.21 (c), clauses (1) and (2).

130.22 Sec. 7. Minnesota Statutes 2017 Supplement, section 84.01, subdivision 6, is amended to  
130.23 read:

130.24 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys  
130.25 or outside counsel to render title opinions, represent the department in severed mineral  
130.26 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute  
130.27 to the contrary, represent the state in quiet title or title registration actions affecting land or  
130.28 interests in land administered by the commissioner and in all proceedings relating to road  
130.29 vacations.

130.30 Sec. 8. Minnesota Statutes 2016, section 84.0895, subdivision 2, is amended to read:

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

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

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

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

131.10 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or  
131.11 3b agricultural land as a result of the application of pesticides or other agricultural chemical  
131.12 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in  
131.13 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the  
131.14 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste  
131.15 land, or other land for which the owner receives a state paid wetlands or native prairie tax  
131.16 credit.

41.3 Section 1. Minnesota Statutes 2017 Supplement, section 84.01, subdivision 6, is amended  
41.4 to read:

41.5 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys  
41.6 or outside counsel to render title opinions, represent the department in severed mineral  
41.7 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute  
41.8 to the contrary, represent the state in quiet title or title registration actions affecting land or  
41.9 interests in land administered by the commissioner and in all proceedings relating to road  
41.10 vacations.

41.11 Sec. 2. Minnesota Statutes 2016, section 84.0895, subdivision 2, is amended to read:

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

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

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

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

41.22 (c) The taking or killing of an endangered plant species on land adjacent to class 3 or  
41.23 3b agricultural land as a result of the application of pesticides or other agricultural chemical  
41.24 on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in  
41.25 the application of the pesticide or other chemical to avoid impact on adjacent lands. For the  
41.26 purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste  
41.27 land, or other land for which the owner receives a state paid wetlands or native prairie tax  
41.28 credit.

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

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

42.1 Sec. 3. Minnesota Statutes 2016, section 84.775, subdivision 1, is amended to read:

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

42.4 (1) an off-highway motorcycle in violation of sections 84.773, subdivision 1 or 2, clause  
42.5 (1); 84.777; 84.788 to 84.795; or 84.90;

42.6 (2) an off-road vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);  
42.7 84.777; 84.798 to 84.804; or 84.90; or

42.8 (3) an all-terrain vehicle in violation of sections 84.773, subdivision 1 or 2, clause (1);  
42.9 84.777; 84.90; or 84.922 to 84.928.

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

42.12 (1) \$100 for the first offense;

42.13 (2) \$200 for the second offense; and

42.14 (3) \$500 for third and subsequent offenses.

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

42.19 (1) \$100 for the first offense;

42.20 (2) \$500 for the second offense; and

42.21 (3) \$1,000 for third and subsequent offenses.

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

131.19 Sec. 9. Minnesota Statutes 2016, section 84.86, subdivision 1, is amended to read:

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

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

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

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

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

43.1 Sec. 4. Minnesota Statutes 2016, section 84.83, subdivision 3, is amended to read:

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

43.5 (1) for a grant-in-aid program to counties and municipalities for construction and  
43.6 maintenance of snowmobile trails, including maintenance of trails on lands and waters of  
43.7 Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in  
43.8 St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion;  
43.9 and on the following lakes in Cook County: Devil Track and Hungry Jack;

43.10 (2) for acquisition, development, and maintenance of state recreational snowmobile  
43.11 trails;

43.12 (3) for snowmobile safety programs; and

43.13 (4) for the administration and enforcement of sections 84.81 to 84.91 and appropriated  
43.14 grants to local law enforcement agencies.

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

43.19 **EFFECTIVE DATE.** This section is effective July 1, 2018.

43.20 Sec. 5. Minnesota Statutes 2016, section 84.86, subdivision 1, is amended to read:

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

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

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

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

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

131.28 (5) Specifications relating to snowmobile mufflers.

131.29 (6) A comprehensive snowmobile information and safety education and training program,  
131.30 including but not limited to the preparation and dissemination of snowmobile information  
131.31 and safety advice to the public, the training of snowmobile operators, and the issuance of  
131.32 snowmobile safety certificates to snowmobile operators who successfully complete the  
132.1 snowmobile safety education and training course. For the purpose of administering such  
132.2 program and to defray expenses of training and certifying snowmobile operators, the  
132.3 commissioner shall collect a fee from each person who receives the youth or adult training.  
132.4 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for  
132.5 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both  
132.6 fees in a manner that neither significantly overrecovers nor underrecovers costs, including  
132.7 overhead costs, involved in providing the services. The fees are not subject to the rulemaking  
132.8 provisions of chapter 14 and section 14.386 does not apply. The fees may be established  
132.9 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing  
132.10 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails  
132.11 and enforcement account in the natural resources fund and the amount thereof, except for  
132.12 the electronic licensing system commission established by the commissioner under section  
132.13 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated  
132.14 annually to the Enforcement Division of the Department of Natural Resources for the  
132.15 administration of such programs. In addition to the fee established by the commissioner,  
132.16 instructors may charge each person any fee paid by the instructor for the person's online  
132.17 training course and up to the established fee amount for class materials and expenses. The  
132.18 commissioner shall cooperate with private organizations and associations, private and public  
132.19 corporations, and local governmental units in furtherance of the program established under  
132.20 this clause. School districts may cooperate with the commissioner and volunteer instructors  
132.21 to provide space for the classroom portion of the training. The commissioner shall consult  
132.22 with the commissioner of public safety in regard to training program subject matter and  
132.23 performance testing that leads to the certification of snowmobile operators.

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

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

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

43.29 (5) Specifications relating to snowmobile mufflers.

43.30 (6) A comprehensive snowmobile information and safety education and training program,  
43.31 including but not limited to the preparation and dissemination of snowmobile information  
44.1 and safety advice to the public, the training of snowmobile operators, and the issuance of  
44.2 snowmobile safety certificates to snowmobile operators who successfully complete the  
44.3 snowmobile safety education and training course. For the purpose of administering such  
44.4 program and to defray expenses of training and certifying snowmobile operators, the  
44.5 commissioner shall collect a fee from each person who receives the youth or adult training.  
44.6 The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for  
44.7 issuing a duplicate snowmobile safety certificate. The commissioner shall establish both  
44.8 fees in a manner that neither significantly overrecovers nor underrecovers costs, including  
44.9 overhead costs, involved in providing the services. The fees are not subject to the rulemaking  
44.10 provisions of chapter 14 and section 14.386 does not apply. The fees may be established  
44.11 by the commissioner notwithstanding section 16A.1283. The fees, except for the issuing  
44.12 fee for licensing agents under this subdivision, shall be deposited in the snowmobile trails  
44.13 and enforcement account in the natural resources fund and the amount thereof, except for  
44.14 the electronic licensing system commission established by the commissioner under section  
44.15 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated  
44.16 annually to the Enforcement Division of the Department of Natural Resources for the  
44.17 administration of such programs. In addition to the fee established by the commissioner,  
44.18 instructors may charge each person any fee paid by the instructor for the person's online  
44.19 training course and up to the established fee amount for class materials and expenses. The  
44.20 commissioner shall cooperate with private organizations and associations, private and public  
44.21 corporations, and local governmental units in furtherance of the program established under  
44.22 this clause. School districts may cooperate with the commissioner and volunteer instructors  
44.23 to provide space for the classroom portion of the training. The commissioner shall consult  
44.24 with the commissioner of public safety in regard to training program subject matter and  
44.25 performance testing that leads to the certification of snowmobile operators.

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

**S3638-1**

1.8 Section 1. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended  
1.9 to read:

1.10 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control  
1.11 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person  
1.12 knows or has reason to believe is under the influence of alcohol or a controlled substance  
1.13 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state  
1.14 or on the ice of any boundary water of this state.

1.15 (b) No owner or other person having charge or control of any snowmobile or all-terrain  
1.16 vehicle shall knowingly authorize or permit any person, who by reason of any physical or  
1.17 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain  
1.18 vehicle anywhere in this state or on the ice of any boundary water of this state.

1.19 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle  
1.20 anywhere in this state or on the ice of any boundary water of this state is subject to chapter  
1.21 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted  
1.22 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~  
1.23 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit  
1.24 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity  
2.1 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period  
2.2 of one year. The commissioner shall notify the person of the time period during which the  
2.3 person is prohibited from operating a snowmobile or all-terrain vehicle.

2.4 (d) Administrative and judicial review of the operating privileges prohibition ~~is governed~~  
2.5 ~~by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving~~  
2.6 ~~conviction or prior license revocation, as defined in section 169A.03. Otherwise,~~  
2.7 ~~administrative and judicial review of the prohibition~~ is governed by section 169A.53 or  
2.8 171.177.

2.9 (e) The court shall promptly forward to the commissioner and the Department of Public  
2.10 Safety copies of all convictions and criminal and civil sanctions imposed under:

2.11 (1) this section and chapters;

2.12 (2) chapter 169 and relating to snowmobiles and all-terrain vehicles;

2.13 (3) chapter 169A relating to snowmobiles and all-terrain vehicles; and

44.32 Sec. 6. Minnesota Statutes 2017 Supplement, section 84.91, subdivision 1, is amended to  
44.33 read:

44.34 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control  
44.35 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person  
45.1 knows or has reason to believe is under the influence of alcohol or a controlled substance  
45.2 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state  
45.3 or on the ice of any boundary water of this state.

45.4 (b) No owner or other person having charge or control of any snowmobile or all-terrain  
45.5 vehicle shall knowingly authorize or permit any person, who by reason of any physical or  
45.6 mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain  
45.7 vehicle anywhere in this state or on the ice of any boundary water of this state.

45.8 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle  
45.9 anywhere in this state or on the ice of any boundary water of this state is subject to chapter  
45.10 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted  
45.11 of violating section 169A.20 or an ordinance in conformity with it ~~while operating a~~  
45.12 ~~snowmobile or all-terrain vehicle~~, or who refuses to comply with a lawful request to submit  
45.13 to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity  
45.14 with it, shall be prohibited from operating a snowmobile or all-terrain vehicle for a period  
45.15 of one year. The commissioner shall notify the person of the time period during which the  
45.16 person is prohibited from operating a snowmobile or all-terrain vehicle.

45.17 (d) Administrative and judicial review of the operating privileges prohibition is governed  
45.18 by section 97B.066, subdivisions 7 to 9, if the person does not have a prior impaired driving  
45.19 conviction or prior license revocation, as defined in section 169A.03. Otherwise,  
45.20 administrative and judicial review of the prohibition is governed by section 169A.53 or  
45.21 171.177.

45.22 (e) The court shall promptly forward to the commissioner and the Department of Public  
45.23 Safety copies of all convictions and criminal and civil sanctions imposed under:

45.24 (1) this section and chapters;

45.25 (2) chapter 169 and relating to snowmobiles and all-terrain vehicles;

45.26 (3) chapter 169A relating to snowmobiles and all-terrain vehicles; and

2.14 (4) section 171.177.

2.15 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either  
2.16 of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain  
2.17 vehicle during the time period the person is prohibited from operating a vehicle under  
2.18 paragraph (c) is guilty of a misdemeanor.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations  
2.20 committed on or after that date.

## S3656-2

132.30 Sec. 10. Minnesota Statutes 2017 Supplement, section 84.925, subdivision 1, is amended  
132.31 to read:

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

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

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

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

133.12 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of  
133.13 training and certifying vehicle operators, the commissioner shall collect a fee from each  
133.14 person who receives the training for certification under paragraph (a), clause (1). The  
133.15 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing  
133.16 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees  
133.17 in a manner that neither significantly overrecovers nor underrecovers costs, including  
133.18 overhead costs, involved in providing the services. The fees are not subject to the rulemaking  
133.19 provisions of chapter 14 and section 14.386 does not apply. The fees may be established  
133.20 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing  
133.21 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle

45.27 (4) section 171.177.

45.28 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either  
45.29 of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain  
45.30 vehicle during the time period the person is prohibited from operating a vehicle under  
45.31 paragraph (c) is guilty of a misdemeanor.

45.32 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations  
45.33 committed on or after that date.

46.1 Sec. 7. Minnesota Statutes 2017 Supplement, section 84.925, subdivision 1, is amended  
46.2 to read:

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

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

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

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

46.16 ~~(b)~~ (c) For the purpose of administering the program and to defray the expenses of  
46.17 training and certifying vehicle operators, the commissioner shall collect a fee from each  
46.18 person who receives the training for certification under paragraph (a), clause (1). The  
46.19 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing  
46.20 a duplicate all-terrain vehicle safety certificate. The commissioner shall establish both fees  
46.21 in a manner that neither significantly overrecovers nor underrecovers costs, including  
46.22 overhead costs, involved in providing the services. The fees are not subject to the rulemaking  
46.23 provisions of chapter 14 and section 14.386 does not apply. The fees may be established  
46.24 by the commissioner notwithstanding section 16A.1283. Fee proceeds, except for the issuing  
46.25 fee for licensing agents under this subdivision, shall be deposited in the all-terrain vehicle

133.22 account in the natural resources fund and the amount thereof, except for the electronic  
133.23 licensing system commission established by the commissioner under section 84.027,  
133.24 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to  
133.25 the Enforcement Division of the Department of Natural Resources for the administration  
133.26 of the programs. In addition to the fee established by the commissioner, instructors may  
133.27 charge each person up to the established fee amount for class materials and expenses.

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

134.3 Sec. 11. Minnesota Statutes 2017 Supplement, section 84.9256, subdivision 1, is amended  
134.4 to read:

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

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

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

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

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

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

46.26 account in the natural resources fund and the amount thereof, except for the electronic  
46.27 licensing system commission established by the commissioner under section 84.027,  
46.28 subdivision 15, and issuing fees collected by the commissioner, is appropriated annually to  
46.29 the Enforcement Division of the Department of Natural Resources for the administration  
46.30 of the programs. In addition to the fee established by the commissioner, instructors may  
46.31 charge each person up to the established fee amount for class materials and expenses.

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

47.7 Sec. 8. Minnesota Statutes 2017 Supplement, section 84.9256, subdivision 1, is amended  
47.8 to read:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.28 Sec. 9. **[84.9258] ALL-TERRAIN VEHICLE PILOT PROJECT; HAYES LAKE**  
48.29 **STATE PARK.**

48.30 (a) A person may operate an all-terrain vehicle in campground areas at Hayes Lake State  
48.31 Park designated by the commissioner of natural resources under this section. The all-terrain  
48.32 vehicle must have a valid state park permit. The commissioner must issue an annual permit  
49.1 for an all-terrain vehicle at the same fee and in the same manner as an annual motorcycle  
49.2 state park permit, unless the all-terrain vehicle is being permitted annually as a second or  
49.3 subsequent vehicle. The person operating the all-terrain vehicle must display the state park  
49.4 permit on the all-terrain vehicle or carry the state park permit while operating the vehicle.

49.5 (b) By August 1, 2018, the commissioner of natural resources, in cooperation with  
49.6 Roseau County and the Friends of Hayes Lake State Park, must designate campground areas  
49.7 at Hayes Lake State Park and access routes to those campgrounds from nearby all-terrain  
49.8 vehicle trails as accessible to all-terrain vehicles. The campground areas and access routes  
49.9 designated must have been previously open to motorized vehicle use.

49.10 (c) Designations made under this section are not subject to the rulemaking provisions  
49.11 of chapter 14, and section 14.386 does not apply.

49.12 (d) This section expires January 1, 2021.

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

49.14 Sec. 10. Minnesota Statutes 2016, section 84.928, subdivision 2, is amended to read:

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

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

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

135.25 Sec. 12. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 3, is amended  
135.26 to read:

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

136.1 (b) In waters that are listed as infested waters, except those listed as infested with  
136.2 prohibited invasive species of fish or certifiable diseases of fish, as defined under section  
136.3 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

49.20 (3) without headlight and taillight lighted at all times if the vehicle is equipped with  
49.21 headlight and taillight;  
  
49.22 (4) without a functioning stoplight if so equipped;  
  
49.23 (5) in a tree nursery or planting in a manner that damages or destroys growing stock;  
  
49.24 (6) without a brake operational by either hand or foot;  
  
49.25 (7) with more than one person on the vehicle, except as allowed under section 84.9257;  
  
49.26 (8) at a speed exceeding ten miles per hour on the frozen surface of public waters within  
49.27 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter; or  
  
49.28 ~~(9) with a snorkel device that has a raised air intake six inches or more above the vehicle~~  
49.29 ~~manufacturer's original air intake, except within the Iron Range Off-Highway Vehicle~~  
49.30 ~~Recreation Area as described in section 85.013, subdivision 12a, or other public off-highway~~  
49.31 ~~vehicle recreation areas; or~~

50.1 ~~(10)~~ (9) in a manner that violates operation rules adopted by the commissioner.

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

50.3 Sec. 11. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 3, is amended  
50.4 to read:

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

50.8 (b) In waters that are listed as infested waters, except those listed as infested with  
50.9 prohibited invasive species of fish or certifiable diseases of fish, as defined under section  
50.10 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

136.25 (d) In the Minnesota River downstream of Granite Falls, the Mississippi River  
136.26 downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors  
136.27 Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota  
136.28 Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for  
136.29 noncommercial personal use as bait for angling, as provided in a permit issued under section  
136.30 84D.11, is allowed as follows:

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

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

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

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

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

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

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

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

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

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

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

51.1 (d) In the Minnesota River downstream of Granite Falls, the Mississippi River  
51.2 downstream of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors  
51.3 Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota  
51.4 Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for  
51.5 noncommercial personal use as bait for angling, as provided in a permit issued under section  
51.6 84D.11, is allowed as follows:

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

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

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

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

137.8 ~~This paragraph expires December 1, 2017.~~

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

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

137.14 Sec. 13. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 4, is amended  
137.15 to read:

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

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

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

51.15 ~~This paragraph expires December 1, 2017.~~

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

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

51.21 **EFFECTIVE DATE.** This section is effective retroactively from December 1, 2017.

51.22 Sec. 12. Minnesota Statutes 2017 Supplement, section 84D.03, subdivision 4, is amended  
51.23 to read:

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

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

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

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

138.10 Sec. 14. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2b, is amended  
138.11 to read:

138.12 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional  
138.13 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~  
138.14 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~  
138.15 ~~Gull East State~~ water access Site sites on Gull Lake (DNR Division of Waters number  
138.16 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures,  
138.17 and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake  
138.18 service providers participating in the Gull Lake targeted pilot study place of business must  
138.19 be located in Cass or Crow Wing County.

138.20 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,  
138.21 the report to the chairs and ranking minority members of the senate and house of  
138.22 representatives committees having jurisdiction over natural resources required under Laws  
138.23 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study  
138.24 recommendations and assessments.

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

138.26 Sec. 15. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2c, is amended  
138.27 to read:

138.28 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional  
138.29 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~  
138.30 ~~Cross Lake #1 State~~ water access Site sites on Cross Lake (DNR Division of Waters number  
138.31 18-0312) in Crow Wing County using the same authorities, general procedures, and  
138.32 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place  
139.1 of business of lake service providers participating in the Cross Lake targeted pilot study  
139.2 must be located in Cass or Crow Wing County.

139.3 (b) If an additional targeted pilot project for Cross Lake is implemented under this  
139.4 section, the report to the chairs and ranking minority members of the senate and house of  
139.5 representatives committees having jurisdiction over natural resources required under Laws  
139.6 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot  
139.7 study recommendations and assessments.

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

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

52.19 Sec. 13. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2b, is amended  
52.20 to read:

52.21 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional  
52.22 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~  
52.23 ~~Gull Narrows State Water Access Site, Government Point State Water Access Site, and~~  
52.24 ~~Gull East State~~ water access Site sites on Gull Lake (DNR Division of Waters number  
52.25 11-0305) in Cass and Crow Wing Counties using the same authorities, general procedures,  
52.26 and requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake  
52.27 service providers participating in the Gull Lake targeted pilot study place of business must  
52.28 be located in Cass or Crow Wing County.

52.29 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,  
52.30 the report to the chairs and ranking minority members of the senate and house of  
52.31 representatives committees having jurisdiction over natural resources required under Laws  
52.32 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study  
52.33 recommendations and assessments.

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

53.2 Sec. 14. Minnesota Statutes 2017 Supplement, section 84D.108, subdivision 2c, is amended  
53.3 to read:

53.4 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional  
53.5 targeted pilot study to include water-related equipment with zebra mussels attached for ~~the~~  
53.6 ~~Cross Lake #1 State~~ water access Site sites on Cross Lake (DNR Division of Waters number  
53.7 18-0312) in Crow Wing County using the same authorities, general procedures, and  
53.8 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place  
53.9 of business of lake service providers participating in the Cross Lake targeted pilot study  
53.10 must be located in Cass or Crow Wing County.

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

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

139.9 Sec. 16. Minnesota Statutes 2017 Supplement, section 85.0146, subdivision 1, is amended  
139.10 to read:

139.11 Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation Area  
139.12 Citizens Advisory Council is established. Membership on the advisory council shall include:

139.13 (1) a representative of ~~the Cuyuna Range Mineland Recreation Area Joint Powers Board~~  
139.14 Cuyuna Range Economic Development, Inc.;

139.15 (2) a representative ~~of~~ for the Croft Mine Historical Park ~~Joint Powers Board~~ appointed  
139.16 by the members of the Cuyuna Country State Recreation Area Citizens Advisory Council  
139.17 who are appointed under clauses (1) and (4) to (13);

139.18 (3) a ~~designee of the Cuyuna Range Mineland Reclamation Committee who has worked~~  
139.19 ~~as a miner in the local area~~ member at large appointed by the members of the Cuyuna  
139.20 Country State Recreation Area Citizens Advisory Council who are appointed under clauses  
139.21 (1) and (4) to (13);

139.22 (4) a representative of the Crow Wing County Board;

139.23 (5) ~~an elected state official~~ the state senator representing the state recreation area;

139.24 (6) the member from the state house of representatives representing the state recreation  
139.25 area;

139.26 (7) a representative of the Grand Rapids regional office of the Department of Natural  
139.27 Resources;

139.28 ~~(7)~~ (8) a designee of the commissioner of Iron Range resources and rehabilitation;

139.29 ~~(8)~~ (9) a designee of the local business community selected by the area chambers of  
139.30 commerce;

140.1 ~~(9)~~ (10) a designee of the local environmental community selected by the Crow Wing  
140.2 County District 5 commissioner;

140.3 ~~(10)~~ (11) a designee of a local education organization selected by the Crosby-Ironton  
140.4 School Board;

140.5 ~~(11)~~ (12) a designee of one of the recreation area user groups selected by the Cuyuna  
140.6 Range Chamber of Commerce; and

53.17 Sec. 15. Minnesota Statutes 2017 Supplement, section 85.0146, subdivision 1, is amended  
53.18 to read:

53.19 Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation Area  
53.20 Citizens Advisory Council is established. Membership on the advisory council shall include:

53.21 (1) a representative of ~~the Cuyuna Range Mineland Recreation Area Joint Powers Board~~  
53.22 Cuyuna Range Economic Development Inc.;

53.23 (2) a representative ~~of~~ for the Croft Mine Historical Park ~~Joint Powers Board~~;

53.24 (3) a ~~designee of the Cuyuna Range Mineland Reclamation Committee who has worked~~  
53.25 ~~as a miner in the local area~~ member at large appointed by the members of the council;

53.26 (4) a representative of the Crow Wing County Board;

53.27 (5) ~~an elected state official~~ the state senator representing the state recreation area;

53.28 (6) the member from the state house of representatives representing the state recreation  
53.29 area;

53.30 (7) a representative of the Grand Rapids regional office of the Department of Natural  
53.31 Resources;

54.1 ~~(7)~~ (8) a designee of the commissioner of Iron Range resources and rehabilitation;

54.2 ~~(8)~~ (9) a designee of the local business community selected by the area chambers of  
54.3 commerce;

54.4 ~~(9)~~ (10) a designee of the local environmental community selected by the Crow Wing  
54.5 County District 5 commissioner;

54.6 ~~(10)~~ (11) a designee of a local education organization selected by the Crosby-Ironton  
54.7 School Board;

54.8 ~~(11)~~ (12) a designee of one of the recreation area user groups selected by the Cuyuna  
54.9 Range Chamber of Commerce; and

140.7 ~~(12)~~ (13) a member of the Cuyuna Country Heritage Preservation Society.

140.8 Sec. 17. Minnesota Statutes 2016, section 86B.005, subdivision 8a, is amended to read:

140.9 Subd. 8a. **Marine carbon monoxide detection system.** "Marine carbon monoxide  
140.10 detection system" means a device or system ~~that meets the requirements of the American~~  
140.11 ~~Boat and Yacht Council Standard A-24, July, 2015, for carbon monoxide detection systems.~~  
140.12 for detecting carbon monoxide that is certified by a nationally recognized testing laboratory  
140.13 to conform to current UL Standards for use on recreational boats.

140.14 Sec. 18. Minnesota Statutes 2016, section 86B.532, subdivision 1, is amended to read:

140.15 Subdivision 1. **Requirements; installation.** (a) No motorboat used for recreational  
140.16 purposes that has an enclosed accommodation compartment may be operated on any waters  
140.17 of the state unless the motorboat is equipped with a functioning marine carbon monoxide  
140.18 detection system installed according to the manufacturer's instructions and this subdivision.

140.19 (b) ~~After May 1, 2017,~~ No new motorboat used for recreational purposes that has an  
140.20 enclosed accommodation compartment may be sold or offered for sale in Minnesota unless  
140.21 the motorboat is equipped with a new functioning marine carbon monoxide detection system  
140.22 installed according to the manufacturer's instructions and this subdivision.

140.23 (c) A marine carbon monoxide detection system must be located:

140.24 (1) to monitor the atmosphere of the enclosed accommodation compartment; and

140.25 (2) within ten feet or 3.048 meters of any designated sleeping accommodations.

140.26 (d) A marine carbon monoxide detection system, including a sensor, must not be located  
140.27 within five feet or 1.52 meters of any cooking appliance.

141.1 Sec. 19. Minnesota Statutes 2016, section 88.10, is amended by adding a subdivision to  
141.2 read:

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

54.10 ~~(12)~~ (13) a member of the Cuyuna Country Heritage Preservation Society.

54.11 Sec. 16. Minnesota Statutes 2016, section 86B.005, subdivision 8a, is amended to read:

54.12 Subd. 8a. **Marine carbon monoxide detection system.** "Marine carbon monoxide  
54.13 detection system" means a device or system ~~that meets the requirements of the American~~  
54.14 ~~Boat and Yacht Council Standard A-24, July, 2015, for carbon monoxide detection systems.~~  
54.15 for detecting carbon monoxide that is certified by a nationally recognized testing laboratory  
54.16 to conform to current UL Standards for use on recreational boats.

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

54.18 Sec. 17. Minnesota Statutes 2016, section 86B.532, subdivision 1, is amended to read:

54.19 Subdivision 1. **Requirements; installation.** (a) No motorboat that has an enclosed  
54.20 accommodation compartment may be operated on any waters of the state unless the motorboat  
54.21 is equipped with a functioning marine carbon monoxide detection system installed according  
54.22 to the manufacturer's instructions and this subdivision.

54.23 (b) ~~After May 1, 2017,~~ No new motorboat that has an enclosed accommodation  
54.24 compartment may be sold or offered for sale in Minnesota unless the motorboat is equipped  
54.25 with a new functioning marine carbon monoxide detection system installed according to  
54.26 the manufacturer's instructions and this subdivision.

54.27 (c) A marine carbon monoxide detection system must be located:

54.28 (1) to monitor the atmosphere of the enclosed accommodation compartment; and

54.29 (2) within ten feet or 3.048 meters of any designated sleeping accommodations.

55.1 (d) A marine carbon monoxide detection system, including a sensor, must not be located  
55.2 within five feet or 1.52 meters of any cooking appliance.

55.3 **EFFECTIVE DATE.** This section is effective May 1, 2018.

55.4 Sec. 18. Minnesota Statutes 2016, section 88.10, is amended by adding a subdivision to  
55.5 read:

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



141.6 Sec. 20. Minnesota Statutes 2016, section 88.75, subdivision 1, is amended to read:

141.7 Subdivision 1. **Misdemeanor offenses; damages; injunctive relief.** (a) Any person  
141.8 who violates any of the provisions of sections 88.03 to 88.22 for which no specific penalty  
141.9 is therein prescribed shall be guilty of a misdemeanor and be punished accordingly.

141.10 (b) Failure by any person to comply with any provision or requirement of sections 88.03  
141.11 to 88.22 to which such person is subject shall be deemed a violation thereof.

141.12 (c) Any person who violates ~~any provisions of~~ sections 88.03 to 88.22, in addition to  
141.13 any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation,  
141.14 shall also be liable in full damages to any and every person suffering loss or injury by reason  
141.15 of such violation, including liability to the state, and any of its political subdivisions, for  
141.16 all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire  
141.17 caused by, or resulting from, any violation of these sections. Notwithstanding any statute  
141.18 to the contrary, an attorney who is licensed to practice law in Minnesota and is an employee  
141.19 of the Department of Natural Resources may represent the commissioner in proceedings  
141.20 under this subdivision that are removed to district court from conciliation court. All expenses  
141.21 so collected by the state shall be deposited in the general fund. When a fire set by any person  
141.22 spreads to and damages or destroys property belonging to another, the setting of the fire  
141.23 shall be prima facie evidence of negligence in setting and allowing the same to spread.

141.24 (d) At any time the state, or any political subdivision thereof, either of its own motion,  
141.25 or at the suggestion or request of the director, may bring an action in any court of competent  
141.26 jurisdiction to restrain, enjoin, or otherwise prohibit any violation of sections 88.03 to 88.22,  
141.27 whether therein described as a crime or not, and likewise to restrain, enjoin, or prohibit any  
141.28 person from proceeding further in, with, or at any timber cutting or other operations without  
141.29 complying with the provisions of those sections, or the requirements of the director pursuant  
141.30 thereto; and the court may grant such relief, or any other appropriate relief, whenever it  
141.31 shall appear that the same may prevent loss of life or property by fire, or may otherwise aid  
141.32 in accomplishing the purposes of sections 88.03 to 88.22.

142.1 Sec. 21. Minnesota Statutes 2017 Supplement, section 89.17, is amended to read:

142.2 **89.17 LEASES AND PERMITS.**

142.3 (a) Notwithstanding the permit procedures of chapter 90, the commissioner may grant  
142.4 and execute, in the name of the state, leases and permits for the use of any forest lands under  
142.5 the authority of the commissioner for any purpose that in the commissioner's opinion is not  
142.6 inconsistent with the maintenance and management of the forest lands, on forestry principles  
142.7 for timber production. Every such lease or permit is revocable at the discretion of the  
142.8 commissioner at any time subject to such conditions as may be agreed on in the lease. The  
142.9 approval of the commissioner of administration is not required upon any such lease or

55.9 Sec. 19. Minnesota Statutes 2016, section 88.75, subdivision 1, is amended to read:

55.10 Subdivision 1. **Misdemeanor offenses; damages; injunctive relief.** (a) Any person  
55.11 who violates any of the provisions of sections 88.03 to 88.22 for which no specific penalty  
55.12 is therein prescribed shall be guilty of a misdemeanor and be punished accordingly.

55.13 (b) Failure by any person to comply with any provision or requirement of sections 88.03  
55.14 to 88.22 to which such person is subject shall be deemed a violation thereof.

55.15 (c) Any person who violates ~~any provisions of~~ sections 88.03 to 88.22, in addition to  
55.16 any penalties therein prescribed, or hereinbefore in this section prescribed, for such violation,  
55.17 shall also be liable in full damages to any and every person suffering loss or injury by reason  
55.18 of such violation, including liability to the state, and any of its political subdivisions, for  
55.19 all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire  
55.20 caused by, or resulting from, any violation of these sections. Notwithstanding any statute  
55.21 to the contrary, an attorney who is licensed to practice law in Minnesota and is an employee  
55.22 of the Department of Natural Resources may represent the commissioner in proceedings  
55.23 under this subdivision that are removed to district court from conciliation court. All expenses  
55.24 so collected by the state shall be deposited in the general fund. When a fire set by any person  
55.25 spreads to and damages or destroys property belonging to another, the setting of the fire  
55.26 shall be prima facie evidence of negligence in setting and allowing the same to spread.

55.27 (d) At any time the state, or any political subdivision thereof, either of its own motion,  
55.28 or at the suggestion or request of the director, may bring an action in any court of competent  
55.29 jurisdiction to restrain, enjoin, or otherwise prohibit any violation of sections 88.03 to 88.22,  
55.30 whether therein described as a crime or not, and likewise to restrain, enjoin, or prohibit any  
55.31 person from proceeding further in, with, or at any timber cutting or other operations without  
55.32 complying with the provisions of those sections, or the requirements of the director pursuant  
56.1 thereto; and the court may grant such relief, or any other appropriate relief, whenever it  
56.2 shall appear that the same may prevent loss of life or property by fire, or may otherwise aid  
56.3 in accomplishing the purposes of sections 88.03 to 88.22.

142.10 permit. No such lease or permit for a period exceeding 21 years shall be granted except with  
142.11 the approval of the Executive Council.

142.12 (b) Public access to the leased land for outdoor recreation is the same as access would  
142.13 be under state management.

142.14 (c) Notwithstanding section 16A.125, subdivision 5, after deducting the reasonable costs  
142.15 incurred for preparing and issuing the lease, all remaining proceeds from leasing school  
142.16 trust land and university land for roads on forest lands must be deposited into the respective  
142.17 permanent fund for the lands.

142.18 (d) The commissioner may require a performance bond, security deposit, or other form  
142.19 of security for removing any improvements or personal property left on the leased premises  
142.20 by the lessee upon termination or cancellation of the lease.

142.21 Sec. 22. Minnesota Statutes 2016, section 89.551, is amended to read:

142.22 **89.551 APPROVED FIREWOOD REQUIRED.**

142.23 (a) After the commissioner issues an order under paragraph (b), a person may not possess  
142.24 firewood on land administered by the commissioner of natural resources unless the firewood:

142.25 (1) was obtained from a firewood distribution facility located on land administered by  
142.26 the commissioner;

142.27 (2) was obtained from a firewood dealer who is selling firewood that is approved by the  
142.28 commissioner under paragraph (b); or

142.29 (3) has been approved by the commissioner of natural resources under paragraph (b).

142.30 (b) The commissioner of natural resources shall, by written order published in the State  
142.31 Register, approve firewood for possession on lands administered by the commissioner. The  
143.1 order is not subject to the rulemaking provisions of chapter 14<sub>2</sub> and section 14.386 does not  
143.2 apply.

143.3 (c) A violation under this section is subject to confiscation of firewood ~~and after May~~  
143.4 ~~1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to confiscation~~  
143.5 ~~and assessed a \$100 penalty for each sale of firewood not approved under the provisions~~  
143.6 ~~of this section and sold for use on land administered by the commissioner.~~

143.7 (d) For the purposes of this section, "firewood" means any wood that is intended for use  
143.8 in a campfire, as defined in section 88.01, subdivision 25.

56.4 Sec. 20. Minnesota Statutes 2016, section 89.551, is amended to read:

56.5 **89.551 APPROVED FIREWOOD REQUIRED.**

56.6 (a) After the commissioner issues an order under paragraph (b), a person may not possess  
56.7 firewood on land administered by the commissioner of natural resources unless the firewood:

56.8 (1) was obtained from a firewood distribution facility located on land administered by  
56.9 the commissioner;

56.10 (2) was obtained from a firewood dealer who is selling firewood that is approved by the  
56.11 commissioner under paragraph (b); or

56.12 (3) has been approved by the commissioner of natural resources under paragraph (b).

56.13 (b) The commissioner of natural resources shall, by written order published in the State  
56.14 Register, approve firewood for possession on lands administered by the commissioner. The  
56.15 order is not subject to the rulemaking provisions of chapter 14<sub>2</sub> and section 14.386 does not  
56.16 apply.

56.17 (c) A violation under this section is subject to confiscation of firewood ~~and after May~~  
56.18 ~~1, 2008, confiscation and a \$100 penalty. A firewood dealer shall be subject to confiscation~~  
56.19 ~~and assessed a \$100 penalty for each sale of firewood not approved under the provisions~~  
56.20 ~~of this section and sold for use on land administered by the commissioner.~~

56.21 (d) For the purposes of this section, "firewood" means any wood that is intended for use  
56.22 in a campfire, as defined in section 88.01, subdivision 25.

143.9 Sec. 23. Minnesota Statutes 2016, section 92.50, is amended by adding a subdivision to  
143.10 read:

143.11 Subd. 3. **Security requirement.** The commissioner may require a performance bond,  
143.12 security deposit, or other form of security for removing any improvements or personal  
143.13 property left on the leased premises by the lessee upon termination or cancellation of the  
143.14 lease.

143.15 Sec. 24. Minnesota Statutes 2016, section 94.10, subdivision 2, is amended to read:

143.16 Subd. 2. **Public sale requirements.** (a) After complying with subdivision 1 and before  
143.17 any public sale of surplus state-owned land is made and at least 30 days before the sale, the  
143.18 commissioner of natural resources shall publish a notice of the sale in a newspaper of general  
143.19 distribution in the county in which the real property to be sold is situated. The notice shall  
143.20 specify the time and place at which the sale will commence, a general description of the  
143.21 lots or tracts to be offered, and a general statement of the terms of sale. The commissioner  
143.22 shall also provide electronic notice of sale.

143.23 (b) The minimum bid for a parcel of land must include the estimated value or appraised  
143.24 value of the land and any improvements and, if any of the land is valuable for merchantable  
143.25 timber, the value of the merchantable timber. The minimum bid may include expenses  
143.26 incurred by the commissioner in rendering the property salable, including survey, appraisal,  
143.27 legal, advertising, and other expenses.

143.28 (c) The purchaser of state land must pay recording fees and the state deed tax.

143.29 (d) Except as provided under paragraph (e), parcels remaining unsold after the offering  
143.30 may be sold to anyone agreeing to pay at least 75 percent of the appraised value. The sale  
143.31 shall continue until all parcels are sold or until the commissioner orders a reappraisal or  
143.32 withdraws the remaining parcels from sale.

144.1 (e) The commissioner may retain the services of a licensed real estate broker to find a  
144.2 buyer for parcels remaining unsold after the offering. The sale price may be negotiated by  
144.3 the broker, but must not be less than 90 percent of the appraised value as determined by the  
144.4 commissioner. The broker's fee must be established by prior agreement between the  
144.5 commissioner and the broker and must not exceed ten percent of the sale price for sales of  
144.6 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

144.7 (f) Public sales of surplus state-owned land may be conducted through online auctions.

144.8 Sec. 25. Minnesota Statutes 2016, section 97A.051, subdivision 2, is amended to read:

56.23 Sec. 21. Minnesota Statutes 2016, section 97A.051, subdivision 2, is amended to read:

144.9 Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a  
144.10 summary of the hunting and fishing laws and rules and deliver a sufficient supply to license  
144.11 vendors ~~to furnish one copy to each person obtaining a hunting, fishing, or trapping license.~~

144.12 (b) At the beginning of the summary, under the heading "Trespass," the commissioner  
144.13 shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that  
144.14 conservation officers and peace officers must enforce the trespass laws, and state the penalties  
144.15 for trespassing.

144.16 (c) In the summary the commissioner shall, under the heading "Duty to Render Aid,"  
144.17 summarize the requirements under section 609.662 and state the penalties for failure to  
144.18 render aid to a person injured by gunshot.

144.19 Sec. 26. Minnesota Statutes 2017 Supplement, section 97A.075, subdivision 1, is amended  
144.20 to read:

144.21 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,  
144.22 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),  
144.23 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and  
144.24 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

144.25 (b) \$16 from each annual deer license issued under section 97A.475, subdivisions 2,  
144.26 clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b); \$2  
144.27 from each annual deer license and \$2 issued under sections 97A.475, subdivisions 2, clauses  
144.28 (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,  
144.29 subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in  
144.30 section 97A.4742, for each license issued to a person 18 years of age or older under section  
144.31 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for  
144.32 each license issued to a person under 18 years of age shall be credited to the deer management  
145.1 account and is appropriated to the commissioner for deer habitat improvement or deer  
145.2 management programs.

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

145.8 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild  
145.9 Cervidae health-management account and is appropriated for emergency deer feeding and

56.24 Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a  
56.25 summary of the hunting and fishing laws and rules and deliver a sufficient supply to license  
56.26 vendors ~~to furnish one copy to each person obtaining a hunting, fishing, or trapping license.~~

56.27 (b) At the beginning of the summary, under the heading "Trespass," the commissioner  
56.28 shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that  
56.29 conservation officers and peace officers must enforce the trespass laws, and state the penalties  
56.30 for trespassing.

57.1 (c) In the summary the commissioner shall, under the heading "Duty to Render Aid,"  
57.2 summarize the requirements under section 609.662 and state the penalties for failure to  
57.3 render aid to a person injured by gunshot.

57.4 Sec. 22. Minnesota Statutes 2017 Supplement, section 97A.075, subdivision 1, is amended  
57.5 to read:

57.6 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,  
57.7 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),  
57.8 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and  
57.9 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

57.10 (b) \$16 from each annual deer license issued under section 97A.475, subdivisions 2,  
57.11 clauses (5), (6), and (7); 3, paragraph (a), clauses (2), (3), and (4); and 8, paragraph (b); \$2  
57.12 from each annual deer license and \$2 issued under sections 97A.475, subdivisions 2, clauses  
57.13 (13), (14), and (15); and 3, paragraph (a), clauses (10), (11), and (12); and 97B.301,  
57.14 subdivision 4; \$16 annually from the lifetime fish and wildlife trust fund, established in  
57.15 section 97A.4742, for each license issued to a person 18 years of age or older under section  
57.16 97A.473, subdivision 4; and \$2 annually from the lifetime fish and wildlife trust fund for  
57.17 each license issued to a person under 18 years of age under section 97A.473, subdivision  
57.18 4, shall be credited to the deer management account and is appropriated to the commissioner  
57.19 for deer habitat improvement or deer management programs. The deer management account  
57.20 is established as an account in the game and fish fund and may be used only for deer habitat  
57.21 improvement or deer management programs.

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

57.27 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild  
57.28 Cervidae health-management account and is appropriated for emergency deer feeding and

145.10 wild Cervidae health management. Money appropriated for emergency deer feeding and  
145.11 wild Cervidae health management is available until expended.

145.12 When the unencumbered balance in the appropriation for emergency deer feeding and  
145.13 wild Cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the  
145.14 unencumbered balance in excess of \$2,500,000 is canceled and available for deer- and  
145.15 bear-management programs and computerized licensing.

145.16 Sec. 27. [97A.409] VOTER REGISTRATION INFORMATION.

145.17 (a) On the Department of Natural Resources online license sales Web site for purchasing  
145.18 a resident license to hunt or fish that is required under the game and fish laws, the  
145.19 commissioner must include the voter registration eligibility requirements and a description  
145.20 of how to register to vote before or on election day. On the Web page where an individual  
145.21 has the option to print a license to hunt or fish, the commissioner must include a direct link  
145.22 to the secretary of state's online voter registration Web page.

145.23 (b) In the printed and digital versions of fishing regulations and hunting and trapping  
145.24 regulations, the commissioner must include the voter registration eligibility requirements,  
145.25 a description of how to register to vote before or on election day, and a link to the secretary  
145.26 of state's online voter registration Web page. In addition, the commissioner must include a  
145.27 voter registration application in the printed and digital versions of fishing regulations and  
145.28 hunting and trapping regulations.

145.29 (c) The secretary of state must provide the required voter registration information to the  
145.30 commissioner. The secretary of state must prepare and approve an alternate form of the  
145.31 voter registration application to be used in the regulations.

146.1 **EFFECTIVE DATE.** Paragraph (a) is effective on August 1, 2018, and applies to  
146.2 licenses issued on or after March 1, 2019. Paragraph (b) is effective on August 1, 2018, and  
146.3 applies to printed and digital versions of regulations updated on or after that date.

146.4 Sec. 28. Minnesota Statutes 2016, section 97A.433, subdivision 4, is amended to read:

146.5 Subd. 4. **Discretionary separate selection; eligibility.** (a) The commissioner may  
146.6 conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area.  
146.7 Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in  
146.8 the area, and their family members, are eligible for the separate selection. Persons that are  
146.9 unsuccessful in a separate selection must be included in the selection for the remaining  
146.10 licenses. Persons who obtain an elk license in a separate selection ~~must allow public elk~~  
146.11 ~~hunting on their land during the elk season for which the license is valid~~ may sell the license

57.29 wild Cervidae health management. Money appropriated for emergency deer feeding and  
57.30 wild Cervidae health management is available until expended.

57.31 When the unencumbered balance in the appropriation for emergency deer feeding and  
57.32 wild Cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the  
57.33 unencumbered balance in excess of \$2,500,000 is canceled and available for deer- and  
57.34 bear-management programs and computerized licensing.

58.1 Sec. 23. [97A.409] VOTER REGISTRATION INFORMATION.

58.2 (a) On the Department of Natural Resources online license sales Web site for purchasing  
58.3 a resident license to hunt or fish that is required under the game and fish laws, the  
58.4 commissioner must include the voter registration eligibility requirements and a description  
58.5 of how to register to vote before or on election day. On the Web page where an individual  
58.6 has the option to print a license to hunt or fish, the commissioner must include a direct link  
58.7 to the secretary of state's online voter registration Web page.

58.8 (b) In the printed and digital versions of fishing regulations and hunting and trapping  
58.9 regulations, the commissioner must include the voter registration eligibility requirements,  
58.10 a description of how to register to vote before or on election day, and a link to the secretary  
58.11 of state's online voter registration Web page. In addition, the commissioner must include a  
58.12 voter registration application in the printed and digital versions of fishing regulations and  
58.13 hunting and trapping regulations.

58.14 (c) The secretary of state must provide the required voter registration information to the  
58.15 commissioner. The secretary of state must prepare and approve an alternate form of the  
58.16 voter registration application to be used in the regulations.

58.17 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2018, and applies to licenses  
58.18 issued on or after March 1, 2019. Paragraph (b) is effective August 1, 2018, and applies to  
58.19 printed and digital versions of regulations updated on or after that date.

58.20 Sec. 24. Minnesota Statutes 2016, section 97A.433, subdivision 4, is amended to read:

58.21 Subd. 4. **Discretionary separate selection; eligibility.** (a) The commissioner may  
58.22 conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area.  
58.23 Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in  
58.24 the area, and their family members, are eligible for the separate selection. Persons that are  
58.25 unsuccessful in a separate selection must be included in the selection for the remaining  
58.26 licenses. Persons who obtain an elk license in a separate selection ~~must allow public elk~~  
58.27 ~~hunting on their land during the elk season for which the license is valid~~ may sell the license

146.12 to any Minnesota resident eligible to hunt big game for no more than the original cost of  
146.13 the license.

146.14 (b) The commissioner may by rule establish criteria for determining eligible family  
146.15 members under this subdivision.

146.16 Sec. 29. Minnesota Statutes 2016, section 97A.433, subdivision 5, is amended to read:

146.17 Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate  
146.18 selection for 20 percent of the elk licenses to be issued each year. Only individuals who  
146.19 have applied at least ten times for an elk license and who have never received a license are  
146.20 eligible for this separate selection. A person who is unsuccessful in a separate selection  
146.21 under this subdivision must be included in the selection for the remaining licenses.

146.22 Sec. 30. Minnesota Statutes 2016, section 97B.015, subdivision 6, is amended to read:

146.23 Subd. 6. **Provisional certificate for persons with permanent physical or**  
146.24 **developmental disability.** Upon the recommendation of a course instructor, the  
146.25 commissioner may issue a provisional firearms safety certificate to a person who satisfactorily  
146.26 completes the classroom portion of the firearms safety course but is unable to pass the  
146.27 written or an alternate format exam portion of the course because of a permanent physical  
146.28 disability or developmental disability as defined in section 97B.1055, subdivision 1. The  
146.29 certificate is valid only when used according to section 97B.1055.

58.28 to any Minnesota resident eligible to hunt big game for no more than the original cost of  
58.29 the license.

58.30 (b) The commissioner may by rule establish criteria for determining eligible family  
58.31 members under this subdivision.

59.1 Sec. 25. Minnesota Statutes 2016, section 97A.433, subdivision 5, is amended to read:

59.2 Subd. 5. **Mandatory separate selection.** The commissioner must conduct a separate  
59.3 selection for 20 percent of the elk licenses to be issued each year. Only individuals who  
59.4 have applied at least ten times for an elk license and who have never received a license are  
59.5 eligible for this separate selection. A person who is unsuccessful in a separate selection  
59.6 under this subdivision must be included in the selection for the remaining licenses.

59.7 Sec. 26. Minnesota Statutes 2016, section 97A.56, subdivision 2, is amended to read:

59.8 Subd. 2. **Prohibited actions; penalty.** (a) A person may not ~~possess or~~ release feral  
59.9 swine or swine that were feral during any part of the swine's lifetime or allow feral swine  
59.10 to run at large. Except as provided under paragraph (b), a person may not possess feral  
59.11 swine or swine that were feral during any part of the swine's lifetime.

59.12 (b) A person may not hunt or trap feral swine, except as authorized by the commissioner  
59.13 for feral swine control or eradication. It is not a violation of this section if a person shoots  
59.14 a feral swine and reports the taking to the commissioner within 24 hours. All swine taken  
59.15 in this manner must be surrendered to the commissioner unless the commissioner authorizes  
59.16 the person to keep the swine.

59.17 (c) A person who violates this subdivision is guilty of a misdemeanor.

59.18 Sec. 27. Minnesota Statutes 2016, section 97B.015, subdivision 6, is amended to read:

59.19 Subd. 6. **Provisional certificate for persons with permanent physical or**  
59.20 **developmental disability.** Upon the recommendation of a course instructor, the  
59.21 commissioner may issue a provisional firearms safety certificate to a person who satisfactorily  
59.22 completes the classroom portion of the firearms safety course but is unable to pass the  
59.23 written or an alternate format exam portion of the course because of a permanent physical  
59.24 disability or developmental disability as defined in section 97B.1055, subdivision 1. The  
59.25 certificate is valid only when used according to section 97B.1055.

59.26 Sec. 28. Minnesota Statutes 2016, section 97B.081, subdivision 3, is amended to read:

59.27 Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

59.28 (1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons  
59.29 according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

59.30 (2) hunt fox or coyote from January 1 to March 15 while using ~~a handheld~~ an artificial  
59.31 light, provided that the person is:

60.1 (i) on foot;

60.2 (ii) using a shotgun;

60.3 (iii) not within a public road right-of-way;

60.4 (iv) using a handheld or electronic calling device; and

60.5 (v) not within 200 feet of a motor vehicle; or

60.6 (3) cast the rays of a handheld artificial light to retrieve wounded or dead big game  
60.7 animals, provided that the person is:

60.8 (i) on foot; and

60.9 (ii) not in possession of a firearm or bow.

60.10 (b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight,  
60.11 headlight, or other artificial light to:

60.12 (1) carry out any agricultural, safety, emergency response, normal vehicle operation, or  
60.13 occupation-related activities that do not involve taking wild animals; or

60.14 (2) carry out outdoor recreation as defined in section 97B.001 that is not related to  
60.15 spotting, locating, or taking a wild animal.

60.16 (c) Except as otherwise provided by the game and fish laws, it is not a violation of this  
60.17 section for a person to use an electronic range finder device from one-half hour before  
60.18 sunrise until one-half hour after sunset while lawfully hunting wild animals.

60.19 (d) It is not a violation of this section for a licensed bear hunter to cast the rays of a  
60.20 handheld artificial light to track or retrieve a wounded or dead bear while possessing a  
60.21 firearm, provided that the person:

60.22 (1) has the person's valid bear-hunting license in possession;

147.1 Sec. 31. Minnesota Statutes 2016, section 97B.1055, is amended to read:

147.2 **97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR**  
147.3 **DEVELOPMENTAL DISABILITY.**

147.4 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision  
147.5 6:

147.6 (a) A "person with developmental disability" means a person who has been diagnosed  
147.7 as having substantial limitations in present functioning, manifested as significantly  
147.8 subaverage intellectual functioning, existing concurrently with demonstrated deficits in  
147.9 adaptive behavior, and who manifests these conditions before the person's 22nd birthday.

147.10 (b) A "person with a related condition" means a person who meets the diagnostic  
147.11 definition under section 252.27, subdivision 1a.

147.12 (c) A "person with a permanent physical disability" means a person who has a physical  
147.13 disability that prevents them from being able to navigate natural terrain or hold a firearm  
147.14 for the purpose of a required field component for the firearm safety training program under  
147.15 section 97B.020.

147.16 Subd. 2. **Obtaining a license.** (a) Notwithstanding section 97B.020, a person with a  
147.17 permanent physical disability or developmental disability may obtain a firearms hunting  
147.18 license with a provisional firearms safety certificate issued under section 97B.015,  
147.19 subdivision 6.

147.20 (b) Any person accompanying or assisting a person with a permanent physical disability  
147.21 or developmental disability under this section must possess a valid firearms safety certificate  
147.22 issued by the commissioner.

147.23 Subd. 3. **Assistance required.** A person who obtains a firearms hunting license under  
147.24 subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person  
147.25 designated by a parent or guardian when hunting. A person who is not hunting but is solely  
147.26 accompanying and assisting a person with a permanent physical disability or developmental  
147.27 disability need not obtain a hunting license.

147.28 Subd. 4. **Prohibited activities.** (a) This section does not entitle a person to possess a  
147.29 firearm if the person is otherwise prohibited from possessing a firearm under state or federal  
147.30 law or a court order.

60.23 (2) is on foot; and

60.24 (3) is following the blood trail of a bear that was shot during legal shooting hours.

60.25 Sec. 29. Minnesota Statutes 2016, section 97B.1055, is amended to read:

60.26 **97B.1055 HUNTING BY PERSONS WITH A PERMANENT PHYSICAL OR**  
60.27 **DEVELOPMENTAL DISABILITY.**

60.28 Subdivision 1. **Definitions.** For purposes of this section and section 97B.015, subdivision  
60.29 6:

61.1 (1) "person with developmental disability" means a person who has been diagnosed as  
61.2 having substantial limitations in present functioning, manifested as significantly subaverage  
61.3 intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior,  
61.4 and who manifests these conditions before the person's 22nd birthday;

61.5 A (2) "person with a related condition" means a person who meets the diagnostic  
61.6 definition under section 252.27, subdivision 1a; and

61.7 (3) "person with a permanent physical disability" means a person who has a physical  
61.8 disability that prevents them from being able to navigate natural terrain or hold a firearm  
61.9 for the purpose of a required field component for the firearms safety training program under  
61.10 section 97B.020.

61.11 Subd. 2. **Obtaining a license.** (a) Notwithstanding section 97B.020, a person with a  
61.12 permanent physical disability or developmental disability may obtain a firearms hunting  
61.13 license with a provisional firearms safety certificate issued under section 97B.015,  
61.14 subdivision 6.

61.15 (b) Any person accompanying or assisting a person with a permanent physical disability  
61.16 or developmental disability under this section must possess a valid firearms safety certificate  
61.17 issued by the commissioner.

61.18 Subd. 3. **Assistance required.** A person who obtains a firearms hunting license under  
61.19 subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person  
61.20 designated by a parent or guardian when hunting. A person who is not hunting but is solely  
61.21 accompanying and assisting a person with a permanent physical disability or developmental  
61.22 disability need not obtain a hunting license.

61.23 Subd. 4. **Prohibited activities.** (a) This section does not entitle a person to possess a  
61.24 firearm if the person is otherwise prohibited from possessing a firearm under state or federal  
61.25 law or a court order.



147.31 (b) No person shall knowingly authorize or permit a person, who by reason of a permanent  
147.32 physical disability or developmental disability is incapable of safely possessing a firearm,  
147.33 to possess a firearm to hunt in the state or on any boundary water of the state.

148.1 Sec. 32. Minnesota Statutes 2016, section 97C.345, subdivision 3a, is amended to read:

148.2 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard  
148.3 shad for use as bait for angling:

148.4 (1) from July 1 to November 30; and

148.5 (2) from the Minnesota River downstream of Granite Falls, Mississippi River downstream  
148.6 of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors Falls,  
148.7 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,  
148.8 part 6266.0500, subpart 1, items A and B, that are listed as infested waters as allowed under  
148.9 section 84D.03, subdivision 3.

148.10 (b) Cast nets used under this subdivision must be monofilament and may not exceed  
148.11 seven five feet in diameter radius, and mesh size must be from three-eighths to five-eighths  
148.12 inch bar measure. No more than two cast nets may be used at one time.

148.13 ~~(c) This subdivision expires December 1, 2017. The commissioner must report to the~~  
148.14 ~~chairs and ranking minority members of the house of representatives and senate committees~~  
148.15 ~~with jurisdiction over environment and natural resources by March 1, 2018, on the number~~  
148.16 ~~of permits issued, conservation impacts from the use of cast nets, and recommendations for~~  
148.17 ~~any necessary changes in statutes or rules.~~

148.18 Sec. 33. Minnesota Statutes 2016, section 103B.3369, subdivision 5, is amended to read:

148.19 Subd. 5. **Financial assistance.** A base grant, contract, or payment may be awarded to a  
148.20 county or other local unit of government that provides a match utilizing a water  
148.21 implementation tax or other local source. A water implementation tax that a county or other  
148.22 local unit of government intends to use as a match to the base grant must be levied at a rate  
148.23 sufficient to generate a minimum amount determined by the board. The board may award  
148.24 performance-based or watershed-based grants, contracts, or payments to local units of  
148.25 government that are responsible for implementing elements of applicable portions of  
148.26 watershed management plans, comprehensive plans, local water management plans, or  
148.27 comprehensive watershed management plans, developed or amended, adopted and approved,  
148.28 according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the  
148.29 board may also award performance-based grants to local units of government to carry out

61.26 (b) No person shall knowingly authorize or permit a person, who by reason of a permanent  
61.27 physical disability or developmental disability is incapable of safely possessing a firearm,  
61.28 to possess a firearm to hunt in the state or on any boundary water of the state.

61.29 Sec. 30. Minnesota Statutes 2016, section 97C.345, subdivision 3a, is amended to read:

61.30 Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard  
61.31 shad for use as bait for angling:

61.32 (1) from July 1 to November 30; and

62.1 (2) from the Minnesota River downstream of Granite Falls, Mississippi River downstream  
62.2 of St. Anthony Falls, and the St. Croix River downstream of the dam at Taylors Falls,  
62.3 including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules,  
62.4 part 6266.0500, subpart 1, items A and B, that are listed as infested waters as allowed under  
62.5 section 84D.03, subdivision 3.

62.6 (b) Cast nets used under this subdivision must be monofilament and may not exceed  
62.7 seven five feet in diameter radius, and mesh size must be from three-eighths to five-eighths  
62.8 inch bar measure. No more than two cast nets may be used at one time.

62.9 ~~(c) This subdivision expires December 1, 2017. The commissioner must report to the~~  
62.10 ~~chairs and ranking minority members of the house of representatives and senate committees~~  
62.11 ~~with jurisdiction over environment and natural resources by March 1, 2018, on the number~~  
62.12 ~~of permits issued, conservation impacts from the use of cast nets, and recommendations for~~  
62.13 ~~any necessary changes in statutes or rules.~~

62.14 **EFFECTIVE DATE.** This section is effective retroactively from December 1, 2017.

62.15 Sec. 31. Minnesota Statutes 2016, section 103B.3369, subdivision 5, is amended to read:

62.16 Subd. 5. **Financial assistance.** A base grant, contract, or payment may be awarded to a  
62.17 county or other local unit of government that provides a match utilizing a water  
62.18 implementation tax or other local source. A water implementation tax that a county or other  
62.19 local unit of government intends to use as a match to the base grant must be levied at a rate  
62.20 sufficient to generate a minimum amount determined by the board. The board may award  
62.21 performance-based or watershed-based grants, contracts, or payments to local units of  
62.22 government that are responsible for implementing elements of applicable portions of  
62.23 watershed management plans, comprehensive plans, local water management plans, or  
62.24 comprehensive watershed management plans, developed or amended, adopted and approved,  
62.25 according to chapter 103B, 103C, or 103D. Upon request by a local government unit, the  
62.26 board may also award performance-based grants to local units of government to carry out

148.30 TMDL implementation plans as provided in chapter 114D, if the TMDL implementation  
148.31 plan has been incorporated into the local water management plan according to the procedures  
148.32 for approving comprehensive plans, watershed management plans, local water management  
148.33 plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D,  
149.1 or if the TMDL implementation plan has undergone a public review process. Notwithstanding  
149.2 section 16A.41, the board may award ~~performance-based grants, contracts, or payments~~ on  
149.3 an advanced basis. The fee authorized in section 40A.152 may be used as a local match or  
149.4 as a supplement to state funding to accomplish implementation of comprehensive plans,  
149.5 watershed management plans, local water management plans, or comprehensive watershed  
149.6 management plans under this chapter and chapter 103C or 103D.

149.7 Sec. 34. Minnesota Statutes 2016, section 103B.3369, subdivision 9, is amended to read:

149.8 Subd. 9. **Performance-based criteria.** The board shall develop and utilize  
149.9 performance-based or eligibility criteria for local water resources restoration, protection,  
149.10 and management programs and projects. The criteria may include but are not limited to  
149.11 science-based assessments, organizational capacity, priority resource issues, community  
149.12 outreach and support, partnership potential, potential for multiple benefits, and program  
149.13 and project delivery efficiency and effectiveness.

149.14 Sec. 35. **[103B.461] RED RIVER BASIN COMMISSION.**

149.15 Subdivision 1. **Purposes.** The Red River Basin Commission was created to:

149.16 (1) facilitate transboundary and basin-wide dialogue and consultation with citizens, land  
149.17 users, organizations, and governments; and

149.18 (2) coordinate basin-wide interstate and international efforts on water management,  
149.19 including but not limited to flood mitigation, water quality, water supply, drainage, aquatic  
149.20 health, and recreation.

62.27 TMDL implementation plans as provided in chapter 114D, if the TMDL implementation  
62.28 plan has been incorporated into the local water management plan according to the procedures  
62.29 for approving comprehensive plans, watershed management plans, local water management  
62.30 plans, or comprehensive watershed management plans under chapter 103B, 103C, or 103D,  
62.31 or if the TMDL implementation plan has undergone a public review process. Notwithstanding  
62.32 section 16A.41, the board may award ~~performance-based grants, contracts, or payments~~ on  
62.33 an advanced basis. The fee authorized in section 40A.152 may be used as a local match or  
62.34 as a supplement to state funding to accomplish implementation of comprehensive plans,  
63.1 watershed management plans, local water management plans, or comprehensive watershed  
63.2 management plans under this chapter and chapter 103C or 103D.

63.3 Sec. 32. Minnesota Statutes 2016, section 103B.3369, subdivision 9, is amended to read:

63.4 Subd. 9. ~~**Performance-based Criteria.**~~ **(a)** The board ~~shall~~ must develop and utilize  
63.5 performance-based criteria for local water resources restoration, protection, and management  
63.6 programs and projects. The criteria may include but are not limited to science-based  
63.7 assessments, organizational capacity, priority resource issues, community outreach and  
63.8 support, partnership potential, potential for multiple benefits, and program and project  
63.9 delivery efficiency and effectiveness.

63.10 (b) Notwithstanding paragraph (a), the board may develop and utilize eligibility criteria  
63.11 for base amounts of state funding to local governments.

63.12 Sec. 33. Minnesota Statutes 2016, section 103B.3369, is amended by adding a subdivision  
63.13 to read:

63.14 Subd. 10. **Red River Basin Commission.** (a) The board may provide information and  
63.15 technical or financial support to the Red River Basin Commission in furtherance of the  
63.16 watershed management policy under section 103A.212.

63.17 (b) For the purposes of this subdivision, "Red River Basin Commission" means a Red  
63.18 River of the North transboundary, nonprofit corporation organized under section 501(c)(3)  
63.19 of the Internal Revenue Code and respective bylaws with the purpose of facilitating  
63.20 transboundary and basin-wide dialogue; consulting with citizens, land users, organizations,  
63.21 and governments; and coordinating basin-wide interstate and international efforts on water  
63.22 management including but not limited to flood mitigation, water quality, water supply,  
63.23 drainage, aquatic health, and recreation.

149.21 Subd. 2. **Membership.** The Red River Basin Commission must have basin-wide  
149.22 representation of members and alternates to serve on the commission consistent with the  
149.23 adopted bylaws of the commission. Selection and terms of members are as defined in the  
149.24 commission's bylaws.

149.25 Subd. 3. **Duties.** The Red River Basin Commission must:

149.26 (1) develop and coordinate comprehensive water management goals for the Red River  
149.27 basin by aligning the work plans in the major watersheds in the states of Minnesota, North  
149.28 Dakota, and South Dakota and the Canadian province of Manitoba;

149.29 (2) advise on developing and using systems to monitor and evaluate the Red River basin  
149.30 and incorporating the data obtained from these systems into planning and implementation  
149.31 processes;

150.1 (3) conduct public meetings at locations in the Red River basin regarding the public's  
150.2 perspective on water resource issues, needs, and priorities in the basin;

150.3 (4) conduct an ongoing information and education program on water management in  
150.4 the Red River basin, including an annual conference;

150.5 (5) advise on developing projects in the major watersheds that are scientifically sound,  
150.6 have landowner and local government support, and reduce potential flood damages and  
150.7 inputs of pollutants into the Red River;

150.8 (6) develop and implement a framework plan for natural resources and provide periodic  
150.9 budget requests and reports to the governors of Minnesota, North Dakota, and South Dakota,  
150.10 to the premier of Manitoba, and to the respective legislatures, provincial members, and  
150.11 congressional representatives of the respective states and province regarding progress on  
150.12 meeting water management goals and funding or policy recommendations;

150.13 (7) administer funds for implementing projects and track and report the results achieved  
150.14 for each project; and

150.15 (8) assess the collective work in the Red River basin and make recommendations to the  
150.16 states of Minnesota, North Dakota, and South Dakota, to the Canadian province of Manitoba,  
150.17 and to their respective legislatures, provincial members, and congressional representatives  
150.18 on the actions needed to sustain or accelerate components of the framework plan for natural  
150.19 resources in the Red River basin and the major watersheds of the Red River basin.

150.20 Sec. 36. Minnesota Statutes 2016, section 103B.801, subdivision 2, is amended to read:

63.24 Sec. 34. Minnesota Statutes 2016, section 103B.801, subdivision 2, is amended to read:

150.21 Subd. 2. **Program purposes.** The purposes of the comprehensive watershed management  
150.22 plan program under section 103B.101, subdivision 14, paragraph (a), are to:

150.23 (1) align local water planning purposes and procedures under this chapter and chapters  
150.24 103C and 103D on watershed boundaries to create a systematic, watershed-wide,  
150.25 science-based approach to watershed management;

150.26 (2) acknowledge and build off existing local government structure, water plan services,  
150.27 and local capacity;

150.28 (3) incorporate and make use of data and information, including watershed restoration  
150.29 and protection strategies under section 114D.26, which may serve to fulfill all or some of  
150.30 the requirements under chapter 114D;

150.31 (4) solicit input and engage experts from agencies, citizens, and stakeholder groups;

151.1 (5) focus on implementation of prioritized and targeted actions capable of achieving  
151.2 measurable progress; and

151.3 (6) serve as a substitute for a comprehensive plan, local water management plan, or  
151.4 watershed management plan developed or amended, approved, and adopted, according to  
151.5 this chapter or chapter 103C or 103D.

151.6 Sec. 37. Minnesota Statutes 2016, section 103B.801, subdivision 5, is amended to read:

151.7 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June  
151.8 30, 2016, a transition plan for development, approval, adoption, and coordination of plans  
151.9 consistent with section 103A.212. The transition plan must include a goal of completing  
151.10 statewide transition to comprehensive watershed management plans by 2025. The  
151.11 metropolitan area may be considered for inclusion in the transition plan. The board may  
151.12 amend the transition plan no more often than once every two years.

151.13 (b) The board may use the authority under section 103B.3369, subdivision 9, to support  
151.14 development or implementation of a comprehensive watershed management plan under this  
151.15 section.

151.16 Sec. 38. Minnesota Statutes 2016, section 103F.361, subdivision 2, is amended to read:

151.17 Subd. 2. **Legislative intent.** It is the intent of sections 103F.361 to 103F.377 to authorize  
151.18 and direct the board and ~~the counties~~ the counties zoning authorities to implement the plan for the  
151.19 Mississippi headwaters area.

63.25 Subd. 2. **Program purposes.** The purposes of the comprehensive watershed management  
63.26 plan program under section 103B.101, subdivision 14, paragraph (a), are to:

63.27 (1) align local water planning purposes and procedures under this chapter and chapters  
63.28 103C and 103D on watershed boundaries to create a systematic, watershed-wide,  
63.29 science-based approach to watershed management;

63.30 (2) acknowledge and build off existing local government structure, water plan services,  
63.31 and local capacity;

64.1 (3) incorporate and make use of data and information, including watershed restoration  
64.2 and protection strategies under section 114D.26, which may serve to fulfill all or some of  
64.3 the requirements under chapter 114D;

64.4 (4) solicit input and engage experts from agencies, citizens, and stakeholder groups;

64.5 (5) focus on implementation of prioritized and targeted actions capable of achieving  
64.6 measurable progress; and

64.7 (6) serve as a substitute for a comprehensive plan, local water management plan, or  
64.8 watershed management plan developed or amended, approved, and adopted, according to  
64.9 this chapter or chapter 103C or 103D.

64.10 Sec. 35. Minnesota Statutes 2016, section 103B.801, subdivision 5, is amended to read:

64.11 Subd. 5. **Timelines; administration.** (a) The board shall develop and adopt, by June  
64.12 30, 2016, a transition plan for development, approval, adoption, and coordination of plans  
64.13 consistent with section 103A.212. The transition plan must include a goal of completing  
64.14 statewide transition to comprehensive watershed management plans by 2025. The  
64.15 metropolitan area may be considered for inclusion in the transition plan. The board may  
64.16 amend the transition plan no more often than once every two years.

64.17 (b) The board may use the authority under section 103B.3369, subdivision 9, to support  
64.18 development or implementation of a comprehensive watershed management plan under this  
64.19 section.

151.20 Sec. 39. Minnesota Statutes 2016, section 103F.363, subdivision 1, is amended to read:

151.21 Subdivision 1. **Generally.** Sections 103F.361 to 103F.377 apply to the counties of  
151.22 Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing, and Morrison and all other  
151.23 zoning authorities.

151.24 Sec. 40. Minnesota Statutes 2016, section 103F.365, is amended by adding a subdivision  
151.25 to read:

151.26 Subd. 5. **Zoning authority.** "Zoning authority" means counties, organized townships,  
151.27 local and special governmental units, joint powers boards, councils, commissions, boards,  
151.28 districts, and all state agencies and departments within the corridor defined by the plan,  
151.29 excluding statutory or home rule charter cities.

152.1 Sec. 41. Minnesota Statutes 2016, section 103F.371, is amended to read:

152.2 **103F.371 RESPONSIBILITIES OF OTHER GOVERNMENTAL UNITS.**

152.3 (a) All local and special governmental units, councils, commissions, boards and districts  
152.4 and all state agencies and departments must exercise their powers so as to further the purposes  
152.5 of sections 103F.361 to 103F.377 and the plan. Land owned by the state, its agencies, and  
152.6 political subdivisions shall be administered in accordance with the plan. The certification  
152.7 procedure under section 103F.373 applies to all zoning authorities in the corridor defined  
152.8 by the plan.

152.9 (b) Actions that comply with the land use ordinance are consistent with the plan. Actions  
152.10 that do not comply with the ordinance may not be started until the board has been notified  
152.11 and given an opportunity to review and comment on the consistency of the action with this  
152.12 section.

152.13 Sec. 42. Minnesota Statutes 2016, section 103F.373, subdivision 1, is amended to read:

152.14 Subdivision 1. **Purpose.** To ~~assure~~ ensure that the plan is not nullified by unjustified  
152.15 exceptions in particular cases and to promote uniformity in the treatment of applications  
152.16 for exceptions, a review and certification procedure is established for the following categories  
152.17 of land use actions taken by ~~the counties and~~ zoning authorities directly or indirectly affecting  
152.18 land use within the area covered by the plan:

152.19 (1) the adoption or amendment of an ordinance regulating the use of land, including  
152.20 rezoning of particular tracts of land;

152.21 (2) the granting of a variance from provisions of the land use ordinance; and

152.22 (3) the approval of a plat which is inconsistent with the land use ordinance.

152.23 Sec. 43. Minnesota Statutes 2016, section 103F.373, subdivision 3, is amended to read:

152.24 Subd. 3. **Procedure for certification.** A copy of the notices of public hearings or, when  
152.25 a hearing is not required, a copy of the application to consider an action of a type specified  
152.26 in subdivision 1, clauses (1) to (3), must be forwarded to the board by the ~~county~~ zoning  
152.27 authority at least 15 days before the hearing or meetings to consider the actions. The ~~county~~  
152.28 zoning authority shall notify the board of its final decision on the proposed action within  
152.29 ten days of the decision. By 30 days after the board receives the notice, the board shall  
152.30 notify the ~~county~~ zoning authority and the applicant of ~~its~~ the board's approval or disapproval  
152.31 of the proposed action.

153.1 Sec. 44. Minnesota Statutes 2016, section 103F.373, subdivision 4, is amended to read:

153.2 Subd. 4. **Disapproval of actions.** (a) If a notice of disapproval is issued by the board,  
153.3 the ~~county~~ zoning authority or the applicant may, within 30 days of the notice, file with the  
153.4 board a demand for a hearing. If a demand is not filed within the 30-day period, the  
153.5 disapproval becomes final.

153.6 (b) If a demand is filed within the 30-day period, a hearing must be held within 60 days  
153.7 of demand. The hearing must be preceded by two weeks' published notice. Within 30 days  
153.8 after the hearing, the board must:

153.9 (1) affirm its disapproval of the proposed action; or

153.10 (2) certify approval of the proposed action.

153.11 Sec. 45. [103F.452] APPLICABILITY.

153.12 The provisions of sections 103F.415 to 103F.455 are not applicable without the adoption  
153.13 of an ordinance by the county or local government unit.

153.14 Sec. 46. Minnesota Statutes 2017 Supplement, section 103G.222, subdivision 3, is amended  
153.15 to read:

153.16 Subd. 3. **Wetland replacement siting.** (a) Impacted wetlands outside of a greater than  
153.17 80 percent area must not be replaced in a greater than 80 percent area. All wetland  
153.18 replacement must follow this priority order:

153.19 (1) in the same minor watershed as the impacted wetland;

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

153.21 (3) in the same wetland bank service area as the impacted wetland; and

153.22 (4) in another wetland bank service area.

153.23 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a  
153.24 complete wetland banking application submitted to a local government unit by April 1,  
153.25 1996, may be used to replace wetland impacts resulting from public transportation projects  
153.26 statewide.

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

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

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

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

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

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

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

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

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

154.20 (h) Wetland replacement sites identified in accordance with the priority order for  
154.21 replacement siting in paragraph (a) as part of the completion of an adequate environmental  
154.22 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,  
154.23 or 103G.2243 without further modification related to the priority order, notwithstanding  
154.24 availability of new mitigation sites or availability of credits after completion of an adequate  
154.25 environmental impact statement. Wetland replacement plan applications must be submitted  
154.26 within one year of the adequacy determination of the environmental impact statement to be  
154.27 eligible for approval under this paragraph.

154.28 (i) The wetland replacement priority order under paragraph (a), clauses (1) to (4), does  
154.29 not apply to project-specific replacement sites intended to bank credits for single-user banks  
154.30 before January 1, 2009.

155.1 Sec. 47. Minnesota Statutes 2017 Supplement, section 103G.2242, subdivision 1, is  
155.2 amended to read:

155.3 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt  
155.4 rules governing the approval of wetland value replacement plans under this section and  
155.5 public-waters-work permits affecting public waters wetlands under section 103G.245. These  
155.6 rules must address the criteria, procedure, timing, and location of acceptable replacement  
155.7 of wetland values and may address the state establishment and administration of a wetland  
155.8 banking program for public and private projects, including provisions for an in-lieu fee  
155.9 program; the administrative, monitoring, and enforcement procedures to be used; and a  
155.10 procedure for the review and appeal of decisions under this section. In the case of peatlands,  
155.11 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program  
155.12 established by the board must conform with Code of Federal Regulations, title 33, section  
155.13 332.8, as amended.

155.14 (b) After the adoption of the rules, a replacement plan must be approved by a resolution  
155.15 of the governing body of the local government unit, consistent with the provisions of the  
155.16 rules or a comprehensive wetland protection and management plan approved under section  
155.17 103G.2243.

155.18 (c) If the local government unit fails to apply the rules, or fails to implement a local  
155.19 comprehensive wetland protection and management plan established under section  
155.20 103G.2243, the government unit is subject to penalty as determined by the board.

155.21 (d) When making a determination under rules adopted pursuant to this subdivision on  
155.22 whether a rare natural community will be permanently adversely affected, consideration of  
155.23 measures to mitigate any adverse effect on the community must be considered. Wetland  
155.24 banking credits shall be an acceptable mitigation measure for any adverse effects on a rare  
155.25 natural community. The Department of Natural Resources may approve a wetland  
155.26 replacement plan that includes restoration or credits from rare natural communities of



155.27 substantially comparable character and public value as mitigation for any rare natural  
155.28 community adversely affected by a project.

155.29 Sec. 48. Minnesota Statutes 2016, section 103G.2242, subdivision 14, is amended to read:

155.30 Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank  
155.31 accounts and transactions as follows:

155.32 (1) account maintenance annual fee: one percent of the value of credits not to exceed  
155.33 \$500;

156.1 (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to  
156.2 exceed \$1,000 per establishment, deposit, or transfer; and

156.3 (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

156.4 (b) The board ~~may~~ must establish fees ~~at or~~ based on costs to the agency below the  
156.5 amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

156.6 (c) Fees for single-user or other dedicated wetland banking accounts established pursuant  
156.7 to section 103G.005, subdivision 10i, clause (4), are limited to establishment of a wetland  
156.8 banking account and are assessed at the rate of 6.5 percent of the value of the credits not to  
156.9 exceed \$1,000.

156.10 (d) The board may assess a fee to pay the costs associated with establishing conservation  
156.11 easements, or other long-term protection mechanisms prescribed in the rules adopted under  
156.12 subdivision 1, on property used for wetland replacement.

66.1 Sec. 38. Minnesota Statutes 2016, section 103G.2242, subdivision 14, is amended to read:

66.2 Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank  
66.3 accounts and transactions as follows:

66.4 (1) account maintenance annual fee: one percent of the value of credits not to exceed  
66.5 \$500;

66.6 (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to  
66.7 exceed \$1,000 per establishment, deposit, or transfer; and

66.8 (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

66.9 (b) The board ~~may~~ must establish fees ~~at or~~ based on costs to the agency below the  
66.10 amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

66.11 (c) Fees for single-user or other dedicated wetland banking accounts established pursuant  
66.12 to section 103G.005, subdivision 10i, clause (4), are limited to establishment of a wetland  
66.13 banking account and are assessed at the rate of 6.5 percent of the value of the credits not to  
66.14 exceed \$1,000.

66.15 (d) The board may assess a fee to pay the costs associated with establishing conservation  
66.16 easements, or other long-term protection mechanisms prescribed in the rules adopted under  
66.17 subdivision 1, on property used for wetland replacement.

66.18 Sec. 39. Minnesota Statutes 2017 Supplement, section 103G.271, subdivision 7, is amended  
66.19 to read:

66.20 Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive  
66.21 owner of real property if the permittee conveys the real property where the source of water  
66.22 is located. The new owner must notify the commissioner immediately after the conveyance  
66.23 and request transfer of the permit. The commissioner must not deny the transfer of a permit  
66.24 if the permittee is in compliance with all permit conditions and the permit meets the  
66.25 requirements of sections 103G.255 to 103G.301. The commissioner may not require  
66.26 additional conditions or require additional testing when transferring a permit.

66.27 Sec. 40. **[103G.276] IRRIGATION TEST WELLS.**

156.13 Sec. 49. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision  
156.14 to read:

156.15 Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water  
156.16 management plan" has the meaning given under section 103B.3363, subdivision 3.

156.17 Sec. 50. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision  
156.18 to read:

156.19 Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed  
156.20 management plan" has the meaning given under section 103B.3363, subdivision 3a.

156.21 Sec. 51. Minnesota Statutes 2016, section 114D.15, subdivision 7, is amended to read:

156.22 Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring,~~  
156.23 ~~that are~~ taken to pursue, achieve, and maintain water quality standards for impaired waters  
156.24 ~~in accordance with a TMDL that has been approved by the United States Environmental~~  
156.25 ~~Protection Agency under federal TMDL requirements.~~

156.26 Sec. 52. Minnesota Statutes 2016, section 114D.15, subdivision 11, is amended to read:

156.27 Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means:

156.28 (1) a document detailing restoration activities needed to meet the approved TMDL's  
156.29 pollutant load allocations for point and nonpoint sources; or

66.28 If the commissioner requires installation of a test well for a water appropriation permit  
66.29 for irrigation and denies the permit, the commissioner must pay the costs of the well.

67.1 Sec. 41. Minnesota Statutes 2016, section 103G.287, is amended by adding a subdivision  
67.2 to read:

67.3 Subd. 6. **Management plans.** (a) Before the commissioner approves a management plan  
67.4 or modification to a management plan for appropriating groundwater that restricts water  
67.5 usage in the area, the commissioner must demonstrate to affected permit holders that any  
67.6 data used to make the decision to restrict the usage supports or verifies the decision.

67.7 (b) Before the commissioner approves a management plan or modification to a  
67.8 management plan for appropriating groundwater, the commissioner must consider the  
67.9 economic impact of the plan or modification.

67.10 Sec. 42. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision  
67.11 to read:

67.12 Subd. 3a. **Comprehensive local water management plan.** "Comprehensive local water  
67.13 management plan" has the meaning given under section 103B.3363, subdivision 3.

67.14 Sec. 43. Minnesota Statutes 2016, section 114D.15, is amended by adding a subdivision  
67.15 to read:

67.16 Subd. 3b. **Comprehensive watershed management plan.** "Comprehensive watershed  
67.17 management plan" has the meaning given under section 103B.3363, subdivision 3a.

67.18 Sec. 44. Minnesota Statutes 2016, section 114D.15, subdivision 7, is amended to read:

67.19 Subd. 7. **Restoration.** "Restoration" means actions, ~~including effectiveness monitoring,~~  
67.20 ~~that are~~ taken to pursue, achieve, and maintain water quality standards for impaired waters  
67.21 ~~in accordance with a TMDL that has been approved by the United States Environmental~~  
67.22 ~~Protection Agency under federal TMDL requirements.~~

67.23 Sec. 45. Minnesota Statutes 2016, section 114D.15, subdivision 11, is amended to read:

67.24 Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means:

67.25 (1) a document detailing restoration activities needed to meet the approved TMDL's  
67.26 pollutant load allocations for point and nonpoint sources; or

157.1       (2) one of the following that the commissioner of the Pollution Control Agency  
157.2 determines to be, in whole or part, sufficient to meet applicable water quality standards:

157.3       (i) a comprehensive watershed management plan;

157.4       (ii) a comprehensive local water management plan; or

157.5       (iii) an existing statewide or regional strategy published by the Pollution Control Agency.

157.6   Sec. 53. Minnesota Statutes 2016, section 114D.15, subdivision 13, is amended to read:

157.7       Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed  
157.8 restoration and protection strategy" or "WRAPS" means a document summarizing scientific  
157.9 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8 scale  
157.10 including the physical, chemical, and biological assessment of the water quality of the  
157.11 watershed; identification of impairments and water bodies in need of protection; identification  
157.12 of biotic stressors and sources of pollution, both point and nonpoint; TMDL's for the  
157.13 impairments; and ~~an implementation table containing information to support strategies and~~  
157.14 ~~actions~~ designed to achieve and maintain water quality standards and goals.

157.15   Sec. 54. Minnesota Statutes 2016, section 114D.20, subdivision 2, is amended to read:

157.16       Subd. 2. **Goals for implementation.** The following goals must guide the implementation  
157.17 of this chapter:

157.18       (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~  
157.19 ~~ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface  
157.20 waters for impairments;

157.21       (2) to submit TMDL's to the United States Environmental Protection Agency ~~for all~~  
157.22 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

157.23       (3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration  
157.24 ~~of each identified impaired water and protection activities in a reasonable time period;~~

157.25       (4) to systematically evaluate waters, to provide assistance and incentives to prevent  
157.26 waters from becoming impaired, and to improve the quality of waters that are listed as  
157.27 impaired ~~but do not have an approved TMDL addressing the impairment;~~

157.28       (5) to promptly seek the delisting of waters from the impaired waters list when those  
157.29 waters are shown to achieve the designated uses applicable to the waters;

67.27       (2) one of the following that the commissioner of the Pollution Control Agency  
67.28 determines to be, in whole or part, sufficient to meet applicable water quality standards:

67.29       (i) a comprehensive watershed management plan;

68.1       (ii) a comprehensive local water management plan; or

68.2       (iii) an existing statewide or regional strategy published by the Pollution Control Agency.

68.3   Sec. 46. Minnesota Statutes 2016, section 114D.15, subdivision 13, is amended to read:

68.4       Subd. 13. **Watershed restoration and protection strategy or WRAPS.** "Watershed  
68.5 restoration and protection strategy" or "WRAPS" means a document summarizing scientific  
68.6 studies of a major watershed ~~no larger than~~ at approximately a hydrologic unit code 8 scale  
68.7 including the physical, chemical, and biological assessment of the water quality of the  
68.8 watershed; identification of impairments and water bodies in need of protection; identification  
68.9 of biotic stressors and sources of pollution, both point and nonpoint; TMDL's for the  
68.10 impairments; and ~~an implementation table containing information to support strategies and~~  
68.11 ~~actions~~ designed to achieve and maintain water quality standards and goals.

68.12   Sec. 47. Minnesota Statutes 2016, section 114D.20, subdivision 2, is amended to read:

68.13       Subd. 2. **Goals for implementation.** The following goals must guide the implementation  
68.14 of this chapter:

68.15       (1) to identify impaired waters in accordance with federal TMDL requirements ~~within~~  
68.16 ~~ten years after May 23, 2006, and thereafter~~ to ensure continuing evaluation of surface  
68.17 waters for impairments;

68.18       (2) to submit TMDL's to the United States Environmental Protection Agency ~~for all~~  
68.19 ~~impaired waters~~ in a timely manner in accordance with federal TMDL requirements;

68.20       (3) to ~~set a reasonable time~~ inform and support strategies for implementing restoration  
68.21 ~~of each identified impaired water and protection activities in a reasonable time period;~~

68.22       (4) to systematically evaluate waters, to provide assistance and incentives to prevent  
68.23 waters from becoming impaired, and to improve the quality of waters that are listed as  
68.24 impaired ~~but do not have an approved TMDL addressing the impairment;~~

68.25       (5) to promptly seek the delisting of waters from the impaired waters list when those  
68.26 waters are shown to achieve the designated uses applicable to the waters;

157.30 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;

158.1 (7) to support effective measures to prevent the degradation of groundwater according  
158.2 to the groundwater degradation prevention goal under section 103H.001; and

158.3 (8) to support effective measures to restore degraded groundwater.

158.4 Sec. 55. Minnesota Statutes 2016, section 114D.20, subdivision 3, is amended to read:

158.5 Subd. 3. **Implementation policies.** The following policies must guide the implementation  
158.6 of this chapter:

158.7 (1) develop regional ~~and, multiple pollutant, or watershed TMDL's and TMDL~~  
158.8 ~~implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants~~  
158.9 ~~or WRAPsSs, where reasonable and feasible;~~

158.10 (2) maximize use of available organizational, technical, and financial resources to perform  
158.11 sampling, monitoring, and other activities to identify degraded groundwater and impaired  
158.12 waters, including use of citizen monitoring and citizen monitoring data used by the Pollution  
158.13 Control Agency in assessing water quality that meets the requirements ~~in Appendix D of~~  
158.14 ~~the Volunteer Surface Water Monitoring Guide, Minnesota~~ established by the commissioner  
158.15 ~~of the Pollution Control Agency (2003);~~

158.16 (3) maximize opportunities for restoration of degraded groundwater and impaired waters,  
158.17 by prioritizing and targeting of available programmatic, financial, and technical resources  
158.18 and by providing additional state resources to complement and leverage available resources;

158.19 (4) use existing regulatory authorities to achieve restoration for point and nonpoint  
158.20 sources of pollution where applicable, and promote the development and use of effective  
158.21 nonregulatory measures to address pollution sources for which regulations are not applicable;

158.22 (5) use restoration methods that have a demonstrated effectiveness in reducing  
158.23 impairments and provide the greatest long-term positive impact on water quality protection  
158.24 and improvement and related conservation benefits while incorporating innovative approaches  
158.25 on a case-by-case basis;

158.26 (6) identify for the legislature any innovative approaches that may strengthen or  
158.27 complement existing programs;

158.28 (7) identify and encourage implementation of measures to prevent surface waters from  
158.29 becoming impaired and to improve the quality of waters that are listed as impaired but have  
158.30 no approved TMDL addressing the impairment using the best available data and technology,

68.27 (6) to achieve compliance with federal Clean Water Act requirements in Minnesota;

68.28 (7) to support effective measures to prevent the degradation of groundwater according  
68.29 to the groundwater degradation prevention goal under section 103H.001; and

68.30 (8) to support effective measures to restore degraded groundwater.

69.1 Sec. 48. Minnesota Statutes 2016, section 114D.20, subdivision 3, is amended to read:

69.2 Subd. 3. **Implementation policies.** The following policies must guide the implementation  
69.3 of this chapter:

69.4 (1) develop regional ~~and, multiple pollutant, or watershed TMDL's and TMDL~~  
69.5 ~~implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants~~  
69.6 ~~or WRAPsSs, where reasonable and feasible;~~

69.7 (2) maximize use of available organizational, technical, and financial resources to perform  
69.8 sampling, monitoring, and other activities to identify degraded groundwater and impaired  
69.9 waters, including use of citizen monitoring and citizen monitoring data used by the Pollution  
69.10 Control Agency in assessing water quality that meets the requirements ~~in Appendix D of~~  
69.11 ~~the Volunteer Surface Water Monitoring Guide, Minnesota~~ established by the commissioner  
69.12 ~~of the Pollution Control Agency (2003);~~

69.13 (3) maximize opportunities for restoration of degraded groundwater and impaired waters,  
69.14 by prioritizing and targeting of available programmatic, financial, and technical resources  
69.15 and by providing additional state resources to complement and leverage available resources;

69.16 (4) use existing regulatory authorities to achieve restoration for point and nonpoint  
69.17 sources of pollution where applicable, and promote the development and use of effective  
69.18 nonregulatory measures to address pollution sources for which regulations are not applicable;

69.19 (5) use restoration methods that have a demonstrated effectiveness in reducing  
69.20 impairments and provide the greatest long-term positive impact on water quality protection  
69.21 and improvement and related conservation benefits while incorporating innovative approaches  
69.22 on a case-by-case basis;

69.23 (6) identify for the legislature any innovative approaches that may strengthen or  
69.24 complement existing programs;

69.25 (7) identify and encourage implementation of measures to prevent surface waters from  
69.26 becoming impaired and to improve the quality of waters that are listed as impaired but have  
69.27 no approved TMDL addressing the impairment using the best available data and technology,

158.31 and establish and report outcome-based performance measures that monitor the progress  
158.32 and effectiveness of protection and restoration measures;

159.1 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an  
159.2 amount up to 150 percent of the financial assistance received for failure to comply; and

159.3 (9) identify and encourage implementation of measures to prevent groundwater from  
159.4 becoming degraded and measures that restore groundwater resources.

159.5 Sec. 56. Minnesota Statutes 2016, section 114D.20, subdivision 5, is amended to read:

159.6 Subd. 5. **Priorities for preparing WRAPs AND TMDL's.** In consultation with the  
159.7 Clean Water Council ~~shall recommend~~, the commissioner of the Pollution Control Agency  
159.8 must coordinate with the commissioners of natural resources, health, and agriculture and  
159.9 with the Board of Water and Soil Resources to establish priorities for scheduling and  
159.10 preparing WRAPs and TMDL's and TMDL implementation plans, taking into account,  
159.11 considering the severity and causes of the impairment impairments, the designated uses of  
159.12 those the waters, and other applicable federal TMDL requirements. In recommending  
159.13 priorities, the council shall also give Consideration to, groundwater and high-quality waters  
159.14 and watersheds watershed protection, waters and watersheds with declining water quality  
159.15 trends, and waters and watersheds:

159.16 (1) with impairments that pose the greatest potential risk to human health;

159.17 (2) with impairments that pose the greatest potential risk to threatened or endangered  
159.18 species;

159.19 (3) with impairments that pose the greatest potential risk to aquatic health;

159.20 (4) where other public agencies and participating organizations and individuals, especially  
159.21 local, ~~basinwide~~ basin-wide, watershed, or regional agencies or organizations, have  
159.22 demonstrated readiness to assist in carrying out the responsibilities, including availability  
159.23 and organization of human, technical, and financial resources necessary to undertake the  
159.24 work; and

159.25 (5) where there is demonstrated coordination and cooperation among cities, counties,  
159.26 watershed districts, and soil and water conservation districts in planning and implementation  
159.27 of activities that will assist in carrying out the responsibilities.

159.28 Sec. 57. Minnesota Statutes 2016, section 114D.20, subdivision 7, is amended to read:

69.28 and establish and report outcome-based performance measures that monitor the progress  
69.29 and effectiveness of protection and restoration measures;

69.30 (8) monitor and enforce cost-sharing contracts and impose monetary damages in an  
69.31 amount up to 150 percent of the financial assistance received for failure to comply; and

69.32 (9) identify and encourage implementation of measures to prevent groundwater from  
69.33 becoming degraded and measures that restore groundwater resources.

70.1 Sec. 49. Minnesota Statutes 2016, section 114D.20, subdivision 5, is amended to read:

70.2 Subd. 5. **Priorities for preparing WRAPs AND TMDL's.** In consultation with the  
70.3 Clean Water Council ~~shall recommend~~, the commissioner of the Pollution Control Agency  
70.4 must coordinate with the commissioners of natural resources, health, and agriculture, the  
70.5 Board of Water and Soil Resources, and, when applicable, the Minnesota Forest Resources  
70.6 Council to establish priorities for scheduling and preparing WRAPs and TMDL's and  
70.7 TMDL implementation plans, taking into account, considering the severity and causes of  
70.8 the impairment impairments, the designated uses of those the waters, and other applicable  
70.9 federal TMDL requirements. In recommending priorities, the council shall also give  
70.10 Consideration to, groundwater and high-quality waters and watersheds watershed protection,  
70.11 waters and watersheds with declining water quality trends, waters used as drinking water  
70.12 sources, and waters and watersheds:

70.13 (1) with impairments that pose the greatest potential risk to human health;

70.14 (2) with impairments that pose the greatest potential risk to threatened or endangered  
70.15 species;

70.16 (3) with impairments that pose the greatest potential risk to aquatic health;

70.17 (4) where other public agencies and participating organizations and individuals, especially  
70.18 local, ~~basinwide~~ basin-wide, watershed, or regional agencies or organizations, have  
70.19 demonstrated readiness to assist in carrying out the responsibilities, including availability  
70.20 and organization of human, technical, and financial resources necessary to undertake the  
70.21 work; and

70.22 (5) where there is demonstrated coordination and cooperation among cities, counties,  
70.23 watershed districts, and soil and water conservation districts in planning and implementation  
70.24 of activities that will assist in carrying out the responsibilities.

70.25 Sec. 50. Minnesota Statutes 2016, section 114D.20, subdivision 7, is amended to read:

159.29 Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall  
159.30 apply the priorities applicable under subdivision 6, as far as practicable, when recommending  
159.31 priorities for funding actions to prevent groundwater and surface waters from becoming  
160.1 degraded or impaired and to improve the quality of surface waters that are listed as impaired  
160.2 ~~but do not have an approved TMDL.~~

160.3 Sec. 58. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
160.4 to read:

160.5 Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the  
160.6 commissioner of the Pollution Control Agency determines that a comprehensive watershed  
160.7 management plan or comprehensive local water management plan contains information that  
160.8 is sufficient and consistent with guidance from the United States Environmental Protection  
160.9 Agency, including the recommended structure for category 4b demonstrations or its  
160.10 replacement under section 303(d) of the federal Clean Water Act, the commissioner may  
160.11 submit the plan to the Environmental Protection Agency according to federal TMDL  
160.12 requirements as an alternative to developing a TMDL.

160.13 (b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for  
160.14 waters or watersheds when the commissioner of the Pollution Control Agency determines  
160.15 that a comprehensive watershed management plan, a comprehensive local water management  
160.16 plan, or a statewide or regional strategy published by the Pollution Control Agency meets  
160.17 the definitions in section 114D.15, subdivisions 11 or 13.

160.18 (c) The commissioner of the Pollution Control Agency may request that the Board of  
160.19 Water and Soil Resources conduct an evaluation of the implementation efforts under a  
160.20 comprehensive watershed management plan or comprehensive local water management  
160.21 plan when the commissioner makes a determination under paragraph (b). The board must  
160.22 conduct the evaluation in accordance with section 103B.102.

160.23 (d) The commissioner of the Pollution Control Agency may amend or revoke a  
160.24 determination made under paragraph (a) or (b) after considering the evaluation conducted  
160.25 under paragraph (c).

160.26 Sec. 59. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
160.27 to read:

160.28 Subd. 9. **Coordinating of municipal and local water quality activities.** A project,  
160.29 practice, or program for water quality improvement or protection that is conducted by a  
160.30 watershed management organization or a local government unit with a comprehensive  
160.31 watershed management plan or other water management plan approved according to chapter  
160.32 103B, 103C, or 103D may be considered as contributing to the requirements of a storm  
160.33 water pollution prevention plan (SWPPP) for a municipal separate storm sewer systems

70.26 Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall  
70.27 apply the priorities applicable under subdivision 6, as far as practicable, when recommending  
70.28 priorities for funding actions to prevent groundwater and surface waters from becoming  
70.29 degraded or impaired and to improve the quality of surface waters that are listed as impaired  
70.30 ~~but do not have an approved TMDL.~~

71.1 Sec. 51. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
71.2 to read:

71.3 Subd. 8. **Alternatives; TMDL, TMDL implementation plan, or WRAPS.** (a) If the  
71.4 commissioner of the Pollution Control Agency determines that a comprehensive watershed  
71.5 management plan or comprehensive local water management plan contains information that  
71.6 is sufficient and consistent with guidance from the United States Environmental Protection  
71.7 Agency, including the recommended structure for category 4b demonstrations or its  
71.8 replacement under section 303(d) of the federal Clean Water Act, the commissioner may  
71.9 submit the plan to the Environmental Protection Agency according to federal TMDL  
71.10 requirements as an alternative to developing a TMDL.

71.11 (b) A TMDL implementation plan or a WRAPS, or portions thereof, are not needed for  
71.12 waters or watersheds when the commissioner of the Pollution Control Agency determines  
71.13 that a comprehensive watershed management plan, a comprehensive local water management  
71.14 plan, or a statewide or regional strategy published by the Pollution Control Agency meets  
71.15 the definition in section 114D.15, subdivision 11 or 13.

71.16 (c) The commissioner of the Pollution Control Agency may request that the Board of  
71.17 Water and Soil Resources conduct an evaluation of the implementation efforts under a  
71.18 comprehensive watershed management plan or comprehensive local water management  
71.19 plan when the commissioner makes a determination under paragraph (b). The board must  
71.20 conduct the evaluation in accordance with section 103B.102.

71.21 (d) The commissioner of the Pollution Control Agency may amend or revoke a  
71.22 determination made under paragraph (a) or (b) after considering the evaluation conducted  
71.23 under paragraph (c).

71.24 Sec. 52. Minnesota Statutes 2016, section 114D.20, is amended by adding a subdivision  
71.25 to read:

71.26 Subd. 9. **Coordinating municipal and local water quality activities.** A project, practice,  
71.27 or program for water quality improvement or protection that is conducted by a watershed  
71.28 management organization or a local government unit with a comprehensive watershed  
71.29 management plan or other water management plan approved according to chapter 103B,  
71.30 103C, or 103D may be considered as contributing to the requirements of a storm water  
71.31 pollution prevention plan (SWPPP) for a municipal separate storm sewer systems (MS4)

161.1 (MS4) permit unless the project, practice, or program was previously documented as  
161.2 contributing to a different SWPPP for an MS4 permit.

161.3 Sec. 60. Minnesota Statutes 2016, section 114D.26, is amended to read:

161.4 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

161.5 Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall  
161.6 must develop watershed restoration and protection strategies- for:

161.7 (1) quantifying impairments and risks to water quality;

161.8 (2) describing the causes of impairments and pollution sources;

161.9 (3) consolidating TMDLs in a major watershed; and

161.10 (4) informing comprehensive local water management plans and comprehensive  
161.11 watershed management plans.

161.12 (b) To ensure effectiveness, efficiency, and accountability in meeting the goals of this  
161.13 chapter, the commissioner of the Pollution Control Agency and the Board of Water and  
161.14 Soil Resources must coordinate the schedule, budget, scope, and use of a WRAPS and  
161.15 related documents and processes in consultation with local government units and in  
161.16 consideration of section 114D.20, subdivision 8. Each WRAPS shall must:

161.17 (1) identify impaired waters and waters in need of protection;

161.18 (2) identify biotic stressors causing impairments or threats to water quality;

161.19 (3) summarize watershed modeling outputs and resulting pollution load allocations; and  
161.20 wasteload allocations, and priority areas for targeting actions to improve water quality and  
161.21 identify areas with high pollutant-loading rates;

161.22 (4) identify point sources of pollution for which a national pollutant discharge elimination  
161.23 system permit is required under section 115.03;

161.24 (5) identify nonpoint sources of pollution for which a national pollutant discharge  
161.25 elimination system permit is not required under section 115.03, with sufficient specificity  
161.26 to prioritize and geographically locate inform watershed restoration and protection actions,  
161.27 strategies;

71.32 permit unless the project, practice, or program was previously documented as contributing  
71.33 to a different SWPPP for an MS4 permit.

72.1 Sec. 53. Minnesota Statutes 2016, section 114D.26, is amended to read:

72.2 **114D.26 WATERSHED RESTORATION AND PROTECTION STRATEGIES.**

72.3 Subdivision 1. **Contents.** (a) The commissioner of the Pollution Control Agency shall  
72.4 must develop watershed restoration and protection strategies- To ensure effectiveness and  
72.5 accountability in meeting the goals of this chapter, for:

72.6 (1) quantifying impairments and risks to water quality;

72.7 (2) describing the causes of impairments and pollution sources;

72.8 (3) consolidating TMDLs in a major watershed; and

72.9 (4) informing comprehensive local water management plans and comprehensive  
72.10 watershed management plans.

72.11 (b) Each WRAPS shall must:

72.12 (1) identify impaired waters and waters in need of protection;

72.13 (2) identify biotic stressors causing impairments or threats to water quality;

72.14 (3) summarize watershed modeling outputs and resulting pollution load allocations; and  
72.15 wasteload allocations, and priority areas for targeting actions to improve water quality and  
72.16 identify areas with high pollutant-loading rates;

72.17 (4) identify point sources of pollution for which a national pollutant discharge elimination  
72.18 system permit is required under section 115.03;

72.19 (5) identify nonpoint sources of pollution for which a national pollutant discharge  
72.20 elimination system permit is not required under section 115.03, with sufficient specificity  
72.21 to prioritize and geographically locate inform watershed restoration and protection actions,  
72.22 strategies;

161.28 (6) describe the current pollution loading and load reduction needed for each source or  
161.29 source category to meet water quality standards and goals, including wasteload and load  
161.30 allocations from TMDL's;

162.1 (7) ~~contain a plan for ongoing~~ identify water quality monitoring needed to fill data gaps,  
162.2 determine changing conditions, ~~and or~~ and gauge implementation effectiveness; and

162.3 (8) contain ~~an implementation table of strategies and actions~~ that are capable of  
162.4 cumulatively achieving needed pollution load reductions for point and nonpoint sources,  
162.5 including identifying;

162.6 (i) water quality parameters of concern;

162.7 (ii) current water quality conditions;

162.8 (iii) water quality goals and targets by parameter of concern; and

162.9 (iv) strategies ~~and actions by parameter of concern~~ and an example of the scale of  
162.10 adoptions needed for each, with a timeline to meet the water quality restoration or protection  
162.11 goals of this chapter.

162.12 (v) ~~a timeline for achievement of water quality targets;~~

162.13 (vi) ~~the governmental units with primary responsibility for implementing each watershed~~  
162.14 ~~restoration or protection strategy; and~~

162.15 (vii) ~~a timeline and interim milestones for achievement of watershed restoration or~~  
162.16 ~~protection implementation actions within ten years of strategy adoption.~~

162.17 Subd. 2. **Reporting.** ~~Beginning July 1, 2016, and every other year thereafter, The~~  
162.18 ~~commissioner of the Pollution Control Agency must periodically report on its the agency's~~  
162.19 ~~Web site the progress toward implementation milestones and water quality goals for all~~  
162.20 ~~adopted TMDL's and, where available, WRAPS's.~~

72.23 (6) describe the current pollution loading and load reduction needed for each source or  
72.24 source category to meet water quality standards and goals, including wasteload and load  
72.25 allocations from TMDL's;

72.26 (7) ~~contain a plan for ongoing~~ identify water quality monitoring needed to fill data gaps,  
72.27 determine changing conditions, ~~and or~~ and gauge implementation effectiveness; and

72.28 (8) contain ~~an implementation table of strategies and actions~~ that are capable of  
72.29 cumulatively achieving needed pollution load reductions for point and nonpoint sources,  
72.30 including identifying;

72.31 (i) water quality parameters of concern;

73.1 (ii) current water quality conditions;

73.2 (iii) water quality goals, strategies, and targets by parameter of concern; and

73.3 (iv) strategies ~~and actions by parameter of concern~~ and an example of the scale of  
73.4 adoptions needed for each with a timeline to meet the water quality restoration or protection  
73.5 goals of this chapter;

73.6 (v) ~~a timeline for achievement of water quality targets;~~

73.7 (vi) ~~the governmental units with primary responsibility for implementing each watershed~~  
73.8 ~~restoration or protection strategy; and~~

73.9 (vii) ~~a timeline and interim milestones for achievement of watershed restoration or~~  
73.10 ~~protection implementation actions within ten years of strategy adoption.~~

73.11 Subd. 1a. **Coordination.** To ensure effectiveness, efficiency, and accountability in  
73.12 meeting the goals of this chapter, the commissioner of the Pollution Control Agency and  
73.13 the Board of Water and Soil Resources must coordinate the schedule, budget, scope, and  
73.14 use of a WRAPS and related documents and processes in consultation with local government  
73.15 units and, when applicable, the Minnesota Forest Resources Council, in consideration of  
73.16 section 114D.20, subdivision 8.

73.17 Subd. 2. **Reporting.** Beginning July 1, 2016, and every other year thereafter, the  
73.18 commissioner of the Pollution Control Agency must report on its the agency's Web site the  
73.19 progress toward implementation milestones and water quality goals for all adopted TMDL's  
73.20 and, where available, WRAPS's.



162.21 Subd. 3. **Timelines; administration.** ~~Each year, (a) The commissioner of the Pollution~~  
162.22 ~~Control Agency must complete WRAPS's for at least ten percent of watershed restoration~~  
162.23 ~~and protection strategies for the state's major watersheds. WRAPS shall be by June 30,~~  
162.24 ~~2023, unless the commissioner determines that a comprehensive watershed management~~  
162.25 ~~plan or comprehensive local water management plan, in whole or part, meets the definition~~  
162.26 ~~in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the~~  
162.27 ~~strategies, in whole or part, after consultation with the Board of Water and Soil Resources~~  
162.28 ~~and local government units.~~

162.29 (b) Watershed restoration and protection strategies are governed by the procedures for  
162.30 approval and notice in section 114D.25, subdivisions 2 and 4, except that WRAPS the  
162.31 strategies need not be submitted to the United States Environmental Protection Agency.

163.1 Sec. 61. Minnesota Statutes 2016, section 114D.35, subdivision 1, is amended to read:

163.2 Subdivision 1. **Public and stakeholder participation.** (a) Public agencies and private  
163.3 entities involved in ~~the implementation of~~ implementing this chapter ~~shall~~ must encourage  
163.4 participation by the public and stakeholders, including local citizens, landowners ~~and~~ and land  
163.5 managers, and public and private organizations, ~~in identifying impaired waters, in developing~~  
163.6 ~~TMDL's, in planning, priority setting, and implementing restoration of impaired waters, in~~  
163.7 ~~identifying degraded groundwater, and in protecting and restoring groundwater resources.~~

163.8 (b) In particular, the commissioner of the Pollution Control Agency shall ~~must~~ make  
163.9 reasonable efforts to provide timely information to the public and to stakeholders about  
163.10 impaired waters that have been identified by the agency. ~~The agency shall seek broad and~~  
163.11 ~~early public and stakeholder participation in scoping the activities necessary to develop a~~  
163.12 ~~TMDL, including the scientific models, methods, and approaches to be used in TMDL~~  
163.13 ~~development, and to implement restoration pursuant to section 114D.15, subdivision 7, and~~  
163.14 ~~to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.~~

163.15 (c) Public agencies and private entities involved in implementing restoration and  
163.16 protection identified in a comprehensive watershed management plan or comprehensive  
163.17 local water management plan must make efforts to inform, consult, and involve the public  
163.18 and stakeholders.

163.19 (d) The commissioner of the Pollution Control Agency and the Board of Water and Soil  
163.20 Resources must coordinate public and stakeholder participation in consultation with local  
163.21 government units. To the extent practicable, implementation of this chapter shall be  
163.22 accomplished in cooperation with local, state, federal, and tribal governments and private  
163.23 sector organizations.

163.24 Sec. 62. Minnesota Statutes 2016, section 114D.35, subdivision 3, is amended to read:

73.21 Subd. 3. **Timelines; administration.** ~~Each year, (a) The commissioner of the Pollution~~  
73.22 ~~Control Agency must complete WRAPS's for at least ten percent of watershed restoration~~  
73.23 ~~and protection strategies for the state's major watersheds. WRAPS shall be by June 30,~~  
73.24 ~~2023, unless the commissioner determines that a comprehensive watershed management~~  
73.25 ~~plan or comprehensive local water management plan, in whole or part, meets the definition~~  
73.26 ~~in section 114D.15, subdivision 11 or 13. As needed, the commissioner must update the~~  
73.27 ~~strategies, in whole or part, after consultation with the Board of Water and Soil Resources~~  
73.28 ~~and local government units.~~

73.29 (b) Watershed restoration and protection strategies are governed by the procedures for  
73.30 approval and notice in section 114D.25, subdivisions 2 and 4, except that WRAPS the  
73.31 strategies need not be submitted to the United States Environmental Protection Agency.

74.1 Sec. 54. Minnesota Statutes 2016, section 114D.35, subdivision 1, is amended to read:

74.2 Subdivision 1. **Public and stakeholder participation.** (a) Public agencies and private  
74.3 entities involved in ~~the implementation of~~ implementing this chapter ~~shall~~ must encourage  
74.4 participation by the public and stakeholders, including local citizens, landowners ~~and~~ and land  
74.5 managers, and public and private organizations, ~~in identifying impaired waters, in developing~~  
74.6 ~~TMDL's, in planning, priority setting, and implementing restoration of impaired waters, in~~  
74.7 ~~identifying degraded groundwater, and in protecting and restoring groundwater resources.~~

74.8 (b) In particular, the commissioner of the Pollution Control Agency shall ~~must~~ make  
74.9 reasonable efforts to provide timely information to the public and to stakeholders about  
74.10 impaired waters that have been identified by the agency. ~~The agency shall seek broad and~~  
74.11 ~~early public and stakeholder participation in scoping the activities necessary to develop a~~  
74.12 ~~TMDL, including the scientific models, methods, and approaches to be used in TMDL~~  
74.13 ~~development, and to implement restoration pursuant to section 114D.15, subdivision 7, and~~  
74.14 ~~to inform and consult with the public and stakeholders in developing a WRAPS or TMDL.~~

74.15 (c) Public agencies and private entities involved in implementing restoration and  
74.16 protection identified in a comprehensive watershed management plan or comprehensive  
74.17 local water management plan must make efforts to inform, consult, and involve the public  
74.18 and stakeholders.

74.19 (d) The commissioner of the Pollution Control Agency and the Board of Water and Soil  
74.20 Resources must coordinate public and stakeholder participation in consultation with local  
74.21 government units. To the extent practicable, implementation of this chapter must be  
74.22 accomplished in cooperation with local, state, federal, and tribal governments and private  
74.23 sector organizations.

74.24 Sec. 55. Minnesota Statutes 2016, section 114D.35, subdivision 3, is amended to read:

163.25 Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing,  
163.26 educating, and encouraging the participation of citizens, stakeholders, and others regarding  
163.27 ~~the identification of impaired waters, development of TMDL's, development of TMDL~~  
163.28 ~~implementation plans, implementation of restoration for impaired waters, identification of~~  
163.29 ~~degraded groundwater, and protection and restoration of groundwater resources~~ this chapter.  
163.30 Public agencies ~~shall be~~ are responsible for implementing the strategies.

74.25 Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing,  
74.26 educating, and encouraging the participation of citizens, stakeholders, and others regarding  
74.27 ~~the identification of impaired waters, development of TMDL's, development of TMDL~~  
74.28 ~~implementation plans, implementation of restoration for impaired waters, identification of~~  
74.29 ~~degraded groundwater, and protection and restoration of groundwater resources~~ this chapter.  
74.30 Public agencies ~~shall be~~ are responsible for implementing the strategies.

75.1 Sec. 56. Minnesota Statutes 2016, section 115.03, subdivision 1, is amended to read:

75.2 Subdivision 1. **Generally.** The agency is hereby given and charged with the following  
75.3 powers and duties:

75.4 (a) to administer and enforce all laws relating to the pollution of any of the waters of  
75.5 the state;

75.6 (b) to investigate the extent, character, and effect of the pollution of the waters of this  
75.7 state and to gather data and information necessary or desirable in the administration or  
75.8 enforcement of pollution laws, and to make such classification of the waters of the state as  
75.9 it may deem advisable;

75.10 (c) to establish and alter such reasonable pollution standards for any waters of the state  
75.11 in relation to the public use to which they are or may be put as it shall deem necessary for  
75.12 the purposes of this chapter and, with respect to the pollution of waters of the state, chapter  
75.13 116;

75.14 (d) to encourage waste treatment, including advanced waste treatment, instead of stream  
75.15 low-flow augmentation for dilution purposes to control and prevent pollution;

75.16 (e) to adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable  
75.17 orders, permits, variances, standards, rules, schedules of compliance, and stipulation  
75.18 agreements, under such conditions as it may prescribe, in order to prevent, control or abate  
75.19 water pollution, or for the installation or operation of disposal systems or parts thereof, or  
75.20 for other equipment and facilities:

75.21 (1) requiring the discontinuance of the discharge of sewage, industrial waste or other  
75.22 wastes into any waters of the state resulting in pollution in excess of the applicable pollution  
75.23 standard established under this chapter;

75.24 (2) prohibiting or directing the abatement of any discharge of sewage, industrial waste,  
75.25 or other wastes, into any waters of the state or the deposit thereof or the discharge into any  
75.26 municipal disposal system where the same is likely to get into any waters of the state in  
75.27 violation of this chapter and, with respect to the pollution of waters of the state, chapter

75.28 116, or standards or rules promulgated or permits issued pursuant thereto, and specifying  
75.29 the schedule of compliance within which such prohibition or abatement must be  
75.30 accomplished;

75.31 (3) prohibiting the storage of any liquid or solid substance or other pollutant in a manner  
75.32 which does not reasonably assure proper retention against entry into any waters of the state  
75.33 that would be likely to pollute any waters of the state;

76.1 (4) requiring the construction, installation, maintenance, and operation by any person  
76.2 of any disposal system or any part thereof, or other equipment and facilities, or the  
76.3 reconstruction, alteration, or enlargement of its existing disposal system or any part thereof,  
76.4 or the adoption of other remedial measures to prevent, control or abate any discharge or  
76.5 deposit of sewage, industrial waste or other wastes by any person;

76.6 (5) establishing, and from time to time revising, standards of performance for new sources  
76.7 taking into consideration, among other things, classes, types, sizes, and categories of sources,  
76.8 processes, pollution control technology, cost of achieving such effluent reduction, and any  
76.9 nonwater quality environmental impact and energy requirements. Said standards of  
76.10 performance for new sources shall encompass those standards for the control of the discharge  
76.11 of pollutants which reflect the greatest degree of effluent reduction which the agency  
76.12 determines to be achievable through application of the best available demonstrated control  
76.13 technology, processes, operating methods, or other alternatives, including, where practicable,  
76.14 a standard permitting no discharge of pollutants. New sources shall encompass buildings,  
76.15 structures, facilities, or installations from which there is or may be the discharge of pollutants,  
76.16 the construction of which is commenced after the publication by the agency of proposed  
76.17 rules prescribing a standard of performance which will be applicable to such source.  
76.18 Notwithstanding any other provision of the law of this state, any point source the construction  
76.19 of which is commenced after May 20, 1973, and which is so constructed as to meet all  
76.20 applicable standards of performance for new sources shall, consistent with and subject to  
76.21 the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution  
76.22 Control Act, not be subject to any more stringent standard of performance for new sources  
76.23 during a ten-year period beginning on the date of completion of such construction or during  
76.24 the period of depreciation or amortization of such facility for the purposes of section 167  
76.25 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first.  
76.26 Construction shall encompass any placement, assembly, or installation of facilities or  
76.27 equipment, including contractual obligations to purchase such facilities or equipment, at  
76.28 the premises where such equipment will be used, including preparation work at such  
76.29 premises;

76.30 (6) establishing and revising pretreatment standards to prevent or abate the discharge of  
76.31 any pollutant into any publicly owned disposal system, which pollutant interferes with,  
76.32 passes through, or otherwise is incompatible with such disposal system;

76.33 (7) requiring the owner or operator of any disposal system or any point source to establish  
76.34 and maintain such records, make such reports, install, use, and maintain such monitoring  
76.35 equipment or methods, including where appropriate biological monitoring methods, sample  
77.1 such effluents in accordance with such methods, at such locations, at such intervals, and in  
77.2 such a manner as the agency shall prescribe, and providing such other information as the  
77.3 agency may reasonably require;

77.4 (8) notwithstanding any other provision of this chapter, and with respect to the pollution  
77.5 of waters of the state, chapter 116, requiring the achievement of more stringent limitations  
77.6 than otherwise imposed by effluent limitations in order to meet any applicable water quality  
77.7 standard by establishing new effluent limitations, based upon section 115.01, subdivision  
77.8 13, clause (b), including alternative effluent control strategies for any point source or group  
77.9 of point sources to insure the integrity of water quality classifications, whenever the agency  
77.10 determines that discharges of pollutants from such point source or sources, with the  
77.11 application of effluent limitations required to comply with any standard of best available  
77.12 technology, would interfere with the attainment or maintenance of the water quality  
77.13 classification in a specific portion of the waters of the state. Prior to establishment of any  
77.14 such effluent limitation, the agency shall hold a public hearing to determine the relationship  
77.15 of the economic and social costs of achieving such limitation or limitations, including any  
77.16 economic or social dislocation in the affected community or communities, to the social and  
77.17 economic benefits to be obtained and to determine whether or not such effluent limitation  
77.18 can be implemented with available technology or other alternative control strategies. If a  
77.19 person affected by such limitation demonstrates at such hearing that, whether or not such  
77.20 technology or other alternative control strategies are available, there is no reasonable  
77.21 relationship between the economic and social costs and the benefits to be obtained, such  
77.22 limitation shall not become effective and shall be adjusted as it applies to such person;

77.23 (9) modifying, in its discretion, any requirement or limitation based upon best available  
77.24 technology with respect to any point source for which a permit application is filed after July  
77.25 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the  
77.26 agency that such modified requirements will represent the maximum use of technology  
77.27 within the economic capability of the owner or operator and will result in reasonable further  
77.28 progress toward the elimination of the discharge of pollutants; and

77.29 (10) requiring that applicants for wastewater discharge permits evaluate in their  
77.30 applications the potential reuses of the discharged wastewater;

77.31 (f) to require to be submitted and to approve plans and specifications for disposal systems  
77.32 or point sources, or any part thereof and to inspect the construction thereof for compliance  
77.33 with the approved plans and specifications thereof;

78.1 (g) to prescribe and alter rules, not inconsistent with law, for the conduct of the agency  
78.2 and other matters within the scope of the powers granted to and imposed upon it by this

78.3 chapter and, with respect to pollution of waters of the state, in chapter 116, provided that  
78.4 every rule affecting any other department or agency of the state or any person other than a  
78.5 member or employee of the agency shall be filed with the secretary of state;

78.6 (h) to conduct such investigations, issue such notices, public and otherwise, and hold  
78.7 such hearings as are necessary or which it may deem advisable for the discharge of its duties  
78.8 under this chapter and, with respect to the pollution of waters of the state, under chapter  
78.9 116, including, but not limited to, the issuance of permits, and to authorize any member,  
78.10 employee, or agent appointed by it to conduct such investigations or, issue such notices and  
78.11 hold such hearings;

78.12 (i) for the purpose of water pollution control planning by the state and pursuant to the  
78.13 Federal Water Pollution Control Act, as amended, to establish and revise planning areas,  
78.14 adopt plans and programs and continuing planning processes, including, but not limited to,  
78.15 basin plans and areawide waste treatment management plans, and to provide for the  
78.16 implementation of any such plans by means of, including, but not limited to, standards, plan  
78.17 elements, procedures for revision, intergovernmental cooperation, residual treatment process  
78.18 waste controls, and needs inventory and ranking for construction of disposal systems;

78.19 (j) to train water pollution control personnel, and charge such fees therefor as are  
78.20 necessary to cover the agency's costs. The fees under this paragraph are subject to legislative  
78.21 approval under section 16A.1283. All such fees received shall be paid into the state treasury  
78.22 and credited to the Pollution Control Agency training account;

78.23 (k) to impose as additional conditions in permits to publicly owned disposal systems  
78.24 appropriate measures to insure compliance by industrial and other users with any pretreatment  
78.25 standard, including, but not limited to, those related to toxic pollutants, and any system of  
78.26 user charges ratably as is hereby required under state law or said Federal Water Pollution  
78.27 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

78.28 (l) to set a period not to exceed five years for the duration of any national pollutant  
78.29 discharge elimination system permit or not to exceed ten years for any permit issued as a  
78.30 state disposal system permit only;

78.31 (m) to require each governmental subdivision identified as a permittee for a wastewater  
78.32 treatment works to evaluate in every odd-numbered year the condition of its existing system  
78.33 and identify future capital improvements that will be needed to attain or maintain compliance  
78.34 with a national pollutant discharge elimination system or state disposal system permit; and

79.1 (n) to train subsurface sewage treatment system personnel, including persons who design,  
79.2 construct, install, inspect, service, and operate subsurface sewage treatment systems, and  
79.3 charge fees as necessary to pay the agency's costs. The fees under this paragraph are subject

164.1 Sec. 63. Minnesota Statutes 2016, section 115.03, subdivision 5, is amended to read:

164.2 Subd. 5. **Agency authority; national pollutant discharge elimination system.** (a)  
164.3 Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with  
164.4 respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall  
164.5 have the authority to perform any and all acts minimally necessary including, but not limited  
164.6 to, the establishment and application of standards, procedures, rules, orders, variances,  
164.7 stipulation agreements, schedules of compliance, and permit conditions, consistent with  
164.8 and, therefore not less stringent than the provisions of the Federal Water Pollution Control  
164.9 Act, as amended, applicable to the participation by the state of Minnesota in the national  
164.10 pollutant discharge elimination system (NPDES); provided that this provision shall not be  
164.11 construed as a limitation on any powers or duties otherwise residing with the agency pursuant  
164.12 to any provision of law.

164.13 (b) An activity that conveys or connects waters of the state without subjecting the  
164.14 transferred water to intervening industrial, municipal, or commercial use does not require  
164.15 a national pollutant discharge elimination system permit. This exemption does not apply to  
164.16 pollutants introduced by the activity itself to the water being transferred.

164.17 Sec. 64. Minnesota Statutes 2016, section 115.03, is amended by adding a subdivision to  
164.18 read:

164.19 Subd. 5d. **Sugar beet storage.** Notwithstanding any other law to the contrary, the  
164.20 commissioner shall not require a permittee who owns and operates a remote sugar beet  
164.21 storage facility to install sedimentation pond liners as part of a national pollutant discharge  
164.22 elimination system or state disposal system permit. For purposes of this subdivision, "remote  
164.23 sugar beet storage facility" means an area where sugar beets are temporarily stored prior to  
164.24 delivery to a sugar beet processing facility that is not located on land adjacent to the  
164.25 processing facility.

164.26 Sec. 65. Minnesota Statutes 2016, section 115.035, is amended to read:

79.4 to legislative approval under section 16A.1283. All fees received must be paid into the state  
79.5 treasury and credited to the agency's training account. Money in the account is appropriated  
79.6 to the agency to pay expenses related to training.

79.7 The information required in clause (m) must be submitted in every odd-numbered year to  
79.8 the commissioner on a form provided by the commissioner. The commissioner shall provide  
79.9 technical assistance if requested by the governmental subdivision.

79.10 The powers and duties given the agency in this subdivision also apply to permits issued  
79.11 under chapter 114C.

79.12 Sec. 57. Minnesota Statutes 2016, section 115.03, subdivision 5, is amended to read:

79.13 Subd. 5. **Agency authority; national pollutant discharge elimination system.** (a)  
79.14 Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with  
79.15 respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall  
79.16 have the authority to perform any and all acts minimally necessary including, but not limited  
79.17 to, the establishment and application of standards, procedures, rules, orders, variances,  
79.18 stipulation agreements, schedules of compliance, and permit conditions, consistent with  
79.19 and, therefore not less stringent than the provisions of the Federal Water Pollution Control  
79.20 Act, as amended, applicable to the participation by the state of Minnesota in the national  
79.21 pollutant discharge elimination system (NPDES); provided that this provision shall not be  
79.22 construed as a limitation on any powers or duties otherwise residing with the agency pursuant  
79.23 to any provision of law.

79.24 (b) An activity that conveys or connects waters of the state without subjecting the  
79.25 transferred water to intervening industrial, municipal, or commercial use does not require  
79.26 a national pollutant discharge elimination system permit. This exemption does not apply to  
79.27 pollutants introduced by the activity itself to the water being transferred.

79.28 Sec. 58. Minnesota Statutes 2016, section 115.035, is amended to read:

164.27        **115.035 EXTERNAL PEER REVIEW OF WATER QUALITY STANDARDS.**

164.28        (a) ~~When the commissioner convenes an external peer review panel during the~~  
164.29 ~~promulgation or amendment of water quality standards, the commissioner must provide~~  
164.30 ~~notice and take public comment on the charge questions for the external peer review panel~~  
164.31 ~~and must allow written and oral public comment as part of the external peer review panel~~  
164.32 ~~process.~~ Every new or revised numeric water quality standard must be supported by a  
164.33 technical support document that provides the scientific basis for the proposed standard and  
165.1 that has undergone external, scientific peer review. Numeric water quality standards in  
165.2 which the agency is adopting, without change, a United States Environmental Protection  
165.3 Agency criterion that has been through peer review are not subject to this paragraph.  
165.4 Documentation of the external peer review panel, including the name or names of the peer  
165.5 reviewer or reviewers, must be included in the statement of need and reasonableness for  
165.6 the water quality standard. ~~If the commissioner does not convene an external peer review~~  
165.7 ~~panel during the promulgation or amendment of water quality standards, the commissioner~~  
165.8 ~~must state the reason an external peer review panel will not be convened in the statement~~  
165.9 ~~of need and reasonableness.~~

165.10        (b) Every technical support document developed by the agency must be released in draft  
165.11 form for public comment before peer review and before finalizing the technical support  
165.12 document.

165.13        (c) The commissioner must provide public notice and information about the external  
165.14 peer review through the request for comments published at the beginning of the rulemaking  
165.15 process for the numeric water quality standard, and:

165.16        (1) the request for comments must identify the draft technical support document and  
165.17 where the document can be found;

165.18        (2) the request for comments must include a proposed charge for the external peer review  
165.19 and request comments on the charge;

165.20        (3) all comments received during the public comment period must be made available to  
165.21 the external peer reviewers; and

165.22        (4) if the agency is not soliciting external peer review because the agency is adopting a  
165.23 United States Environmental Protection Agency criterion without change, that must be  
165.24 noted in the request for comments.

165.25        (d) The purpose of the external peer review is to evaluate whether the technical support  
165.26 document and proposed standard are based on sound scientific knowledge, methods, and  
165.27 practices. The external peer review must be conducted according to the guidance in the

79.29        **115.035 EXTERNAL PEER REVIEW OF WATER QUALITY STANDARDS.**

79.30        (a) ~~When the commissioner convenes an external peer review panel during the~~  
79.31 ~~promulgation or amendment of water quality standards, the commissioner must provide~~  
79.32 ~~notice and take public comment on the charge questions for the external peer review panel~~  
80.1 ~~and must allow written and oral public comment as part of the external peer review panel~~  
80.2 ~~process.~~ Every new or revised numeric water quality standard must be supported by a  
80.3 technical support document that provides the scientific basis for the proposed standard and  
80.4 that has undergone external, scientific peer review. Numeric water quality standards in  
80.5 which the agency is adopting, without change, a United States Environmental Protection  
80.6 Agency criterion that has been through peer review are not subject to this paragraph.  
80.7 Documentation of the external peer review panel, including the name or names of the peer  
80.8 reviewer or reviewers, must be included in the statement of need and reasonableness for  
80.9 the water quality standard. ~~If the commissioner does not convene an external peer review~~  
80.10 ~~panel during the promulgation or amendment of water quality standards, the commissioner~~  
80.11 ~~must state the reason an external peer review panel will not be convened in the statement~~  
80.12 ~~of need and reasonableness.~~

80.13        (b) Every technical support document developed by the agency must be released in draft  
80.14 form for public comment before peer review and before finalizing the technical support  
80.15 document.

80.16        (c) The commissioner must provide public notice and information about the external  
80.17 peer review through the request for comments published at the beginning of the rulemaking  
80.18 process for the numeric water quality standard, and:

80.19        (1) the request for comments must identify the draft technical support document and  
80.20 where the document can be found;

80.21        (2) the request for comments must include a proposed charge for the external peer review  
80.22 and request comments on the charge;

80.23        (3) all comments received during the public comment period must be made available to  
80.24 the external peer reviewers; and

80.25        (4) if the agency is not soliciting external peer review because the agency is adopting a  
80.26 United States Environmental Protection Agency criterion without change, that must be  
80.27 noted in the request for comments.

80.28        (d) The purpose of the external peer review is to evaluate whether the technical support  
80.29 document and proposed standard are based on sound scientific knowledge, methods, and  
80.30 practices. The external peer review must be conducted according to the guidance in the

165.28 most recent edition of the United States Environmental Protection Agency's Peer Review  
165.29 Handbook. Peer reviewers must not have participated in developing the scientific basis of  
165.30 the standard. Peer reviewers must disclose any activities or circumstances that could pose  
165.31 a conflict of interest or create an appearance of a loss of impartiality that could interfere  
165.32 with an objective review.

166.1 (e) The type of review and the number of peer reviewers depends on the nature of the  
166.2 science underlying the standard. When the agency is developing significant new science or  
166.3 science that expands significantly beyond current documented scientific practices or  
166.4 principles, a panel review must be used.

166.5 (f) In response to the findings of the external peer review, the draft technical support  
166.6 document must be revised as appropriate. The findings of the external peer review must be  
166.7 documented and attached to the final technical support document, which must be an exhibit  
166.8 as part of the statement of need and reasonableness in the rulemaking to adopt the new or  
166.9 revised water quality standard. The final technical support document must note changes  
166.10 made in response to the external peer review.

166.11 ~~(b)~~ (g) By December 15 each year, the commissioner shall post on the agency's Web  
166.12 site a report identifying the water quality standards development work in progress or  
166.13 completed in the past year, the lead agency scientist for each development effort, and  
166.14 opportunities for public input.

166.15 Sec. 66. [115.455] EFFLUENT LIMITATION COMPLIANCE.

166.16 To the extent allowable under federal law, for a municipality that constructs a publicly  
166.17 owned treatment works facility or for an industrial national pollutant discharge elimination  
166.18 system and state disposal system permit holder that constructs a treatment works facility to  
166.19 comply with a new or modified effluent limitation, compliance with any new or modified  
166.20 effluent limitation adopted after construction begins that would require additional capital  
166.21 investment is required no sooner than 16 years after the date the facility begins operating.

80.31 most recent edition of the United States Environmental Protection Agency's Peer Review  
80.32 Handbook. Peer reviewers must not have participated in developing the scientific basis of  
80.33 the standard.

81.1 (e) The type of review and the number of peer reviewers depends on the nature of the  
81.2 science underlying the standard. When the agency is developing significant new science or  
81.3 science that expands significantly beyond current documented scientific practices or  
81.4 principles, a panel review must be used.

81.5 (f) In response to the findings of the external peer review, the draft technical support  
81.6 document must be revised as appropriate. The findings of the external peer review must be  
81.7 documented and attached to the final technical support document, which must be an exhibit  
81.8 as part of the statement of need and reasonableness in the rulemaking to adopt the new or  
81.9 revised numeric water quality standard. The final technical support document must note  
81.10 changes made in response to the external peer review.

81.11 ~~(b)~~ (g) By December 15 each year, the commissioner shall post on the agency's Web  
81.12 site a report identifying the water quality standards development work in progress or  
81.13 completed in the past year, the lead agency scientist for each development effort, and  
81.14 opportunities for public input.

81.15 Sec. 59. [115.455] EFFLUENT LIMITATIONS; COMPLIANCE.

81.16 To the extent allowable under federal law, for a municipality that constructs a publicly  
81.17 owned treatment works facility or for an industrial national pollutant discharge elimination  
81.18 system and state disposal system permit holder that constructs a treatment works facility to  
81.19 comply with a new or modified effluent limitation, compliance with any new or modified  
81.20 effluent limitation adopted after construction begins that would require additional capital  
81.21 investment is required no sooner than 16 years after the date the facility begins operating.

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

81.23 Sec. 60. Minnesota Statutes 2016, section 115.77, subdivision 1, is amended to read:

81.24 Subdivision 1. **Fees.** The agency shall collect fees in amounts necessary, but no greater  
81.25 than the amounts necessary, to cover the reasonable costs of reviewing applications and  
81.26 issuing certifications. The fees under this subdivision are subject to legislative approval  
81.27 under section 16A.1283.



166.22 Sec. 67. Minnesota Statutes 2016, section 115A.51, is amended to read:

166.23 **115A.51 APPLICATION REQUIREMENTS.**

166.24 (a) Applications for assistance under the program shall demonstrate:

166.25 ~~(a)~~ (1) that the project is conceptually and technically feasible;

166.26 ~~(b)~~ (2) that affected political subdivisions are committed to implement the project, to  
166.27 provide necessary local financing, and to accept and exercise the government powers  
166.28 necessary to the project;

166.29 ~~(c)~~ (3) that operating revenues from the project, considering the availability and security  
166.30 of sources of solid waste and of markets for recovered resources, together with any proposed  
166.31 federal, state, or local financial assistance, will be sufficient to pay all costs over the projected  
166.32 life of the project;

167.1 ~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,  
167.2 including the use of existing solid waste management facilities with reasonably available  
167.3 capacity sufficient to accomplish the goals of the proposed project, and has compared and

81.28 Sec. 61. Minnesota Statutes 2016, section 115.84, subdivision 2, is amended to read:

81.29 Subd. 2. **Rules.** The agency may adopt rules to govern certification of laboratories  
81.30 according to this section. ~~Notwithstanding section 16A.1283, the agency may adopt rules~~  
81.31 ~~establishing fees.~~

82.1 Sec. 62. Minnesota Statutes 2016, section 115.84, subdivision 3, is amended to read:

82.2 Subd. 3. **Fees.** (a) Until the agency adopts a rule establishing fees for certification, the  
82.3 agency shall collect fees from laboratories registering with the agency, but not accredited  
82.4 by the commissioner of health under sections 144.97 to 144.99, in amounts necessary to  
82.5 cover the reasonable costs of the certification program, including reviewing applications,  
82.6 issuing certifications, and conducting audits and compliance assistance. The fees under this  
82.7 paragraph are subject to legislative approval under section 16A.1283.

82.8 (b) Fees under this section must be based on the number, type, and complexity of  
82.9 analytical methods that laboratories are certified to perform.

82.10 (c) Revenue from fees charged by the agency for certification shall be credited to the  
82.11 environmental fund.

82.12 Sec. 63. Minnesota Statutes 2016, section 115A.51, is amended to read:

82.13 **115A.51 APPLICATION REQUIREMENTS.**

82.14 (a) Applications for assistance under the program ~~shall~~ must demonstrate:

82.15 ~~(a)~~ (1) that the project is conceptually and technically feasible;

82.16 ~~(b)~~ (2) that affected political subdivisions are committed to implement the project, to  
82.17 provide necessary local financing, and to accept and exercise the government powers  
82.18 necessary to the project;

82.19 ~~(c)~~ (3) that operating revenues from the project, considering the availability and security  
82.20 of sources of solid waste and of markets for recovered resources, together with any proposed  
82.21 federal, state, or local financial assistance, will be sufficient to pay all costs over the projected  
82.22 life of the project;

82.23 ~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,  
82.24 including the use of existing solid waste management facilities with reasonably available  
82.25 capacity sufficient to accomplish the goals of the proposed project and has compared and

167.4 evaluated the costs of the alternatives, including capital and operating costs, and the effects  
167.5 of the alternatives on the cost to generators;

167.6 (5) that the applicant has identified waste management objectives in applicable county  
167.7 and regional solid waste management plans consistent with sections 115A.46, subdivision  
167.8 2, and 473.149, subdivision 1, and other solid waste facilities identified in the county and  
167.9 regional plan; and

167.10 (6) that the applicant has conducted a comparative analysis of the project against existing  
167.11 public and private solid waste facilities, including an analysis of potential displacement of  
167.12 facilities to determine whether the project is the most appropriate alternative to achieve the  
167.13 identified waste management objectives, which considers:

167.14 (i) conformity with approved county or regional solid waste management plans;

167.15 (ii) consistency with the state's solid waste hierarchy and sections 115A.46, subdivision  
167.16 2, paragraphs (e) and (f), and 473.149, subdivision 1; and

167.17 (iii) environmental standards related to public health, air, surface water, and groundwater.

167.18 (b) The commissioner may require completion of a comprehensive solid waste  
167.19 management plan conforming to the requirements of section 115A.46, before accepting an  
167.20 application. Within five days of filing an application with the agency, the applicant must  
167.21 submit a copy of the application to each solid waste management facility mentioned in the  
167.22 portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).

167.23 Sec. 68. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

167.24 Subd. 2. **Local authority.** A city or town may organize collection, after public notification  
167.25 and hearing as required in subdivisions 4a to ~~4d~~ 4f. A county may organize collection as  
167.26 provided in subdivision 5. A city or town that has organized collection as of May 1, 2013,  
167.27 is exempt from subdivisions 4a to ~~4d~~ 4f.

167.28 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
167.29 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
167.30 that date.

168.1 Sec. 69. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

82.26 evaluated the costs of the alternatives, including capital and operating costs, and the effects  
82.27 of the alternatives on the cost to generators;

82.28 (5) that the applicant has identified waste management objectives in applicable county  
82.29 and regional solid waste management plans consistent with sections 115A.46, subdivision  
82.30 2, paragraphs (e) and (f), and 473.149, subdivision 1, and other solid waste facilities identified  
82.31 in the county and regional plans; and

83.1 (6) that the applicant has conducted a comparative analysis of the project against existing  
83.2 public and private solid waste facilities, including an analysis of potential displacement of  
83.3 facilities to determine whether the project is the most appropriate alternative to achieve the  
83.4 identified waste management objectives that considers:

83.5 (i) conformity with approved county or regional solid waste management plans;

83.6 (ii) consistency with the state's solid waste hierarchy and sections 115A.46, subdivision  
83.7 2, paragraphs (e) and (f), and 473.149, subdivisions 1; and

83.8 (iii) environmental standards related to public health, air, surface water, and groundwater.

83.9 (b) The commissioner may require completion of a comprehensive solid waste  
83.10 management plan conforming to the requirements of section 115A.46, before accepting an  
83.11 application. Within five days of filing an application with the agency, the applicant must  
83.12 submit a copy of the application to each solid waste management facility mentioned in the  
83.13 portion of the application addressing the requirements of paragraph (a), clauses (5) and (6).

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

83.15 Sec. 64. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

83.16 Subd. 2. **Local authority.** A city or town may organize collection, after public notification  
83.17 and hearing as required in subdivisions 4a to ~~4d~~ 4f. A county may organize collection as  
83.18 provided in subdivision 5. A city or town that has organized collection as of May 1, 2013,  
83.19 is exempt from subdivisions 4a to ~~4d~~ 4f.

83.20 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
83.21 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
83.22 that date.

83.23 Sec. 65. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

168.2 Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise,  
168.3 license, contract, or other means of organizing collection, a city or town, by resolution of  
168.4 the governing body, must establish ~~an organized a solid waste~~ collection options committee  
168.5 to identify, examine, and evaluate various methods of ~~organized solid waste~~ collection. The  
168.6 governing body shall appoint the committee members.

168.7 (b) The ~~organized solid waste~~ collection options committee is subject to chapter 13D.

168.8 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
168.9 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
168.10 that date.

168.11 Sec. 70. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

168.12 Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

168.13 (1) determine which methods of ~~organized solid waste~~ collection to examine, which  
168.14 must include:

168.15 (i) the existing system of collection;

168.16 ~~(i)~~ (ii) a system in which a single collector collects solid waste from all sections of a  
168.17 city or town; and

168.18 ~~(ii)~~ (iii) a system in which multiple collectors, either singly or as members of an  
168.19 organization of collectors, collect solid waste from different sections of a city or town;

168.20 (2) establish a list of criteria on which the ~~organized solid waste~~ collection methods  
168.21 selected for examination will be evaluated, which may include: costs to residential  
168.22 subscribers, impacts on residential subscribers' ability to choose a provider of solid waste  
168.23 service based on the desired level of service, costs and other factors, the impact of miles  
168.24 driven by collection vehicles on city streets and alleys and the incremental impact of miles  
168.25 driven by collection vehicles, initial and operating costs to the city of implementing the  
168.26 ~~organized solid waste~~ collection system, providing incentives for waste reduction, impacts  
168.27 on solid waste collectors, and other physical, economic, fiscal, social, environmental, and  
168.28 aesthetic impacts;

168.29 (3) collect information regarding the operation and efficacy of existing methods of  
168.30 ~~organized solid waste~~ collection in other cities and towns;

168.31 (4) seek input from, at a minimum:

83.24 Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise,  
83.25 license, contract, or other means of organizing collection, a city or town, by resolution of  
83.26 the governing body, must establish ~~an organized a solid waste~~ collection options committee  
83.27 to identify, examine, and evaluate various methods of ~~organized solid waste~~ collection. The  
83.28 governing body shall appoint the committee members.

83.29 (b) The ~~organized solid waste~~ collection options committee is subject to chapter 13D.

84.1 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
84.2 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
84.3 that date.

84.4 Sec. 66. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

84.5 Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

84.6 (1) determine which methods of ~~organized solid waste~~ collection to examine, which  
84.7 must include:

84.8 (i) the existing system of collection;

84.9 ~~(i)~~ (ii) a system in which a single collector collects solid waste from all sections of a  
84.10 city or town; and

84.11 ~~(ii)~~ (iii) a system in which multiple collectors, either singly or as members of an  
84.12 organization of collectors, collect solid waste from different sections of a city or town;

84.13 (2) establish a list of criteria on which the ~~organized solid waste~~ collection methods  
84.14 selected for examination will be evaluated, which may include: costs to residential  
84.15 subscribers, impacts on residential subscribers' ability to choose a provider of solid waste  
84.16 service based on the desired level of service, costs and other factors, the impact of miles  
84.17 driven by collection vehicles on city streets and alleys and the incremental impact of miles  
84.18 driven by collection vehicles, initial and operating costs to the city of implementing the  
84.19 ~~organized solid waste~~ collection system, providing incentives for waste reduction, impacts  
84.20 on solid waste collectors, and other physical, economic, fiscal, social, environmental, and  
84.21 aesthetic impacts;

84.22 (3) collect information regarding the operation and efficacy of existing methods of  
84.23 ~~organized solid waste~~ collection in other cities and towns;

84.24 (4) seek input from, at a minimum:

169.1 (i) the governing body of the city or town;

169.2 (ii) the local official of the city or town responsible for solid waste issues;

169.3 (iii) persons currently licensed to operate solid waste collection and recycling services  
169.4 in the city or town; and

169.5 (iv) residents of the city or town who currently pay for residential solid waste collection  
169.6 services; and

169.7 (5) issue a report on the committee's research, findings, and any recommendations to  
169.8 the governing body of the city or town.

169.9 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
169.10 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
169.11 that date.

169.12 Sec. 71. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

169.13 Subd. 4c. **Governing body; implementation.** The governing body of the city or town  
169.14 shall consider the report and recommendations of the ~~organized~~ solid waste collection  
169.15 options committee. The governing body must provide public notice and hold at least one  
169.16 public hearing before deciding whether to implement organized collection. Organized  
169.17 collection may begin no sooner than six months after the effective date of the decision of  
169.18 the governing body of the city or town to implement organized collection.

169.19 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
169.20 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
169.21 that date.

169.22 Sec. 72. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

169.23 Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing  
169.24 a committee under subdivision 4a to consider organizing residential solid waste collection,  
169.25 a city or town with more than one licensed collector must notify the public and all licensed  
169.26 collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60  
169.27 days in which meetings and negotiations shall occur exclusively between licensed collectors  
169.28 and the city or town to develop a proposal in which interested licensed collectors, as members  
169.29 of an organization of collectors, collect solid waste from designated sections of the city or  
169.30 town. The proposal shall include identified city or town priorities, including issues related  
169.31 to zone creation, traffic, safety, environmental performance, service provided, and price,  
169.32 and shall reflect existing haulers maintaining their respective market share of business as

84.25 (i) the governing body of the city or town;

84.26 (ii) the local official of the city or town responsible for solid waste issues;

84.27 (iii) persons currently licensed to operate solid waste collection and recycling services  
84.28 in the city or town; and

84.29 (iv) residents of the city or town who currently pay for residential solid waste collection  
84.30 services; and

85.1 (5) issue a report on the committee's research, findings, and any recommendations to  
85.2 the governing body of the city or town.

85.3 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
85.4 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
85.5 that date.

85.6 Sec. 67. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

85.7 Subd. 4c. **Governing body; implementation.** The governing body of the city or town  
85.8 shall consider the report and recommendations of the ~~organized~~ solid waste collection  
85.9 options committee. The governing body must provide public notice and hold at least one  
85.10 public hearing before deciding whether to implement organized collection. Organized  
85.11 collection may begin no sooner than six months after the effective date of the decision of  
85.12 the governing body of the city or town to implement organized collection.

85.13 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
85.14 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
85.15 that date.

85.16 Sec. 68. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

85.17 Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing  
85.18 a committee under subdivision 4a to consider organizing residential solid waste collection,  
85.19 a city or town with more than one licensed collector must notify the public and all licensed  
85.20 collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60  
85.21 days in which meetings and negotiations shall occur exclusively between licensed collectors  
85.22 and the city or town to develop a proposal in which interested licensed collectors, as members  
85.23 of an organization of collectors, collect solid waste from designated sections of the city or  
85.24 town. The proposal shall include identified city or town priorities, including issues related  
85.25 to zone creation, traffic, safety, environmental performance, service provided, and price,  
85.26 and shall reflect existing haulers maintaining their respective market share of business as

170.1 determined by each hauler's average customer count during the six months prior to the  
170.2 commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be  
170.3 excluded from the proposal, the city may allocate their customers proportionally based on  
170.4 market share to the participating collectors who choose to negotiate. The initial organized  
170.5 collection agreement executed under this subdivision must be for ~~a period of three to~~ seven  
170.6 years. Upon execution of an agreement between the participating licensed collectors and  
170.7 city or town, the city or town shall establish organized collection through appropriate local  
170.8 controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except  
170.9 that the governing body must provide the public notification and hearing required under  
170.10 subdivision 4c.

170.11 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
170.12 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
170.13 that date.

170.14 Sec. 73. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision  
170.15 to read:

170.16 Subd. 4e. **Parties to meet and confer.** Before the exclusive meetings and negotiations  
170.17 under subdivision 4d, participating licensed collectors and elected officials of the city or  
170.18 town must meet and confer regarding waste collection issues, including but not limited to  
170.19 road deterioration, public safety, pricing mechanisms, and contractual considerations unique  
170.20 to organized collection.

170.21 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
170.22 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
170.23 that date.

170.24 Sec. 74. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision  
170.25 to read:

170.26 Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection  
170.27 agreement must not obligate a participating licensed collector for damages to third parties  
170.28 solely caused by another participating licensed collector. The organized collection agreement  
170.29 may include joint obligations for actions that are undertaken by all the participating licensed  
170.30 collectors under this section.

170.31 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
170.32 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
170.33 that date.

171.1 Sec. 75. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

85.27 determined by each hauler's average customer count during the six months prior to the  
85.28 commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be  
85.29 excluded from the proposal, the city may allocate their customers proportionally based on  
85.30 market share to the participating collectors who choose to negotiate. The initial organized  
85.31 collection agreement executed under this subdivision must be for ~~a period of three to~~ seven  
85.32 years. Upon execution of an agreement between the participating licensed collectors and  
85.33 city or town, the city or town shall establish organized collection through appropriate local  
86.1 controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except  
86.2 that the governing body must provide the public notification and hearing required under  
86.3 subdivision 4c.

86.4 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
86.5 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
86.6 that date.

86.7 Sec. 69. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision  
86.8 to read:

86.9 Subd. 4e. **Parties to meet and confer.** Before the exclusive meetings and negotiations  
86.10 under subdivision 4d, participating licensed collectors and elected officials of the city or  
86.11 town must meet and confer regarding waste collection issues, including but not limited to  
86.12 road deterioration, public safety, pricing mechanisms, and contractual considerations unique  
86.13 to organized collection.

86.14 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
86.15 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
86.16 that date.

86.17 Sec. 70. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision  
86.18 to read:

86.19 Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection  
86.20 agreement must not obligate a participating licensed collector for damages to third parties  
86.21 solely caused by another participating licensed collector. The organized collection agreement  
86.22 may include joint obligations for actions that are undertaken by all the participating licensed  
86.23 collectors under this section.

86.24 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
86.25 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
86.26 that date.

86.27 Sec. 71. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

171.2 Subd. 5. **County organized collection.** (a) A county may by ordinance require cities  
171.3 and towns within the county to organize collection. Organized collection ordinances of  
171.4 counties may:

171.5 (1) require cities and towns to require the separation and separate collection of recyclable  
171.6 materials;

171.7 (2) specify the material to be separated; and

171.8 (3) require cities and towns to meet any performance standards for source separation  
171.9 that are contained in the county solid waste plan.

171.10 (b) A county may itself organize collection under subdivisions 4a to ~~4d~~ 4f in any city  
171.11 or town that does not comply with a county organized collection ordinance adopted under  
171.12 this subdivision, and the county may implement, as part of its organized collection, the  
171.13 source separation program and performance standards required by its organized collection  
171.14 ordinance.

171.15 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
171.16 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
171.17 that date.

86.28 Subd. 5. **County organized collection.** (a) A county may by ordinance require cities  
86.29 and towns within the county to organize collection. Organized collection ordinances of  
86.30 counties may:

87.1 (1) require cities and towns to require the separation and separate collection of recyclable  
87.2 materials;

87.3 (2) specify the material to be separated; and

87.4 (3) require cities and towns to meet any performance standards for source separation  
87.5 that are contained in the county solid waste plan.

87.6 (b) A county may itself organize collection under subdivisions 4a to ~~4d~~ 4f in any city  
87.7 or town that does not comply with a county organized collection ordinance adopted under  
87.8 this subdivision, and the county may implement, as part of its organized collection, the  
87.9 source separation program and performance standards required by its organized collection  
87.10 ordinance.

87.11 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to organized  
87.12 collection noticed under Minnesota Statutes, section 115A.94, subdivision 2, on or after  
87.13 that date.

87.14 Sec. 72. **[115B.171] TESTING FOR PRIVATE WELLS; EAST METROPOLITAN**  
87.15 **AREA.**

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

87.18 (b) "East metropolitan area" means:

87.19 (1) the cities of Afton, Cottage Grove, Lake Elmo, Newport, Oakdale, St. Paul Park,  
87.20 and Woodbury;

87.21 (2) the townships of Denmark, Grey Cloud Island, and Lakeland; and

87.22 (3) other areas added by the commissioner that have a potential for significant  
87.23 groundwater pollution from PFCs.

87.24 (c) "PFCs" means per- and poly-fluorinated chemicals.

87.25 Subd. 2. **Testing required for private wells.** At the request of the owner or occupier  
87.26 of land in the east metropolitan area containing a private well for water, the commissioner

87.27 must use money in the remediation fund under section 116.155 to provide timely testing  
87.28 for PFCs for the well if the commissioner has not previously tested the well for PFCs. If  
87.29 the test of the private well measures a contamination at or above 50 percent of a health-based  
87.30 advisory value or health risk limit for PFCs, the commissioner must provide for additional  
87.31 well tests based on a schedule to ensure that the groundwater is safe for consumption.

88.1 Subd. 3. **Test reporting.** (a) By January 15 each year, the commissioner must report to  
88.2 each community in the east metropolitan area a summary of the results of the testing for  
88.3 private wells in the community. The report must include information on the number of wells  
88.4 tested and trends of PFC contamination in private wells in the community. Reports to  
88.5 communities under this section must also be published on the agency's Web site.

88.6 (b) By January 15 each year, the commissioner must report to the legislature, as provided  
88.7 in section 3.195, on the testing for private wells conducted in the east metropolitan area,  
88.8 including copies of the community reports required in paragraph (a), the number of requests  
88.9 for well testing in each community, and the total amount spent for testing private wells in  
88.10 each community.

88.11 Sec. 73. **[115B.172] NATURAL RESOURCES DAMAGES ACCOUNT.**

88.12 Subdivision 1. **Establishment.** The natural resources damages account is established as  
88.13 an account in the remediation fund.

88.14 Subd. 2. **Revenues.** The account consists of money from the following sources:

88.15 (1) revenues from actions taken by the attorney general on behalf of the commissioner  
88.16 of the Pollution Control Agency and commissioner of natural resources under section  
88.17 115B.17, subdivisions 6 and 7, unless otherwise specified by the attorney general or  
88.18 settlement agreement;

88.19 (2) appropriations and transfers to the account as provided by law;

88.20 (3) interest earned on the account; and

88.21 (4) money received by the commissioner of the Pollution Control Agency or the  
88.22 commissioner of natural resources for deposit in the account in the form of a gift or a grant.

88.23 Subd. 3. **Expenditures.** (a) Money in the account is appropriated to the commissioner  
88.24 of natural resources for the purposes authorized in section 115B.20, subdivision 2, clause  
88.25 (4).

171.18 Sec. 76. [115B.52] WATER QUALITY AND SUSTAINABILITY ACCOUNT.

171.19 Subdivision 1. **Definition.** For purposes of this section and section 115B.53, the term  
171.20 "settlement" means the agreement and order entered on February 20, 2018, settling litigation  
171.21 commenced by the state against the 3M Company under section 115B.17, subdivision 7.

171.22 Subd. 2. **Establishment.** The water quality and sustainability account is established as  
171.23 an account in the remediation fund. The account consists of revenue deposited in the account  
171.24 under the terms of the settlement and earnings on the investment of money in the account.

171.25 Subd. 3. **Expenditures.** Money in the account is appropriated to the commissioner of  
171.26 the Pollution Control Agency and to the commissioner of natural resources for the purposes  
171.27 authorized under the settlement.

88.26 (b) The commissioner of management and budget must allocate the amounts available  
88.27 in any biennium to the commissioner of natural resources for the purposes of this section  
88.28 based upon work plans submitted by the commissioner of natural resources and may adjust  
88.29 those allocations upon submittal of revised work plans. Copies of the work plans must be  
88.30 submitted to the chairs of the house of representatives and senate committees and divisions  
88.31 having jurisdiction over environment and natural resources finance.

89.1 Subd. 4. **Report.** By November 1 each year, the commissioner of natural resources must  
89.2 submit a report to the chairs and ranking minority members of the house of representatives  
89.3 and senate committees and divisions with jurisdiction over environment and natural resources  
89.4 policy and finance on expenditures from the natural resources damages account during the  
89.5 previous fiscal year.

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

89.7 Sec. 74. [115B.52] WATER QUALITY AND SUSTAINABILITY ACCOUNT.

89.8 Subdivision 1. **Definition.** For purposes of this section and section 115B.53, the term  
89.9 "settlement" means the agreement and order entered on February 20, 2018, settling litigation  
89.10 commenced by the state against the 3M Company under section 115B.17, subdivision 7.

89.11 Subd. 2. **Establishment.** The water quality and sustainability account is established as  
89.12 an account in the remediation fund. The account consists of revenue deposited in the account  
89.13 under the terms of the settlement and earnings on the investment of money in the account.  
89.14 Money in the account may be invested through the State Board of Investment to ensure  
89.15 sufficient clean drinking water supplies are available to residents and businesses in the east  
89.16 metropolitan area to meet their current and future water needs.

89.17 Subd. 3. **Priorities.** The commissioners of the Pollution Control Agency and natural  
89.18 resources must give priority to projects that:

89.19 (1) ensure clean drinking water in sufficient supply to residents and businesses in the  
89.20 east metropolitan area to meet their current and future water needs, with priority given to  
89.21 projects that address drinking water supplies where health-based values or health risk limits  
89.22 for perfluorinated and polyfluorinated chemicals have been exceeded; and

89.23 (2) provide water treatment and groundwater recharge to enhance existing municipal  
89.24 water supplies and provide connections to municipal drinking water supplies.

89.25 Subd. 4. **Expenditures.** (a) Money in the account is appropriated to the commissioner  
89.26 of the Pollution Control Agency and to the commissioner of natural resources for the purposes  
89.27 authorized under the settlement.



171.28       Subd. 4. **Reporting.** The commissioner of the Pollution Control Agency and the  
171.29 commissioner of natural resources must jointly submit:

171.30       (1) a biannual report to the chairs and ranking minority members of the legislative policy  
171.31 and finance committees with jurisdiction over environment and natural resources on  
172.1 expenditures from the water quality and sustainability account during the previous six  
172.2 months; and

172.3       (2) by November 1 each year, a report to the legislature on expenditures from the water  
172.4 quality and sustainability account during the previous fiscal year and a spending plan for  
172.5 anticipated expenditures from the account during the current fiscal year.

172.6       Sec. 77. **[115B.53] WATER QUALITY AND SUSTAINABILITY STAKEHOLDERS.**

172.7       The commissioner of the Pollution Control Agency and the commissioner of natural  
172.8 resources must work with stakeholders to identify and recommend projects to receive funding  
172.9 from the water quality and sustainability account under the settlement. Stakeholders include,

89.28       (b) The commissioners must ensure that money in the account is spent:

89.29       (1) to enhance the quality, quantity, and sustainability of the drinking water in the east  
89.30 metropolitan area, which includes but is not limited to, the cities of Woodbury, Oakdale,  
89.31 Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships of West  
89.32 Lakeland and Grey Cloud Island;

90.1       (2) only on projects that are technically feasible; and

90.2       (3) in a manner that ensures the priorities identified under subdivision 3 are met and that  
90.3 money in the account is sufficient for the long-term operation and maintenance of projects  
90.4 meeting the priority established under subdivision 3, clause (1), including ensuring there  
90.5 are adequate reserves.

90.6       Subd. 5. **Limitations.** No more than eight percent of the money in the account may be  
90.7 spent on state and local administrative expenses and no more than ten percent may be spent  
90.8 on studies.

90.9       Subd. 6. **Reporting.** The commissioner of the Pollution Control Agency and the  
90.10 commissioner of natural resources must jointly submit:

90.11       (1) by March 1 and November 1 each year, a biannual report to the chairs and ranking  
90.12 minority members of the legislative policy and finance committees with jurisdiction over  
90.13 environment and natural resources on expenditures from the water quality and sustainability  
90.14 account during the previous six months; and

90.15       (2) by November 1 each year, a report to the legislature on expenditures from the water  
90.16 quality and sustainability account during the previous fiscal year and a spending plan for  
90.17 anticipated expenditures from the account during the current fiscal year.

90.18       Subd. 7. **State authority.** Nothing in this section grants authority to the commissioner  
90.19 of the Pollution Control Agency or commissioner of natural resources to assume control or  
90.20 otherwise operate existing municipal water supply operations in the east metropolitan area.

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

90.22       Sec. 75. **[115B.53] WATER QUALITY AND SUSTAINABILITY STAKEHOLDERS.**

90.23       The commissioner of the Pollution Control Agency and the commissioner of natural  
90.24 resources must work with stakeholders to identify and recommend projects to receive funding  
90.25 from the water quality and sustainability account under the settlement. Stakeholders include,  
90.26 at a minimum, representatives of the agency, the Department of Natural Resources, east

172.10 at a minimum, representatives of the agency, the Department of Natural Resources, east  
172.11 metropolitan area municipalities, and the 3M Company.

90.27 metropolitan area municipalities, and the 3M Company. The commissioners must establish  
90.28 a process to solicit and evaluate the recommendations from each of the cities of Woodbury,  
90.29 Oakdale, Lake Elmo, Cottage Grove, St. Paul Park, Afton, and Newport and the townships  
90.30 of West Lakeland and Grey Cloud Island.

172.12 Sec. 78. Minnesota Statutes 2016, section 116.07, subdivision 2, is amended to read:

172.13 Subd. 2. **Adopting standards.** (a) The Pollution Control Agency shall improve air  
172.14 quality by promoting, in the most practicable way possible, the use of energy sources and  
172.15 waste disposal methods which produce or emit the least air contaminants consistent with  
172.16 the agency's overall goal of reducing all forms of pollution. The agency shall also adopt  
172.17 standards of air quality, including maximum allowable standards of emission of air  
172.18 contaminants from motor vehicles, recognizing that due to variable factors, no single standard  
172.19 of purity of air is applicable to all areas of the state. In adopting standards the Pollution  
172.20 Control Agency shall give due recognition to the fact that the quantity or characteristics of  
172.21 air contaminants or the duration of their presence in the atmosphere, which may cause air  
172.22 pollution in one area of the state, may cause less or not cause any air pollution in another  
172.23 area of the state, and it shall take into consideration in this connection such factors, including  
172.24 others which it may deem proper, as existing physical conditions, zoning classifications,  
172.25 topography, prevailing wind directions and velocities, and the fact that a standard of air  
172.26 quality which may be proper as to an essentially residential area of the state, may not be  
172.27 proper as to a highly developed industrial area of the state. Such standards of air quality  
172.28 shall be premised upon scientific knowledge of causes as well as effects based on technically  
172.29 substantiated criteria and commonly accepted practices. No local government unit shall set  
172.30 standards of air quality which are more stringent than those set by the Pollution Control  
172.31 Agency. Consistent with this recognition of the variability of air contamination levels and  
172.32 conditions across the state, the agency must not apply or enforce a national or state ambient  
172.33 air quality standard as an applicable standard for an individual source under an individual  
173.1 facility permit issued pursuant to Code of Federal Regulations, title 40, part 70, unless the  
173.2 permittee is a temporary source issued a permit under United States Code, title 42, section  
173.3 7661c, paragraph (e).

173.4 (b) The Pollution Control Agency shall promote solid waste disposal control by  
173.5 encouraging the updating of collection systems, elimination of open dumps, and  
173.6 improvements in incinerator practices. The agency shall also adopt standards for the control  
173.7 of the collection, transportation, storage, processing, and disposal of solid waste and sewage  
173.8 sludge for the prevention and abatement of water, air, and land pollution, recognizing that  
173.9 due to variable factors, no single standard of control is applicable to all areas of the state.  
173.10 In adopting standards, the Pollution Control Agency shall give due recognition to the fact  
173.11 that elements of control which may be reasonable and proper in densely populated areas of  
173.12 the state may be unreasonable and improper in sparsely populated or remote areas of the  
173.13 state, and it shall take into consideration in this connection such factors, including others  
173.14 which it may deem proper, as existing physical conditions, topography, soils and geology,

173.15 climate, transportation, and land use. Such standards of control shall be premised on technical  
173.16 criteria and commonly accepted practices.

173.17 (c) The Pollution Control Agency shall also adopt standards describing the maximum  
173.18 levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere,  
173.19 recognizing that due to variable factors no single standard of sound pressure is applicable  
173.20 to all areas of the state. Such standards shall give due consideration to such factors as the  
173.21 intensity of noises, the types of noises, the frequency with which noises recur, the time  
173.22 period for which noises continue, the times of day during which noises occur, and such  
173.23 other factors as could affect the extent to which noises may be injurious to human health  
173.24 or welfare, animal or plant life, or property, or could interfere unreasonably with the  
173.25 enjoyment of life or property. In adopting standards, the Pollution Control Agency shall  
173.26 give due recognition to the fact that the quantity or characteristics of noise or the duration  
173.27 of its presence in the outdoor atmosphere, which may cause noise pollution in one area of  
173.28 the state, may cause less or not cause any noise pollution in another area of the state, and  
173.29 it shall take into consideration in this connection such factors, including others which it  
173.30 may deem proper, as existing physical conditions, zoning classifications, topography,  
173.31 meteorological conditions and the fact that a standard which may be proper in an essentially  
173.32 residential area of the state, may not be proper as to a highly developed industrial area of  
173.33 the state. Such noise standards shall be premised upon scientific knowledge as well as effects  
173.34 based on technically substantiated criteria and commonly accepted practices. No local  
174.1 governing unit shall set standards describing the maximum levels of sound pressure which  
174.2 are more stringent than those set by the Pollution Control Agency.

174.3 (d) The Pollution Control Agency shall adopt standards for the identification of hazardous  
174.4 waste and for the management, identification, labeling, classification, storage, collection,  
174.5 transportation, processing, and disposal of hazardous waste, recognizing that due to variable  
174.6 factors, a single standard of hazardous waste control may not be applicable to all areas of  
174.7 the state. In adopting standards, the Pollution Control Agency shall recognize that elements  
174.8 of control which may be reasonable and proper in densely populated areas of the state may  
174.9 be unreasonable and improper in sparsely populated or remote areas of the state. The agency  
174.10 shall consider existing physical conditions, topography, soils, and geology, climate,  
174.11 transportation and land use. Standards of hazardous waste control shall be premised on  
174.12 technical knowledge, and commonly accepted practices. Hazardous waste generator licenses  
174.13 may be issued for a term not to exceed five years. No local government unit shall set  
174.14 standards of hazardous waste control which are in conflict or inconsistent with those set by  
174.15 the Pollution Control Agency.

174.16 (e) A person who generates less than 100 kilograms of hazardous waste per month is  
174.17 exempt from the following agency hazardous waste rules:

174.18 (1) rules relating to transportation, manifesting, storage, and labeling for photographic  
174.19 fixer and x-ray negative wastes that are hazardous solely because of silver content; and

174.20 (2) any rule requiring the generator to send to the agency or commissioner a copy of  
174.21 each manifest for the transportation of hazardous waste for off-site treatment, storage, or  
174.22 disposal, except that counties within the metropolitan area may require generators to provide  
174.23 manifests.

174.24 Nothing in this paragraph exempts the generator from the agency's rules relating to on-site  
174.25 accumulation or outdoor storage. A political subdivision or other local unit of government  
174.26 may not adopt management requirements that are more restrictive than this paragraph.

174.27 (f) In any rulemaking proceeding under chapter 14 to adopt standards for air quality,  
174.28 solid waste, or hazardous waste under this chapter, or standards for water quality under  
174.29 chapter 115, the statement of need and reasonableness must include:

174.30 (1) an assessment of any differences between the proposed rule and:

174.31 (i) existing federal standards adopted under the Clean Air Act, United States Code, title  
174.32 42, section 7412(b)(2); the Clean Water Act, United States Code, title 33, sections 1312(a)  
175.1 and 1313(c)(4); and the Resource Conservation and Recovery Act, United States Code, title  
175.2 42, section 6921(b)(1);

175.3 (ii) similar standards in states bordering Minnesota; and

175.4 (iii) similar standards in states within the Environmental Protection Agency Region 5;  
175.5 and

175.6 (2) a specific analysis of the need and reasonableness of each difference.

175.7 If the proposed standards in a rulemaking subject to this paragraph are more stringent than  
175.8 comparable federal standards, the statement of need and reasonableness must, in addition  
175.9 to the requirements of this paragraph, include documentation that the federal standard does  
175.10 not provide adequate protection for public health and the environment.

175.11 Sec. 79. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to  
175.12 read:

175.13 Subd. 2c. Exemption from standards for temporary storage facilities subject to  
175.14 control. (a) A temporary storage facility located at a commodity facility that is required to  
175.15 be controlled under Minnesota Rules, part 7011.1005, subpart 3, is not subject to Minnesota  
175.16 Rules, parts 7011.1000 to 7011.1015. For all portable equipment and fugitive dust emissions  
175.17 directly associated with the temporary storage facility, it is determined that there is no  
175.18 applicable specific standard of performance.

91.1 Sec. 76. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to  
91.2 read:

91.3 Subd. 2c. Exemption from standards for temporary storage facilities subject to  
91.4 control. (a) A temporary storage facility located at a commodity facility that is required to  
91.5 be controlled under Minnesota Rules, part 7011.1005, subpart 3, is not subject to Minnesota  
91.6 Rules, parts 7011.1000 to 7011.1015. For all portable equipment and fugitive dust emissions  
91.7 directly associated with the temporary storage facility, it is determined that there is no  
91.8 applicable specific standard of performance.

175.19 (b) For the purposes of this subdivision, the following terms have the meanings given  
175.20 to them:

175.21 (1) "temporary storage facility" means a facility storing grain that:

175.22 (i) uses an asphalt, concrete, or comparable base material;

175.23 (ii) has rigid, self-supporting sidewalls;

175.24 (iii) provides adequate aeration; and

175.25 (iv) provides an acceptable covering; and

175.26 (2) "portable equipment" means equipment that is not fixed at any one spot and can be  
175.27 moved, including but not limited to portable receiving pits, portable augers and conveyors,  
175.28 and portable reclaim equipment directly associated with the temporary storage facility.

91.9 (b) For the purposes of this subdivision, the following terms have the meanings given  
91.10 them:

91.11 (1) "temporary storage facility" means a facility storing grain that:

91.12 (i) uses an asphalt, concrete, or comparable base material;

91.13 (ii) has rigid, self-supporting sidewalls;

91.14 (iii) provides adequate aeration; and

91.15 (iv) provides an acceptable covering; and

91.16 (2) "portable equipment" means equipment that is not fixed at any one spot and can be  
91.17 moved, including but not limited to portable receiving pits, portable augers and conveyors,  
91.18 and portable reclaim equipment directly associated with the temporary storage facility.

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

91.20 Sec. 77. Minnesota Statutes 2017 Supplement, section 116.07, subdivision 4d, is amended  
91.21 to read:

91.22 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
91.23 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
91.24 upon applications for agency permits and implementing and enforcing the conditions of the  
91.25 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The  
91.26 fee schedule must reflect reasonable and routine direct and indirect costs associated with  
91.27 permitting, implementation, and enforcement. The agency may impose an additional  
91.28 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
91.29 of implementing and enforcing the conditions of a permit under the rules of the agency.  
91.30 Water fees under this paragraph are subject to legislative approval under section 16A.1283.  
91.31 Any money collected under this paragraph shall be deposited in the environmental fund.

92.1 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner  
92.2 or operator of all stationary sources, emission facilities, emissions units, air contaminant  
92.3 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage  
92.4 facilities subject to a notification, permit, or license requirement under this chapter,  
92.5 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401  
92.6 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and  
92.7 indirect reasonable costs, including legal costs, required to develop and administer the  
92.8 notification, permit, or license program requirements of this chapter, subchapters I and V  
92.9 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules

92.10 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon  
92.11 an application for a permit; implementing and enforcing statutes, rules, and the terms and  
92.12 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally  
92.13 applicable regulations; responding to federal guidance; modeling, analyses, and  
92.14 demonstrations; preparing inventories and tracking emissions; and providing information  
92.15 to the public about these activities.

92.16 (c) The agency shall set fees that:

92.17 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
92.18 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
92.19 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of  
92.20 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national  
92.21 primary ambient air quality standard has been promulgated;

92.22 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
92.23 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
92.24 regulated under this chapter or air quality rules adopted under this chapter; and

92.25 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount  
92.26 needed to match grant funds received by the state under United States Code, title 42, section  
92.27 7405 (section 105 of the federal Clean Air Act).

92.28 The agency must not include in the calculation of the aggregate amount to be collected  
92.29 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
92.30 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge  
92.31 on existing fees. The commissioner may not collect the surcharge after the grant funds  
92.32 become unavailable. In addition, the commissioner shall use nonfee funds to the extent  
92.33 practical to match the grant funds so that the fee surcharge is minimized.

93.1 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
93.2 in the rules promulgated under paragraph (c) for an increase in the fee collected in each  
93.3 year by the percentage, if any, by which the Consumer Price Index for the most recent  
93.4 calendar year ending before the beginning of the year the fee is collected exceeds the  
93.5 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the  
93.6 Consumer Price Index for any calendar year is the average of the Consumer Price Index for  
93.7 all-urban consumers published by the United States Department of Labor, as of the close  
93.8 of the 12-month period ending on August 31 of each calendar year. The revision of the  
93.9 Consumer Price Index that is most consistent with the Consumer Price Index for calendar  
93.10 year 1989 shall be used.

175.29 Sec. 80. Minnesota Statutes 2017 Supplement, section 116.0714, is amended to read:

175.30 **116.0714 NEW OPEN-AIR SWINE BASINS.**

176.1 (a) The commissioner of the Pollution Control Agency or a county board shall not  
176.2 approve any permits for the construction of new open-air swine basins, except that existing  
176.3 facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste  
176.4 treatment program for resolving pollution problems or to allow conversion of an existing  
176.5 basin of less than 1,000,000 gallons to a different animal type, provided all standards are  
176.6 met. This section expires June 30, 2022.

176.7 (b) This section does not apply to basins used solely for wastewater from truck-washing  
176.8 facilities.

176.9 Sec. 81. Minnesota Statutes 2016, section 116.155, subdivision 1, is amended to read:

93.11 (e) Any money collected under paragraphs (b) to (d) must be deposited in the  
93.12 environmental fund and must be used solely for the activities listed in paragraph (b).

93.13 (f) Permit applicants who wish to construct, reconstruct, or modify a project may offer  
93.14 to reimburse the agency for the costs of staff time or consultant services needed to expedite  
93.15 the preapplication process and permit development process through the final decision on  
93.16 the permit, including the analysis of environmental review documents. The reimbursement  
93.17 shall be in addition to permit application fees imposed by law. When the agency determines  
93.18 that it needs additional resources to develop the permit application in an expedited manner,  
93.19 and that expediting the development is consistent with permitting program priorities, the  
93.20 agency may accept the reimbursement. The commissioner must give the applicant an estimate  
93.21 of costs to be incurred by the commissioner. The estimate must include a brief description  
93.22 of the tasks to be performed, a schedule for completing the tasks, and the estimated cost for  
93.23 each task. The applicant and the commissioner must enter into a written agreement detailing  
93.24 the estimated costs for the expedited permit decision-making process to be incurred by the  
93.25 agency. The agreement must also identify staff anticipated to be assigned to the project.  
93.26 The commissioner must not issue a permit until the applicant has paid all fees in full. The  
93.27 commissioner must refund any unobligated balance of fees paid. Reimbursements accepted  
93.28 by the agency are appropriated to the agency for the purpose of developing the permit or  
93.29 analyzing environmental review documents. Reimbursement by a permit applicant shall  
93.30 precede and not be contingent upon issuance of a permit; shall not affect the agency's decision  
93.31 on whether to issue or deny a permit, what conditions are included in a permit, or the  
93.32 application of state and federal statutes and rules governing permit determinations; and shall  
93.33 not affect final decisions regarding environmental review.

93.34 (g) The fees under this subdivision are exempt from section 16A.1285.

94.1 Sec. 78. Minnesota Statutes 2017 Supplement, section 116.0714, is amended to read:

94.2 **116.0714 NEW OPEN-AIR SWINE BASINS.**

94.3 (a) The commissioner of the Pollution Control Agency or a county board shall not  
94.4 approve any permits for the construction of new open-air swine basins, except that existing  
94.5 facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste  
94.6 treatment program for resolving pollution problems or to allow conversion of an existing  
94.7 basin of less than 1,000,000 gallons to a different animal type, provided all standards are  
94.8 met. This section expires June 30, 2022.

94.9 (b) This section does not apply to a storage basin for effluent basins used solely for  
94.10 wastewater from a truck-washing facility.

94.11 Sec. 79. Minnesota Statutes 2016, section 116.155, subdivision 1, is amended to read:

176.10 Subdivision 1. **Creation.** The remediation fund is created as a special revenue fund in  
176.11 the state treasury to provide a reliable source of public money for response and corrective  
176.12 actions to address releases of hazardous substances, pollutants or contaminants, agricultural  
176.13 chemicals, and petroleum, and for environmental response actions at qualified landfill  
176.14 facilities for which the agency has assumed such responsibility, including perpetual care of  
176.15 such facilities. The specific purposes for which the general portion of the fund may be spent  
176.16 are provided in subdivision 2. In addition to the general portion of the fund, the fund contains  
176.17 ~~two~~ three accounts described in subdivisions 4 ~~and 5~~ to 5a.

176.18 Sec. 82. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision  
176.19 to read:

176.20 Subd. 5a. **Water quality and sustainability account.** The water quality and sustainability  
176.21 account is as described in section 115B.52.

94.12 Subdivision 1. **Creation.** The remediation fund is created as a special revenue fund in  
94.13 the state treasury to provide a reliable source of public money for response and corrective  
94.14 actions to address releases of hazardous substances, pollutants or contaminants, agricultural  
94.15 chemicals, and petroleum, and for environmental response actions at qualified landfill  
94.16 facilities for which the agency has assumed such responsibility, including perpetual care of  
94.17 such facilities. The specific purposes for which the general portion of the fund may be spent  
94.18 are provided in subdivision 2. In addition to the general portion of the fund, the fund contains  
94.19 ~~two~~ four accounts described in subdivisions 4 ~~and 5~~ to 5b.

94.20 Sec. 80. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision  
94.21 to read:

94.22 Subd. 5a. **Water quality and sustainability account.** The water quality and sustainability  
94.23 account is as described in section 115B.52.

94.24 Sec. 81. Minnesota Statutes 2016, section 116.155, is amended by adding a subdivision  
94.25 to read:

94.26 Subd. 5b. **Natural resources damages account.** The natural resources damages account  
94.27 is as described in section 115B.172.

95.1 Sec. 82. **[116.2025] DEICER APPLICATORS; VOLUNTARY CERTIFICATION**  
95.2 **PROGRAM.**

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

95.5 (1) "certified commercial applicator" means an individual who applies deicer and has  
95.6 completed training approved by the commissioner on removing snow and ice and applying  
95.7 deicer and passed an examination after completing the training;

95.8 (2) "commercial applicator" means an individual or a company and its employees that  
95.9 apply deicer for hire, but does not include a municipal, state, or other government employee;

95.10 (3) "deicer" means any substance used to melt snow and ice, or used for its anti-icing  
95.11 effects, on privately owned surfaces traveled by pedestrians and vehicles; and

95.12 (4) "owner" means a person that owns, leases, or manages real estate and the person's  
95.13 employees that contract in writing with a certified commercial applicator.

95.14 Subd. 2. **Voluntary certification program; best management practices.** (a) The  
95.15 commissioner of the Pollution Control Agency must develop a training program that promotes



95.16 best management practices for removing snow and ice and applying deicer and must allow  
95.17 individuals who are commercial applicators to obtain certification as a water-friendly  
95.18 applicator. The commissioner must certify an individual who is a commercial applicator as  
95.19 a water-friendly applicator if the individual successfully completes the program and passes  
95.20 the examination.

95.21 (b) The commissioner must provide additional training under this subdivision for certified  
95.22 commercial applicators renewing certification after their initial training and certification.

95.23 (c) The commissioner must provide the training and testing module at locations statewide  
95.24 and may make the recertification training available online.

95.25 (d) The commissioner must annually post the best management practices and a list of  
95.26 certified commercial applicators on the agency's Web site.

95.27 (e) The commissioner may charge a fee of no more than \$250 per certified commercial  
95.28 applicator for the training or recertification under this subdivision. Fees collected under this  
95.29 subdivision must be deposited in the environmental fund.

95.30 Subd. 3. **Liability.** (a) A commercial applicator certified under this section; the owner,  
95.31 occupant, or lessee of real property maintained by a certified commercial applicator; or an  
95.32 employee of that owner, occupant, or lessee who is certified under this section is not civilly  
96.1 liable for any claim based on a snow or ice condition arising out of the implementation of  
96.2 the best management practices developed by the commissioner under this section even if  
96.3 there is actual notice of the snow or ice condition, except when the snow or ice condition  
96.4 is affirmatively caused by the willful or reckless acts of the certified commercial applicator  
96.5 or the employee of the owner, occupant, or lessee who is certified under this section.  
96.6 Commercial applicators certified under this section; the owner, occupants, or lessees of land  
96.7 maintained by a certified commercial applicator; and an employee of that owner, occupant,  
96.8 or lessee who is certified under this section are presumed to be acting pursuant to the best  
96.9 management practices developed by the commissioner under this section.

96.10 (b) To receive the immunity protection under paragraph (a), and not for any other purpose,  
96.11 the commercial applicator, or the employee of the owner, occupant, or lessee, must have a  
96.12 current certification, pass an exam, complete the winter maintenance assessment tool  
96.13 requirements developed by the commissioner, and keep a written record describing the road,  
96.14 parking lot, and property maintenance practices used. The written record must include the  
96.15 type and rate of application of deicing materials used, the dates of treatment, and the weather  
96.16 conditions for each event requiring deicing. The records must be kept for a minimum of six  
96.17 years.

176.22 Sec. 83. Minnesota Statutes 2016, section 116.993, subdivision 2, is amended to read:

176.23 Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower  
176.24 must:

176.25 (1) be a small business corporation, sole proprietorship, partnership, or association;

96.18 (c) The liability of a commercial applicator who applies deicer but is not certified under  
96.19 this section may not be determined under the standards provided in this subdivision.

96.20 Subd. 4. **Record keeping.** (a) A certified commercial applicator or a company employing  
96.21 one or more certified commercial applicators must maintain the following records as part  
96.22 of the best management practices approved by the commissioner:

96.23 (1) a copy of the applicator's certification approved by the commissioner and any  
96.24 recertification;

96.25 (2) evidence of passing the examination approved by the commissioner;

96.26 (3) copies of the assessment tool requirements for winter maintenance developed by the  
96.27 commissioner; and

96.28 (4) a written record describing the practices used for road, parking lot, and property  
96.29 maintenance.

96.30 (b) The written record under paragraph (a), clause (4), must include the type and rate of  
96.31 application of deicing materials used, the dates of treatment, and the weather conditions for  
96.32 each event requiring deicing.

96.33 (c) Records required under this subdivision must be kept for at least six years.

97.1 Subd. 5. **Penalty.** The commissioner may revoke or decline to renew the certification  
97.2 of a certified commercial applicator that violates this section or rules adopted under this  
97.3 section.

97.4 Subd. 6. **Relation to other law.** Nothing in this section affects municipal liability under  
97.5 section 466.03.

97.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to claims  
97.7 arising on or after that date.

97.8 Sec. 83. Minnesota Statutes 2016, section 116.993, subdivision 2, is amended to read:

97.9 Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower  
97.10 must:

97.11 (1) be a small business corporation, sole proprietorship, partnership, or association;

- 176.26 (2) be a potential emitter of pollutants to the air, ground, or water;
- 176.27 (3) need capital for equipment purchases that will meet or exceed environmental  
176.28 regulations or need capital for site investigation and cleanup;
- 176.29 (4) have ~~less fewer~~ than ~~50~~ 100 full-time equivalent employees; and
- 176.30 (5) have an ~~after-tax~~ after-tax profit of less than \$500,000; ~~and~~.
- 177.1 ~~(6) have a net worth of less than \$1,000,000.~~
- 177.2 Sec. 84. Minnesota Statutes 2016, section 116.993, subdivision 6, is amended to read:
- 177.3 Subd. 6. **Loan conditions.** A loan made under this section must include:
- 177.4 (1) an interest rate that is ~~four percent or~~ at or below one-half the prime rate, ~~whichever~~  
177.5 ~~is greater~~ not to exceed five percent;
- 177.6 (2) a term of payment of not more than seven years; and
- 177.7 (3) an amount not less than \$1,000 or exceeding ~~\$50,000~~ \$75,000.

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- 3.24 Sec. 3. **REPEALER.**
- 3.25 (a) Minnesota Statutes 2017 Supplement, section 169A.07, is repealed.
- 3.26 (b) Minnesota Statutes 2016, section 169A.33, subdivision 1, is repealed.

- 97.12 (2) be a potential emitter of pollutants to the air, ground, or water;
- 97.13 (3) need capital for equipment purchases that will meet or exceed environmental  
97.14 regulations or need capital for site investigation and cleanup;
- 97.15 (4) have ~~less fewer~~ than ~~50~~ 100 full-time equivalent employees; and
- 97.16 (5) have an ~~after-tax~~ after-tax profit of less than \$500,000; ~~and~~.
- 97.17 ~~(6) have a net worth of less than \$1,000,000.~~
- 97.18 Sec. 84. Minnesota Statutes 2016, section 116.993, subdivision 6, is amended to read:
- 97.19 Subd. 6. **Loan conditions.** A loan made under this section must include:
- 97.20 (1) an interest rate that is ~~four percent or~~ at or below one-half the prime rate, ~~whichever~~  
97.21 ~~is greater~~ not to exceed five percent;
- 97.22 (2) a term of payment of not more than seven years; and
- 97.23 (3) an amount not less than \$1,000 or exceeding ~~\$50,000~~ \$75,000.

- 97.24 Sec. 85. Minnesota Statutes 2017 Supplement, section 169A.07, is amended to read:  
97.25 **169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.**

97.26 A person who violates section 169A.20 (driving while impaired) while using an off-road  
97.27 recreational vehicle or motorboat and who does not have a qualified prior impaired driving  
97.28 incident is subject only to the criminal penalty provided in section 169A.25 (second-degree  
97.29 driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27  
98.1 (fourth-degree driving while impaired); and loss of operating privileges as provided in  
98.2 section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons  
98.3 under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation  
98.4 of motorboats while using alcohol or with a physical or mental disability), whichever is  
98.5 applicable. The person is not subject to the provisions of section 169A.275, subdivision 5  
98.6 (submission to the level of care recommended in chemical use assessment for repeat offenders  
98.7 and offenders with alcohol concentration of 0.16 or more); 169A.277 (long-term monitoring);  
98.8 169A.285 (penalty assessment); 169A.44 (conditional release); ~~169A.54 (impaired driving~~

3.27 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2018, and applies to crimes  
3.28 committed on or after that date. Paragraph (b) is effective August 1, 2018, and applies to  
3.29 offenses committed on or after that date.

98.9 ~~convictions and adjudications; administrative penalties); or 169A.54, subdivision 11~~  
98.10 ~~(chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53~~  
98.11 ~~(implied consent law) or 171.177 (revocation; search warrant); or the plate impoundment~~  
98.12 ~~provisions of section 169A.60 (administrative impoundment of plates).~~

98.13 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations  
98.14 committed on or after that date.

98.15 Sec. 86. Minnesota Statutes 2016, section 180.03, subdivision 2, is amended to read:

98.16 Subd. 2. **Fences.** Every person, firm, or corporation that is or has been engaged in the  
98.17 business of mining or removing iron ore, taconite, semitaconite or other minerals except  
98.18 sand, crushed rock, and gravel shall erect and maintain, as a minimum, a three strand wire  
98.19 fence along the outside perimeter of the excavation, open pit, or shaft of any mine in which  
98.20 mining operations have ceased for a period of six consecutive months or longer. Based upon  
98.21 local site conditions that may exist at shafts, caves, or open pits, the county mine inspector  
98.22 may require more secure fencing such as barbed wire or mesh fence, or may require barriers,  
98.23 appropriate signs, or any combination of the above, to reduce the possibility of accidental  
98.24 falls. The county mine inspector may grant exemptions under subdivision 4. Where mining  
98.25 operations have ceased and not resumed, the fence, barrier, signs, or combination of them  
98.26 required by this section shall be erected within two years from the date when the county  
98.27 mine inspector directs the erection of fences, barriers, signs, or combination of them.

98.28 Sec. 87. Minnesota Statutes 2016, section 180.03, subdivision 3, is amended to read:

98.29 Subd. 3. **Abandoned mines.** Except as described in subdivision 4, when a mine is idle  
98.30 or abandoned it is the duty of the inspector of mines to notify the person, firm, or corporation  
98.31 that is or has been engaged in the business of mining to erect and maintain around all the  
98.32 shafts, caves, and open pits of such mines a fence, barrier, appropriate signs, or combination  
98.33 of them, suitable to warn of the presence of shafts, caves, or open pits and reduce the  
99.1 possibility of accidentally falling into these shafts, caves, or open pits. If the mine has been  
99.2 idled or abandoned, or if the person, firm, or corporation that has been engaged in the  
99.3 business of mining no longer exists, the fee owner shall erect and maintain the fence, barrier,  
99.4 or signs required by this section. If the fee owner fails to act, the county in which the mining  
99.5 operation is located may, in addition to any other remedies available, abate the nuisance by  
99.6 erecting or maintaining the fence, barrier, or signs and assessing the costs and related  
99.7 expenses pursuant to section 429.101.

99.8 Sec. 88. Minnesota Statutes 2016, section 180.03, subdivision 4, is amended to read:

- 99.9 Subd. 4. **Exemptions.** (a) The portion of an excavation, cave, open or water-filled pit,  
99.10 or shaft is exempt from the requirements of this section if:
- 99.11 (1) it is located on property owned, leased, or administered by the Office of the  
99.12 Commissioner of Iron Range Resources and Rehabilitation;
- 99.13 (2) it is for the construction, operation, maintenance, or administration of:
- 99.14 (i) grants-in-aid trails as defined in section 85.018;
- 99.15 (ii) property owned or leased by a municipality, as defined in section 466.01, subdivision  
99.16 1, that is intended or permitted to be used as a park, an open area for recreational purposes,  
99.17 or for the provision of recreational services, including the creation of trails or paths without  
99.18 artificial surfaces; or
- 99.19 (iii) recreational use, as defined in section 604A.21, subdivisions 5 and 6, provided the  
99.20 use is administered by a municipality, as defined in section 466.01, subdivision 1;
- 99.21 (3) it is for economic development purposes under chapter 469; or
- 99.22 (4) upon written application by the property owner, the county mine inspector may  
99.23 exempt from the requirements of subdivision 2, any abandoned excavation, open pit, or  
99.24 shaft which determines that it is provided with fencing, barriers, appropriate signs, or  
99.25 combinations of them, in a manner that is reasonably similar to the standards in subdivision  
99.26 2, or which if, in the inspector's judgment, it does not constitute a safety hazard.
- 99.27 (b) Where an exemption applies, there shall be, at a minimum, appropriate signs posted  
99.28 by the recipient of the exemption consistent with section 97B.001, subdivision 4:
- 99.29 (1) at each location of public access to the mining area restricting access to designated  
99.30 areas and warning of possible dangers due to the presence of excavations, shafts, caves, or  
99.31 open or water-filled pits;
- 100.1 (2) prohibiting public access beyond the boundaries of the designated public access area;  
100.2 and
- 100.3 (3) identifying those areas where the property on which public access is allowed abuts  
100.4 private property.
- 100.5 (c) Where an exemption applies, to reduce the possibility of inadvertent access beyond  
100.6 the boundaries of the designated public access area, any new fencing erected by the recipient

100.7 of the exemption in accordance with subdivision 2 or 3 shall be maintained by the recipient  
100.8 of the exemption.

100.9 (d) Notwithstanding section 180.10, limited openings in preexisting fencing may be  
100.10 created and maintained by the recipient of the exemption or its agent to provide public  
100.11 access to the designated public access area.

100.12 (e) The county mine inspector has the authority to enter, examine, and inspect any and  
100.13 all property exempted under this section at all reasonable times by day or by night, and, in  
100.14 addition to enforcing the provisions of this chapter, may make recommendations regarding  
100.15 the erection of fences, barriers, signs, or a combination of them.

100.16 Sec. 89. Minnesota Statutes 2016, section 180.10, is amended to read:

100.17 **180.10 REMOVAL OF FENCE; GUARD.**

100.18 A worker, employee, or other person who opens, removes, or disturbs any fence, guard,  
100.19 barrier, sign, or rail required by section 180.03 and fails to close or replace or have the same  
100.20 closed or replaced again around or in front of any mine shaft, pit, chute, excavation, cave,  
100.21 or land liable to cave, injure, or destroy, whether by accident, injury, or damage results,  
100.22 either to the mine or those at work therein, or to any other person, shall be guilty of a  
100.23 misdemeanor. A worker, employee, or other person who, in regard to any fence, guard,  
100.24 barrier, sign, or rail, does any of the acts prohibited by section 609.52, commits theft of the  
100.25 fence, guard, barrier, sign, or rail may be sentenced as provided in section 609.52.

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177.8 Sec. 85. Minnesota Statutes 2016, section 216G.01, subdivision 3, is amended to read:

177.9 Subd. 3. **Pipeline.** "Pipeline" means a pipeline owned or operated by a condemning  
177.10 authority, as defined in section 117.025, subdivision 4, located in this state which is used  
177.11 to transport natural or synthetic gas at a pressure of more than 90 pounds per square inch,  
177.12 or to transport crude petroleum or petroleum fuels or oil or their derivatives, coal, anhydrous  
177.13 ammonia or any mineral slurry to a distribution center or storage facility which is located  
177.14 within or outside of this state. "Pipeline" does not include a pipeline owned or operated by  
177.15 a natural gas public utility as defined in section 216B.02, subdivision 4.

177.16 Sec. 86. Minnesota Statutes 2016, section 349A.05, is amended to read:

177.17 **349A.05 RULES.**

177.18 The director may adopt rules under chapter 14 governing the following elements of the  
177.19 lottery:

- 177.20 (1) the number and types of lottery retailers' locations;
- 177.21 (2) qualifications of lottery retailers and application procedures for lottery retailer  
177.22 contracts;
- 177.23 (3) investigation of lottery retailer applicants;
- 177.24 (4) appeal procedures for denial, suspension, or cancellation of lottery retailer contracts;
- 177.25 (5) compensation of lottery retailers consistent with section 349A.17;
- 177.26 (6) accounting for and deposit of lottery revenues by lottery retailers;
- 177.27 (7) procedures for issuing lottery procurement contracts and for the investigation of  
177.28 bidders on those contracts;
- 177.29 (8) payment of prizes;
- 178.1 (9) procedures needed to ensure the integrity and security of the lottery; and
- 178.2 (10) other rules the director considers necessary for the efficient operation and  
178.3 administration of the lottery.
- 178.4 **EFFECTIVE DATE.** This section is effective August 1, 2018.
- 178.5 Sec. 87. **[349A.17] LOTTERY RETAILER COMMISSIONS.**
- 178.6 (a) The director of the State Lottery shall pay a lottery retailer at least the following  
178.7 amounts:
- 178.8 (1) 5.5 percent on the price of a ticket sold by the retailer for a lottery game for which  
178.9 the winner is determined by a drawing;
- 178.10 (2) six percent on the price of a ticket sold by the retailer for a lottery game in which  
178.11 the winner is determined without a drawing; and
- 178.12 (3) 1.5 percent of the amount of a winning ticket cashed by the retailer.
- 178.13 (b) The director of the State Lottery may adopt rules for retailer compensation or  
178.14 commission that exceeds the amounts specified in this section. The director of the State  
178.15 Lottery shall periodically review lottery ticket sales and make adjustments to lottery retailer

178.16 commission rates, consistent with this section, as deemed necessary to maintain appropriate  
178.17 return to the state.

178.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to tickets  
178.19 sold on or after that date.

178.20 Sec. 88. **[383A.606] DISCONTINUANCE OF RAMSEY SOIL AND WATER**  
178.21 **CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

178.22 Subdivision 1. **Discontinuance.** Notwithstanding section 103C.225, the Ramsey Soil  
178.23 and Water Conservation District is discontinued effective July 1, 2018, and its duties and  
178.24 authorities are transferred to the Ramsey County Board of Commissioners.

178.25 Subd. 2. **Transfer of duties and authorities.** The Ramsey County Board of  
178.26 Commissioners has the duties and authorities of a soil and water conservation district. All  
178.27 contracts in effect on the date of the discontinuance of the district to which Ramsey Soil  
178.28 and Water Conservation District is a party remain in force and effect for the period provided  
178.29 in the contracts. The Ramsey County Board of Commissioners shall be substituted for the  
178.30 Ramsey Soil and Water Conservation District as party to the contracts and succeed to the  
178.31 district's rights and duties.

179.1 Subd. 3. **Transfer of assets.** The Ramsey Soil and Water Conservation District Board  
179.2 of Supervisors shall transfer the assets of the district to the Ramsey County Board of  
179.3 Commissioners. The Ramsey County Board of Commissioners shall use the transferred  
179.4 assets for the purposes of implementing the transferred duties and authorities.

179.5 Subd. 4. **Reestablishment.** The Ramsey County Board of Commissioners may petition  
179.6 the Minnesota Board of Water and Soil Resources to reestablish the Ramsey Soil and Water  
179.7 Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources  
179.8 under its authority in section 103C.201, and after giving notice of corrective actions and  
179.9 time to implement the corrective actions, may reestablish the Ramsey Soil and Water  
179.10 Conservation District if it determines the goals established in section 103C.005 are not  
179.11 being achieved. The Minnesota Board of Water and Soil Resources may reestablish the  
179.12 Ramsey Soil and Water Conservation District under this subdivision without a referendum.

179.13 **EFFECTIVE DATE.** This section is effective the day after the Ramsey County Board  
179.14 of Commissioners and its chief clerical officer timely complete their compliance with  
179.15 Minnesota Statutes, section 645.021, subdivisions 2 and 3, but not before July 1, 2018.

HF3210

100.26 Sec. 90. **[383A.606] DISCONTINUANCE OF RAMSEY SOIL AND WATER**  
100.27 **CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

100.28 Subdivision 1. **Discontinuance.** Notwithstanding section 103C.225, the Ramsey Soil  
100.29 and Water Conservation District is discontinued effective July 1, 2018, and its duties and  
100.30 authorities are transferred to the Ramsey County Board of Commissioners.

100.31 Subd. 2. **Transfer of duties and authorities.** The Ramsey County Board of  
100.32 Commissioners has the duties and authorities of a soil and water conservation district. All  
101.1 contracts in effect on the date of the discontinuance of the district to which Ramsey Soil  
101.2 and Water Conservation District is a party remain in force and effect for the period provided  
101.3 in the contracts. The Ramsey County Board of Commissioners shall be substituted for the  
101.4 Ramsey Soil and Water Conservation District as party to the contracts and succeed to the  
101.5 district's rights and duties.

101.6 Subd. 3. **Transfer of assets.** The Ramsey Soil and Water Conservation District Board  
101.7 of Supervisors shall transfer the assets of the district to the Ramsey County Board of  
101.8 Commissioners. The Ramsey County Board of Commissioners shall use the transferred  
101.9 assets for the purposes of implementing the transferred duties and authorities.

101.10 Subd. 4. **Reestablishment.** The Ramsey County Board of Commissioners may petition  
101.11 the Minnesota Board of Water and Soil Resources to reestablish the Ramsey Soil and Water  
101.12 Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources  
101.13 under its authority in section 103C.201, and after giving notice of corrective actions and  
101.14 time to implement the corrective actions, may reestablish the Ramsey Soil and Water  
101.15 Conservation District if it determines the goals established in section 103C.005 are not  
101.16 being achieved. The Minnesota Board of Water and Soil Resources may reestablish the  
101.17 Ramsey Soil and Water Conservation District under this subdivision without a referendum.

101.18 **EFFECTIVE DATE.** This section is effective the day after the governing body of  
101.19 Ramsey County and its chief clerical officer timely complete their compliance with Minnesota  
101.20 Statutes, section 645.021, subdivisions 2 and 3.



18-6113

1.6 Section 1. Minnesota Statutes 2016, section 444.075, subdivision 1a, is amended to read:

1.7 Subd. 1a. **Authorization.** Any municipality may build, construct, reconstruct, repair,  
1.8 enlarge, improve, or in any other manner obtain facilities, and maintain and operate the  
1.9 facilities inside or outside its corporate limits, and acquire by gift, purchase, lease,  
1.10 condemnation, or otherwise any and all land and easements required for that purpose. The  
1.11 authority hereby granted is in addition to all other powers with reference to the facilities  
1.12 otherwise granted by the laws of this state or by the charter of any municipality. The authority  
1.13 regarding storm sewers granted to municipalities which have territory within a watershed  
1.14 which has adopted a watershed plan pursuant to section 103B.231 shall be exercised, with  
1.15 respect to facilities acquired following the adoption of the watershed plan, only for facilities  
1.16 which are not inconsistent with the watershed plan. The authority regarding storm sewers  
1.17 granted to municipalities which have adopted local water management plans pursuant to  
1.18 section 103B.235 shall be exercised, with respect to facilities acquired following the adoption  
1.19 of a local plan, only for facilities which are not inconsistent with the local plan. Counties;  
1.20 ~~except counties in the seven-county metropolitan area;~~ shall have the same authority granted  
1.21 to municipalities by this subdivision except for areas of the county organized into cities and  
1.22 areas of the county incorporated within a sanitary district established by special act of the  
1.23 legislature.

S3656-2

179.16 Sec. 89. Minnesota Statutes 2016, section 473.149, subdivision 3, is amended to read:

179.17 Subd. 3. **Preparation; adoption; and revision.** (a) The solid waste policy plan shall be  
179.18 prepared, adopted, and revised as necessary in accordance with paragraphs (c) to (e), after  
179.19 consultation with the metropolitan counties.

179.20 (b) Revisions to the policy plan are exempt from the rulemaking provisions of chapter  
179.21 14. Any goal, policy, criteria, or standard contained in the policy plan may not be required  
179.22 of or enforced against a county or private party and does not have the force and effect of  
179.23 law unless required by statute or adopted in accordance with chapter 14.

179.24 (c) Before beginning preparation of revisions to the policy plan, the commissioner shall  
179.25 publish a predrafting notice in the State Register that includes a statement of the subjects  
179.26 expected to be covered by the revisions, including a summary of the important problems  
179.27 and issues. The notice must solicit comments from the public and state that the comments  
179.28 must be received by the commissioner within 45 days of publication of the notice. The  
179.29 commissioner shall consider the comments in preparing the revisions.

101.21 Sec. 91. Minnesota Statutes 2016, section 444.075, subdivision 1a, is amended to read:

101.22 Subd. 1a. **Authorization.** Any municipality may build, construct, reconstruct, repair,  
101.23 enlarge, improve, or in any other manner obtain facilities, and maintain and operate the  
101.24 facilities inside or outside its corporate limits, and acquire by gift, purchase, lease,  
101.25 condemnation, or otherwise any and all land and easements required for that purpose. The  
101.26 authority hereby granted is in addition to all other powers with reference to the facilities  
101.27 otherwise granted by the laws of this state or by the charter of any municipality. The authority  
101.28 regarding storm sewers granted to municipalities which have territory within a watershed  
101.29 which has adopted a watershed plan pursuant to section 103B.231 shall be exercised, with  
101.30 respect to facilities acquired following the adoption of the watershed plan, only for facilities  
101.31 which are not inconsistent with the watershed plan. The authority regarding storm sewers  
101.32 granted to municipalities which have adopted local water management plans pursuant to  
101.33 section 103B.235 shall be exercised, with respect to facilities acquired following the adoption  
101.34 of a local plan, only for facilities which are not inconsistent with the local plan. Counties;  
102.1 ~~except counties in the seven-county metropolitan area;~~ shall have the same authority granted  
102.2 to municipalities by this subdivision except for areas of the county organized into cities and  
102.3 areas of the county incorporated within a sanitary district established by special act of the  
102.4 legislature.

179.30 (d) After publication of the predrafting notice and before adopting revisions to the policy  
179.31 plan, the commissioner shall publish a notice in the State Register that:

179.32 (1) contains a summary of the proposed revisions;

179.33 (2) invites public comment;

180.1 (3) lists locations where the proposed revised policy plan can be reviewed and states  
180.2 that copies of the proposed revised policy plan can also be obtained from the Pollution  
180.3 Control Agency;

180.4 (4) states a location for a public meeting on the revisions at a time no earlier than 30  
180.5 days from the date of publication; and

180.6 (5) advises the public that they have 30 days from the date of the public meeting in  
180.7 clause (4) to submit comments on the revisions to the commissioner.

180.8 (e) At the meeting described in paragraph (d), clause (4), the public shall be given an  
180.9 opportunity to present their views on the policy plan revisions. The commissioner shall  
180.10 incorporate any amendments to the proposed revisions that, in the commissioner's view,  
180.11 will help to carry out the requirements of subdivisions 1, 2d, and 2e. At or before the time  
180.12 that policy plan revisions are finally adopted, the commissioner shall issue a report that  
180.13 addresses issues raised in the public comments. The report shall be made available to the  
180.14 public and mailed to interested persons who have submitted their names and addresses to  
180.15 the commissioner.

180.16 (f) The criteria and standards adopted in the policy plan for review of solid waste facility  
180.17 permits pursuant to section 473.823, subdivision 3; for issuance of certificates of need  
180.18 pursuant to section 473.823, subdivision 6; and for review of solid waste contracts pursuant  
180.19 to section 473.813 may be appealed to the Court of Appeals within 30 days after final  
180.20 adoption of the policy plan. The court may declare the challenged portion of the policy plan  
180.21 invalid if it violates constitutional provisions, is in excess of statutory authority of the  
180.22 commissioner, or was adopted without compliance with the procedures in this subdivision.  
180.23 The review shall be on the record created during the adoption of the policy plan, except that  
180.24 additional evidence may be included in the record if the court finds that the additional  
180.25 evidence is material and there were good reasons for failure to present it in the proceedings  
180.26 described in paragraphs (c) to (e).

180.27 (g) The Metropolitan Council or a metropolitan county, local government unit,  
180.28 commission, or person shall not acquire, construct, improve or operate any solid waste  
180.29 facility in the metropolitan area except in accordance with the plan and section 473.823,  
180.30 provided that no solid waste facility in use when a plan is adopted shall be discontinued

180.31 solely because it is not located in an area designated in the plan as acceptable for the location  
180.32 of such facilities.

181.1 Sec. 90. Minnesota Statutes 2016, section 473.8441, subdivision 4, is amended to read:

181.2 Subd. 4. **Grant conditions.** The commissioner shall administer grants so that the  
181.3 following conditions are met:

181.4 (a) A county must apply for a grant in the manner determined by the commissioner. The  
181.5 application must describe the activities for which the grant will be used.

181.6 (b) The activities funded must be consistent with the metropolitan policy plan and the  
181.7 county master plan.

181.8 (c) A grant must be matched by equal ~~county~~ local expenditures for the activities for  
181.9 which the grant is made. A local expenditure may include but is not limited to an expenditure  
181.10 by a local unit of government, tribal government, or private sector or nonprofit organization.

181.11 (d) All grant funds must be used for new activities or to enhance or increase the  
181.12 effectiveness of existing activities in the county. Grant funds shall not be used for research  
181.13 or development of a product that would be patented, copyrighted, or a subject of trade  
181.14 secrets.

181.15 (e) Counties shall provide support to maintain effective municipal recycling where it is  
181.16 already established.

**UEH3280-1**

1.7 Section 1. Laws 2015, First Special Session chapter 4, article 4, section 136, as amended  
1.8 by Laws 2017, chapter 93, article 2, section 149, is amended to read:  
1.9 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

1.10 (a) Until the commissioner of the Pollution Control Agency amends rules refining the  
1.11 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider  
1.12 all independent research and publicly funded research and to include criteria for identifying  
1.13 waters and a list of waters subject to the standard, implementation of the wild rice water  
1.14 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the  
1.15 following, unless the permittee requests additional conditions:

102.5 Sec. 92. Minnesota Statutes 2016, section 473.8441, subdivision 4, is amended to read:

102.6 Subd. 4. **Grant conditions.** The commissioner shall administer grants so that the  
102.7 following conditions are met:

102.8 (a) A county must apply for a grant in the manner determined by the commissioner. The  
102.9 application must describe the activities for which the grant will be used.

102.10 (b) The activities funded must be consistent with the metropolitan policy plan and the  
102.11 county master plan.

102.12 (c) A grant must be matched by equal ~~county~~ local expenditures for the activities for  
102.13 which the grant is made. A local expenditure may include, but is not limited to, an  
102.14 expenditure by a local unit of government, tribal government, or private sector or nonprofit  
102.15 organization.

102.16 (d) All grant funds must be used for new activities or to enhance or increase the  
102.17 effectiveness of existing activities in the county. Grant funds must not be used for research  
102.18 or development of a product that would be patented, copyrighted, or a subject of trade  
102.19 secrets.

102.20 (e) Counties shall provide support to maintain effective municipal recycling where it is  
102.21 already established.

102.22 Sec. 93. Laws 2015, First Special Session chapter 4, article 4, section 136, as amended  
102.23 by Laws 2017, chapter 93, article 2, section 149, is amended to read:  
102.24 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

102.25 (a) Until the commissioner of the Pollution Control Agency amends rules refining the  
102.26 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider  
102.27 all independent research and publicly funded research and to include criteria for identifying  
102.28 waters and a list of waters subject to the standard, implementation of the wild rice water  
102.29 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the  
102.30 following, unless the permittee requests additional conditions:

1.16 (1) when issuing, modifying, or renewing national pollutant discharge elimination system  
1.17 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild  
1.18 rice, and in doing so shall be limited by the following conditions:

1.19 (i) the agency shall not require permittees to expend money for design or implementation  
1.20 of sulfate treatment technologies or other forms of sulfate mitigation; and

1.21 (ii) the agency may require sulfate minimization plans in permits; and

2.1 (2) the agency shall not list waters containing natural beds of wild rice as impaired for  
2.2 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,  
2.3 section 1313, until the rulemaking described in this paragraph takes effect.

2.4 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits  
2.5 issued or reissued after the effective date of this section as needed to include numeric permit  
2.6 limits based on the wild rice water quality standard.

2.7 ~~(c) The commissioner shall complete the rulemaking described in paragraph (a) by~~  
2.8 ~~January 15, 2019.~~

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

**S3656-2**

181.17 Sec. 91. Laws 2015, First Special Session chapter 4, article 4, section 146, as amended  
181.18 by Laws 2017, chapter 93, article 2, section 150, is amended to read:  
181.19 Sec. 146. **INITIAL IMPLEMENTATION; WAIVERS.**

181.20 A soil and water conservation district must grant a conditional compliance waiver under  
181.21 Minnesota Statutes, section 103F.48, to landowners or authorized agents who have applied  
181.22 for and maintained eligibility for financial or technical assistance within one year of the  
181.23 dates listed in Minnesota Statutes, section 103F.48, subdivision 3, paragraph (e), according  
181.24 to Minnesota Statutes, section 103F.48. A conditional compliance waiver also must be  
181.25 granted to landowners who are subject to a drainage proceeding commenced under Minnesota  
181.26 Statutes, sections 103E.011, subdivision 5; 103E.021, subdivision 6; and 103E.715. The  
181.27 conditional compliance waiver is valid until financial or technical assistance is available  
181.28 for buffer or alternative practices installation, but not later than November 1, 2018. A  
181.29 landowner or authorized agent that has filed a parcel-specific public water riparian protection  
181.30 compliance plan with the soil and water conservation district by November 1, 2017, shall  
181.31 be granted a conditional compliance waiver until July 1, ~~2018~~ 2019. A landowner or  
181.32 authorized agent that has filed a parcel-specific public drainage system riparian protection

103.1 (1) when issuing, modifying, or renewing national pollutant discharge elimination system  
103.2 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild  
103.3 rice, and in doing so shall be limited by the following conditions:

103.4 (i) the agency shall not require permittees to expend money for design or implementation  
103.5 of sulfate treatment technologies or other forms of sulfate mitigation; and

103.6 (ii) the agency may require sulfate minimization plans in permits; and

103.7 (2) the agency shall not list waters containing natural beds of wild rice as impaired for  
103.8 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,  
103.9 section 1313, until the rulemaking described in this paragraph takes effect.

103.10 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits  
103.11 issued or reissued after the effective date of this section as needed to include numeric permit  
103.12 limits based on the wild rice water quality standard.

103.13 ~~(c) The commissioner shall complete the rulemaking described in paragraph (a) by~~  
103.14 ~~January 15, 2019.~~

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

182.1 compliance plan with the soil and water conservation district by November 1, 2018, shall  
182.2 be granted a conditional compliance waiver until July 1, 2019.

182.3 Sec. 92. Laws 2016, chapter 189, article 3, section 48, is amended to read:  
182.4 Sec. 48. **LAKE SERVICE PROVIDER FEASIBILITY REPORT.**

182.5 The commissioner of natural resources shall report to the chairs of the house of  
182.6 representatives and senate committees with jurisdiction over natural resources by January  
182.7 15, ~~2019~~ 2020, regarding the feasibility of expanding permitting to service providers as  
182.8 described in Minnesota Statutes, section 84D.108, subdivision 2a, to other water bodies in  
182.9 the state. The report must:

182.10 (1) include recommendations for state and local resources needed to implement the  
182.11 program;

182.12 (2) assess local government inspection roles under Minnesota Statutes, section 84D.105,  
182.13 subdivision 2, paragraph (g); and

182.14 (3) assess whether mechanisms to ensure that water-related equipment placed back into  
182.15 the same body of water from which it was removed can adequately protect other water  
182.16 bodies.

182.17 Sec. 93. **ADDITIONS TO STATE PARKS.**

182.18 Subdivision 1. [85.012] [Subd. 21.] Frontenac State Park, Goodhue County. The  
182.19 following area is added to Frontenac State Park, Goodhue County:

182.20 That part of the Northeast Quarter of Section 10, that part of the Southeast Quarter of  
182.21 Section 10, that part of the Northwest Quarter of Section 11, and that part of the Southwest  
182.22 Quarter of Section 11, all in Township 112 North, Range 13 West, Goodhue County,  
182.23 Minnesota, described as follows:

182.24 Commencing at the east quarter corner of said Section 10; thence on an assumed bearing  
182.25 South 00 degrees 25 minutes 27 seconds East, along the east line of the Southeast Quarter  
182.26 of said Section 10, a distance of 1,654.63 feet; thence South 89 degrees 34 minutes 33  
182.27 seconds West, a distance of 2,219.43 feet to the point of beginning of the land to be described;  
182.28 thence North 19 degrees 04 minutes 33 seconds East, a distance of 3,905.90 feet to the  
182.29 centerline of Hill Avenue; thence southeasterly, along said centerline, to the northwesterly  
182.30 right-of-way boundary of County Road Number 2, as designated on Goodhue County  
182.31 Highway Right-Of-Way Plat No. 25, as recorded in the Goodhue County Recorder's Office;  
182.32 thence southwesterly along said northwesterly right-of-way boundary and along the  
183.1 northwesterly right-of-way boundary of County Road Number 2, as designated in Goodhue

103.16 Sec. 94. Laws 2016, chapter 189, article 3, section 48, is amended to read:  
103.17 Sec. 48. **LAKE SERVICE PROVIDER FEASIBILITY REPORT.**

103.18 The commissioner of natural resources shall report to the chairs of the house of  
103.19 representatives and senate committees with jurisdiction over natural resources by January  
103.20 15, ~~2019~~ 2020, regarding the feasibility of expanding permitting to service providers as  
103.21 described in Minnesota Statutes, section 84D.108, subdivision 2a, to other water bodies in  
103.22 the state. The report must:

103.23 (1) include recommendations for state and local resources needed to implement the  
103.24 program;

103.25 (2) assess local government inspection roles under Minnesota Statutes, section 84D.105,  
103.26 subdivision 2, paragraph (g); and

103.27 (3) assess whether mechanisms to ensure that water-related equipment placed back into  
103.28 the same body of water from which it was removed can adequately protect other water  
103.29 bodies.

183.2 County Highway Right-Of-Way Plat No. 24, and along the northwesterly right-of-way  
183.3 boundary of County Road Number 2, as designated in Goodhue County Highway  
183.4 Right-of-Way Plat No. 23, to the intersection with a line bearing South 76 degrees 25 minutes  
183.5 27 seconds East from the point of beginning; thence North 76 degrees 25 minutes 27 seconds  
183.6 West, a distance of 907.89 feet to the point of beginning.

183.7 EXCEPT that part lying within the boundaries of the following described parcel:

183.8 That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West,  
183.9 and that part of the Southwest Quarter of Section 11, Township 112 North, Range 13 West,  
183.10 Goodhue County, Minnesota, described as follows:

183.11 Commencing at the northeast corner of the Southeast Quarter of said Section 10; thence  
183.12 southerly on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along  
183.13 the east line of the Southeast Quarter of said Section 10, a distance of 1,100.31 feet; thence  
183.14 westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point  
183.15 of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds  
183.16 azimuth, a distance of 300.00 feet; thence easterly 100 degrees 22 minutes 46 seconds  
183.17 azimuth, a distance of 286.97 feet to the centerline of County Road Number 2, as now  
183.18 located and established; thence southerly and southwesterly, along said centerline, to the  
183.19 intersection with a line drawn southerly 160 degrees 42 minutes 19 seconds azimuth from  
183.20 the point of beginning; thence northerly 340 degrees 42 minutes 19 seconds azimuth, a  
183.21 distance of 51.66 feet to the point of beginning.

183.22 EXCEPT that part lying within the boundaries of the following described parcel:

183.23 That part of the Southeast Quarter of Section 10, Township 112, Range 13, Goodhue  
183.24 County, Minnesota, described as follows:

183.25 Commencing at the northeast corner of said Southeast Quarter; thence southerly, on an  
183.26 assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along the east line of  
183.27 said Southeast Quarter; a distance of 1,491.88 feet; thence westerly 269 degrees 34 minutes  
183.28 33 seconds azimuth, a distance of 870.79 feet to an iron pipe on the centerline of County  
183.29 Road Number 2, as now located and established, being the point of beginning of the land  
183.30 to be described; thence northerly 24 degrees 07 minutes 23 seconds azimuth, a distance of  
183.31 132.28 feet to an iron pipe; thence northwesterly 301 degrees 14 minutes 43 seconds azimuth,  
183.32 a distance of 524.46 feet to an iron pipe; thence southerly 180 degrees 51 minutes 58 seconds  
183.33 azimuth a distance of 342.82 feet to an iron pipe; thence southeasterly 118 degrees 29  
183.34 minutes 28 seconds azimuth, a distance of 273.01 feet to an iron pipe on the centerline of  
184.1 said County Road Number 2, as now located and established; thence northeasterly along  
184.2 said centerline to the point of beginning.

184.3        EXCEPT that part described as follows:

184.4        That part of the Southeast Quarter of Section 10, Township 112 North, Range 13 West,  
184.5 Goodhue County, Minnesota, described as follows:

184.6        Commencing at the northeast corner of said Southeast Quarter of Section 10; thence  
184.7 southerly, on an assumed azimuth from North of 179 degrees 34 minutes 33 seconds, along  
184.8 the east line of said Southeast Quarter of Section 10, a distance of 1,100.31 feet; thence  
184.9 westerly 269 degrees 34 minutes 33 seconds azimuth, a distance of 80.53 feet to the point  
184.10 of beginning of the land to be described; thence northerly 340 degrees 42 minutes 19 seconds  
184.11 azimuth, a distance of 300.00 feet; thence westerly 250 degrees 42 minutes 19 seconds  
184.12 azimuth, a distance of 300.00 feet; thence southerly 160 degrees 42 minutes 19 seconds  
184.13 azimuth, a distance of 384.25 feet, to the northwesterly right-of-way boundary of County  
184.14 Road Number 2, as designated in Goodhue County Highway Right-of-Way Plat No. 23, as  
184.15 recorded in the Goodhue County Recorder's Office; thence northeasterly, along said  
184.16 northwesterly right-of-way boundary, to the intersection with a line drawn southerly 160  
184.17 degrees 42 minutes 19 seconds azimuth from the point of beginning; thence northerly 340  
184.18 degrees 42 minutes 19 seconds azimuth, a distance of 10.01 feet to the point of beginning.

184.19        Subd. 2. **[85.012] [Subd. 21.] Frontenac State Park, Goodhue County.** The following  
184.20 areas are added to the Frontenac State Park, Goodhue County:

184.21        (1) all that part of Sections 31 and 32, Township 113 North, Range 13 West, in the  
184.22 County of Goodhue and State of Minnesota, described as follows:

184.23        All of Block 7, Wacouta Beach, in said Section 32 lying on the south side of and adjoining  
184.24 Lake View Drive and adjoining the south and west lines of said Section 32. Also that part  
184.25 of said Section 31 described as follows:

184.26        Beginning at the southeast corner of said Section 31; thence run North along the east  
184.27 line of said Section 31 a distance of 961.0 feet more or less to the southerly right-of-way  
184.28 line of Lake View Drive; thence run North 61 degrees 30 minutes West along the southerly  
184.29 right-of-way of Lake View Drive a distance of 170.0 feet; thence run South 34 degrees West  
184.30 320.0 feet; thence run North 77 degrees East 125.0 feet; thence run South 13 degrees West  
184.31 610.0 feet; thence run South 76 degrees West 600.0 feet; thence run South 88 degrees 30  
184.32 minutes West 1,100.0 feet; thence run North 54 degrees 45 minutes West 1,140.0 feet;  
184.33 thence run North 37 degrees 15 minutes West 400.0 feet; thence run North 72 degrees West  
184.34 1,000.0 feet; thence run South 89 degrees 45 minutes West 200.0 feet; thence run North 70  
185.1 degrees 45 minutes West 250.0 feet to a point on or near the east right-of-way line of public  
185.2 road; thence run South 15 degrees 45 minutes West 720.0 feet along or near said east  
185.3 right-of-way line of public road to a point at or near the northerly right-of-way line of State  
185.4 Trunk Highway 61; thence run easterly along said northerly right-of-way line of State Trunk  
185.5 Highway 61 a distance of 2,050.0 feet more or less to the south line of said Section 31;

185.6 thence run East 2,925.0 feet more or less along said south line of Section 31 to the point of  
185.7 beginning;

185.8 (2) the West Half of the Northeast Quarter of Section 6, Township 112 North, Range  
185.9 13 West, EXCEPT THE FOLLOWING:

185.10 All that part of the West Half of the Northeast Quarter of Section 6, Township 112 North,  
185.11 Range 13 West, in Goodhue County and State of Minnesota, described as follows:

185.12 Beginning at the center of said Section 6; thence North 1,970 feet to the centerline of  
185.13 State Trunk Highway 61; thence southeasterly along the centerline of said highway for 335  
185.14 feet; thence North 66 degrees 31 minutes East 380 feet; thence deflect to the left on a six  
185.15 degree curve for 570 feet to the south line of Borrow Pit No. 225; (Borrow Pit No. 225  
185.16 being described in that certain Notice of Lis Pendens dated May 19, 1952, and recorded  
185.17 May 20, 1952, in Book 115 of Mortgages, page 77); thence East 430 feet to the east line of  
185.18 the West Half of said Northeast Quarter; thence South 2,250 feet to the southeast corner of  
185.19 said West Half of the Northeast Quarter; thence West 1,320 feet to the place of beginning.  
185.20 EXCEPTING from the above all rights-of-way of state highway and excepting the  
185.21 right-of-way of the railroad company.

185.22 ALSO an easement for right-of way purposes on a strip of land 50 feet in width adjoining  
185.23 and northwesterly of the northwesterly line of the above conveyed tract;

185.24 (3) that part of the Northwest Quarter of Section 6, Township 112 North, Range 13 West,  
185.25 Goodhue County, Minnesota, lying northeasterly of the northeasterly right-of-way line of  
185.26 the Canadian Pacific Railroad (formerly the Chicago, Milwaukee and St. Paul Railway Co.);  
185.27 and

185.28 (4) Block 8 and Block 9, Wacouta Beach, according to the plat thereof, on file and of  
185.29 record in the Goodhue County Recorder's Office.

185.30 Subd. 3. **[85.012] [Subd. 43.] Minneopa State Park, Blue Earth County.** The following  
185.31 area is added to Minneopa State Park, Blue Earth County: the East Half of Government Lot  
185.32 5, Section 2, Township 108 North, Range 28 West, together with an easement 33 feet in  
185.33 width for access to said property, as now located, extending from the southwest corner of  
186.1 the East Half of Government Lot 5 in said Section 2, Township 108, Range 28, to Minnesota  
186.2 Highway 68.

186.3 Subd. 4. **[85.012] [Subd. 49.] St. Croix State Park, Pine County.** The following area  
186.4 is added to the St. Croix State Park, Pine County: the Northwest Quarter of the Northwest  
186.5 Quarter, Section 30, Township 41 North, Range 17 West.



186.6    Sec. 94. **DELETION FROM STATE PARK.**

186.7            **[85.012] [Subd. 49.] St. Croix State Park, Pine County.** The following area is deleted  
186.8    from St. Croix State Park, Pine County: all that part of the Southeast Quarter of the Southeast  
186.9    Quarter, Section 21, and that part of the Southwest Quarter of the Southwest Quarter, Section  
186.10 22, Township 41 North, Range 18 West, bounded by the following described lines: beginning  
186.11 at the southeast corner of Section 21; thence West 1,025 feet along the south section line;  
186.12 thence North 515 feet; thence East 350 feet; thence northeasterly 1,070 feet to a point on  
186.13 the centerline of County State-Aid Highway 22 a distance of 1,130 feet northerly of the  
186.14 southeast corner of Section 21 as measured along said County State-Aid Highway 22; thence  
186.15 southerly 1,130 feet along the centerline of County State-Aid Highway 22 to the point of  
186.16 beginning.

186.17    Sec. 95. **ADDITIONS TO STATE FORESTS.**

186.18            Subdivision 1. **[89.021] [Subd. 2.] Badoura State Forest.** The following areas are added  
186.19 to Badoura State Forest, Hubbard County:

186.20            (1) the Southwest Quarter, Section 35, Township 140 North, Range 32 West;

186.21            (2) the Northeast Quarter of the Northeast Quarter and the Northwest Quarter of the  
186.22 Northeast Quarter, Section 11, Township 139 North, Range 33 West;

186.23            (3) the South Half of the Northeast Quarter, the West Half, and the Southeast Quarter,  
186.24 Section 26, Township 140 North, Range 33 West; and

186.25            (4) the North Half, Section 26, Township 139 North, Range 33 West.

186.26            Subd. 2. **[89.021] [Subd. 48a.] Snake River State Forest.** The following areas are  
186.27 added to Snake River State Forest, Kanabec County:

186.28            (1) the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, Section  
186.29 8, Township 42 North, Range 22 West;

186.30            (2) Section 17, Township 42 North, Range 22 West;

186.31            (3) Section 20, Township 42 North, Range 22 West;

187.1            (4) the West Half of the Northwest Quarter and the West Half of the Southwest Quarter,  
187.2 Section 21, Township 42 North, Range 22 West;

- 187.3        (5) the Northeast Quarter and the East Half of the Southeast Quarter, Section 8, Township  
187.4 42 North, Range 23 West;
- 187.5        (6) Section 9, Township 42 North, Range 23 West;
- 187.6        (7) the South Half of the Southwest Quarter, Section 10, Township 42 North, Range 23  
187.7 West;
- 187.8        (8) the Northwest Quarter, the North Half of the Southwest Quarter, and the Southwest  
187.9 Quarter of the Southwest Quarter, Section 15, Township 42 North, Range 23 West;
- 187.10       (9) Section 16, Township 42 North, Range 23 West;
- 187.11       (10) the Northeast Quarter and the East Half of the Northwest Quarter, Section 17,  
187.12 Township 42 North, Range 23 West; and
- 187.13       (11) Section 23, Township 42 North, Range 23 West.

104.1       Sec. 95. Laws 2017, chapter 93, article 2, section 155, subdivision 5, is amended to read:

104.2           Subd. 5. **Sunset.** This section expires ~~two~~ six years from the day following final  
104.3 enactment.

104.4       Sec. 96. Laws 2017, chapter 93, article 2, section 163, is amended to read:

104.5       Sec. 163. **ACTION TO OBTAIN ACCESS PROHIBITED; CLEARWATER**  
104.6 **COUNTY.**

104.7           ~~Before July 1, 2018,~~ The commissioner of natural resources must not initiate a civil  
104.8 action to obtain access to Island Lake FMHA Wildlife Management Area in Clearwater  
104.9 County.

104.23       Sec. 99. **RECREATIONAL TRAILS; ENVIRONMENTAL REVIEW;**  
104.24 **RULEMAKING.**

104.25           (a) The Environmental Quality Board must amend Minnesota Rules, chapter 4410, to  
104.26 be consistent with this section, including amending Minnesota Rules, part 4410.4300, subpart  
104.27 37, as follows:

104.28           (1) item A must be amended to read: "Constructing a trail at least 25 miles long on  
104.29 forested or other naturally vegetated land for a recreational use unless exempted by part

104.30 4410.4600, subpart 14, item D. In applying this item, if a proposed trail will contain segments  
105.1 of newly constructed trail and segments that will follow an existing trail but be designated  
105.2 for a new motorized use, an EAW must be prepared if the sum of the quotients obtained by  
105.3 dividing the length of the new construction by 25 miles and length of the existing but newly  
105.4 designated trail by 25 miles equals or exceeds one. Additions and designations under items  
105.5 C and D do not apply to this formula.";

105.6 (2) item B must be amended to read: "Designating at least 25 miles of an existing trail  
105.7 for a new motorized recreational use other than snowmobiling. In applying this item, if a  
105.8 proposed trail will contain segments of newly constructed trail and segments that will follow  
105.9 an existing trail but be designated for a new motorized use, an EAW must be prepared if  
105.10 the sum of the quotients obtained by dividing the length of the new construction by 25 miles  
105.11 and the length of the existing but newly designated trail by 25 miles equals or exceeds one.  
105.12 Additions and designations under items C and D do not apply to this formula.";

105.13 (3) a new item C must be adopted to read: "When adding a new motorized recreational  
105.14 use or seasonal motorized recreational use to an existing motorized recreational trail if the  
105.15 treadway width is not expanded as a result of the added use, a mandatory EAW is not  
105.16 required."; and

105.17 (4) a new item D must be adopted to read: "When designating an existing, legally  
105.18 constructed route for motorized recreational use, a mandatory EAW is not required."

105.19 (b) The board may use the good cause exemption rulemaking procedure under Minnesota  
105.20 Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and  
105.21 Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota  
105.22 Statutes, section 14.388.

105.23 Sec. 100. **WETLAND REPLACEMENT; FRAMEWORKS FOR IN-LIEU FEE**  
105.24 **PROGRAM.**

105.25 The Board of Water and Soil Resources, in cooperation with the United States Army  
105.26 Corps of Engineers, may complete the planning frameworks and other program application  
105.27 requirements necessary for federal approval of an in-lieu fee program, as authorized under  
105.28 Minnesota Statutes, section 103G.2242, in the Red River basin and the greater than 80  
105.29 percent area. The planning frameworks must contain a prioritization strategy for selecting  
105.30 and implementing mitigation activities based on a watershed approach that includes  
105.31 consideration of historic resource loss within watersheds and the extent to which mitigation  
105.32 can address priority watershed needs. The board must consider the recommendations of the  
105.33 report "Siting of Wetland Mitigation in Northeast Minnesota," dated March 7, 2014, and  
105.34 implementation of Minnesota Statutes, section 103B.3355, paragraphs (e) and (f), in  
106.1 developing proposed planning frameworks for applicable watersheds. When completing

187.14 Sec. 96. **TEMPORARY ENFORCEMENT OF GROUNDWATER APPROPRIATION**  
187.15 **PERMIT REQUIREMENTS.**

187.16 (a) Until July 1, 2019, the commissioner of natural resources must not expend funds to  
187.17 suspend or revoke a water appropriation permit, issue an order requiring a violation to be  
187.18 corrected, assess monetary penalties, or otherwise take enforcement action against a water  
187.19 appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement  
187.20 action is based solely on a violation of a permit requirement added as a result of a court  
187.21 order issued in 2017.

187.22 (b) The commissioner of natural resources may continue to use all the authorities granted  
187.23 to the commissioner under Minnesota Statutes, section 103G.287, to manage groundwater  
187.24 resources within the north and east groundwater management area.

187.25 Sec. 97. **GROUNDWATER MANAGEMENT AREA PERMIT REQUIREMENTS.**

187.26 (a) Notwithstanding water appropriation permit requirements added by the commissioner  
187.27 of natural resources as a result of a court order issued in 2017, a public water supplier located  
187.28 in the seven-county metropolitan area within a designated groundwater management area:

187.29 (1) is not required to revise a water supply plan to include contingency plans to fully or  
187.30 partially convert its water supplies to surface water;

188.1 (2) may prepare, enact, and enforce commercial or residential irrigation bans or alternative  
188.2 measures that achieve similar water use reductions when notified by the commissioner of  
188.3 natural resources that lake levels have fallen below court-ordered levels; and

188.4 (3) is not required to use per capita residential water use as a measure for purposes of  
188.5 water use reduction goals, plans, and implementation and may submit water use plans and  
188.6 reports that use a measure other than per capita residential water use.

188.7 (b) This section expires July 1, 2019.

106.2 the work and pursuing approval of an in-lieu fee program, the board must do so consistent  
106.3 with the applicable requirements, stakeholder and agency review processes, and approval  
106.4 time frames in Code of Federal Regulations, title 33, section 332. The board must submit  
106.5 any completed planning frameworks to the chairs and ranking minority members of the  
106.6 house of representatives and the senate committees and divisions with jurisdiction over  
106.7 environment and natural resources upon receiving federal approval.

106.8 Sec. 101. **TEMPORARY ENFORCEMENT OF GROUNDWATER**  
106.9 **APPROPRIATION PERMIT REQUIREMENTS.**

106.10 (a) Until July 1, 2019, the commissioner of natural resources must not expend funds to  
106.11 suspend or revoke a water appropriation permit, issue an order requiring a violation to be  
106.12 corrected, assess monetary penalties, or otherwise take enforcement action against a water  
106.13 appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement  
106.14 action is based solely on a violation of a permit requirement added to a groundwater  
106.15 appropriation permit within the north and east metro groundwater management area as a  
106.16 result of a court order issued in 2017.

106.17 (b) The commissioner of natural resources may continue to use all the authorities granted  
106.18 to the commissioner under Minnesota Statutes, section 103G.287, to manage groundwater  
106.19 resources within the north and east groundwater management area.

106.20 Sec. 102. **GROUNDWATER MANAGEMENT AREA PERMIT REQUIREMENTS.**

106.21 (a) Notwithstanding water appropriation permit requirements added by the commissioner  
106.22 of natural resources as a result of a court order issued in 2017, a public water supplier located  
106.23 in the seven-county metropolitan area within a designated groundwater management area:

106.24 (1) is not required to revise a water supply plan to include contingency plans to fully or  
106.25 partially convert its water supplies to surface water;

106.26 (2) may prepare, enact, and enforce commercial or residential irrigation bans or alternative  
106.27 measures that achieve similar water use reductions when notified by the commissioner of  
106.28 natural resources that lake levels have fallen below court-ordered levels; and

106.29 (3) is not required to use per capita residential water use as a measure for purposes of  
106.30 water use reduction goals, plans, and implementation and may submit water use plans and  
106.31 reports that use a measure other than per capita residential water use.

106.32 (b) This section expires July 1, 2019.

188.8 Sec. 98. **VOLKSWAGEN SETTLEMENT; LIMITATION ON ADMINISTRATIVE**  
188.9 **EXPENSES; PROHIBITION ON HIRING.**

188.10 Subdivision 1. **Definition.** For purposes of this section, "settlement money" means  
188.11 money awarded to the state under the Environmental Mitigation Trust Agreement for State  
188.12 Beneficiaries described in Attachment A to the United States' Notice of Filing of Trust  
188.13 Agreements in the case of United States v. Volkswagen AG et al., Case No. 16-cv-295  
188.14 (N.D. Cal.).

188.15 Subd. 2. **Limitation on administrative expenses.** The commissioner of the Pollution  
188.16 Control Agency must use no more than three percent of any settlement money for  
188.17 administering grant programs, delivering technical services, providing fiscal oversight, and  
188.18 ensuring accountability.

188.19 Subd. 3. **Prohibition on hiring.** The commissioner of the Pollution Control Agency  
188.20 must not hire additional staff using settlement money or to administer settlement money.

188.21 Sec. 99. **RULEMAKING; DISPOSAL FACILITY CERTIFICATES.**

188.22 (a) The commissioner of the Pollution Control Agency must amend Minnesota Rules,  
188.23 part 7048.1000, subpart 4, item D, to require six contact hours of required training to renew  
188.24 a type IV disposal facility certificate, by April 30, 2019, or nine months after enactment of  
188.25 this section, whichever is earlier.

188.26 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
188.27 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
188.28 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,  
188.29 section 14.388.

189.1 Sec. 100. **APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

189.2 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part  
189.3 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of the city or township  
189.4 that are designated as urbanized under Code of Federal Regulations, title 40, section  
189.5 122.26(a)(9)(i)(A) and other platted areas within that jurisdiction.

189.6 Sec. 101. **RULE CHANGE; TRANSITION.**

189.7 (a) The director of the State Lottery shall amend Minnesota Rules, part 7856.4030, so  
189.8 that the director compensates retailers consistent with Minnesota Statutes, section 349A.17.

104.15 Sec. 98. **RULEMAKING; DISPOSAL FACILITY CERTIFICATES.**

104.16 (a) The commissioner of the Pollution Control Agency must amend Minnesota Rules,  
104.17 part 7048.1000, subpart 4, item D, to require six contact hours of required training to renew  
104.18 a type IV disposal facility certificate.

104.19 (b) The commissioner may use the good cause exemption under Minnesota Statutes,  
104.20 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota  
104.21 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,  
104.22 section 14.388.

104.10 Sec. 97. **APPLICATION OF STORM WATER RULES TO TOWNSHIPS.**

104.11 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part  
104.12 7090.1010, subpart 1, item B, subitem (1), only applies to the portions of the city or township  
104.13 that are designated as urbanized under Code of Federal Regulations, title 40, section 122.26  
104.14 (a)(9)(i)(A), and other platted areas within that jurisdiction.

189.9 (b) For tickets sold prior to August 1, 2018, the director of the State Lottery shall  
189.10 compensate lottery retailers as provided by law or rule in effect on the date the ticket was  
189.11 sold.

189.12 **EFFECTIVE DATE.** This section is effective August 1, 2018.

189.13 Sec. 102. **FOREST INVENTORY RECOMMENDATIONS.**

189.14 The Minnesota Forest Resources Council shall work in cooperation with the Interagency  
189.15 Information Cooperative and the University of Minnesota Department of Forest Resources  
189.16 to make recommendations for improving stand-level forest inventories. Recommendations  
189.17 shall include the frequency and scope of forest inventory and design and technological  
189.18 improvements and efficiencies that may be utilized in forest inventory data collection and  
189.19 analysis. The recommendations shall address forest inventories of state- and  
189.20 county-administered forest lands and other interested land managers. Recommendations  
189.21 shall be reported to the house of representatives Environment and Natural Resources Policy  
189.22 and Finance Committee, the senate Environment and Natural Resources Finance Committee,  
189.23 and the senate Environment and Natural Resources Policy and Legacy Finance Committee  
189.24 by February 1, 2019.

189.25 Sec. 103. **LAKE WINONA MANAGEMENT; USING OFFSET, ADAPTIVE**  
189.26 **PLANNING.**

189.27 (a) To facilitate implementation of the Lake Winona total maximum daily load, the  
189.28 Alexandria Lake Area Sanitary District may fund or perform lake management activities  
189.29 in Lake Winona and in Lake Agnes. Lake management activities may include but are not  
189.30 limited to carp removal and alum treatment. If the district agrees to fund or perform lake  
189.31 management activities in Lake Winona and in Lake Agnes, the commissioner of the Pollution  
190.1 Control Agency shall do one of the following unless the district chooses another path to  
190.2 compliance that conforms to state and federal law, such as facility construction:

190.3 (1) approve an offset of the phosphorous loading proportional to the reduction achievable  
190.4 through lake management activities in Lake Winona and Lake Agnes creditable to the  
190.5 Alexandria Lake Area Sanitary District's wastewater treatment facility and issue or amend  
190.6 the district's NPDES permit MN004738 to include the offset. The approved offset may be  
190.7 related to the lake eutrophication response variable chlorophyll-a, but shall ensure the district  
190.8 can achieve compliance with phosphorus effluent limits through wastewater optimization

224.5 **ARTICLE 10**  
224.6 **LAKE WINONA MANAGEMENT**

224.7 Section 1. **LAKE WINONA MANAGEMENT; USING OFFSET, ADAPTIVE**  
224.8 **PLANNING.**

224.9 (a) To facilitate implementation of the Lake Winona total maximum daily load, the  
224.10 Alexandria Lake Area Sanitary District may fund or perform lake management activities  
224.11 in Lake Winona and in Lake Agnes. Lake management activities may include but are not  
224.12 limited to carp removal and alum treatment. If the district agrees to fund or perform lake  
224.13 management activities in Lake Winona and in Lake Agnes, the commissioner of the Pollution  
224.14 Control Agency shall do one of the following unless the district chooses another path to  
224.15 compliance that conforms to state and federal law, such as facility construction:

224.16 (1) approve an offset of the phosphorous loading proportional to the reduction achievable  
224.17 through lake management activities in Lake Winona and Lake Agnes creditable to the  
224.18 Alexandria Lake Area Sanitary District's wastewater treatment facility and issue or amend  
224.19 the district's NPDES permit MN004738 to include the offset. The approved offset may be  
224.20 related to the lake eutrophication response variable chlorophyll-a, but shall ensure the district  
224.21 can achieve compliance with phosphorus effluent limits through wastewater optimization

190.9 techniques without performing capital upgrades to the wastewater treatment facility. The  
190.10 lake management activities contemplated under this paragraph need not be completed before  
190.11 the commissioner approves the offset and related discharge limits or issues the permit, but  
190.12 the permit may include a schedule of compliance outlining the required lake management  
190.13 activities and requiring that lake management activities in Lake Winona and Lake Agnes  
190.14 begin immediately upon permit issuance. The approved offset and related permit language  
190.15 must be consistent with Clean Water Act requirements and Minnesota Statutes, section  
190.16 115.03, subdivision 10; or

190.17 (2) amend the district's NPDES permit MN004738 in a manner consistent with state and  
190.18 federal law to include an integrated and adaptive lake management plan and to extend the  
190.19 final compliance deadline for the final phosphorus concentration effluent limit related to  
190.20 the site specific standard for Lake Winona contained in the district's permit until such time  
190.21 that carp removal in Lake Winona can be completed and the lake can be reassessed. The  
190.22 permit may include a schedule of compliance outlining the required lake management  
190.23 activities and requiring that lake management activities in Lake Winona and Lake Agnes  
190.24 begin immediately upon permit issuance.

190.25 (b) If the district agrees to fund or perform the lake management activities identified in  
190.26 paragraph (a), the district may cooperate with the city of Alexandria in those efforts. The  
190.27 district's responsibility for lake management activities in Lake Winona and Lake Agnes  
190.28 terminates upon completion of the lake management activities identified in the schedule of  
190.29 compliance contemplated under paragraph (a).

190.30 **EFFECTIVE DATE.** This section is effective the day after the governing body of the  
190.31 Alexandria Lake Area Sanitary District and its chief clerical officer timely complete their  
190.32 compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3, but not before  
190.33 July 1, 2018.

191.1 Sec. 104. **MORATORIUM ON MUSKELLUNGE STOCKING IN OTTER TAIL**  
191.2 **COUNTY.**

191.3 (a) Until August 1, 2023, the commissioner of natural resources must not stock  
191.4 muskellunge in waters wholly located in Otter Tail County. Any savings realized as a result  
191.5 must be used for walleye stocking.

191.6 (b) The commissioner of natural resources must convene a stakeholder group to examine  
191.7 the effect of muskellunge on the environment, waters, and native fish of Otter Tail County.  
191.8 The stakeholder group must include an Otter Tail County commissioner, a representative  
191.9 of the Minnesota Chamber of Commerce, and a representative of an Otter Tail County lake  
191.10 association. The stakeholder group must examine existing scientific research and must  
191.11 determine whether additional research is necessary. If the stakeholder group determines  
191.12 that muskellunge do not pose a threat to the environment, waters, or native fish of Otter

224.22 techniques without performing capital upgrades to the wastewater treatment facility. The  
224.23 lake management activities contemplated under paragraph (a) need not be completed before  
224.24 the commissioner approves the offset and related discharge limits or issues the permit, but  
224.25 the permit may include a schedule of compliance outlining the required lake management  
224.26 activities and requiring that lake management activities in Lake Winona and Lake Agnes  
224.27 begin immediately upon permit issuance. The approved offset and related permit language  
224.28 must be consistent with Clean Water Act requirements and Minnesota Statutes, section  
224.29 115.03, subdivision 10; or

224.30 (2) amend the district's NPDES permit MN004738 in a manner consistent with state and  
224.31 federal law to include an integrated and adaptive lake management plan and to extend the  
224.32 final compliance deadline for the final phosphorus concentration effluent limit related to  
224.33 the site specific standard for Lake Winona contained in the district's permit until such time  
225.1 that carp removal in Lake Winona can be completed and the lake can be reassessed. The  
225.2 permit may include a schedule of compliance outlining the required lake management  
225.3 activities and requiring that lake management activities in Lake Winona and Lake Agnes  
225.4 begin immediately upon permit issuance.

225.5 (b) If the district agrees to fund or perform the lake management activities identified in  
225.6 paragraph (a), the district may cooperate with the city of Alexandria in those efforts. The  
225.7 district's responsibility for lake management activities in Lake Winona and Lake Agnes  
225.8 terminates upon completion of the lake management activities identified in the schedule of  
225.9 compliance contemplated under paragraph (a).

225.10 **EFFECTIVE DATE.** This section is effective the day after the governing body of the  
225.11 Alexandria Lake Area Sanitary District and its chief clerical officer timely complete their  
225.12 compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

191.13 Tail County, the stakeholder group may recommend that the legislature repeal or adjust the  
191.14 moratorium imposed under paragraph (a).

191.15 **EFFECTIVE DATE.** This section is effective the day after the Otter Tail County Board  
191.16 of Commissioners and its chief clerical officer timely complete their compliance with  
191.17 Minnesota Statutes, section 645.021, subdivisions 2 and 3, but not before July 1, 2018.

191.18 Sec. 105. **NATURAL RESOURCES YOUTH SAFETY EDUCATION PROGRAMS**  
191.19 **DELIVERY.**

191.20 The commissioner of natural resources shall review and research options for delivering  
191.21 online safety training programs for youth and adult students, including off-highway vehicles  
191.22 and hunter education, that are maintained and delivered by the state that functions  
191.23 independently from an outside contract vendor. By March 1, 2019, the commissioner shall  
191.24 report to the chairs of the senate and house of representatives environment and natural  
191.25 resources policy and finance committees on options identified under this section.

191.26 Sec. 106. **NONPOINT PRIORITY FUNDING PLAN WORKGROUP.**

191.27 The Board of Water and Soil Resources must convene a workgroup consisting of  
191.28 representatives of state agencies, local governments, tribal governments, private and nonprofit  
191.29 organizations, and others to review the nonpoint priority funding plan under Minnesota  
191.30 Statutes, section 114D.50, subdivision 3a. By January 31, 2019, the board must submit a  
191.31 report to the chairs and ranking minority members of the house of representatives and senate  
191.32 committees with jurisdiction over environment and natural resources that contains  
191.33 recommendations to improve the effectiveness of nonpoint priority funding plans to meet  
192.1 the requirements in Minnesota Statutes, section 114D.50, subdivision 3a, the purposes in  
192.2 Minnesota Statutes, section 114D.50, subdivision 3, and the watershed and groundwater  
192.3 restoration and protection goals of Minnesota Statutes, chapters 103B and 114D.

192.4 Sec. 107. **CHRONIC WASTING DISEASE TASK FORCE.**

192.5 Subdivision 1. **Creation; membership.** (a) The Chronic Wasting Disease Task Force  
192.6 consists of 22 members appointed as follows:

192.7 (1) the chairs and ranking minority members of the senate committees with jurisdiction  
192.8 over environment and natural resources policy and finance;

192.9 (2) the chair and ranking minority member of the house of representatives Environment  
192.10 and Natural Resources Policy and Finance Committee and two additional members of that

107.14 Sec. 105. **NONPOINT PRIORITY FUNDING PLAN; REPORT.**

107.15 The Board of Water and Soil Resources, in cooperation with representatives of state  
107.16 agencies, local governments, tribal governments, private and nonprofit organizations, and  
107.17 others must review the nonpoint priority funding plan under Minnesota Statutes, section  
107.18 114D.50, subdivision 3a. By January 31, 2019, the board must submit a report to the chairs  
107.19 and ranking minority members of the house of representatives and senate committees and  
107.20 divisions with jurisdiction over environment and natural resources that contains  
107.21 recommendations to improve the effectiveness of nonpoint priority funding plans to meet  
107.22 the requirements in Minnesota Statutes, section 114D.50, subdivision 3a, the purposes in  
107.23 Minnesota Statutes, section 114D.50, subdivision 3, and the watershed and groundwater  
107.24 restoration and protection goals of Minnesota Statutes, chapters 103B and 114D.



- 192.11 committee selected by the chair of that committee, one from the majority party, and one  
192.12 from the minority party;
- 192.13 (3) the chairs and ranking minority members of the senate and house of representatives  
192.14 committees with jurisdiction over agriculture policy and finance;
- 192.15 (4) a representative from the Department of Natural Resources, the Department of  
192.16 Agriculture, and the Board of Animal Health; and
- 192.17 (5) a representative from the Minnesota Elk Breeders Association, Minnesota Deer  
192.18 Farmers Association, and the Minnesota Deer Hunters Association.
- 192.19 (b) The appointing authorities must make their respective appointments no later than  
192.20 July 15, 2018.
- 192.21 Subd. 2. **Chair; meetings.** (a) The chair of the task force alternates each meeting between  
192.22 the chair of the senate Environment and Natural Resources Policy Committee and the chair  
192.23 of the house of representatives Environment and Natural Resources Policy and Finance  
192.24 Committee. The senate chair shall chair the first meeting, which shall be no later than August  
192.25 15, 2018.
- 192.26 (b) The task force shall meet upon the call of the chair.
- 192.27 Subd. 3. **Administrative support.** The Legislative Coordinating Commission shall  
192.28 provide administrative support and meeting space for the task force.
- 192.29 Subd. 4. **Duties.** The task force must study and provide recommendations on:
- 192.30 (1) whether and how recommendations included in the legislative auditor's Board of  
192.31 Animal Health's Oversight of Deer and Elk Farms report should be implemented;
- 193.1 (2) methods to improve the coordination and effectiveness of the chronic wasting disease  
193.2 prevention and response activities of government agencies and other stakeholders; and
- 193.3 (3) whether it is possible to develop a method for detecting the presence of the disease  
193.4 in living cervids and what resources would be required to do so.
- 193.5 Subd. 5. **Report.** No later than January 15, 2019, the task force shall submit a report to  
193.6 the chairs of the house of representatives and senate committees with jurisdiction over  
193.7 environment and natural resources finance containing the findings of the task force.

193.8 Subd. 6. **Expiration.** The task force expires 45 days after the report and recommendations  
193.9 are delivered to the legislature or on June 30, 2019, whichever date is earlier.

193.10 Sec. 108. **BOARD OF ANIMAL HEALTH TASK FORCE.**

193.11 Subdivision 1. **Creation; membership.** (a) The Board of Animal Health Task Force  
193.12 consists of 25 members appointed as follows:

193.13 (1) the chairs and ranking minority members of the senate committees with jurisdiction  
193.14 over environment and natural resources policy and finance;

193.15 (2) the chair and ranking minority member of the house of representatives Environment  
193.16 and Natural Resources Policy and Finance Committee and two additional members of that  
193.17 committee selected by the chair of that committee, one from the majority party, and one  
193.18 from the minority party;

193.19 (3) the chairs and ranking minority members of the senate and house of representatives  
193.20 committees with jurisdiction over agriculture policy and finance;

193.21 (4) the commissioner of agriculture, or the commissioner's designee; and

193.22 (5) a representative from the Minnesota Elk Breeders Association, the Minnesota Deer  
193.23 Farmers Association, the Minnesota Deer Hunters Association, the Minnesota Pork Producers  
193.24 Association, the Minnesota Cattlemen's Association, the Minnesota Farmer's Union, the  
193.25 Minnesota Farm Bureau, and the Minnesota Turkey Growers Association.

193.26 (b) The appointing authorities must make their respective appointments no later than  
193.27 July 15, 2018.

193.28 Subd. 2. **Chair; meetings.** (a) The chair of the task force alternates each meeting between  
193.29 the chair of the senate Environment and Natural Resources Policy Committee and the chair  
193.30 of the house of representatives Environment and Natural Resources Policy and Finance  
193.31 Committee. The senate chair shall chair the first meeting, which shall be no later than August  
193.32 15, 2018.

194.1 (b) The task force shall meet upon the call of the chair.

194.2 Subd. 3. **Administrative support.** The Legislative Coordinating Commission shall  
194.3 provide administrative support and meeting space for the task force.

194.4 Subd. 4. **Duties.** The task force must study and provide recommendations related to:

194.5       (1) the overall effectiveness of the board's execution of its statutory duties, including its  
194.6       duties to protect the health of Minnesota's domestic animals, manage domestic animal  
194.7       diseases, and enforce domestic animal-related laws;

194.8       (2) whether the structure, membership, and duties of the board are optimally designed  
194.9       to further the purposes for which the board was created and to serve the communities it is  
194.10      designed to serve; and

194.11      (3) whether and how recommendations included in the legislative auditor's Board of  
194.12      Animal Health's Oversight of Deer and Elk Farms report should be implemented.

194.13      Subd. 5. **Duty to cooperate.** Upon request, the Board of Animal Health shall provide  
194.14      the task force with any information requested by the task force in connection with the  
194.15      exercise of its duties. The Board of Animal Health may redact nonpublic information from  
194.16      the information prior to providing information under this subdivision.

194.17      Subd. 6. **Report.** No later than January 15, 2019, the task force shall submit a report to  
194.18      the chairs and ranking minority members of the house of representatives and senate  
194.19      committees with jurisdiction over environment and natural resources finance containing  
194.20      the findings of the task force.

194.21      Subd. 7. **Expiration.** The task force expires 45 days after the report and recommendations  
194.22      are delivered to the legislature or on June 30, 2019, whichever date is earlier.

194.23      Sec. 109. **REPEALER.**

194.24      (a) Minnesota Statutes 2016, section 349A.16, is repealed.

194.25      (b) Laws 2008, chapter 368, article 1, section 21, subdivision 2, is repealed.

107.1      Sec. 103. **1837 CEDED TERRITORY FISHERIES TECHNICAL COMMITTEE.**

107.2           The commissioner of natural resources may invite at least two fish managers as designated  
107.3      by the commissioner to attend all meetings of the 1837 Ceded Territory Fisheries Technical  
107.4      Committee.

107.5      Sec. 104. **CARBON MONOXIDE EXPOSURE; FISH HOUSES AND ICE**  
107.6      **SHELTERS; REPORT.**

107.7       The commissioner of natural resources must work with fish house and ice shelter  
107.8 manufacturers and other interested parties to identify best practices to reduce fish house  
107.9 and ice shelter user exposure to carbon monoxide. The commissioner must increase outreach  
107.10 efforts relating to the dangers of carbon monoxide exposure in fish houses and report  
107.11 recommendations to the chairs of the house of representatives and senate committees and  
107.12 divisions with jurisdiction over environment and natural resources policy by January 15,  
107.13 2019.

107.25 Sec. 106. **HILL-ANNEX MINE STATE PARK; MANAGEMENT AND OPERATION.**

107.26       (a) The commissioner of natural resources must operate the Hill-Annex Mine State Park  
107.27 for the purposes it was established through June 30, 2021. The commissioner must work  
107.28 with the group established under Laws 2017, chapter 93, article 2, section 156, to review  
107.29 park activities and the alternate operating model developed and identify options for  
107.30 sustainable and viable operation of the park site. The commissioner must submit  
107.31 recommendations to the chairs and ranking minority members of the house of representatives  
108.1 and senate committees and divisions with jurisdiction over the environment and natural  
108.2 resources by January 15, 2021.

108.3       (b) The commissioner of natural resources must work with the city of Calumet, other  
108.4 neighboring cities and townships, and other local units of government to identify and  
108.5 coordinate volunteers to supplement the Department of Natural Resources' park operations  
108.6 to the extent allowable under state law and rules.

108.7 Sec. 107. **DEMOLITION DEBRIS LANDFILLS; PERMITTING; GROUNDWATER**  
108.8 **EVALUATION.**

108.9       (a) In issuing or reissuing a class I demolition land disposal facility permit, the Minnesota  
108.10 Pollution Control Agency must consider environmental benefits and impacts, social and  
108.11 economic factors, the feasibility and practicability of the permit conditions, and whether  
108.12 the burden of any resulting tax or fee is reasonable, feasible, or practicable. A permit issued  
108.13 under this section must be in accordance with Minnesota Rules, part 7035.2825, and the  
108.14 Pollution Control Agency's Demolition Landfill Guidance published August 2005. The  
108.15 Pollution Control Agency must not impose permit conditions on class 1 demolition land  
108.16 disposal facilities, including requirements for enhanced cover and hydrogeologic sampling,  
108.17 analysis, and reporting, that are not contained in current rules or the Demolition Landfill  
108.18 Guidance unless revised rules are adopted reflecting the restrictions on permits required by  
108.19 this paragraph.

108.20       (b) The Pollution Control Agency must use existing appropriations to contract with an  
108.21 independent laboratory to develop a sampling protocol and to collect, analyze, and evaluate  
108.22 groundwater quality data from demolition debris land disposal facilities under a monitoring

108.23 program in accordance with the Pollution Control Agency's Demolition Landfill Guidance  
108.24 published August 2005. Data on groundwater quality must be evaluated in reference to and  
108.25 in accordance with the definition of pollutant under Minnesota Statutes, section 103H.005,  
108.26 subdivision 11, based on the Minnesota Department of Health's adopted health risk limits  
108.27 and health risk values. In evaluating pollutants, a laboratory must consider whether pollutant  
108.28 concentrations may originate from activities not associated with the permitted demolition  
108.29 debris land disposal facility. By November 1, 2018, the agency must submit a report of the  
108.30 evaluation to the chairs and ranking minority members of the senate and house of  
108.31 representatives committees with jurisdiction over environment and natural resources finance.

**UEH3280-1**

2.10 Sec. 2. **WILD RICE; LEGISLATIVE FINDINGS.**

2.11 (a) The legislature finds that naturally occurring wild rice is an ecologically and culturally  
2.12 important aquatic plant resource found in certain waters within the state, which serves as a  
2.13 food source for wildlife and humans. The legislature further finds that in recognition of the  
2.14 unique importance of this resource, the Pollution Control Agency, in conjunction with  
2.15 Minnesota Indian tribes, has identified and listed, in rule, select wild-rice waters for which  
2.16 the water quality and the aquatic habitat necessary to support the propagation and  
2.17 maintenance of wild rice must not be materially impaired or degraded. The legislature also  
2.18 finds that identifying and listing additional wild-rice waters based upon their exceptional  
2.19 wild-rice characteristics is an appropriate method of protecting naturally occurring wild  
2.20 rice.

2.21 (b) The legislature further finds that federal law vests broad authority in the state to  
2.22 define beneficial uses for waters for the state and grants the state the primary responsibility  
2.23 and right to plan the development and use of the state's water resources and to specify  
2.24 appropriate water uses to be achieved and protected. The legislature also finds that certain  
2.25 waters of the state are used to irrigate wild rice intentionally grown as an agricultural crop,  
2.26 which is an appropriate beneficial use to be achieved and protected and which is the only  
2.27 established beneficial use specifically pertaining to wild rice. The legislature also finds that  
2.28 Minnesota has a unique numeric water quality standard for sulfate in rule to protect this  
2.29 beneficial use to permit the use of waters for irrigation for the production of wild rice that  
2.30 is based on outdated information and ignores the current scientific understanding of the  
2.31 potential impacts of sulfate on wild rice.

2.32 (c) The legislature further finds that it is contrary to the public welfare to impose  
2.33 requirements or burdens on regulated parties in Minnesota on the basis of a water quality  
3.1 standard that ignores current science. The legislature also finds that the water quality standard  
3.2 for sulfate has not been enforced in Minnesota since it was adopted in 1973, that the Pollution  
3.3 Control Agency has not designated in rules any waters subject to the water quality standard  
3.4 for sulfate, and that initiating enforcement of the existing obsolete standard would impose

109.11 Sec. 109. **WILD RICE; LEGISLATIVE FINDINGS.**

109.12 (a) The legislature finds that naturally occurring wild rice is an ecologically and culturally  
109.13 important aquatic plant resource found in certain waters within the state, which serves as a  
109.14 food source for wildlife and humans. The legislature further finds that in recognition of the  
109.15 unique importance of this resource, the Pollution Control Agency, in conjunction with  
109.16 Minnesota Indian tribes, has identified and listed, in rule, select wild-rice waters for which  
109.17 the water quality and the aquatic habitat necessary to support the propagation and  
109.18 maintenance of wild rice must not be materially impaired or degraded. The legislature also  
109.19 finds that identifying and listing additional wild-rice waters based upon their exceptional  
109.20 wild-rice characteristics is an appropriate method of protecting naturally occurring wild  
109.21 rice.

109.22 (b) The legislature further finds that federal law vests broad authority in the state to  
109.23 define beneficial uses for waters for the state and grants the state the primary responsibility  
109.24 and right to plan the development and use of the state's water resources and to specify  
109.25 appropriate water uses to be achieved and protected. The legislature also finds that certain  
109.26 waters of the state are used to irrigate wild rice intentionally grown as an agricultural crop,  
109.27 which is an appropriate beneficial use to be achieved and protected and which is the only  
109.28 established beneficial use specifically pertaining to wild rice. The legislature also finds that  
109.29 Minnesota has a unique numeric water quality standard for sulfate in rule to protect this  
109.30 beneficial use to permit the use of waters for irrigation for the production of wild rice that  
109.31 is based on outdated information and ignores the current scientific understanding of the  
109.32 potential impacts of sulfate on wild rice.

109.33 (c) The legislature further finds that it is contrary to the public welfare to impose  
109.34 requirements or burdens on regulated parties in Minnesota on the basis of a water quality  
110.1 standard that ignores current science. The legislature also finds that the water quality standard  
110.2 for sulfate has not been enforced in Minnesota since it was adopted in 1973, that the Pollution  
110.3 Control Agency has not designated in rules any waters subject to the water quality standard  
110.4 for sulfate, and that initiating enforcement of the existing obsolete standard would impose

3.5 prohibitively expensive burdens on regulated parties with potentially grave economic impacts  
3.6 on Minnesota communities and industry.

3.7 (d) In recognition of the existence in rule of a water quality standard for sulfate that is  
3.8 not supported by current scientific information, in recognition of the potentially grave  
3.9 consequences that would occur from enforcement of that obsolete standard, and recognizing  
3.10 that the administrative process to repeal the rule has proven to be inefficient and will not  
3.11 provide the regulatory certainty required in a timely manner in the absence of legislative  
3.12 action, the legislature finds that the most effective means to serve the welfare of the state  
3.13 is to enact sections 3 to 8 to eliminate the water quality standard for sulfate, leaving in place  
3.14 sufficient other provisions in law and rule for the protection of naturally occurring wild  
3.15 rice, including but not limited to the listing of additional select wild-rice waters.

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

3.17 Sec. 3. **WATER QUALITY STANDARD FOR SULFATE; RULEMAKING.**

3.18 The commissioner of the Pollution Control Agency may not adopt, modify, or proceed  
3.19 with any revisions to the rules pertaining to water quality standards for sulfate for wild-rice  
3.20 waters in Minnesota Rules, part 7050.0224, subpart 2, that were disapproved by the chief  
3.21 administrative law judge on January 11, 2018, without again going through the rulemaking  
3.22 procedures under Minnesota Statutes, sections 14.05 to 14.28, except Minnesota Statutes,  
3.23 section 14.101, does not apply.

3.24 **EFFECTIVE DATE.** This section is effective retroactively from January 11, 2018.

3.25 Sec. 4. **IDENTIFICATION AND LISTING OF WILD-RICE WATERS.**

3.26 The commissioner of the Pollution Control Agency may evaluate the waters of the state  
3.27 to determine if any additional waters containing naturally occurring wild rice have exceptional  
3.28 wild-rice characteristics. The commissioner may, by rule, identify and list these waters as  
3.29 [WR] waters where the water quality and the aquatic habitat necessary to support the  
3.30 propagation and maintenance of wild rice must not be materially impaired or degraded.  
3.31 Before identifying and listing a wild-rice water, the commissioner must establish, in a  
3.32 separate and prior rulemaking, criteria to be used in identifying and listing wild-rice waters.  
4.1 The criteria must include the following, each of which must be met before a water body  
4.2 can be identified and listed as a wild-rice water:

4.3 (1) the history of harvesting wild rice;

4.4 (2) minimum acreage; and

110.5 prohibitively expensive burdens on regulated parties with potentially grave economic impacts  
110.6 on Minnesota communities and industry.

110.7 (d) In recognition of the existence in rule of a water quality standard for sulfate that is  
110.8 not supported by current scientific information, in recognition of the potentially grave  
110.9 consequences that would occur from enforcement of that obsolete standard, and recognizing  
110.10 that the administrative process to repeal the rule has proven to be inefficient and will not  
110.11 provide the regulatory certainty required in a timely manner in the absence of legislative  
110.12 action, the legislature finds that the most effective means to serve the welfare of the state  
110.13 is to enact sections 110 to 115 to eliminate the water quality standard for sulfate, leaving  
110.14 in place sufficient other provisions in law and rule for the protection of naturally occurring  
110.15 wild rice, including but not limited to the listing of additional select wild-rice waters.

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

110.17 Sec. 110. **WATER QUALITY STANDARD FOR SULFATE; RULEMAKING.**

110.18 The commissioner of the Pollution Control Agency may not adopt, modify, or proceed  
110.19 with any revisions to the rules pertaining to water quality standards for sulfate for wild-rice  
110.20 waters in Minnesota Rules, part 7050.0224, subpart 2, that were disapproved by the chief  
110.21 administrative law judge on January 11, 2018, without again going through the rulemaking  
110.22 procedures under Minnesota Statutes, sections 14.05 to 14.28, except Minnesota Statutes,  
110.23 section 14.101, does not apply.

110.24 **EFFECTIVE DATE.** This section is effective retroactively from January 11, 2018.

110.25 Sec. 111. **IDENTIFICATION AND LISTING OF WILD-RICE WATERS.**

110.26 The commissioner of the Pollution Control Agency may evaluate the waters of the state  
110.27 to determine if any additional waters containing naturally occurring wild rice have exceptional  
110.28 wild-rice characteristics. The commissioner may, by rule, identify and list these waters as  
110.29 [WR] waters where the water quality and the aquatic habitat necessary to support the  
110.30 propagation and maintenance of wild rice must not be materially impaired or degraded.  
110.31 Before identifying and listing a wild-rice water, the commissioner must establish, in a  
110.32 separate and prior rulemaking, criteria to be used in identifying and listing wild-rice waters.  
111.1 The criteria must include the following, each of which must be met before a water body  
111.2 can be identified and listed as a wild-rice water:

111.3 (1) the history of harvesting wild rice;

111.4 (2) minimum acreage; and

4.5 (3) minimum density of wild rice.

4.6 **Sec. 5. APPLICATION OF WATER QUALITY STANDARD FOR SULFATE FOR**  
4.7 **WILD-RICE WATERS.**

4.8 The commissioner of the Pollution Control Agency must not apply the water quality  
4.9 standard for sulfate for wild-rice waters nullified in this act when issuing, modifying, or  
4.10 renewing national pollutant discharge elimination system or state disposal system permits.  
4.11 The commissioner of the Pollution Control Agency must take all steps necessary to conform  
4.12 the agency's rules and practices to this act and to ensure that no regulated party is required  
4.13 to take any action or bear any burden arising from the nullified water quality standard for  
4.14 sulfate unless requested by the permittee.

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

4.16 **Sec. 6. APPLICATION OF EQUATION-BASED WATER QUALITY STANDARD**  
4.17 **FOR WILD-RICE WATERS.**

4.18 The commissioner of the Pollution Control Agency must not apply the proposed  
4.19 equation-based sulfate standard rejected by the chief administrative law judge on January  
4.20 11, 2018, including as a numeric translator to the narrative sulfate standard for wild rice  
4.21 under Minnesota Rules, part 7050.0150, subpart 3, or 7050.0224, subpart 1, when issuing,  
4.22 modifying, or renewing national pollutant discharge elimination system or state disposal  
4.23 system permits.

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

4.25 **Sec. 7. APPLICATION OF WATER QUALITY STANDARDS; IRRIGATION.**

4.26 The commissioner of the Pollution Control Agency must not apply a water quality  
4.27 standard established to protect water quality for purposes of permitting the water's use for  
4.28 irrigation without significant damage or adverse effects upon crops or vegetation, including  
4.29 water used for the production of wild rice, unless the water is appropriated for irrigation  
4.30 use.

5.1 **Sec. 8. NULLIFICATION OF WATER QUALITY STANDARD FOR SULFATE**  
5.2 **IN WILD-RICE WATERS.**

5.3 (a) Notwithstanding Minnesota Rules, part 7050.0224, subpart 2, there is no numeric,  
5.4 nonnarrative, water quality standard for sulfates in class 4A waters in the state until the

111.5 (3) minimum density of wild rice.

111.6 **Sec. 112. APPLICATION OF WATER QUALITY STANDARD FOR SULFATE**  
111.7 **FOR WILD-RICE WATERS.**

111.8 The commissioner of the Pollution Control Agency must not apply the water quality  
111.9 standard for sulfate for wild-rice waters nullified in this act when issuing, modifying, or  
111.10 renewing national pollutant discharge elimination system or state disposal system permits.  
111.11 The commissioner of the Pollution Control Agency must take all steps necessary to conform  
111.12 the agency's rules and practices to this act and to ensure that no regulated party is required  
111.13 to take any action or bear any burden arising from the nullified water quality standard for  
111.14 sulfate unless requested by the permittee.

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

111.16 **Sec. 113. APPLICATION OF EQUATION-BASED WATER QUALITY STANDARD**  
111.17 **FOR WILD-RICE WATERS.**

111.18 The commissioner of the Pollution Control Agency must not apply the proposed  
111.19 equation-based sulfate standard rejected by the chief administrative law judge on January  
111.20 11, 2018, including as a numeric translator to the narrative sulfate standard for wild rice  
111.21 under Minnesota Rules, part 7050.0150, subpart 3, or 7050.0224, subpart 1, when issuing,  
111.22 modifying, or renewing national pollutant discharge elimination system or state disposal  
111.23 system permits.

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

111.25 **Sec. 114. APPLICATION OF WATER QUALITY STANDARDS; IRRIGATION.**

111.26 The commissioner of the Pollution Control Agency must not apply a water quality  
111.27 standard established to protect water quality for purposes of permitting the water's use for  
111.28 irrigation without significant damage or adverse effects upon crops or vegetation, including  
111.29 water used for the production of wild rice, unless the water is appropriated for irrigation  
111.30 use.

112.1 **Sec. 115. NULLIFICATION OF WATER QUALITY STANDARD FOR SULFATE**  
112.2 **IN WILD-RICE WATERS.**

112.3 (a) Notwithstanding Minnesota Rules, part 7050.0224, subpart 2, there is no numeric,  
112.4 nonnarrative, water quality standard for sulfates in class 4A waters in the state until the

5.5 commissioner of the Pollution Control Agency adopts a standard in accordance with section  
5.6 3.

5.7 (b) That portion of Minnesota Rules, part 7050.0224, subpart 2, that conflicts with  
5.8 paragraph (a) is nullified and does not have the force and effect of law.

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

5.10 Sec. 9. **WILD RICE WORK GROUP; REPORT.**

5.11 (a) \$500,000 in fiscal year 2018 is appropriated from the heritage enhancement account  
5.12 in the game and fish fund to the commissioner of natural resources for wild rice protection,  
5.13 restoration, and enhancement. Of this amount, up to \$50,000 may be spent to prepare a  
5.14 report on the actions necessary to protect, restore, and enhance the naturally occurring wild  
5.15 rice in public waters of Minnesota. Any remaining money may be spent to carry out the  
5.16 recommended actions outlined in the report to protect, restore, and enhance the naturally  
5.17 occurring wild rice in the public waters of Minnesota. This is a onetime appropriation and  
5.18 is available until June 30, 2019.

5.19 (b) The commissioner of natural resources must submit a report to the state's tribal  
5.20 governments and the chairs and ranking minority members of the house of representatives  
5.21 and senate committees and divisions with jurisdiction over the environment and natural  
5.22 resources by January 15, 2019, that:

5.23 (1) includes tailored restoration activities to improve natural wild rice health in priority  
5.24 wild rice water bodies and to monitor the effectiveness of restoration and protection activities;

5.25 (2) increases intensive natural wild-rice lake management efforts and accelerates the  
5.26 restoration of wild rice stands within its historic range;

5.27 (3) identifies areas in which to implement the best management practices; and

5.28 (4) provides recommendations for the creation of a long-term wild rice work group,  
5.29 including membership structure, to advise the commissioner on natural wild rice management.

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

112.5 commissioner of the Pollution Control Agency adopts a standard in accordance with section  
112.6 110.

112.7 (b) That portion of Minnesota Rules, part 7050.0224, subpart 2, that conflicts with  
112.8 paragraph (a) is nullified and does not have the force and effect of law.

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

112.10 Sec. 116. **WILD RICE REPORT.**

112.11 (a) The commissioner of natural resources must convene a work group consisting of  
112.12 state, tribal, and public experts familiar with the agronomy and hydrology that supports  
112.13 naturally occurring wild rice. The work group's purpose is to advise the commissioner in  
112.14 the preparation of a report on wild rice.

112.15 (b) The commissioner of natural resources must submit a report to the state's tribal  
112.16 governments and the chairs and ranking minority members of the legislative committees  
112.17 and divisions with jurisdiction over environment and natural resources by January 15, 2019,  
112.18 that:

112.19 (1) provides recommendations on actions necessary to preserve and improve the health  
112.20 of existing natural wild rice beds;

112.21 (2) includes recommendations on monitoring the effectiveness of restoration and  
112.22 protection activities;

112.23 (3) identifies best management practices for natural wild rice protection and restoration  
112.24 and recommendations for expanding the use of effective best management practices; and

112.25 (4) identifies areas in which to implement the best management practices.

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



**S3656-2**

194.26

**ARTICLE 15**

194.27

**ACCELERATED BUFFER STRIP IMPLEMENTATION**

194.28 Section 1. Minnesota Statutes 2016, section 17.117, subdivision 1, is amended to read:

194.29       Subdivision 1. **Purpose.** The purpose of the agriculture best management practices loan  
194.30 program is to provide low or no interest financing to farmers, agriculture supply businesses,  
195.1 rural landowners, and ~~water quality cooperatives~~ local units of government, including  
195.2 drainage authorities, watershed districts, and counties for the implementation of agriculture  
195.3 and other best management practices that reduce environmental pollution.

195.4 Sec. 2. Minnesota Statutes 2016, section 17.117, subdivision 4, is amended to read:

195.5       Subd. 4. **Definitions.** (a) For the purposes of this section, the terms defined in this  
195.6 subdivision have the meanings given them.

195.7       (b) "Agricultural and environmental revolving accounts" means accounts in the  
195.8 agricultural fund, controlled by the commissioner, which hold funds available to the program.

195.9       (c) "Agriculture supply business" means a person, partnership, joint venture, corporation,  
195.10 limited liability company, association, firm, public service company, or cooperative that  
195.11 provides materials, equipment, or services to farmers or agriculture-related enterprises.

195.12       (d) "Allocation" means the funds awarded to an applicant for implementation of best  
195.13 management practices through a competitive or noncompetitive application process.

195.14       (e) "Applicant" means a local unit of government eligible to participate in this program  
195.15 that requests an allocation of funds as provided in subdivision 6b.

195.16       (f) "Best management practices" has the meaning given in sections 103F.711, subdivision  
195.17 3, and 103H.151, subdivision 2. Best management practices also means other practices,  
195.18 techniques, and measures that have been demonstrated to the satisfaction of the  
195.19 commissioner: (1) to prevent or reduce adverse environmental impacts by using the most  
195.20 effective and practicable means of achieving environmental goals; or (2) to achieve drinking  
195.21 water quality standards under chapter 103H or under Code of Federal Regulations, title 40,  
195.22 parts 141 and 143, as amended.

195.23 (g) "Borrower" means a farmer, an agriculture supply business, or a rural landowner  
195.24 applying for a low-interest loan.

195.25 (h) "Commissioner" means the commissioner of agriculture, including when the  
195.26 commissioner is acting in the capacity of chair of the Rural Finance Authority, or the designee  
195.27 of the commissioner.

195.28 (i) "Committed project" means an eligible project scheduled to be implemented at a  
195.29 future date;

195.30 ~~(1)~~ that has been approved and certified by the local government unit; ~~and~~

195.31 ~~(2) for which a local lender has obligated itself to offer a loan.~~

196.1 (j) "Comprehensive water management plan" means a state-approved and locally adopted  
196.2 plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or  
196.3 103D.405.

196.4 (k) "Cost incurred" means expenses for implementation of a project accrued because  
196.5 the borrower has agreed to purchase equipment or is obligated to pay for services or materials  
196.6 already provided as a result of implementing an approved eligible project.

196.7 (l) "Farmer" means a person, partnership, joint venture, corporation, limited liability  
196.8 company, association, firm, public service company, or cooperative that regularly participates  
196.9 in physical labor or operations management of farming and files a Schedule F as part of  
196.10 filing United States Internal Revenue Service Form 1040 or indicates farming as the primary  
196.11 business activity under Schedule C, K, or S, or any other applicable report to the United  
196.12 States Internal Revenue Service.

196.13 (m) "Landowner" means the owner of record of Minnesota real estate on which the  
196.14 project is located.

196.15 ~~(n)~~ (n) "Lender agreement" means an agreement entered into between the commissioner  
196.16 and a local lender which contains terms and conditions of participation in the program.

196.17 ~~(o)~~ (o) "Local government unit" means a county, soil and water conservation district, or  
196.18 an organization formed for the joint exercise of powers under section 471.59 with the  
196.19 authority to participate in the program.

196.20 ~~(p)~~ (p) "Local lender" means a local government unit as defined in paragraph ~~(n)~~ (o), a  
196.21 local municipality or county with taxing or special assessment authority, a watershed district,  
196.22 a drainage authority, a township, a state or federally chartered bank, a savings association,

196.23 a state or federal credit union, Agribank and its affiliated organizations, or a nonprofit  
196.24 economic development organization or other financial lending institution approved by the  
196.25 commissioner.

196.26 ~~(p)~~ (q) "Local revolving loan account" means the account held by a local government  
196.27 unit and a local lender into which principal repayments from borrowers are deposited and  
196.28 new loans are issued in accordance with the requirements of the program and lender  
196.29 agreements.

196.30 ~~(q)~~ (r) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

196.31 ~~(r)~~ (s) "Program" means the agriculture best management practices loan program in this  
196.32 section.

197.1 ~~(s)~~ (t) "Project" means one or more components or activities located within Minnesota  
197.2 that are required by the local government unit to be implemented for satisfactory completion  
197.3 of an eligible best management practice.

197.4 ~~(t)~~ (u) "Rural landowner" means the owner of record of Minnesota real estate located in  
197.5 an area determined by the local government unit to be rural after consideration of local land  
197.6 use patterns, zoning regulations, jurisdictional boundaries, local community definitions,  
197.7 historical uses, and other pertinent local factors.

197.8 ~~(u)~~ "Water quality cooperative" has the meaning given in section 115.58, paragraph (d),  
197.9 except as expressly limited in this section.

197.10 Sec. 3. Minnesota Statutes 2016, section 103E.021, subdivision 6, is amended to read:

197.11 Subd. 6. **Incremental ~~implementation~~ establishment of vegetated ditch buffer strips**  
197.12 **and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring  
197.13 appointment of viewers and redetermination of benefits and damages, a drainage authority  
197.14 may ~~implement~~ make findings and recommend the establishment of permanent buffer strips  
197.15 of perennial vegetation approved by the drainage authority or side inlet controls, or both,  
197.16 adjacent to a public drainage ditch, where necessary to control erosion and sedimentation,  
197.17 improve water quality, or maintain the efficiency of the drainage system. The drainage  
197.18 authority's finding that the establishment of permanent buffer strips of perennial vegetation  
197.19 or side inlet controls is necessary to control erosion and sedimentation, improve water  
197.20 quality, or maintain the efficiency of the drainage system is sufficient to order the measures  
197.21 be installed. Preference should be given to planting native species of a local ecotype. The  
197.22 approved perennial vegetation shall not impede future maintenance of the ditch. The  
197.23 permanent strips of perennial vegetation shall be 16-1/2 feet in width measured outward  
197.24 from the top edge of the existing constructed channel. Drainage system rights-of-way for

64.20 Sec. 36. Minnesota Statutes 2016, section 103E.021, subdivision 6, is amended to read:

64.21 Subd. 6. **Incremental ~~implementation~~ establishment of vegetated ditch buffer strips**  
64.22 **and side inlet controls.** (a) Notwithstanding other provisions of this chapter requiring  
64.23 appointment of viewers and redetermination of benefits and damages, a drainage authority  
64.24 may ~~implement~~ make findings and order the establishment of permanent buffer strips of  
64.25 perennial vegetation ~~approved by the drainage authority~~ or side inlet controls, or both,  
64.26 adjacent to a public drainage ditch, where necessary to control erosion and sedimentation,  
64.27 improve water quality, or maintain the efficiency of the drainage system. The drainage  
64.28 authority's finding that the establishment of permanent buffer strips of perennial vegetation  
64.29 or side inlet controls is necessary to control erosion and sedimentation, improve water  
64.30 quality, or maintain the efficiency of the drainage system is sufficient to confer jurisdiction  
64.31 under this subdivision. Preference should be given to planting native species of a local  
64.32 ecotype. The approved perennial vegetation shall not impede future maintenance of the  
65.1 ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured  
65.2 outward from the top edge of the existing constructed channel. Drainage system rights-of-way

197.25 the acreage and additional property required for the permanent strips must be acquired by  
197.26 the authority having jurisdiction.

197.27 (b) A project under this subdivision shall be implemented as a repair according to section  
197.28 103E.705, except that the drainage authority may appoint an engineer to examine the drainage  
197.29 system and prepare an engineer's repair report for the project.

197.30 (c) Damages shall be determined by the drainage authority, or viewers, appointed by  
197.31 the drainage authority, according to section 103E.315, subdivision 8. A damages statement  
197.32 shall be prepared, including an explanation of how the damages were determined for each  
197.33 property affected by the project, and filed with the auditor or watershed district. Within 30  
197.34 days after the damages statement is filed, the auditor or watershed district shall prepare  
198.1 property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6),  
198.2 (7), and (8), and mail a copy of the property owner's report and damages statement to each  
198.3 owner of property affected by the proposed project.

198.4 (d) After a damages statement is filed, the drainage authority shall set a time, by order,  
198.5 not more than 30 days after the date of the order, for a hearing on the project. At least ten  
198.6 days before the hearing, the auditor or watershed district shall give notice by mail of the  
198.7 time and location of the hearing to the owners of property and political subdivisions likely  
198.8 to be affected by the project.

198.9 (e) The drainage authority shall make findings and order the repairs to be made if the  
198.10 drainage authority determines from the evidence presented at the hearing and by the viewers  
198.11 and engineer, if appointed, that the repairs are necessary for the drainage system and the  
198.12 costs of the repairs are within the limitations of section 103E.705.

198.13 Sec. 4. Minnesota Statutes 2016, section 103E.071, is amended to read:

198.14 **103E.071 COUNTY ATTORNEY.**

198.15 The county attorney shall represent the county in all drainage proceedings and related  
198.16 matters without special compensation, except as provided in section 388.10. A county  
198.17 attorney, the county attorney's assistant, or any attorney associated with the county attorney  
198.18 in business, may not otherwise appear in any drainage proceeding for any interested person.

198.19 Sec. 5. Minnesota Statutes 2016, section 103E.351, subdivision 1, is amended to read:

198.20 Subdivision 1. **Conditions to redetermine benefits and damages; appointment of**  
198.21 **viewers.** If the drainage authority determines that the original benefits or damages of record  
198.22 determined in a drainage proceeding do not reflect reasonable present day land values or  
198.23 that the benefited or damaged areas have changed, or if more than 50 percent of the owners

65.3 for the acreage and additional property required for the permanent strips must be acquired  
65.4 by the authority having jurisdiction.

65.5 (b) A project under this subdivision shall be implemented as a repair according to section  
65.6 103E.705, except that the drainage authority may appoint an engineer to examine the drainage  
65.7 system and prepare an engineer's repair report for the project.

65.8 (c) Damages shall be determined by the drainage authority, or viewers, appointed by  
65.9 the drainage authority, according to section 103E.315, subdivision 8. A damages statement  
65.10 shall be prepared, including an explanation of how the damages were determined for each  
65.11 property affected by the project, and filed with the auditor or watershed district. Within 30  
65.12 days after the damages statement is filed, the auditor or watershed district shall prepare  
65.13 property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6),  
65.14 (7), and (8), and mail a copy of the property owner's report and damages statement to each  
65.15 owner of property affected by the proposed project.

65.16 (d) After a damages statement is filed, the drainage authority shall set a time, by order,  
65.17 not more than 30 days after the date of the order, for a hearing on the project. At least ten  
65.18 days before the hearing, the auditor or watershed district shall give notice by mail of the  
65.19 time and location of the hearing to the owners of property and political subdivisions likely  
65.20 to be affected by the project.

65.21 (e) The drainage authority shall make findings and order the repairs to be made if the  
65.22 drainage authority determines from the evidence presented at the hearing and by the viewers  
65.23 and engineer, if appointed, that the repairs are necessary for the drainage system and the  
65.24 costs of the repairs are within the limitations of section 103E.705.

65.25 Sec. 37. Minnesota Statutes 2016, section 103E.071, is amended to read:

65.26 **103E.071 COUNTY ATTORNEY.**

65.27 The county attorney shall represent the county in all drainage proceedings and related  
65.28 matters without special compensation, except as provided in section 388.09, subdivision 1.  
65.29 A county attorney, the county attorney's assistant, or any attorney associated with the county  
65.30 attorney in business, may not otherwise appear in any drainage proceeding for any interested  
65.31 person.

198.24 of property, or more than 50 percent of the owners of property benefited or damaged by a  
198.25 drainage system petition for correction of an error that was made at the time of the  
198.26 proceedings that established the drainage system or a redetermination of benefits and  
198.27 damages, the drainage authority may appoint three viewers to redetermine and report the  
198.28 benefits and damages and the benefited and damaged areas.

198.29 Sec. 6. **PUBLIC DRAINAGE DITCH BUFFER STRIP; PLANTING AND**  
198.30 **MAINTENANCE.**

198.31       With the consent of the property owner where the drainage ditch buffer will be located,  
198.32 a drainage authority, as defined in Minnesota Statutes, section 103E.005, subdivision 9,  
199.1 may plant and maintain 16-1/2-foot ditch buffer strips that meet the width and vegetation  
199.2 requirements of Minnesota Statutes, section 103E.021, after acquiring and compensating  
199.3 for the buffer strip land rights according to Minnesota Statutes, chapter 103E. Planting and  
199.4 maintenance costs may be paid in accordance with Minnesota Statutes, chapter 103E. This  
199.5 section expires June 30, 2019.

199.6       **EFFECTIVE DATE.** This section is effective June 1, 2018.

109.1 Sec. 108. **PUBLIC DRAINAGE DITCH BUFFER STRIP; PLANTING AND**  
109.2 **MAINTENANCE.**

109.3       With the consent of the property owner where the drainage ditch buffer will be located,  
109.4 a drainage authority, as defined in Minnesota Statutes, section 103E.005, subdivision 9,  
109.5 may plant and maintain 16-1/2-foot ditch buffer strips that meet the width and vegetation  
109.6 requirements of Minnesota Statutes, section 103E.021, before acquiring and compensating  
109.7 for the buffer strip land rights according to Minnesota Statutes, chapter 103E. Planting and  
109.8 maintenance costs may be paid in accordance with Minnesota Statutes, chapter 103E. This  
109.9 section expires June 30, 2019.

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