

1.1 moves to amend H.F. No. 888, the third engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

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

1.6 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 1.7 and for the purposes specified in this article. The appropriations are from the general fund,
 1.8 or another named fund, and are available for the fiscal years indicated for each purpose.
 1.9 The figures "2018" and "2019" used in this article mean that the appropriations listed under
 1.10 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.
 1.11 "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"
 1.12 is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are
 1.13 effective the day following final enactment.

1.14 **APPROPRIATIONS**

1.15 **Available for the Year**

1.16 **Ending June 30**

1.17 **2018**

2019

1.18 **Sec. 2. POLLUTION CONTROL AGENCY**

1.19	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>96,336,000</u>	<u>\$</u>	<u>91,666,000</u>
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1.20 **Appropriations by Fund**

1.21		<u>2018</u>	<u>2019</u>
1.22	<u>State Government</u>		
1.23	<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
1.24	<u>Environmental</u>	<u>80,827,000</u>	<u>80,157,000</u>
1.25	<u>Remediation</u>	<u>11,434,000</u>	<u>11,434,000</u>

2.1 Closed Landfill
 2.2 Investment 4,000,000 -0-

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

2.6 The commissioner must present the agency's
 2.7 biennial budget for fiscal years 2020 and 2021
 2.8 to the legislature in a transparent way by
 2.9 agency division, including the proposed
 2.10 budget bill and presentations of the budget to
 2.11 committees and divisions with jurisdiction
 2.12 over the agency's budget.

2.13 **Subd. 2. Environmental Analysis and Outcomes** 12,547,000 12,497,000

2.14 Appropriations by Fund
 2.15 2018 2019
 2.16 Environmental 12,366,000 12,316,000
 2.17 Remediation 181,000 181,000

2.18 (a) \$88,000 the first year and \$88,000 the
 2.19 second year are from the environmental fund
 2.20 for:

2.21 (1) a municipal liaison to assist municipalities
 2.22 in implementing and participating in the
 2.23 water-quality standards rulemaking process
 2.24 and navigating the NPDES/SDS permitting
 2.25 process;

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

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

- 3.1 (4) coordinating with the Public Facilities
3.2 Authority to identify and advocate for the
3.3 resources needed for municipalities to achieve
3.4 permit requirements.
- 3.5 (b) \$204,000 the first year and \$204,000 the
3.6 second year are from the environmental fund
3.7 for a monitoring program under Minnesota
3.8 Statutes, section 116.454.
- 3.9 (c) \$346,000 the first year and \$346,000 the
3.10 second year are from the environmental fund
3.11 for monitoring ambient air for hazardous
3.12 pollutants.
- 3.13 (d) \$90,000 the first year and \$90,000 the
3.14 second year are from the environmental fund
3.15 for duties related to harmful chemicals in
3.16 children's products under Minnesota Statutes,
3.17 sections 116.9401 to 116.9407. Of this
3.18 amount, \$57,000 each year is transferred to
3.19 the commissioner of health.
- 3.20 (e) \$109,000 the first year and \$109,000 the
3.21 second year are from the environmental fund
3.22 for registration of wastewater laboratories.
- 3.23 (f) \$913,000 the first year and \$913,000 the
3.24 second year are from the environmental fund
3.25 to continue perfluorochemical biomonitoring
3.26 in eastern-metropolitan communities, as
3.27 recommended by the Environmental Health
3.28 Tracking and Biomonitoring Advisory Panel,
3.29 and address other environmental health risks,
3.30 including air quality. The communities must
3.31 include Hmong and other immigrant farming
3.32 communities. Of this amount, up to \$677,000
3.33 the first year and \$677,000 the second year
3.34 are for transfer to the Department of Health.

4.1 (g) \$100,000 the first year and \$50,000 the
 4.2 second year are from the environmental fund
 4.3 for impaired waters listing procedures required
 4.4 under this act.

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

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
<u>Environmental</u>	<u>12,979,000</u>	<u>12,978,000</u>
<u>Remediation</u>	<u>530,000</u>	<u>530,000</u>

4.10 \$530,000 the first year and \$530,000 the
 4.11 second year are from the remediation fund for
 4.12 the leaking underground storage tank program
 4.13 to investigate, clean up, and prevent future
 4.14 releases from underground petroleum storage
 4.15 tanks and to the petroleum remediation
 4.16 program for vapor assessment and
 4.17 remediation. These same annual amounts are
 4.18 transferred from the petroleum tank fund to
 4.19 the remediation fund.

4.20 **Subd. 4. Municipal** 6,625,000 6,624,000

4.21 (a) \$162,000 the first year and \$162,000 the
 4.22 second year are from the environmental fund
 4.23 for:

4.24 (1) a municipal liaison to assist municipalities
 4.25 in implementing and participating in the
 4.26 water-quality standards rulemaking process
 4.27 and navigating the NPDES/SDS permitting
 4.28 process;

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

4.33 (3) development of statewide economic
 4.34 analyses and templates to reduce the amount

5.1 of information and time required for
5.2 municipalities to apply for variances from
5.3 water quality standards; and
5.4 (4) coordinating with the Public Facilities
5.5 Authority to identify and advocate for the
5.6 resources needed for municipalities to achieve
5.7 permit requirements.

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

5.12 (c) \$615,000 the first year and \$614,000 the
5.13 second year are from the environmental fund
5.14 for subsurface sewage treatment system
5.15 (SSTS) program administration and
5.16 community technical assistance and education,
5.17 including grants and technical assistance to
5.18 communities for water-quality protection. Of
5.19 this amount, \$129,000 each year is for
5.20 assistance to counties through grants for SSTS
5.21 program administration. A county receiving
5.22 a grant from this appropriation must submit
5.23 the results achieved with the grant to the
5.24 commissioner as part of its annual SSTS
5.25 report. Any unexpended balance in the first
5.26 year does not cancel but is available in the
5.27 second year.

5.28 (d) \$639,000 the first year and \$640,000 the
5.29 second year are from the environmental fund
5.30 to address the need for continued increased
5.31 activity in the areas of new technology review,
5.32 technical assistance for local governments,
5.33 and enforcement under Minnesota Statutes,
5.34 sections 115.55 to 115.58, and to complete the

6.1 requirements of Laws 2003, chapter 128,
 6.2 article 1, section 165.

6.3 (e) Notwithstanding Minnesota Statutes,
 6.4 section 16A.28, the appropriations
 6.5 encumbered on or before June 30, 2019, as
 6.6 grants or contracts for subsurface sewage
 6.7 treatment systems, surface water and
 6.8 groundwater assessments, storm water, and
 6.9 water-quality protection in this subdivision
 6.10 are available until June 30, 2022.

6.11 **Subd. 5. Operations** 5,339,000 5,040,000

Appropriations by Fund

	<u>2018</u>	<u>2019</u>
6.13 <u>Environmental</u>	<u>4,575,000</u>	<u>4,275,000</u>
6.14 <u>Remediation</u>	<u>764,000</u>	<u>765,000</u>

6.16 (a) \$174,000 the first year and \$174,000 the
 6.17 second year are from the remediation fund for
 6.18 purposes of the leaking underground storage
 6.19 tank program to investigate, clean up, and
 6.20 prevent future releases from underground
 6.21 petroleum storage tanks, and to the petroleum
 6.22 remediation program for vapor assessment
 6.23 and remediation. These same annual amounts
 6.24 are transferred from the petroleum tank fund
 6.25 to the remediation fund.

6.26 (b) \$400,000 the first year and \$400,000 the
 6.27 second year are from the environmental fund
 6.28 to develop and maintain systems to support
 6.29 permitting and regulatory business processes
 6.30 and agency data.

6.31 (c) \$300,000 the first year is from the
 6.32 environmental fund for a grant to the
 6.33 Metropolitan Council under Minnesota
 6.34 Statutes, section 116.195, for wastewater
 6.35 infrastructure to support waste to biofuel

7.1 development. This is a onetime appropriation
 7.2 and is available until June 30, 2019.

7.3 **Subd. 6. Remediation** 14,645,000 10,644,000

7.4	<u>Appropriations by Fund</u>	
7.5	<u>2018</u>	<u>2019</u>
7.6 <u>Environmental</u>	<u>904,000</u>	<u>904,000</u>
7.7 <u>Remediation</u>	<u>9,741,000</u>	<u>9,740,000</u>
7.8 <u>Closed Landfill</u>		
7.9 <u>Investment</u>	<u>4,000,000</u>	<u>-0-</u>

7.10 (a) All money for environmental response,
 7.11 compensation, and compliance in the
 7.12 remediation fund not otherwise appropriated
 7.13 is appropriated to the commissioners of the
 7.14 Pollution Control Agency and agriculture for
 7.15 purposes of Minnesota Statutes, section
 7.16 115B.20, subdivision 2, clauses (1), (2), (3),
 7.17 (6), and (7). At the beginning of each fiscal
 7.18 year, the two commissioners shall jointly
 7.19 submit an annual spending plan to the
 7.20 commissioner of management and budget that
 7.21 maximizes the use of resources and
 7.22 appropriately allocates the money between the
 7.23 two departments. This appropriation is
 7.24 available until June 30, 2019.

7.25 (b) \$432,000 the first year and \$432,000 the
 7.26 second year are from the environmental fund
 7.27 to manage contaminated sediment projects at
 7.28 multiple sites identified in the St. Louis River
 7.29 remedial action plan to restore water quality
 7.30 in the St. Louis River area of concern. The
 7.31 base budget for fiscal year 2020 is \$432,000
 7.32 and for fiscal year 2021 is \$0.

7.33 (c) \$3,521,000 the first year and \$3,520,000
 7.34 the second year are from the remediation fund
 7.35 for purposes of the leaking underground

8.1 storage tank program to investigate, clean up,
 8.2 and prevent future releases from underground
 8.3 petroleum storage tanks, and to the petroleum
 8.4 remediation program for purposes of vapor
 8.5 assessment and remediation. These same
 8.6 annual amounts are transferred from the
 8.7 petroleum tank fund to the remediation fund.

8.8 (d) \$252,000 the first year and \$252,000 the
 8.9 second year are from the remediation fund for
 8.10 transfer to the commissioner of health for
 8.11 private water-supply monitoring and health
 8.12 assessment costs in areas contaminated by
 8.13 unpermitted mixed municipal solid waste
 8.14 disposal facilities and drinking water
 8.15 advisories and public information activities
 8.16 for areas contaminated by hazardous releases.

8.17 (e) Notwithstanding Minnesota Statutes,
 8.18 section 115B.421, \$4,000,000 the first year is
 8.19 from the closed landfill investment fund for
 8.20 remedial investigations, feasibility studies,
 8.21 engineering, and cleanup-related activities for
 8.22 purposes of environmental response actions
 8.23 at a priority qualified facility under Minnesota
 8.24 Statutes, section 115B.406. By January 15,
 8.25 2018, the commissioner must submit a status
 8.26 report to the chairs and ranking minority
 8.27 members of the house of representatives and
 8.28 senate committees and divisions with
 8.29 jurisdiction over the environment and natural
 8.30 resources. This is a onetime appropriation and
 8.31 is available until June 30, 2019.

8.32 <u>Subd. 7. Resource Management and Assistance</u>	<u>33,137,000</u>	<u>33,119,000</u>
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8.33 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
8.35 <u>State Government</u>		
8.36 <u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>

- 9.1 Environmental 33,062,000 33,044,000
- 9.2 (a) Up to \$150,000 the first year and \$150,000
9.3 the second year may be transferred from the
9.4 environmental fund to the small business
9.5 environmental improvement loan account
9.6 established in Minnesota Statutes, section
9.7 116.993.
- 9.8 (b) \$500,000 the first year and \$500,000 the
9.9 second year are from the environmental fund
9.10 for competitive recycling grants under
9.11 Minnesota Statutes, section 115A.565. This
9.12 appropriation is available until June 30, 2021.
9.13 Any unencumbered grant and loan balances
9.14 in the first year do not cancel but are available
9.15 for grants and loans in the second year.
- 9.16 (c) \$693,000 the first year and \$693,000 the
9.17 second year are from the environmental fund
9.18 for emission reduction activities and grants to
9.19 small businesses and other nonpoint emission
9.20 reduction efforts. Any unencumbered grant
9.21 and loan balances in the first year do not
9.22 cancel but are available for grants and loans
9.23 in the second year.
- 9.24 (d) \$19,750,000 the first year and \$19,750,000
9.25 the second year are from the environmental
9.26 fund for SCORE block grants to counties.
- 9.27 (e) \$119,000 the first year and \$119,000 the
9.28 second year are from the environmental fund
9.29 for environmental assistance grants or loans
9.30 under Minnesota Statutes, section 115A.0716.
9.31 Any unencumbered grant and loan balances
9.32 in the first year do not cancel but are available
9.33 for grants and loans in the second year.

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

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

10.17 (h) All money deposited in the environmental
10.18 fund for the metropolitan solid waste landfill
10.19 fee in accordance with Minnesota Statutes,
10.20 section 473.843, and not otherwise
10.21 appropriated, is appropriated for the purposes
10.22 of Minnesota Statutes, section 473.844.

10.23 (i) Notwithstanding Minnesota Statutes,
10.24 section 16A.28, the appropriations
10.25 encumbered on or before June 30, 2019, as
10.26 contracts or grants for environmental
10.27 assistance awarded under Minnesota Statutes,
10.28 section 115A.0716; technical and research
10.29 assistance under Minnesota Statutes, section
10.30 115A.152; technical assistance under
10.31 Minnesota Statutes, section 115A.52; and
10.32 pollution prevention assistance under
10.33 Minnesota Statutes, section 115D.04, are
10.34 available until June 30, 2021.

11.1 (j) \$20,000 the first year is from the
 11.2 environmental fund for four grants to local
 11.3 units of government to assist with plastic bag
 11.4 recycling efforts. Two of the grants must be
 11.5 for local units of government in urban areas
 11.6 and two of the grants to local units of
 11.7 government in rural areas of the state. By
 11.8 January 15, 2018, grantees shall report to the
 11.9 commissioner on the activities and results of
 11.10 their efforts to increase plastic bag recycling.
 11.11 This is a onetime appropriation.

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

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

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

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

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

12.1 and remediation. These same annual amounts
 12.2 are transferred from the petroleum tank fund
 12.3 to the remediation fund.

12.4 (d) \$300,000 the first year is from the
 12.5 environmental fund for a grant agreement with
 12.6 the Shell Rock River Watershed District for
 12.7 a pilot project to develop and implement a
 12.8 model for a water-quality credit trading
 12.9 program for storm water. The model must
 12.10 include identifying and quantifying projects
 12.11 in the Shell Rock River watershed completed
 12.12 on or after July 1, 2013, and identifying
 12.13 additional credit generators such as
 12.14 landowners, livestock farmers, in-lake water
 12.15 management practices, and stream restoration
 12.16 projects. The program must include
 12.17 credit-estimation methodologies and required
 12.18 trade ratios, credit demand calculation
 12.19 procedures, implementation recommendations,
 12.20 and a transferable credit trading infrastructure.
 12.21 The commissioner must convene a stakeholder
 12.22 group to guide the project. By July 1, 2019,
 12.23 the commissioner must provide a final report
 12.24 to the chairs and ranking minority members
 12.25 of the senate and house of representatives
 12.26 committees with jurisdiction over
 12.27 environmental and natural resources policy
 12.28 and finance. This is a onetime appropriation
 12.29 and is available until June 30, 2019.

12.30 **Subd. 9. Environmental Quality Board** 1,014,000 1,014,000

12.31 (a) \$511,000 the first year and \$511,000 the
 12.32 second year are from the environmental fund
 12.33 for Environmental Quality Board operations
 12.34 and support.

14.1 Permanent School 200,000 200,000

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

14.5 **Subd. 2. Land and Mineral Resources**
 14.6 **Management**

5,646,000 5,646,000

14.7 Appropriations by Fund

14.8	<u>2018</u>	<u>2019</u>
14.9 <u>General</u>	<u>1,710,000</u>	<u>1,710,000</u>
14.10 <u>Natural Resources</u>	<u>3,392,000</u>	<u>3,392,000</u>
14.11 <u>Game and Fish</u>	<u>344,000</u>	<u>344,000</u>
14.12 <u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>

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

14.19 (b) \$2,815,000 the first year and \$2,815,000
 14.20 the second year are from the minerals
 14.21 management account in the natural resources
 14.22 fund for use as provided in Minnesota Statutes,
 14.23 section 93.2236, paragraph (c), for mineral
 14.24 resource management, projects to enhance
 14.25 future mineral income, and projects to promote
 14.26 new mineral resource opportunities.

14.27 (c) \$200,000 the first year and \$200,000 the
 14.28 second year are from the state forest suspense
 14.29 account in the permanent school fund to secure
 14.30 maximum long-term economic return from
 14.31 the school trust lands consistent with fiduciary
 14.32 responsibilities and sound natural resources
 14.33 conservation and management principles.

15.1 (d) \$125,000 the first year and \$125,000 the
 15.2 second year are for conservation easement
 15.3 stewardship.

15.4 **Subd. 3. Ecological and Water Resources** 32,930,000 32,763,000

Appropriations by Fund

	<u>2018</u>	<u>2019</u>
15.6		
15.7 <u>General</u>	<u>17,213,000</u>	<u>17,046,000</u>
15.8 <u>Natural Resources</u>	<u>10,826,000</u>	<u>10,826,000</u>
15.9 <u>Game and Fish</u>	<u>4,891,000</u>	<u>4,891,000</u>

15.10 (a) \$3,242,000 the first year and \$3,242,000
 15.11 the second year are from the invasive species
 15.12 account in the natural resources fund and
 15.13 \$2,206,000 the first year and \$2,206,000 the
 15.14 second year are from the general fund for
 15.15 management, public awareness, assessment
 15.16 and monitoring research, and water access
 15.17 inspection to prevent the spread of invasive
 15.18 species; management of invasive plants in
 15.19 public waters; and management of terrestrial
 15.20 invasive species on state-administered lands.

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

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

15.33 (d) \$10,000 the first year and \$10,000 the
 15.34 second year are for payment to the Leech Lake
 15.35 Band of Chippewa Indians to implement the

- 16.1 band's portion of the comprehensive plan for
16.2 the upper Mississippi.
- 16.3 (e) \$264,000 the first year and \$264,000 the
16.4 second year are for grants for up to 50 percent
16.5 of the cost of implementation of the Red River
16.6 mediation agreement.
- 16.7 (f) \$2,018,000 the first year and \$2,018,000
16.8 the second year are from the heritage
16.9 enhancement account in the game and fish
16.10 fund for only the purposes specified in
16.11 Minnesota Statutes, section 297A.94,
16.12 paragraph (e), clause (1).
- 16.13 (g) \$950,000 the first year and \$950,000 the
16.14 second year are from the nongame wildlife
16.15 management account in the natural resources
16.16 fund for the purpose of nongame wildlife
16.17 management. Notwithstanding Minnesota
16.18 Statutes, section 290.431, \$100,000 the first
16.19 year and \$100,000 the second year may be
16.20 used for nongame wildlife information,
16.21 education, and promotion.
- 16.22 (h) Notwithstanding Minnesota Statutes,
16.23 section 84.943, \$13,000 the first year and
16.24 \$13,000 the second year from the critical
16.25 habitat private sector matching account may
16.26 be used to publicize the critical habitat license
16.27 plate match program.
- 16.28 (i) \$6,000,000 the first year and \$6,000,000
16.29 the second year are from the general fund for
16.30 the following activities:
- 16.31 (1) financial reimbursement and technical
16.32 support to soil and water conservation districts
16.33 or other local units of government for
16.34 groundwater level monitoring;

- 17.1 (2) surface water monitoring and analysis,
17.2 including installation of monitoring gauges;
- 17.3 (3) groundwater analysis to assist with water
17.4 appropriation permitting decisions;
- 17.5 (4) permit application review incorporating
17.6 surface water and groundwater technical
17.7 analysis;
- 17.8 (5) precipitation data and analysis to improve
17.9 the use of irrigation;
- 17.10 (6) information technology, including
17.11 electronic permitting and integrated data
17.12 systems; and
- 17.13 (7) compliance and monitoring.
- 17.14 (j) \$167,000 the first year is for a grant to the
17.15 Koronis Lake Association for purposes of
17.16 removing and preventing aquatic invasive
17.17 species. This is a onetime appropriation and
17.18 is available until June 30, 2022.
- 17.19 (k) \$250,000 the first year and \$250,000 the
17.20 second year are from the water management
17.21 account in the natural resources fund for
17.22 economic impact analysis of groundwater
17.23 management area and water appropriation
17.24 permit plans required under Minnesota
17.25 Statutes, sections 103G.271, subdivision 8,
17.26 and 103G.287, subdivision 4.
- 17.27 (l) \$410,000 the first year and \$410,000 the
17.28 second year are from the heritage enhancement
17.29 account in the game and fish fund for grants
17.30 to the Minnesota Aquatic Invasive Species
17.31 Research Center at the University of
17.32 Minnesota to prioritize, support, and develop
17.33 research-based solutions that can reduce the

18.1 effects of aquatic invasive species in
 18.2 Minnesota by preventing spread, controlling
 18.3 populations, and managing ecosystems and to
 18.4 advance knowledge to inspire action by others.

18.5 **Subd. 4. Forest Management** 45,781,000 45,281,000

18.6	<u>Appropriations by Fund</u>	
18.7	<u>2018</u>	<u>2019</u>
18.8	<u>28,350,000</u>	<u>28,350,000</u>
18.9	<u>16,144,000</u>	<u>15,644,000</u>
18.10	<u>1,287,000</u>	<u>1,287,000</u>

18.11 (a) \$7,145,000 the first year and \$7,145,000
 18.12 the second year are for prevention,
 18.13 presuppression, and suppression costs of
 18.14 emergency firefighting and other costs
 18.15 incurred under Minnesota Statutes, section
 18.16 88.12. The amount necessary to pay for
 18.17 presuppression and suppression costs during
 18.18 the biennium is appropriated from the general
 18.19 fund. By January 15 of each year, the
 18.20 commissioner of natural resources shall submit
 18.21 a report to the chairs and ranking minority
 18.22 members of the house and senate committees
 18.23 and divisions having jurisdiction over
 18.24 environment and natural resources finance,
 18.25 identifying all firefighting costs incurred and
 18.26 reimbursements received in the prior fiscal
 18.27 year. These appropriations may not be
 18.28 transferred. Any reimbursement of firefighting
 18.29 expenditures made to the commissioner from
 18.30 any source other than federal mobilizations
 18.31 must be deposited into the general fund.

18.32 (b) \$11,644,000 the first year and \$11,644,000
 18.33 the second year are from the forest
 18.34 management investment account in the natural
 18.35 resources fund for only the purposes specified

- 19.1 in Minnesota Statutes, section 89.039,
19.2 subdivision 2.
- 19.3 (c) \$1,287,000 the first year and \$1,287,000
19.4 the second year are from the heritage
19.5 enhancement account in the game and fish
19.6 fund to advance ecological classification
19.7 systems (ECS) scientific management tools
19.8 for forest and invasive species management.
- 19.9 (d) \$780,000 the first year and \$780,000 the
19.10 second year are for the Forest Resources
19.11 Council to implement the Sustainable Forest
19.12 Resources Act.
- 19.13 (e) \$500,000 the first year is from the forest
19.14 management investment account in the natural
19.15 resources fund for a study of the ability to
19.16 sustainably harvest at least 1,000,000 cords
19.17 of wood annually on state-administered forest
19.18 lands. No later than January 2, 2018, the
19.19 commissioner must report the study's findings
19.20 to the legislative committees with jurisdiction
19.21 over environment and natural resources policy
19.22 and finance. This is a onetime appropriation.
- 19.23 (f) \$2,000,000 the first year and \$2,000,000
19.24 the second year are from the forest
19.25 management investment account in the natural
19.26 resources fund for state forest reforestation.
- 19.27 The base from the forest management
19.28 investment account in the natural resources
19.29 fund for fiscal year 2020 and later is
19.30 \$1,250,000.
- 19.31 (g) \$2,000,000 the first year and \$2,000,000
19.32 the second year are from the forest
19.33 management investment account in the natural
19.34 resources fund for the Next Generation Core

20.1 Forestry data system. The appropriation is
 20.2 available until June 30, 2021. The base from
 20.3 the forest management investment account in
 20.4 the natural resources fund for fiscal year 2020
 20.5 and later is \$500,000.

20.6 (h) The base for the natural resources fund in
 20.7 fiscal year 2020 and later is \$13,394,000.

20.8 **Subd. 5. Parks and Trails Management** 79,805,000 79,750,000

20.9	<u>Appropriations by Fund</u>	
20.10	<u>2018</u>	<u>2019</u>
20.11 <u>General</u>	<u>25,182,000</u>	<u>24,927,000</u>
20.12 <u>Natural Resources</u>	<u>52,350,000</u>	<u>52,550,000</u>
20.13 <u>Game and Fish</u>	<u>2,273,000</u>	<u>2,273,000</u>

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

20.18 (b) \$5,740,000 the first year and \$5,740,000
 20.19 the second year are from the natural resources
 20.20 fund for state trail, park, and recreation area
 20.21 operations. This appropriation is from the
 20.22 revenue deposited in the natural resources fund
 20.23 under Minnesota Statutes, section 297A.94,
 20.24 paragraph (e), clause (2).

20.25 (c) \$17,350,000 the first year and \$17,750,000
 20.26 the second year are from the state parks
 20.27 account in the natural resources fund for state
 20.28 park and state recreation area operation and
 20.29 maintenance.

20.30 (d) \$1,005,000 the first year and \$1,005,000
 20.31 the second year are from the natural resources
 20.32 fund for park and trail grants to local units of
 20.33 government on land to be maintained for at
 20.34 least 20 years for the purposes of the grants.

21.1 This appropriation is from the revenue
21.2 deposited in the natural resources fund under
21.3 Minnesota Statutes, section 297A.94,
21.4 paragraph (e), clause (4). Any unencumbered
21.5 balance does not cancel at the end of the first
21.6 year and is available for the second year.

21.7 (e) \$130,000 the first year is from the general
21.8 fund, and \$8,424,000 the first year and
21.9 \$8,424,000 the second year are from the
21.10 snowmobile trails and enforcement account
21.11 in the natural resources fund for the
21.12 snowmobile grants-in-aid program. Any
21.13 unencumbered balance does not cancel at the
21.14 end of the first year and is available for the
21.15 second year.

21.16 (f) \$1,685,000 the first year and \$1,685,000
21.17 the second year are from the natural resources
21.18 fund for the off-highway vehicle grants-in-aid
21.19 program. Of this amount, \$1,210,000 the first
21.20 year and \$1,210,000 the second year are from
21.21 the all-terrain vehicle account; \$150,000 each
21.22 year is from the off-highway motorcycle
21.23 account; and \$325,000 each year is from the
21.24 off-road vehicle account. Any unencumbered
21.25 balance does not cancel at the end of the first
21.26 year and is available for the second year.

21.27 (g) \$75,000 the first year and \$75,000 the
21.28 second year are from the cross-country ski
21.29 account in the natural resources fund for
21.30 grooming and maintaining cross-country ski
21.31 trails in state parks, trails, and recreation areas.

21.32 (h) \$250,000 the first year and \$250,000 the
21.33 second year are from the state land and water
21.34 conservation account in the natural resources
21.35 fund for priorities established by the

22.1 commissioner for eligible state projects and
22.2 administrative and planning activities
22.3 consistent with Minnesota Statutes, section
22.4 84.0264, and the federal Land and Water
22.5 Conservation Fund Act. Any unencumbered
22.6 balance does not cancel at the end of the first
22.7 year and is available for the second year.

22.8 (i) \$150,000 the first year is from the
22.9 all-terrain vehicle account in the natural
22.10 resources fund for a grant to the city of Orr to
22.11 predesign, design, and construct the Voyageur
22.12 all-terrain vehicle trail system, including:

22.13 (1) design of the alignment for phase I of the
22.14 Voyageur all-terrain vehicle trail system and
22.15 development of a preliminary phase II
22.16 alignment;

22.17 (2) completion of wetland delineation and
22.18 wetland permitting;

22.19 (3) completion of the engineering design and
22.20 cost estimates for a snowmobile and
22.21 off-highway vehicle bridge over the Vermilion
22.22 River to establish a trail connection; and

22.23 (4) completion of the master plan for the
22.24 Voyageur all-terrain vehicle trail system.

22.25 This is a onetime appropriation and is
22.26 available until June 30, 2020.

22.27 (j) \$125,000 the first year is from the general
22.28 fund for all terrain vehicle grants-in-aid
22.29 program. This is a onetime appropriation.

22.30 (k) \$250,000 the first year and \$250,000 the
22.31 second year are from the general fund for
22.32 matching grants for local parks and outdoor

23.1 recreation areas under Minnesota Statutes,
 23.2 section 85.019, subdivision 2.

23.3 (l) \$250,000 the first year and \$250,000 the
 23.4 second year are from the general fund for
 23.5 matching grants for local trail connections
 23.6 under Minnesota Statutes, section 85.019,
 23.7 subdivision 4c.

23.8 (m) \$50,000 the first year is from the
 23.9 all-terrain vehicle account in the natural
 23.10 resources fund for a grant to the city of
 23.11 Virginia to assist the Virginia Area All-Terrain
 23.12 Vehicle Club to plan, design, engineer, and
 23.13 permit a comprehensive all-terrain vehicle
 23.14 system in the Virginia area and to connect with
 23.15 the Iron Range Off-Highway Vehicle
 23.16 Recreation Area. This is a onetime
 23.17 appropriation and is available until June 30,
 23.18 2020.

23.19 **Subd. 6. Fish and Wildlife Management** 67,581,000 67,531,000

23.20	<u>Appropriations by Fund</u>	
23.21	<u>2018</u>	<u>2019</u>
23.22	<u>Natural Resources</u> <u>1,912,000</u>	<u>1,912,000</u>
23.23	<u>Game and Fish</u> <u>65,669,000</u>	<u>65,619,000</u>

23.24 (a) \$8,167,000 the first year and \$8,167,000
 23.25 the second year are from the heritage
 23.26 enhancement account in the game and fish
 23.27 fund only for activities specified in Minnesota
 23.28 Statutes, section 297A.94, paragraph (e),
 23.29 clause (1). Notwithstanding Minnesota
 23.30 Statutes, section 297A.94, five percent of this
 23.31 appropriation may be used for expanding
 23.32 hunter and angler recruitment and retention.

23.33 (b) \$30,000 the first year is from the heritage
 23.34 enhancement account in the game and fish
 23.35 fund for the commissioner of natural resources

24.1 to contract with a private entity to search for
 24.2 a site to construct a world-class shooting range
 24.3 and club house for use by the Minnesota State
 24.4 High School League and for other regional,
 24.5 statewide, national, and international shooting
 24.6 events. The commissioner must provide public
 24.7 notice of the search, including making the
 24.8 public aware of the process through the
 24.9 Department of Natural Resources' media
 24.10 outlets, and solicit input on the location and
 24.11 building options for the facility. The siting
 24.12 search process must include a public process
 24.13 to determine if any business or individual is
 24.14 interested in donating land for the facility,
 24.15 anticipated to be at least 500 acres. The site
 24.16 search team must meet with interested third
 24.17 parties affected by or interested in the facility.
 24.18 The commissioner must submit a report with
 24.19 the results of the site search to the chairs and
 24.20 ranking minority members of the legislative
 24.21 committees and divisions with jurisdiction
 24.22 over environment and natural resources by
 24.23 March 1, 2018. This is a onetime
 24.24 appropriation.

24.25 (c) \$20,000 the first year is from the heritage
 24.26 enhancement account in the game and fish
 24.27 fund for a study on the effects of lead shot on
 24.28 wildlife on state lands. By January 15, 2018,
 24.29 the commissioner shall provide a report of the
 24.30 study to the chairs and ranking minority
 24.31 members of the legislative committees with
 24.32 jurisdiction over natural resources policy and
 24.33 finance. This is a onetime appropriation.

24.34 <u>Subd. 7. Enforcement</u>	<u>39,377,000</u>	<u>39,377,000</u>
24.35 <u>Appropriations by Fund</u>		

	<u>2018</u>	<u>2019</u>
25.1		
25.2	<u>5,140,000</u>	<u>5,140,000</u>
25.3	<u>10,309,000</u>	<u>10,309,000</u>
25.4	<u>23,828,000</u>	<u>23,828,000</u>
25.5	<u>100,000</u>	<u>100,000</u>

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

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

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

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

25.31 (e) \$250,000 the first year and \$250,000 the
 25.32 second year are from the all-terrain vehicle
 25.33 account for grants to qualifying organizations
 25.34 to assist in safety and environmental education
 25.35 and monitoring trails on public lands under

26.1 Minnesota Statutes, section 84.9011. Grants
26.2 issued under this paragraph must be issued
26.3 through a formal agreement with the
26.4 organization. By December 15 each year, an
26.5 organization receiving a grant under this
26.6 paragraph shall report to the commissioner
26.7 with details on expenditures and outcomes
26.8 from the grant. Of this appropriation, \$25,000
26.9 each year is for administration of these grants.
26.10 Any unencumbered balance does not cancel
26.11 at the end of the first year and is available for
26.12 the second year.

26.13 (f) \$510,000 the first year and \$510,000 the
26.14 second year are from the natural resources
26.15 fund for grants to county law enforcement
26.16 agencies for off-highway vehicle enforcement
26.17 and public education activities based on
26.18 off-highway vehicle use in the county. Of this
26.19 amount, \$498,000 each year is from the
26.20 all-terrain vehicle account; \$11,000 each year
26.21 is from the off-highway motorcycle account;
26.22 and \$1,000 each year is from the off-road
26.23 vehicle account. The county enforcement
26.24 agencies may use money received under this
26.25 appropriation to make grants to other local
26.26 enforcement agencies within the county that
26.27 have a high concentration of off-highway
26.28 vehicle use. Of this appropriation, \$25,000
26.29 each year is for administration of these grants.
26.30 Any unencumbered balance does not cancel
26.31 at the end of the first year and is available for
26.32 the second year.

26.33 \$1,000,000 each year is for recruiting, training,
26.34 and maintaining additional conservation
26.35 officers.

27.1 The commissioner may hold a conservation
 27.2 officer academy if necessary.

27.3 **Subd. 8. Operations Support** 1,920,000 0

27.4 \$1,920,000 the first year is available for legal
 27.5 costs. Of this amount, up to \$500,000 may be
 27.6 transferred to the Minnesota Pollution Control
 27.7 Agency. This is a onetime appropriation and
 27.8 is available until June 30, 2021.

27.9 **Subd. 9. Pass Through Funds** 320,000 320,000

27.10 Appropriations by Fund

27.11		<u>2018</u>	<u>2019</u>
27.12	<u>Natural Resources</u>	<u>320,000</u>	<u>320,000</u>

27.13 \$320,000 the first year and \$320,000 the
 27.14 second year are from the natural resources
 27.15 fund for grants to be divided equally between
 27.16 the city of St. Paul for the Como Park Zoo and
 27.17 Conservatory and the city of Duluth for the
 27.18 Duluth Zoo. This appropriation is from the
 27.19 revenue deposited to the natural resources fund
 27.20 under Minnesota Statutes, section 297A.94,
 27.21 paragraph (e), clause (5).

27.22 **Subd. 10. Cancellation**

27.23 The remaining amount of the general fund
 27.24 appropriation in Laws 2016, chapter 189,
 27.25 article 3, section 3, subdivision 3, for a grant
 27.26 to the Koronis Lake Association, estimated to
 27.27 be \$167,000, is canceled on June 30, 2017.

27.28 This subdivision is effective the day following
 27.29 final enactment.

27.30 **Sec. 4. BOARD OF WATER AND SOIL**
 27.31 **RESOURCES** \$ 13,829,000 \$ 13,529,000

27.32 (a) \$3,423,000 the first year and \$3,423,000
 27.33 the second year are for natural resources block

28.1 grants to local governments. Grants must be
28.2 matched with a combination of local cash or
28.3 in-kind contributions. The base grant portion
28.4 related to water planning must be matched by
28.5 an amount as specified by Minnesota Statutes,
28.6 section 103B.3369. The board may reduce the
28.7 amount of the natural resources block grant
28.8 to a county by an amount equal to any
28.9 reduction in the county's general services
28.10 allocation to a soil and water conservation
28.11 district from the county's previous year
28.12 allocation when the board determines that the
28.13 reduction was disproportionate.

28.14 (b) \$3,116,000 the first year and \$3,116,000
28.15 the second year are for grants to soil and water
28.16 conservation districts for the purposes of
28.17 Minnesota Statutes, sections 103C.321 and
28.18 103C.331, and for general purposes, nonpoint
28.19 engineering, and implementation and
28.20 stewardship of the reinvest in Minnesota
28.21 reserve program. Expenditures may be made
28.22 from these appropriations for supplies and
28.23 services benefiting soil and water conservation
28.24 districts. Any district receiving a payment
28.25 under this paragraph shall maintain a Web
28.26 page that publishes, at a minimum, its annual
28.27 report, annual audit, annual budget, and
28.28 meeting notices.

28.29 (c) \$260,000 the first year and \$260,000 the
28.30 second year are for feedlot water quality cost
28.31 share grants for feedlots under 300 animal
28.32 units and nutrient and manure management
28.33 projects in watersheds where there are
28.34 impaired waters.

- 29.1 (d) \$1,200,000 the first year and \$1,200,000
29.2 the second year are for soil and water
29.3 conservation district cost-sharing contracts for
29.4 perennially vegetated riparian buffers, erosion
29.5 control, water retention and treatment, and
29.6 other high-priority conservation practices.
- 29.7 (e) \$100,000 the first year and \$100,000 the
29.8 second year are for county cooperative weed
29.9 management cost-share programs and to
29.10 restore native plants in selected invasive
29.11 species management sites.
- 29.12 (f) \$761,000 the first year and \$761,000 the
29.13 second year are for implementation,
29.14 enforcement, and oversight of the Wetland
29.15 Conservation Act, including administration of
29.16 the wetland banking program and in-lieu fee
29.17 mechanism.
- 29.18 (g) \$300,000 the first year is for improving
29.19 the efficiency and effectiveness of Minnesota's
29.20 wetland regulatory programs through
29.21 continued examination of United States Clean
29.22 Water Act section 404 assumption including
29.23 negotiation of draft agreements with the
29.24 United States Environmental Protection
29.25 Agency and the United States Army Corps of
29.26 Engineers, planning for an online permitting
29.27 system, upgrading the existing wetland
29.28 banking database, and developing an in-lieu
29.29 fee wetland banking program as authorized
29.30 by statute. This is a onetime appropriation.
- 29.31 (h) \$166,000 the first year and \$166,000 the
29.32 second year are to provide technical assistance
29.33 to local drainage management officials and
29.34 for the costs of the Drainage Work Group.

30.1 (i) \$100,000 the first year and \$100,000 the
30.2 second year are for a grant to the Red River
30.3 Basin Commission for water quality and
30.4 floodplain management, including
30.5 administration of programs. This appropriation
30.6 must be matched by nonstate funds. If the
30.7 appropriation in either year is insufficient, the
30.8 appropriation in the other year is available for
30.9 it.

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

30.14 (k) \$125,000 the first year and \$125,000 the
30.15 second year are for conservation easement
30.16 stewardship.

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

30.25 (m) \$3,898,000 the first year and \$3,898,000
30.26 the second year are for Board of Water and
30.27 Soil Resources agency administration and
30.28 operations.

30.29 (n) Notwithstanding Minnesota Statutes,
30.30 section 103C.501, the board may shift
30.31 cost-share funds in this section and may adjust
30.32 the technical and administrative assistance
30.33 portion of the grant funds to leverage federal
30.34 or other nonstate funds or to address

31.1 high-priority needs identified in local water
31.2 management plans or comprehensive water
31.3 management plans.

31.4 (o) The appropriations for grants in this section
31.5 are available until June 30, 2021. If an
31.6 appropriation for grants in either year is
31.7 insufficient, the appropriation in the other year
31.8 is available for it.

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

31.14 Sec. 5. METROPOLITAN COUNCIL \$ 8,540,000 \$ 8,540,000

31.15 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
31.16 <u>General</u>	<u>2,540,000</u>	<u>2,540,000</u>
31.17 <u>Natural Resources</u>	<u>6,000,000</u>	<u>6,000,000</u>

31.19 (a) \$2,540,000 the first year and \$2,540,000
31.20 the second year are for metropolitan area
31.21 regional parks operation and maintenance
31.22 according to Minnesota Statutes, section
31.23 473.351.

31.24 (b) \$6,000,000 the first year and \$6,000,000
31.25 the second year are from the natural resources
31.26 fund for metropolitan area regional parks and
31.27 trails maintenance and operations. This
31.28 appropriation is from the revenue deposited
31.29 in the natural resources fund under Minnesota
31.30 Statutes, section 297A.94, paragraph (e),
31.31 clause (3).

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

32.1	<u>Appropriations by Fund</u>				
32.2		<u>2018</u>	<u>2019</u>		
32.3	<u>General</u>	<u>455,000</u>	<u>455,000</u>		
32.4	<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>		
32.5	<u>Conservation Corps Minnesota may receive</u>				
32.6	<u>money appropriated from the natural resources</u>				
32.7	<u>fund under this section only as provided in an</u>				
32.8	<u>agreement with the commissioner of natural</u>				
32.9	<u>resources.</u>				
32.10	Sec. 7. <u>ZOOLOGICAL BOARD</u>			<u>\$ 8,610,000</u>	<u>\$ 8,610,000</u>
32.11	<u>Appropriations by Fund</u>				
32.12		<u>2018</u>	<u>2019</u>		
32.13	<u>General</u>	<u>8,450,000</u>	<u>8,450,000</u>		
32.14	<u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>		
32.15	<u>\$160,000 the first year and \$160,000 the</u>				
32.16	<u>second year are from the natural resources</u>				
32.17	<u>fund from the revenue deposited under</u>				
32.18	<u>Minnesota Statutes, section 297A.94,</u>				
32.19	<u>paragraph (e), clause (5).</u>				
32.20	Sec. 8. <u>SCIENCE MUSEUM</u>			<u>\$ 1,079,000</u>	<u>\$ 1,079,000</u>
32.21	Sec. 9. <u>ADMINISTRATION</u>			<u>\$ 800,000</u>	<u>\$ 300,000</u>
32.22	<u>(a) \$300,000 the first year and \$300,000 the</u>				
32.23	<u>second year are from the state forest suspense</u>				
32.24	<u>account in the permanent school fund for the</u>				
32.25	<u>school trust lands director. This appropriation</u>				
32.26	<u>is to be used for securing long-term economic</u>				
32.27	<u>return from the school trust lands consistent</u>				
32.28	<u>with fiduciary responsibilities and sound</u>				
32.29	<u>natural resources conservation and</u>				
32.30	<u>management principles.</u>				
32.31	<u>(b) \$500,000 the first year is from the state</u>				
32.32	<u>forest suspense account in the permanent</u>				

33.1 school fund for the school trust lands director
 33.2 to initiate the private sale of surplus school
 33.3 trust lands identified according to Minnesota
 33.4 Statutes, section 92.82, paragraph (d),
 33.5 including but not limited to valuation
 33.6 expenses, legal fees, and transactional staff
 33.7 costs. This is a onetime appropriation and is
 33.8 available until June 30, 2019.

33.9 **Sec. 10. EXPLORE MINNESOTA TOURISM \$ 14,848,000 \$ 14,248,000**

33.10 (a) To develop maximum private sector
 33.11 involvement in tourism, \$500,000 the first
 33.12 year and \$500,000 the second year must be
 33.13 matched by Explore Minnesota Tourism from
 33.14 nonstate sources. Each \$1 of state incentive
 33.15 must be matched with \$6 of private sector
 33.16 funding. Cash match is defined as revenue to
 33.17 the state or documented cash expenditures
 33.18 directly expended to support Explore
 33.19 Minnesota Tourism programs. Up to one-half
 33.20 of the private sector contribution may be
 33.21 in-kind or soft match. The incentive in fiscal
 33.22 year 2018 shall be based on fiscal year 2017
 33.23 private sector contributions. The incentive in
 33.24 fiscal year 2019 shall be based on fiscal year
 33.25 2018 private sector contributions. This
 33.26 incentive is ongoing.

33.27 (b) Funding for the marketing grants is
 33.28 available either year of the biennium.
 33.29 Unexpended grant funds from the first year
 33.30 are available in the second year.

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

33.33 (d) \$600,000 the first year is for the major
 33.34 events grant program. This is a onetime

34.1 appropriation and is available until June 30,
34.2 2021.

34.3 Sec. 11. **REVENUE** \$ 0 \$ **2,300,000**

34.4 \$2,300,000 the second year is for riparian
34.5 protection aid payments under Minnesota
34.6 Statutes, section 477A.21.

34.7 Sec. 12. Laws 2016, chapter 189, article 3, section 6, is amended to read:

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

34.9 \$250,000 the first year is from the state forest
34.10 suspense account in the permanent school fund
34.11 for the school trust lands director to initiate
34.12 real estate development projects on school
34.13 trust lands as determined by the school trust
34.14 lands director. This is a onetime appropriation
34.15 and is available until June 30, 2019.

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

34.17 **ARTICLE 2**

34.18 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

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

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

34.26 Sec. 2. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:

34.27 **Subd. 14a. Permitting efficiency; public notice.** (a) It is the goal of the state that
34.28 environmental and resource management permits be issued or denied within 90 days for
34.29 Tier 1 permits or 150 days for Tier 2 permits following submission of a permit application.

35.1 The commissioner of natural resources shall establish management systems designed to
35.2 achieve the goal.

35.3 (b) The commissioner shall prepare an annual permitting efficiency report that includes
35.4 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit
35.5 categories. The report is due August 1 each year. For permit applications that have not met
35.6 the goal, the report must state the reasons for not meeting the goal. In stating the reasons
35.7 for not meeting the goal, the commissioner shall separately identify delays caused by the
35.8 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the
35.9 level of public engagement. The report must specify the number of days from initial
35.10 submission of the application to the day of determination that the application is complete.
35.11 The report must aggregate the data for the year and assess whether program or system
35.12 changes are necessary to achieve the goal. The report must be posted on the department's
35.13 Web site and submitted to the governor and the chairs and ranking minority members of
35.14 the house of representatives and senate committees having jurisdiction over natural resources
35.15 policy and finance.

35.16 (c) The commissioner shall allow electronic submission of environmental review and
35.17 permit documents to the department.

35.18 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject
35.19 to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~
35.20 permit applicant, in writing, whether the application is complete or incomplete. If the
35.21 commissioner determines that an application is incomplete, the notice to the applicant must
35.22 enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,
35.23 and advise the applicant on how the deficiencies can be remedied. If the commissioner
35.24 determines that the application is complete, the notice must confirm the application's Tier
35.25 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2
35.26 permit, provide the permit applicant with a schedule for reviewing the permit application.
35.27 This paragraph does not apply to an application for a permit that is subject to a grant or loan
35.28 agreement under chapter 446A.

35.29 (e) When public notice of a draft individual Tier 2 permit is required, the commissioner
35.30 must issue the notice with the draft permit within 150 days of receiving a completed permit
35.31 application unless the permit applicant and the commissioner mutually agree to a different
35.32 date. Upon request of the permit applicant, the commissioner must provide a copy of the
35.33 draft permit to the permit applicant and consider comments on the draft permit from the
35.34 permit applicant before issuing the public notice.

36.1 Sec. 3. Minnesota Statutes 2016, section 84.027, subdivision 14b, is amended to read:

36.2 Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct,~~
36.3 ~~reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of
36.4 natural resources to construct, reconstruct, or modify a project or to operate a facility may
36.5 offer to reimburse the department for the reasonable costs of staff time or consultant services
36.6 needed to expedite the preapplication process and permit development process through the
36.7 final decision on the permit, including the analysis of environmental review documents.
36.8 The reimbursement shall be in addition to permit application fees imposed by law. When
36.9 the commissioner determines that additional resources are needed to develop the permit
36.10 application in an expedited manner, and that expediting the development is consistent with
36.11 permitting program priorities, the commissioner may accept the reimbursement. The
36.12 commissioner must give the permit applicant an estimate of costs for the expedited service
36.13 to be incurred by the commissioner. The estimate must include a brief description of the
36.14 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each
36.15 task. The proposer and the commissioner shall enter into a written agreement detailing the
36.16 estimated costs for the expedited service to be incurred by the department and any recourse
36.17 available to the applicant if the department fails to comply with the schedule. The agreement
36.18 must also identify staff anticipated to be assigned to the project and describe the
36.19 commissioner's commitment to making assigned staff available for the project until the
36.20 permit decision is made. The commissioner must not issue a permit until the applicant has
36.21 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.
36.22 Reimbursements accepted by the commissioner are appropriated to the commissioner for
36.23 the purpose of developing the permit or analyzing environmental review documents.
36.24 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of
36.25 a permit; shall not affect the commissioner's decision on whether to issue or deny a permit,
36.26 what conditions are included in a permit, or the application of state and federal statutes and
36.27 rules governing permit determinations; and shall not affect final decisions regarding
36.28 environmental review.

36.29 Sec. 4. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
36.30 read:

36.31 Subd. 14c. **Irrevocability, suspensions, or expiration of permits; environmental**
36.32 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to
36.33 appropriate money to the commissioner of natural resources for environmental review and
36.34 permitting activities of the Department of Natural Resources:

37.1 (1) a permit granted by the commissioner may not be terminated or suspended for the
 37.2 term of the permit nor shall it expire without the consent of the permittee, except for breach
 37.3 or nonperformance of any condition of the permit by the permittee that is an imminent threat
 37.4 to impair or destroy the environment or injure the health, safety, or welfare of the citizens
 37.5 of the state; and

37.6 (2) environmental review and permit application work on environmental review and
 37.7 permits filed before July 1 of that year must not be suspended or terminated.

37.8 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the
 37.9 commissioner for the environmental review and permitting activities is enacted.

37.10 Sec. 5. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
 37.11 read:

37.12 Subd. 14d. **Unadopted rules.** (a) The commissioner of natural resources must not enforce
 37.13 or attempt to enforce an unadopted rule. For the purposes of this subdivision, "unadopted
 37.14 rule" means a guideline, bulletin, criterion, manual standard, interpretive statement, or
 37.15 similar pronouncement, if the guideline, bulletin, criterion, manual standard, interpretive
 37.16 statement, or similar pronouncement meets the definition of a rule as defined under section
 37.17 14.02, subdivision 4, but has not been adopted according to the rulemaking process provided
 37.18 under chapter 14. If an unadopted rule is challenged under section 14.381, the commissioner
 37.19 must overcome a presumption against the unadopted rule.

37.20 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,
 37.21 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or
 37.22 standard, the commissioner must follow the rulemaking process provided under chapter 14
 37.23 to amend or revise any such guideline, bulletin, criterion, manual standard, interpretive
 37.24 statement, or similar pronouncement.

37.25 Sec. 6. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

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

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

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

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

- 38.1 (4) used exclusively in organized track racing events;
- 38.2 (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident
38.3 off-highway motorcycle state trail pass; ~~or~~
- 38.4 (6) operated by a person participating in an event for which the commissioner has issued
38.5 a special use permit; or
- 38.6 (7) operated on boundary trails and registered in another state or country providing equal
38.7 reciprocal registration or licensing exemptions for registrants of this state.

38.8 Sec. 7. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

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

38.12 (b) Except for operation on public road rights-of-way that is permitted under section
38.13 84.795, subdivision 1, a driver's license issued by the state or another state is required to
38.14 operate an off-highway motorcycle along or on a public road right-of-way.

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

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

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

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

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

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

38.29 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate
38.30 an off-highway motorcycle on public lands or waters if the nonresident youth has in

39.1 possession evidence of completing an off-road safety course offered by the Motorcycle
39.2 Safety Foundation or another state as provided in section 84.791, subdivision 4.

39.3 Sec. 8. Minnesota Statutes 2016, section 84.8031, is amended to read:

39.4 **84.8031 GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

39.5 The commissioner must review an off-road vehicle grant-in-aid application and, if
39.6 approved, ~~commence~~ begin public review of the application within 60 days after the
39.7 completed application has been locally approved and submitted to an area parks and trails
39.8 office. If the commissioner fails to approve or deny the application within 60 days after
39.9 submission, the application is deemed approved and the commissioner must provide for a
39.10 30-day public review period. If the commissioner denies an application, the commissioner
39.11 must provide the applicant with a written explanation for denying the application at the time
39.12 the applicant is notified of the denial.

39.13 Sec. 9. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

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

39.18 (b) A person who purchases a snowmobile from a retail dealer shall make application
39.19 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary
39.20 21-day registration permit to each purchaser who applies to the dealer for registration. The
39.21 temporary permit must contain the dealer's identification number and phone number. Each
39.22 retail dealer shall submit completed registration and fees to the deputy registrar at least once
39.23 a week. No fee may be charged by a dealer to a purchaser for providing the temporary
39.24 permit.

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

40.1 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also
40.2 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement
40.3 with the commissioner of public safety may prescribe the accounting and procedural
40.4 requirements necessary to assure efficient handling of registrations and registration fees.
40.5 Deputy registrars shall strictly comply with these accounting and procedural requirements.

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

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

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

40.16 Sec. 10. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

40.17 Subdivision 1. **Program established.** (a) The commissioner shall establish a
40.18 comprehensive all-terrain vehicle environmental and safety education and training program,
40.19 including the preparation and dissemination of vehicle information and safety advice to the
40.20 public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle
40.21 safety certificates to vehicle operators over the age of 12 years who successfully complete
40.22 the all-terrain vehicle environmental and safety education and training course. A parent or
40.23 guardian must be present at the hands-on training portion of the program for youth who are
40.24 six through ten years of age.

40.25 (b) For the purpose of administering the program and to defray the expenses of training
40.26 and certifying vehicle operators, the commissioner shall collect a fee from each person who
40.27 receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for
40.28 licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The
40.29 commissioner shall establish both fees in a manner that neither significantly overrecovers
40.30 nor underrecovers costs, including overhead costs, involved in providing the services. The
40.31 fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not
40.32 apply. The fees may be established by the commissioner notwithstanding section 16A.1283.
40.33 Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall
40.34 be deposited in the all-terrain vehicle account in the natural resources fund and the amount

41.1 thereof, except for the electronic licensing system commission established by the
41.2 commissioner under section 84.027, subdivision 15, and issuing fees collected by the
41.3 commissioner, is appropriated annually to the Enforcement Division of the Department of
41.4 Natural Resources for the administration of the programs. In addition to the fee established
41.5 by the commissioner, instructors may charge each person up to the established fee amount
41.6 for class materials and expenses.

41.7 (c) The commissioner shall cooperate with private organizations and associations, private
41.8 and public corporations, and local governmental units in furtherance of the program
41.9 established under this section. School districts may cooperate with the commissioner and
41.10 volunteer instructors to provide space for the classroom portion of the training. The
41.11 commissioner shall consult with the commissioner of public safety in regard to training
41.12 program subject matter and performance testing that leads to the certification of vehicle
41.13 operators. The commissioner shall incorporate a riding component in the safety education
41.14 and training program.

41.15 Sec. 11. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

42.8 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain
42.9 vehicle with an engine capacity up to ~~90cc~~ 110cc if the vehicle is a class 1 all-terrain vehicle
42.10 with straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with
42.11 side-by-side-style seating on public lands or waters if accompanied by a parent or legal
42.12 guardian.

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

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

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

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

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

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

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

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

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

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

43.4 Sec. 12. Minnesota Statutes 2016, section 84.9256, subdivision 2, is amended to read:

43.5 Subd. 2. **Helmet and seat belts required.** (a) A person less than 18 years of age shall
43.6 not ride as a passenger or as an operator of an all-terrain vehicle on public land, public
43.7 waters, or on a public road right-of-way unless wearing a safety helmet approved by the
43.8 commissioner of public safety.

43.9 (b) A person less than 18 years of age shall not ride as a passenger or as an operator of
43.10 ~~a class 2~~ an all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

43.11 Sec. 13. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

43.12 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a
43.13 capital expenditure on a capital asset previously owned by the state, within the meaning of
43.14 generally accepted accounting principles as applied to public expenditures. The commissioner
43.15 of natural resources will consult with the commissioner of management and budget to the
43.16 extent necessary to ensure this and will furnish the commissioner of management and budget
43.17 a list of projects to be financed from the account in order of their priority. The legislature
43.18 assumes that many projects for preservation and replacement of portions of existing capital
43.19 assets will constitute betterments and capital improvements within the meaning of the
43.20 Constitution and capital expenditures under generally accepted accounting principles, and
43.21 will be financed more efficiently and economically under this section than by direct
43.22 appropriations for specific projects.

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

43.25 (c) Capital budget expenditures for natural resource asset preservation and replacement
43.26 projects must be for one or more of the following types of capital projects that support the
43.27 existing programmatic mission of the department: code compliance including health and
43.28 safety, Americans with Disabilities Act requirements, hazardous material abatement, access
43.29 improvement, or air quality improvement; building energy efficiency improvements using
43.30 current best practices; building or infrastructure repairs necessary to preserve the interior
43.31 and exterior of existing buildings; projects to remove life safety hazards such as building

44.1 code violations or structural defects; or renovation of other existing improvements to land,
 44.2 including but not limited to trails and bridges.

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

44.6 Sec. 14. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to
 44.7 read:

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

44.13 Sec. 15. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

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

44.18 Sec. 16. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

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

44.23 Sec. 17. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

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

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

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

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

45.1 Sec. 18. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

45.2 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible
45.3 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~
45.4 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members
45.5 are not employees of the state within the meaning of section 43A.02, subdivision 21.

45.6 Sec. 19. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

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

45.10 (b) In waters that are listed as infested waters, except those listed as infested with
45.11 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
45.12 17.4982, subdivision 6, taking wild animals may be permitted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46.16 This paragraph expires December 1, 2017.

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

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

46.22 Sec. 20. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

46.23 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**
46.24 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines
46.25 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
46.26 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined
46.27 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~
46.28 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~
46.29 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~
46.30 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~
46.31 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~
46.32 tagged with tags provided by the commissioner, as specified in the commercial licensee's

47.1 license or permit. Tagged gear must not be used in water bodies other than those specified
47.2 in the license or permit. The permit may authorize department staff to remove tags after the
47.3 gear is decontaminated. This tagging requirement does not apply to commercial fishing
47.4 equipment used in Lake Superior.

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

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

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

47.19 Sec. 21. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

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

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

47.25 (2) regulated invasive species, which may not be introduced except as provided in section
47.26 84D.07;

47.27 (3) unlisted nonnative species, which are subject to the classification procedure in section
47.28 84D.06; and

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

48.1 Sec. 22. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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

48.10 (5) when being transported for disposal as part of a harvest or control activity when
48.11 specifically authorized under a permit issued by the commissioner according to section
48.12 103G.615, when being transported for disposal as specified under a commercial fishing
48.13 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,
48.14 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

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

48.17 (7) when being transported from riparian property to a legal disposal site that is at least
48.18 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited
48.19 invasive species are in a covered commercial vehicle specifically designed and used for
48.20 hauling trash; or

48.21 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

48.22 Sec. 23. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

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

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

49.1 (c) The service provider's place of business must be within the Lake Minnetonka
49.2 Conservation District as established according to sections 103B.601 to 103B.645 or within
49.3 a municipality immediately bordering the Lake Minnetonka Conservation District's
49.4 boundaries.

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

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

49.10 Sec. 24. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision
49.11 to read:

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

49.20 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
49.21 the report to the chairs and ranking minority members of the senate and house of
49.22 representatives committees having jurisdiction over natural resources required under Laws
49.23 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
49.24 recommendations and assessments.

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

49.26 Sec. 25. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision
49.27 to read:

49.28 Subd. 2c. **Cross Lake pilot study.** (a) The commissioner may include an additional
49.29 targeted pilot study to include water-related equipment with zebra mussels attached for the
49.30 Cross Lake #1 State Water Access Site on Cross Lake (DNR Division of Waters number
49.31 18-0312) in Crow Wing County using the same authorities, general procedures, and
49.32 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. The place

50.1 of business of lake service providers participating in the Cross Lake targeted pilot study
50.2 must be located in Cass or Crow Wing County.

50.3 (b) If an additional targeted pilot project for Cross Lake is implemented under this
50.4 section, the report to the chairs and ranking minority members of the senate and house of
50.5 representatives committees having jurisdiction over natural resources required under Laws
50.6 2016, chapter 189, article 3, section 48, must also include the Cross Lake targeted pilot
50.7 study recommendations and assessments.

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

50.9 Sec. 26. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to
50.10 read:

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

50.15 Sec. 27. **[85.0507] FORT RIDGELY GOLF COURSE; GOLF CARTS.**

50.16 The commissioner may by contract, concession agreement, or lease, authorize the use
50.17 of golf carts on the golf course at Fort Ridgely State Park.

50.18 Sec. 28. Minnesota Statutes 2016, section 85.052, subdivision 1, is amended to read:

50.19 Subdivision 1. **Authority to establish.** (a) The commissioner may establish, by written
50.20 order, provisions for the use of state parks for the following:

50.21 (1) special parking space for automobiles or other motor-driven vehicles in a state park
50.22 or state recreation area;

50.23 (2) special parking spurs, campgrounds for automobiles, sites for tent camping, other
50.24 types of lodging, camping, or day use facilities, and special auto trailer coach parking spaces,
50.25 for the use of the individual charged for the space or facility;

50.26 (3) improvement and maintenance of golf courses already established in state parks, and
50.27 charging reasonable use fees; and

50.28 (4) providing water, sewer, and electric service to trailer or tent campsites and charging
50.29 a reasonable use fee.

51.1 (b) Provisions established under paragraph (a) are exempt from section 16A.1283 and
51.2 the rulemaking provisions of chapter 14. Section 14.386 does not apply.

51.3 (c) For the purposes of this subdivision, "lodging" means an enclosed shelter, room, or
51.4 building with furnishings for overnight use.

51.5 Sec. 29. Minnesota Statutes 2016, section 85.053, subdivision 8, is amended to read:

51.6 Subd. 8. **Free permit; military personnel; exemption.** (a) ~~A one-day permit, Annual~~
51.7 ~~permits~~ under subdivision 4, ~~shall~~ 1 must be issued without a fee for a motor vehicle being
51.8 ~~used by a person who is serving in~~ to active military service personnel in any branch or unit
51.9 of the United States armed forces ~~and who is stationed outside Minnesota, during the period~~
51.10 ~~of active service and for 90 days immediately thereafter, if the~~ or their dependents and to
51.11 recipients of a Purple Heart medal. To qualify for a free permit under this subdivision, a
51.12 ~~person presents the person's current military orders~~ must present qualifying military
51.13 identification or an annual pass for the United States military issued through the National
51.14 Parks and Federal Recreational Lands Pass program to the park attendant on duty or other
51.15 designee of the commissioner.

51.16 (b) For purposes of this section, ~~"active service" has the meaning given under section~~
51.17 ~~190.05, subdivision 5e, when performed outside Minnesota~~ subdivision, the commissioner
51.18 shall establish what constitutes qualifying military identification in the State Register.

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

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

51.27 Sec. 30. Minnesota Statutes 2016, section 85.053, subdivision 10, is amended to read:

51.28 Subd. 10. **Free entrance permit; disabled veterans.** (a) The commissioner shall issue
51.29 an annual park permit for no charge to any veteran ~~with a total and permanent~~
51.30 ~~service-connected disability, and a daily park permit to any resident veteran~~ with any level
51.31 of service-connected disability, as determined by the United States Department of Veterans
51.32 Affairs, who presents each year a copy of the veteran's determination letter or other official

52.1 form of validation issued by the United States Department of Veterans Affairs or the United
 52.2 States Department of Defense to a park attendant or commissioner's designee. For the
 52.3 purposes of this section subdivision, "veteran" has the meaning given in section 197.447.

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

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

52.9 Sec. 31. Minnesota Statutes 2016, section 85.054, is amended by adding a subdivision to
 52.10 read:

52.11 Subd. 19. **Fort Ridgely golf course.** The commissioner may by contract, concession
 52.12 agreement, or lease waive a state park permit and associated fee for motor vehicle entry or
 52.13 parking for persons playing golf at the Fort Ridgely State Park golf course provided that
 52.14 the contract, concession agreement, or lease payment to the state is set, in part, to compensate
 52.15 the state park system for the loss of the state park fees.

52.16 Sec. 32. Minnesota Statutes 2016, section 85.055, subdivision 1, is amended to read:

52.17 Subdivision 1. **Fees.** The fee for state park permits for:

52.18 (1) an annual use of state parks is ~~\$25~~ \$35;

52.19 (2) a second or subsequent vehicle state park permit is ~~\$18~~ \$26;

52.20 (3) a state park permit valid for one day is ~~\$5~~ \$7;

52.21 (4) a daily vehicle state park permit for groups is ~~\$3~~ \$5;

52.22 (5) an annual permit for motorcycles is ~~\$20~~ \$30;

52.23 (6) an employee's state park permit is without charge; and

52.24 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,
 52.25 paragraph (a), clauses (1) to (3), is \$12.

52.26 The fees specified in this subdivision include any sales tax required by state law.

52.27 Sec. 33. Minnesota Statutes 2016, section 85.22, subdivision 2a, is amended to read:

52.28 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state
 52.29 park items, tours at ~~Forestville-Mystery Cave State Park~~, interpretation programs, educational

53.1 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be
 53.2 credited to the state parks working capital account. Receipts and expenses from Douglas
 53.3 Lodge shall be tracked separately within the account. Money in the account is annually
 53.4 appropriated for the purchase and payment of expenses attributable to items for resale or
 53.5 rental and operation of Douglas Lodge. Any excess receipts in this account are annually
 53.6 appropriated for state park management and interpretive programs.

53.7 Sec. 34. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

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

53.23 Sec. 35. **[85.47] SPECIAL USE PERMITS; FEES.**

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

53.27 Sec. 36. Minnesota Statutes 2016, section 86B.301, subdivision 2, is amended to read:

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

53.29 (1) a watercraft that is covered by a license or number in full force and effect under
 53.30 federal law or a federally approved licensing or numbering system of another state, or a
 53.31 watercraft that is owned by a person from another state and that state does not require
 53.32 licensing that type of watercraft, and the watercraft has not been within this state for more

54.1 than 90 consecutive days, which does not include days that a watercraft is laid up at dock
54.2 over winter or for repairs at a Lake Superior port or another port in the state;

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

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

54.8 (4) a ship's lifeboat;

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

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

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

54.13 (8) a seaplane;

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

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

54.18 Sec. 37. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

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

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

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

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

54.28 (i) a shoreline;

54.29 (ii) a dock;

54.30 (iii) a swimmer;

- 55.1 (iv) a raft used for swimming or diving; or
- 55.2 (v) a moored, anchored, or nonmotorized watercraft;
- 55.3 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other
- 55.4 device unless:
- 55.5 (i) an observer is on board; or
- 55.6 (ii) the personal watercraft is equipped with factory-installed or factory-specified
- 55.7 accessory mirrors that give the operator a wide field of vision to the rear;
- 55.8 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,
- 55.9 or personal flotation device of the operator, if the personal watercraft is equipped by the
- 55.10 manufacturer with such a device;
- 55.11 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or
- 55.12 tampered with so as to interfere with the return-to-idle system;
- 55.13 (7) to chase or harass wildlife;
- 55.14 (8) through emergent or floating vegetation at other than a slow-no wake speed;
- 55.15 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,
- 55.16 including weaving through congested watercraft traffic, jumping the wake of another
- 55.17 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing
- 55.18 backwards;
- 55.19 (10) in any other manner that is not reasonable and prudent; or
- 55.20 (11) without a personal watercraft rules decal, issued by the commissioner, attached to
- 55.21 the personal watercraft so as to be in full view of the operator.

55.22 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft

55.23 to launch or land a person on water skis, a kneeboard, or similar device by the most direct

55.24 route to open water.

55.25 Sec. 38. Minnesota Statutes 2016, section 86B.701, subdivision 3, is amended to read:

55.26 Subd. 3. **Allocation of funding.** (a) Notwithstanding section 16A.41, expenditures

55.27 directly related to each appropriation's purpose made on or after January 1 of the fiscal year

55.28 in which the grant is made or the date of work plan approval, whichever is later, are eligible

55.29 for reimbursement unless otherwise provided.

55.30 (b) The amount of funds to be allocated under subdivisions 1 and 2 and shall be

55.31 determined by the commissioner on the basis of the following criteria:

- 56.1 (1) the number of watercraft using the waters wholly or partially within the county;
- 56.2 (2) the number of watercraft using particular bodies of water, wholly or partially within
- 56.3 the county, in relation to the size of the body of water and the type, speed, and size of the
- 56.4 watercraft utilizing the water body;
- 56.5 (3) the amount of water acreage wholly or partially within the county;
- 56.6 (4) the overall performance of the county in the area of boat and water safety;
- 56.7 (5) special considerations, such as volume of transient or nonresident watercraft use,
- 56.8 number of rental watercraft, extremely large bodies of water wholly or partially in the
- 56.9 county; or
- 56.10 (6) any other factor as determined by the commissioner.

56.11 ~~(b)~~ (c) The commissioner may require reports from the counties, make appropriate

56.12 surveys or studies, or utilize local surveys or studies to determine the criteria required in

56.13 allocation funds.

56.14 Sec. 39. Minnesota Statutes 2016, section 88.01, subdivision 28, is amended to read:

56.15 Subd. 28. **Prescribed burn.** "Prescribed burn" means a fire that is intentionally ignited,

56.16 managed, and controlled for the purpose of managing forests, prairies, or wildlife habitats

56.17 by an entity meeting certification requirements established by the commissioner ~~for the~~

56.18 ~~purpose of managing vegetation~~. A prescribed burn that has exceeded its prescribed

56.19 boundaries and requires immediate suppression action by a local fire department or other

56.20 agency with wildfire suppression responsibilities is considered a wildfire.

56.21 Sec. 40. Minnesota Statutes 2016, section 88.523, is amended to read:

56.22 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

56.23 Upon application of the owner, any auxiliary forest contract may be made subject to any

56.24 provisions of law enacted subsequent to the execution of the contract and in force at the

56.25 time of application, so far as not already applicable, with the approval of the county board

56.26 and the commissioner of natural resources. A supplemental agreement in a ~~form~~ format

56.27 ~~prescribed by the commissioner and approved by the attorney general~~ must be executed by

56.28 the commissioner in behalf of the state and by the owner. The supplemental agreement must

56.29 be filed and recorded in like manner as the supplemental contract under section 88.49,

56.30 subdivision 9, and takes effect upon filing and recording.

57.1 Sec. 41. Minnesota Statutes 2016, section 89.39, is amended to read:

57.2 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

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

57.15 Sec. 42. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to
 57.16 read:

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

57.18 (1) controls, is controlled by, or is under common control with any other person,
 57.19 including, without limitation, a partner, business entity with common ownership, or principal
 57.20 of any business entity or a subsidiary, parent company, or holding company of any person;
 57.21 or

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

57.23 Sec. 43. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

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

57.26 Sec. 44. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

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

58.1 Sec. 45. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

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

58.10 Sec. 46. Minnesota Statutes 2016, section 90.051, is amended to read:

58.11 **90.051 SUPERVISION OF SALES; BOND.**

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

58.15 Sec. 47. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

58.16 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner
58.17 shall compile a list containing a description of each tract of land upon which any timber to
58.18 be offered is situated and a statement of the estimated quantity of timber and of the appraised
58.19 price of each kind of timber thereon as shown by the report of the state appraiser. No
58.20 description shall be added after the list is posted and no timber shall be sold from land not
58.21 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.
58.22 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet
58.23 or conspicuously posted in the forest office or other public facility most accessible to potential
58.24 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to
58.25 be published once not less than one week before the date of sale in a legal newspaper in the
58.26 county or counties where the land is situated. The notice shall state the time and place of
58.27 the sale and the location at which further information regarding the sale may be obtained.
58.28 The commissioner may give other published or posted notice as the commissioner deems
58.29 proper to reach prospective bidders.

58.30 Sec. 48. Minnesota Statutes 2016, section 90.14, is amended to read:

58.31 **90.14 AUCTION SALE PROCEDURE.**

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

59.5 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,
59.6 or, if unsold at public auction, at the time of purchase at a subsequent sale under section
59.7 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the
59.8 appraised value. In case any purchaser fails to make such payment, the purchaser shall be
59.9 liable therefor to the state in a civil action, and the commissioner may reoffer the timber
59.10 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been
59.11 made.

59.12 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state
59.13 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of
59.14 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~
59.15 commissioner to purchase a permit based solely on the appraiser's estimate of the volume
59.16 of timber described in the permit, provided that the commissioner has expressly designated
59.17 the availability of such option for that tract on the list of tracts available for sale as required
59.18 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the
59.19 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate
59.20 of the volume of timber described on the permit does not have recourse to the provisions
59.21 of section 90.281.

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

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

60.1 Sec. 49. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

60.2 Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section
60.3 90.151, the commissioner may establish a registration system to verify the qualifications
60.4 of a person or affiliate as a responsible bidder to purchase a timber permit. Any system
60.5 implemented by the commissioner shall be limited in scope to only that information that is
60.6 required for the efficient administration of the purchaser qualification requirements of this
60.7 chapter. The registration system established under this subdivision is not subject to the
60.8 rulemaking provisions of chapter 14 and section 14.386 does not apply.

60.9 Sec. 50. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

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

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

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

61.1 Sec. 51. Minnesota Statutes 2016, section 90.162, is amended to read:

61.2 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

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

61.9 Sec. 52. Minnesota Statutes 2016, section 90.252, is amended to read:

61.10 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**
 61.11 **FEES.**

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

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

62.1 Sec. 53. Minnesota Statutes 2016, section 93.25, subdivision 2, is amended to read:

62.2 Subd. 2. **Lease requirements.** All leases for nonferrous metallic minerals or petroleum
62.3 must be approved by the Executive Council, and any other mineral lease issued pursuant
62.4 to this section that covers 160 or more acres must be approved by the Executive Council.
62.5 The rents, royalties, terms, conditions, and covenants of all such leases shall be fixed by
62.6 the commissioner according to rules adopted by the commissioner, but no lease shall be for
62.7 a longer term than 50 years, and all rents, royalties, terms, conditions, and covenants shall
62.8 be fully set forth in each lease issued. No lease shall be canceled by the state for failure to
62.9 meet production requirements prior to the 36th year of the lease. The rents and royalties
62.10 shall be credited to the funds as provided in section 93.22.

62.11 **EFFECTIVE DATE.** This section is effective the day following final enactment and
62.12 applies to leases in effect or issued on or after that date.

62.13 Sec. 54. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

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

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

62.26 Sec. 55. Minnesota Statutes 2016, section 93.481, subdivision 2, is amended to read:

62.27 Subd. 2. **Commissioner's review; hearing; ~~burden of proof.~~** Within 120 days after
62.28 receiving the an application, ~~or after receiving additional information requested, or after~~
62.29 ~~holding a hearing as provided in this section~~ the commissioner has deemed complete and
62.30 filed, the commissioner shall grant the permit applied for, with or without modifications or
62.31 conditions, or deny the application unless a contested case hearing is requested under section
62.32 93.483. ~~If written objections to the proposed application are filed with the commissioner~~
62.33 ~~within 30 days after the last publication required pursuant to this section or within seven~~

63.1 ~~days after publication in the case of an application to conduct lean ore stockpile removal,~~
 63.2 ~~by any person owning property which will be affected by the proposed operation or by any~~
 63.3 ~~federal, state, or local governmental agency having responsibilities affected by the proposed~~
 63.4 ~~operations, a public hearing shall be held by the commissioner in the locality of the proposed~~
 63.5 ~~operations within 30 days of receipt of such written objections and after appropriate notice~~
 63.6 ~~and publication of the date, time, and location of the hearing. The commissioner's decision~~
 63.7 ~~to grant the permit, with or without modifications, or deny the application constitutes a final~~
 63.8 ~~order for purposes of section 93.50. The commissioner in granting a permit with or without~~
 63.9 ~~modifications shall determine that the reclamation or restoration planned for the operation~~
 63.10 complies with lawful requirements and can be accomplished under available technology
 63.11 and that a proposed reclamation or restoration technique is practical and workable under
 63.12 available technology. The commissioner may hold public meetings on the application.

63.13 Sec. 56. **[93.483] CONTESTED CASE.**

63.14 Subdivision 1. **Petition for contested case hearing.** Any person owning property that
 63.15 is adjacent to the proposed operation or any federal, state, or local government having
 63.16 responsibilities affected by the proposed operation identified in the application for a permit
 63.17 to mine under section 93.481 may file a petition with the commissioner to hold a contested
 63.18 case hearing on the completed application. To be considered by the commissioner, a petition
 63.19 must be submitted in writing, must contain the information specified in subdivision 2, and
 63.20 must be submitted to the commissioner within 30 days after the application is deemed
 63.21 complete and filed. In addition, the commissioner may, on the commissioner's own motion,
 63.22 order a contested case hearing on the completed application.

63.23 Subd. 2. **Petition contents.** (a) A petition for a contested case hearing must include the
 63.24 following information:

63.25 (1) a statement of reasons or proposed findings supporting the commissioner's decision
 63.26 to hold a contested case hearing pursuant to the criteria in subdivision 3; and

63.27 (2) a statement of the issues proposed to be addressed by a contested case hearing and
 63.28 the specific relief requested or resolution of the matter.

63.29 (b) To the extent known by the petitioner, a petition for a contested case hearing may
 63.30 also include:

63.31 (1) a proposed list of prospective witnesses to be called, including experts, with a brief
 63.32 description of the proposed testimony or a summary of evidence to be presented at a contested
 63.33 case hearing;

64.1 (2) a proposed list of publications, references, or studies to be introduced and relied
64.2 upon at a contested case hearing; and

64.3 (3) an estimate of time required for the petitioner to present the matter at a contested
64.4 case hearing.

64.5 (c) A petitioner is not bound or limited to the witnesses, materials, or estimated time
64.6 identified in the petition if the requested contested case is granted by the commissioner.

64.7 (d) Any person may serve timely responses to a petition for a contested case hearing.
64.8 The commissioner shall establish deadlines for responses to be submitted.

64.9 Subd. 3. **Commissioner's decision to hold hearing.** The commissioner may grant the
64.10 petition to hold a contested case hearing or order upon the commissioner's own motion that
64.11 a contested case hearing be held if the commissioner finds that:

64.12 (1) there is a material issue of fact in dispute concerning the completed application before
64.13 the commissioner;

64.14 (2) the commissioner has jurisdiction to make a determination on the disputed material
64.15 issue of fact; and

64.16 (3) there is a reasonable basis underlying a disputed material issue of fact so that a
64.17 contested case hearing would allow the introduction of information that would aid the
64.18 commissioner in resolving the disputed facts in order to make a final decision on the
64.19 completed application.

64.20 Subd. 4. **Hearing upon demand of applicant.** If the commissioner denies an application,
64.21 the applicant may, within 30 days after receipt of the commissioner's order denying the
64.22 application, file a demand for a contested case.

64.23 Subd. 5. **Scope of hearing.** If the commissioner decides to hold a contested case hearing,
64.24 the commissioner shall identify the issues to be resolved and limit the scope and conduct
64.25 of the hearing in accordance with applicable law, due process, and fundamental fairness.
64.26 The commissioner may, before granting or ordering a contested case hearing, develop a
64.27 proposed permit or permit conditions to inform the contested case. The contested case
64.28 hearing must be conducted in accordance with sections 14.57 to 14.62. The final decision
64.29 by the commissioner to grant, with or without modifications or conditions, or deny the
64.30 application after a contested case shall constitute a final order for purposes of section 93.50.

64.31 Subd. 6. **Consistency with administrative rules.** The commissioner shall construe the
64.32 administrative procedures under Minnesota Rules, parts 6130.4800 and 6132.4000, in a

65.1 manner that is consistent with this section. To the extent any provision of Minnesota Rules,
65.2 parts 6130.4800 and 6132.4000, conflicts with this section, this section controls.

65.3 Sec. 57. Minnesota Statutes 2016, section 93.50, is amended to read:

65.4 **93.50 APPEAL.**

65.5 Any person aggrieved by any final order, ruling, or decision of the commissioner may
65.6 ~~appeal~~ seek judicial review of such order, ruling, or decision in the manner provided in
65.7 ~~chapter 14~~ under sections 14.63 to 14.69.

65.8 Sec. 58. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

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

65.18 Sec. 59. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

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

65.24 Sec. 60. Minnesota Statutes 2016, section 97A.015, is amended by adding a subdivision
65.25 to read:

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

66.1 Sec. 61. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

66.2 Subd. 39. **Protected wild animals.** "~~Protected wild animals~~" ~~are the following wild~~
66.3 ~~animals:~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,
66.4 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,
66.5 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal
66.6 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter
66.7 6134, and wild animals that are protected by a restriction in the time or manner of taking,
66.8 other than a restriction in the use of artificial lights, poison, or motor vehicles.

66.9 Sec. 62. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

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

66.13 Sec. 63. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

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

66.18 Sec. 64. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

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

66.22 Sec. 65. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

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

66.27 Sec. 66. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

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

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

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

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

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

67.11 Sec. 67. Minnesota Statutes 2016, section 97A.055, subdivision 2, is amended to read:

67.12 Subd. 2. **Receipts.** The commissioner of management and budget shall credit to the
67.13 game and fish fund all money received under the game and fish laws and all income from
67.14 state lands acquired by purchase or gift for game or fish purposes, including receipts from:

67.15 (1) licenses and permits issued;

67.16 (2) fines and forfeited bail;

67.17 (3) sales of contraband, wild animals, and other property under the control of the division,
67.18 except as provided in section 97A.225, subdivision 8, clause (2);

67.19 (4) fees from advanced education courses for hunters and trappers;

67.20 (5) reimbursements of expenditures by the division;

67.21 (6) contributions to the division; and

67.22 (7) revenue credited to the game and fish fund under section 297A.94, paragraph (e),
67.23 clause (1).

67.24 Sec. 68. Minnesota Statutes 2016, section 97A.075, subdivision 1, is amended to read:

67.25 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,
67.26 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),
67.27 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and
67.28 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

67.29 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife
67.30 trust fund, established in section 97A.4742, for each license issued under section 97A.473,

68.1 subdivision 4, shall be credited to the deer management account and is appropriated to the
68.2 commissioner for deer habitat improvement or deer management programs.

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

68.8 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild
68.9 cervidae health management account and is appropriated for emergency deer feeding and
68.10 wild cervidae health management. Money appropriated for emergency deer feeding and
68.11 wild cervidae health management is available until expended.

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

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

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

68.22 Sec. 69. Minnesota Statutes 2016, section 97A.137, subdivision 5, is amended to read:

68.23 Subd. 5. **Portable stands.** ~~Prior to the Saturday on or nearest September 16,~~ A portable
68.24 stand may be left overnight in a wildlife management area by a person with a valid bear
68.25 license ~~who is hunting within 100 yards of a bear bait site that is legally tagged and registered~~
68.26 ~~as prescribed under section 97B.425~~ to take big game during the respective season. Any
68.27 person leaving a portable stand overnight under this subdivision must affix a tag with: (1)
68.28 the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#"
68.29 license identification number issued to the licensee. The tag must be affixed to the stand in
68.30 a manner that it can be read from the ground and be made of a material sufficient to withstand
68.31 weather conditions. A person leaving a portable stand overnight in a wildlife management
68.32 area may not leave more than two portable stands in any one wildlife management area.

69.1 Sec. 70. Minnesota Statutes 2016, section 97A.201, subdivision 2, is amended to read:

69.2 Subd. 2. **Duty of ~~county attorneys and peace officers.~~** ~~County attorneys and~~ All peace
69.3 officers must enforce the game and fish laws.

69.4 Sec. 71. Minnesota Statutes 2016, section 97A.201, is amended by adding a subdivision
69.5 to read:

69.6 Subd. 3. **Prosecuting authority.** County attorneys are the primary prosecuting authority
69.7 for violations under section 97A.205, clause (5). Prosecution includes associated civil
69.8 forfeiture actions provided by law.

69.9 Sec. 72. Minnesota Statutes 2016, section 97A.225, subdivision 8, is amended to read:

69.10 Subd. 8. **Proceeds of sale.** ~~After determining the expense~~ The proceeds from the sale
69.11 after payment of the costs of seizing, towing, keeping, and selling the property, the
69.12 ~~commissioner must pay the~~ and satisfying valid liens from the proceeds according to the
69.13 ~~court order. The remaining proceeds~~ against the property must be distributed as follows:

69.14 (1) 70 percent of the money or proceeds shall be deposited in the state treasury and
69.15 credited to the game and fish fund; and

69.16 (2) 30 percent of the money or proceeds is considered a cost of forfeiting the property
69.17 and must be forwarded to the prosecuting authority that handled the forfeiture for deposit
69.18 as a supplement to its operating fund or similar fund for prosecutorial purposes.

69.19 Sec. 73. Minnesota Statutes 2016, section 97A.301, subdivision 1, is amended to read:

69.20 Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person is guilty
69.21 of a misdemeanor if that person:

69.22 (1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates the
69.23 game and fish laws;

69.24 (2) aids or assists in committing the violation;

69.25 (3) knowingly shares in the proceeds of the violation;

69.26 (4) fails to perform a duty or comply with a requirement of the game and fish laws;

69.27 (5) knowingly makes a false statement related to an affidavit regarding a violation or
69.28 requirement of the game and fish laws; or

69.29 (6) violates or attempts to violate a rule under the game and fish laws.

70.1 Sec. 74. Minnesota Statutes 2016, section 97A.338, is amended to read:

70.2 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

70.3 (a) A person who takes, possesses, or transports wild animals over the legal limit, in
70.4 closed season, or without a valid license, when the restitution value of the wild animals is
70.5 over \$1,000 is guilty of a gross overlimit violation. Except as provided in paragraph (b), a
70.6 violation under this section paragraph is a gross misdemeanor.

70.7 (b) If a wild animal involved in a gross overlimit violation is listed as a threatened or
70.8 endangered wild animal, the penalty in paragraph (a) does not apply unless more than one
70.9 animal is taken, possessed, or transported in violation of the game and fish laws.

70.10 Sec. 75. Minnesota Statutes 2016, section 97A.420, subdivision 1, is amended to read:

70.11 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license
70.12 of a person who unlawfully takes, transports, or possesses wild animals when the restitution
70.13 value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the
70.14 person may not use or obtain any license to take the same type of wild animals involved,
70.15 including a duplicate license, until an action is taken under subdivision 6. If the license
70.16 seized under this paragraph was for a big game animal, the license seizure applies to all
70.17 licenses to take big game issued to the individual. If the license seized under this paragraph
70.18 was for small game animals, the license seizure applies to all licenses to take small game
70.19 issued to the individual.

70.20 (b) In addition to the license seizure under paragraph (a), if the restitution value of the
70.21 wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all other
70.22 game and fish licenses held by the person shall be immediately seized. Except as provided
70.23 in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit,
70.24 including a duplicate license, until an action is taken under subdivision 6.

70.25 (c) A person may not take wild animals covered by a license seized under this subdivision
70.26 until an action is taken under subdivision 6.

70.27 Sec. 76. Minnesota Statutes 2016, section 97A.421, subdivision 2a, is amended to read:

70.28 Subd. 2a. **Issuance after conviction; gross overlimits.** (a) A person may not obtain a
70.29 license to take a wild animal and is prohibited from taking wild animals for ten years after
70.30 the date of conviction of a violation when the restitution value of the wild animals is \$2,000
70.31 or more.

71.1 (b) A person may not obtain a license to take a wild animal and is prohibited from taking
71.2 wild animals for ~~a period of~~ five years after the date of conviction of:

71.3 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or more,
71.4 but less than \$2,000; or

71.5 (2) a violation when the restitution value of the wild animals exceeds \$500 and the
71.6 violation occurs within ten years of one or more previous license revocations under this
71.7 subdivision.

71.8 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in a
71.9 violation when the restitution value of the wild animals exceeds \$500 and is prohibited from
71.10 taking the type of wild animals involved in the violation for ~~a period of~~ three years after the
71.11 date of conviction of a violation.

71.12 ~~(e)~~ (d) The time period of multiple revocations under paragraph (a) or (b), clause (2),
71.13 ~~shall be~~ are consecutive and no wild animals of any kind may be taken during the entire
71.14 revocation period.

71.15 (e) If a wild animal involved in the conviction is listed as a threatened or endangered
71.16 wild animal, the revocations under this subdivision do not apply unless more than one animal
71.17 is taken, possessed, or transported in violation of the game and fish laws.

71.18 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation provisions
71.19 under this subdivision.

71.20 Sec. 77. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

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

71.24 Sec. 78. **[97B.032] RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

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

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

72.1 Sec. 79. Minnesota Statutes 2016, section 97B.071, is amended to read:

72.2 **97B.071 BLAZE ORANGE CLOTHING REQUIREMENTS; BLAZE ORANGE**
72.3 **OR BLAZE PINK.**

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

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

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

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

72.22 Sec. 80. Minnesota Statutes 2016, section 97B.405, is amended to read:

72.23 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

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

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

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

73.5 Sec. 81. Minnesota Statutes 2016, section 97B.431, is amended to read:

73.6 **97B.431 BEAR-HUNTING OUTFITTERS.**

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

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

73.19 Sec. 82. Minnesota Statutes 2016, section 97B.516, is amended to read:

73.20 **97B.516 ELK MANAGEMENT PLAN.**

73.21 (a) The commissioner of natural resources must adopt an elk management plan that:

73.22 (1) recognizes the value and uniqueness of elk;

73.23 (2) provides for integrated management of an elk population in harmony with the
73.24 environment; and

73.25 (3) affords optimum recreational opportunities.

73.26 (b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in
73.27 Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size
73.28 of the herd, including adoption or implementation of an elk management plan designed to
73.29 increase an elk herd, unless the commissioner of agriculture verifies that crop and fence
73.30 damages paid under section 3.7371 and attributed to the herd have not increased for at least
73.31 two years.

74.1 (c) At least 60 days prior to implementing a plan to increase an elk herd, the
74.2 commissioners of natural resources and agriculture must hold a joint public meeting in the
74.3 county where the elk herd to be increased is located. At the meeting, the commissioners
74.4 must present evidence that crop and fence damages have not increased in the prior two years
74.5 and must detail the practices that will be used to reduce elk conflicts with area landowners.

74.6 Sec. 83. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

74.7 Subdivision 1. **Owners and occupants may take certain animals.** A person or the
74.8 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,
74.9 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the
74.10 person where the animal is causing damage. The person or the person's agent may take the
74.11 animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed
74.12 season or by poison. Raccoons may be taken under this subdivision with artificial lights
74.13 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,
74.14 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer
74.15 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

74.16 Sec. 84. Minnesota Statutes 2016, section 97C.315, subdivision 1, is amended to read:

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

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

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

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

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

74.26 Sec. 85. Minnesota Statutes 2016, section 97C.355, subdivision 2a, is amended to read:

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

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

75.4 Sec. 86. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

75.5 Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person
75.6 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~
75.7 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

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

75.9 Sec. 87. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

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

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

75.18 (1) as provided in subdivision 3;

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

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

75.25 Sec. 88. Minnesota Statutes 2016, section 97C.515, subdivision 2, is amended to read:

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

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

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

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

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

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

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

76.19 Sec. 89. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision
76.20 to read:

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

76.27 Sec. 90. Minnesota Statutes 2016, section 103B.101, subdivision 12a, is amended to read:

76.28 Subd. 12a. **Authority to issue penalty orders.** (a) ~~A county or watershed district with~~
76.29 ~~jurisdiction or~~ The Board of Water and Soil Resources may issue an order requiring violations
76.30 of the water resources riparian protection requirements under sections 103F.415, 103F.421,
76.31 and 103F.48 to be corrected and administratively assessing monetary penalties up to \$500
76.32 for noncompliance commencing on day one of the 11th month after the noncompliance

77.1 notice was issued. The proceeds collected from an administrative penalty order issued under
77.2 this section must be remitted to ~~the county or watershed district with jurisdiction over the~~
77.3 ~~noncompliant site, or otherwise remitted to~~ the Board of Water and Soil Resources.

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

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

77.11 Sec. 91. Minnesota Statutes 2016, section 103F.411, subdivision 1, is amended to read:

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

77.17 Sec. 92. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

78.7 (i) "Public waters" ~~has the meaning given in section 103G.005, subdivision 15. The term~~
78.8 means public waters as used in this section applies to waters that are on the public waters
78.9 inventory as provided in section 103G.201.

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

78.14 Sec. 93. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

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

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

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

78.22 (ii) the state shoreland standards and criteria adopted by the commissioner under section
78.23 103F.211; and

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

78.28 (b) A landowner owning property adjacent to a water body identified in a buffer protection
78.29 map and whose property is used for cultivation farming may meet the requirements under
78.30 paragraph (a) by adopting an alternative riparian water quality practice, or combination of
78.31 structural, vegetative, and management practices, based on the Natural Resources
78.32 Conservation Service Field Office Technical Guide or other practices approved by the local

79.1 soil and water conservation district board, that provide water quality protection comparable
79.2 to the buffer protection for the water body that the property abuts. Included in these practices
79.3 are retention ponds and alternative measures that prevent overland flow to the water resource.
79.4 A landowner, authorized agent, or operator may request the soil and water conservation
79.5 district to make a determination whether a specific alternative water quality practice would
79.6 meet the applicable requirements under this section. If a landowner, authorized agent, or
79.7 operator has requested, at least 90 days before the applicable effective date under paragraph
79.8 (e), that the soil and water conservation district make a determination, then the landowner
79.9 must not be found noncompliant until the soil and water conservation district has notified
79.10 the landowner, agent, or operator in writing whether the practice would meet the applicable
79.11 requirements.

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

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

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

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

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

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

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

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

80.1 Sec. 94. Minnesota Statutes 2016, section 103F.48, subdivision 7, is amended to read:

80.2 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines
80.3 a landowner is not in compliance with this section, and the landowner has declined state or
80.4 federal assistance to pay 100 percent of the cost to establish buffers or other water resource
80.5 protection measures approved by the board and annual payments or an easement for the
80.6 land, the district must notify the county or watershed district with jurisdiction over the
80.7 noncompliant site and the board. The county or watershed district with jurisdiction or the
80.8 board must provide the landowner with a list of corrective actions needed to come into
80.9 compliance and a practical timeline to meet the requirements in this section. The county or
80.10 watershed district with jurisdiction must provide a copy of the corrective action notice to
80.11 the board.

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

80.19 (c) If the landowner does not comply with the list of actions and timeline provided, the
80.20 county or watershed district may enforce this section ~~under the authority granted in section~~
80.21 ~~103B.101, subdivision 12a,~~ or by rule of the watershed district or ordinance or other official
80.22 control of the county. ~~Before exercising administrative penalty authority, a county or~~
80.23 ~~watershed district must adopt a plan consistent with the plan adopted by the board containing~~
80.24 ~~procedures for the issuance of administrative penalty orders and may issue orders beginning~~
80.25 ~~November 1, 2017.~~ If a county or watershed district with jurisdiction over the noncompliant
80.26 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the
80.27 board must enforce this section under the authority granted in section 103B.101, subdivision
80.28 12a.

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

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

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

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

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

81.13 Sec. 95. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision
 81.14 to read:

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

81.20 Sec. 96. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to read:

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

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

81.25 (2) 50 percent or more of the current total land area is state or federal land.

81.26 Sec. 97. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

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

82.1 Sec. 98. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

82.2 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
82.3 partially, unless replaced by actions that provide at least equal public value under a
82.4 replacement plan approved as provided in section 103G.2242, a replacement plan under a
82.5 local governmental unit's comprehensive wetland protection and management plan approved
82.6 by the board under section 103G.2243, or, if a permit to mine is required under section
82.7 93.481, under a mining reclamation plan approved by the commissioner under the permit
82.8 to mine. Project-specific wetland replacement plans submitted as part of a project for which
82.9 a permit to mine is required and approved by the commissioner on or after July 1, 1991,
82.10 may include surplus wetland credits to be allocated by the commissioner to offset future
82.11 mining-related wetland impacts under any permits to mine held by the permittee, the operator,
82.12 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an
82.13 assignment under section 93.481, subdivision 5. For project-specific wetland replacement
82.14 completed prior to wetland impacts authorized or conducted under a permit to mine within
82.15 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single
82.16 watershed for purposes of determining wetland replacement ratios. Mining reclamation
82.17 plans shall apply the same principles and standards for replacing wetlands that are applicable
82.18 to mitigation plans approved as provided in section 103G.2242. The commissioner must
82.19 provide notice of an application for wetland replacement under a permit to mine to the
82.20 county in which the impact is proposed and the county in which a mitigation site is proposed.
82.21 Public value must be determined in accordance with section 103B.3355 or a comprehensive
82.22 wetland protection and management plan established under section 103G.2243. Sections
82.23 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently
82.24 flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

83.4 For a project involving the draining or filling of wetlands in an amount not exceeding
83.5 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
83.6 paragraph (a), the local government unit may make an on-site sequencing determination
83.7 without a written alternatives analysis from the applicant.

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

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

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

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

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

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

83.31 (i) Except in a greater than 80 percent area, only wetlands that have been restored from
83.32 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,
83.33 wetlands created by dikes or dams along public or private drainage ditches, or wetlands

84.1 created by dikes or dams associated with the restoration of previously drained or filled
84.2 wetlands may be used for wetland replacement according to rules adopted under section
84.3 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring
84.4 wetlands from one type to another are not eligible for wetland replacement.

84.5 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision
84.6 2, shall ensure that sufficient time has occurred for the wetland to develop wetland
84.7 characteristics of soils, vegetation, and hydrology before recommending that the wetland
84.8 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason
84.9 to believe that the wetland characteristics may change substantially, the panel shall postpone
84.10 its recommendation until the wetland has stabilized.

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

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

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

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

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

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

85.4 Those required to receive notice of public transportation projects may appeal
85.5 minimization, delineation, and on-site mitigation decisions made by the public transportation
85.6 authority to the board according to the provisions of section 103G.2242, subdivision 9. The
85.7 Technical Evaluation Panel shall review minimization and delineation decisions made by
85.8 the public transportation authority and provide recommendations regarding on-site mitigation
85.9 if requested to do so by the local government unit, a contiguous landowner, or a member
85.10 of the Technical Evaluation Panel.

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

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

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

85.26 (o) A local government unit may request the board to reclassify a county or watershed
85.27 on the basis of its percentage of presettlement wetlands remaining. After receipt of
85.28 satisfactory documentation from the local government, the board shall change the
85.29 classification of a county or watershed. If requested by the local government unit, the board
85.30 must assist in developing the documentation. Within 30 days of its action to approve a
85.31 change of wetland classifications, the board shall publish a notice of the change in the
85.32 Environmental Quality Board Monitor.

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

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

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

86.6 Sec. 99. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

86.7 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Impacted
86.8 wetlands outside of a greater than 80 percent area must not be replaced in a 50 to greater
86.9 than 80 percent area or in a less than 50 percent area. Impacted wetlands in a less than 50
86.10 percent area must be replaced in a less than 50 percent area. All wetland replacement must
86.11 follow this priority order:

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

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

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

86.15 (4) in another wetland bank service area.

86.16 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a
86.17 complete wetland banking application submitted to a local government unit by April 1,
86.18 1996, may be used to replace wetland impacts resulting from public transportation projects
86.19 statewide.

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

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

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

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

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

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

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

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

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

87.11 (h) Wetland replacement sites identified in accordance with the priority order for
87.12 replacement siting in paragraph (a) as part of the completion of an adequate environmental
87.13 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,
87.14 or 103G.2243 without further modification related to the priority order, notwithstanding
87.15 availability of new mitigation sites or availability of credits after completion of an adequate
87.16 environmental impact statement. Wetland replacement plan applications must be submitted
87.17 within one year of the adequacy determination of the environmental impact statement to be
87.18 eligible for approval under this paragraph.

87.19 Sec. 100. Minnesota Statutes 2016, section 103G.223, is amended to read:

87.20 **103G.223 CALCAREOUS FENS.**

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

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

87.29 Sec. 101. Minnesota Statutes 2016, section 103G.2242, subdivision 1, is amended to read:

87.30 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt
87.31 rules governing the approval of wetland value replacement plans under this section and
87.32 public-waters-work permits affecting public waters wetlands under section 103G.245. These

88.1 rules must address the criteria, procedure, timing, and location of acceptable replacement
88.2 of wetland values and may address the state establishment and administration of a wetland
88.3 banking program for public and private projects, including provisions for an in-lieu fee
88.4 program; the administrative, monitoring, and enforcement procedures to be used; and a
88.5 procedure for the review and appeal of decisions under this section. In the case of peatlands,
88.6 the replacement plan rules must consider the impact on carbon. Any in-lieu fee program
88.7 established by the board must conform with Code of Federal Regulations, title 33, section
88.8 332.8, as amended.

88.9 (b) After the adoption of the rules, a replacement plan must be approved by a resolution
88.10 of the governing body of the local government unit, consistent with the provisions of the
88.11 rules or a comprehensive wetland protection and management plan approved under section
88.12 103G.2243.

88.13 (c) If the local government unit fails to apply the rules, or fails to implement a local
88.14 comprehensive wetland protection and management plan established under section
88.15 103G.2243, the government unit is subject to penalty as determined by the board.

88.16 (d) When making a determination under rules adopted pursuant to this subdivision on
88.17 whether a rare natural community will be permanently adversely affected, consideration of
88.18 measures to mitigate any adverse effect on the community must be considered.

88.19 Sec. 102. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

88.20 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type
88.21 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an
88.22 on-site inspection. The Technical Evaluation Panel shall be composed of a technical
88.23 professional employee of the board, a technical professional employee of the local soil and
88.24 water conservation district or districts, a technical professional with expertise in water
88.25 resources management appointed by the local government unit, and a technical professional
88.26 employee of the Department of Natural Resources for projects affecting public waters or
88.27 wetlands adjacent to public waters. The panel shall use the "United States Army Corps of
88.28 Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary
88.29 guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and
88.30 Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater
88.31 Habitats of the United States" (1979 edition). The panel shall provide the wetland
88.32 determination and recommendations on other technical matters to the local government unit
88.33 that must approve a replacement plan, sequencing, exemption determination, no-loss
88.34 determination, or wetland boundary or type determination and may recommend approval

89.1 or denial of the plan. The authority must consider and include the decision of the Technical
89.2 Evaluation Panel in their approval or denial of a plan or determination.

89.3 (b) A member of the Technical Evaluation Panel that has a financial interest in a wetland
89.4 bank or management responsibility to sell or make recommendations in their official capacity
89.5 to sell credits from a publicly owned wetland bank must disclose that interest, in writing,
89.6 to the Technical Evaluation Panel and the local government unit.

89.7 ~~(b)~~ (c) Persons conducting wetland or public waters boundary delineations or type
89.8 determinations are exempt from the requirements of chapter 326. The board may develop
89.9 a professional wetland delineator certification program.

89.10 ~~(e)~~ (d) The board must establish an interagency team to assist in identifying and evaluating
89.11 potential wetland replacement sites. The team must consist of members of the Technical
89.12 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution
89.13 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other
89.14 organizations as determined by the board.

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

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

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

89.31 (c) If a court has ruled that there has not been a violation of the restoration or replacement
89.32 order, an order may not be recorded or filed under this section.

90.1 (d) If an order was recorded before a court finding that there has not been a violation or
 90.2 an order was filed before the effective date of this section and the deed restriction would
 90.3 have been in violation of paragraph (c), the commissioner must remove the deed restriction
 90.4 if the owner of the property requests the commissioner to remove it. Within 30 days of
 90.5 receiving the request for removal from the owner, the commissioner must contact, in writing,
 90.6 the office of the county recorder or registrar of titles where the order is recorded or filed,
 90.7 along with all applicable fees, and have the order removed. Within 30 days of receiving
 90.8 notification from the office of the county recorder or registrar of titles that the order has
 90.9 been removed, the commissioner must inform the owner that the order has been removed
 90.10 and provide the owner with a copy of any documentation provided by the office of the
 90.11 county recorder or registrar of titles.

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

90.13 Sec. 104. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

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

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

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

90.21 (2) nonconsumptive diversion of a surface water of the state from its natural channel for
 90.22 the production of hydroelectric or hydromechanical power at structures that were in existence
 90.23 on and before July 1, 1937, including repowering, upgrades, or additions to those facilities;
 90.24 or

90.25 (3) appropriation or use of storm water collected and used to reduce storm-water runoff
 90.26 volume, treat storm water, or sustain groundwater supplies when water is extracted from
 90.27 constructed management facilities for storm water.

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

91.1 Sec. 105. Minnesota Statutes 2016, section 103G.271, subdivision 6, is amended to read:

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

91.8 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

91.9 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less
91.10 than 100,000,000 gallons per year;

91.11 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than
91.12 150,000,000 gallons per year;

91.13 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less
91.14 than 200,000,000 gallons per year;

91.15 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than
91.16 250,000,000 gallons per year;

91.17 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less
91.18 than 300,000,000 gallons per year;

91.19 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than
91.20 350,000,000 gallons per year;

91.21 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less
91.22 than 400,000,000 gallons per year;

91.23 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than
91.24 450,000,000 gallons per year;

91.25 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less
91.26 than 500,000,000 gallons per year; and

91.27 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

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

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

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

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

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

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

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

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

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

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

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

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

92.14 (5) the fee for a facility that temporarily diverts a water of the state from its natural
92.15 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per
92.16 year. A permit for such a facility does not count toward the number of permits held by an
92.17 entity as described in paragraph (d); and

92.18 ~~(5)~~ (6) no fee is required for a project involving the appropriation of surface water to
92.19 prevent flood damage or to remove flood waters during a period of flooding, as determined
92.20 by the commissioner.

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

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

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

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

93.1 (g) The commissioner shall waive the water-use permit fee for installations and projects
93.2 that use storm water runoff or where public entities are diverting water to treat a water
93.3 quality issue and returning the water to its source without using the water for any other
93.4 purpose, unless the commissioner determines that the proposed use adversely affects surface
93.5 water or groundwater.

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

93.12 Sec. 106. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

93.13 Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water
93.14 without a required permit under subdivision 1 must pay the applicable water-use permit
93.15 processing fee specified in subdivision 6 for the period during which the unpermitted
93.16 appropriation occurred. The fees for unpermitted appropriations are required for the previous
93.17 seven calendar years after being notified of the need for a permit. This fee is in addition to
93.18 any other fee or penalty assessed. The commissioner may waive payment of fees for past
93.19 unpermitted appropriations for a residential system permitted under subdivision 5, paragraph
93.20 (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of
93.21 the state from its natural channel.

93.22 Sec. 107. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

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

93.28 Sec. 108. Minnesota Statutes 2016, section 103G.271, is amended by adding a subdivision
93.29 to read:

93.30 Subd. 8. **Management plans; economic impacts.** Before requiring a change to a
93.31 management plan for appropriating water, the commissioner must provide estimates of the

94.1 economic impact of any new restriction or policy on existing and future groundwater users
94.2 in the affected area.

94.3 Sec. 109. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

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

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

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

94.12 (3) information on groundwater quality in terms of the measures of quality commonly
94.13 specified for the proposed water use and details on water treatment necessary for the proposed
94.14 use;

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

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

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

94.27 (c) The commissioner shall provide an assessment of a proposed well needing a
94.28 groundwater appropriation permit. The commissioner shall evaluate the information submitted
94.29 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the
94.30 anticipated appropriation request is likely to meet the applicable requirements of this chapter.
94.31 If the appropriation request is likely to meet applicable requirements, the commissioner
94.32 shall provide the person submitting the information with a letter providing preliminary

95.1 approval to construct the well and the requirements, including test-well information, that
95.2 will be needed to obtain the permit.

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

95.8 Sec. 110. Minnesota Statutes 2016, section 103G.287, subdivision 4, is amended to read:

95.9 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate
95.10 groundwater management areas and limit total annual water appropriations and uses within
95.11 a designated area to ensure sustainable use of groundwater that protects ecosystems, water
95.12 quality, and the ability of future generations to meet their own needs. Water appropriations
95.13 and uses within a designated management area must be consistent with a groundwater
95.14 management area plan approved by the commissioner that addresses water conservation
95.15 requirements and water allocation priorities established in section 103G.261. At least 30
95.16 days prior to implementing or modifying a groundwater management area plan under this
95.17 subdivision, the commissioner shall consult with the advisory team established in paragraph
95.18 (c).

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

95.27 (c) When designating a groundwater management area, the commissioner shall assemble
95.28 an advisory team to assist in developing a groundwater management area plan for the area.
95.29 The advisory team members shall be selected from public and private entities that have an
95.30 interest in the water resources affected by the groundwater management area. A majority
95.31 of the advisory team members shall be public and private entities that currently hold water-use
95.32 permits for water appropriations from the affected water resources. The commissioner shall
95.33 consult with the League of Minnesota Cities, the Association of Minnesota Counties, the
95.34 Minnesota Association of Watershed Districts, and the Minnesota Association of Townships

96.1 in appointing the local government representatives to the advisory team. The advisory team
 96.2 may also include representatives from the University of Minnesota, the Minnesota State
 96.3 Colleges and Universities, other institutions of higher learning in Minnesota, political
 96.4 subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and
 96.5 federal agencies.

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

96.9 Sec. 111. Minnesota Statutes 2016, section 103G.411, is amended to read:

96.10 **103G.411 STIPULATION OF LOW-WATER MARK.**

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

96.20 Sec. 112. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision
 96.21 to read:

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

96.29 Sec. 113. [115.051] REVIEW OF PROPOSED ACTIONS OF THE POLLUTION
 96.30 CONTROL AGENCY.

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

97.1 (b) "Local government unit" means a statutory or home rule charter city, county, local
97.2 public utilities commission, sanitary district, or an organization formed for the joint exercise
97.3 of powers under section 471.59.

97.4 (c) "Proposed action" means an action that is all of the following:

97.5 (1) being considered by the commissioner of the Pollution Control Agency or has been
97.6 undertaken by the commissioner but is not yet final;

97.7 (2) would, once final, constitute one of the following:

97.8 (i) the issuance, amendment, modification, or denial of a water quality standard under
97.9 section 115.44, a water-related permit, a total maximum daily load (TMDL) study, or a
97.10 watershed restoration and protection strategy (WRAPS); or

97.11 (ii) another action or decision undertaken pursuant to the commissioner's authority under
97.12 this chapter or chapter 114D that is or would be eligible for a contested case hearing under
97.13 chapter 14 or that would constitute rulemaking under that chapter.

97.14 (d) "Requisite number" means five or more if the proposed action is rulemaking under
97.15 chapter 14. The term means one or more if the proposed action is one that is or would be
97.16 eligible for a contested case hearing under chapter 14.

97.17 (e) "Review petition" means a written petition of a local government unit adopted by
97.18 resolution of the applicable governing body that describes the need for review by an expert
97.19 review panel of the scientific basis of a proposed action that potentially affects the petitioner.

97.20 (f) "Review proceeding" means a proceeding under chapter 14 of the Office of
97.21 Administrative Hearings to review a proposed action.

97.22 **Subd. 2. Office of Administrative Hearings review of scientific basis for proposed**
97.23 **action.** In any review proceeding, the administrative law judge must examine the
97.24 administrative record and, without deference to the commissioner, independently determine
97.25 from the record whether:

97.26 (1) the proposed action is based on reliable scientific data and analyses, as confirmed
97.27 by publicly available peer-reviewed literature;

97.28 (2) every test, measurement, or model the commissioner relied on in support of the
97.29 proposed action was used by the commissioner for the purpose for which the test,
97.30 measurement, or model was designed, consistent with generally accepted and peer-reviewed
97.31 scientific practice;

98.1 (3) the proposed action is consistent with the findings of any applicable external peer
98.2 review panel the commissioner convened under section 115.035; and

98.3 (4) the proposed action is based on a demonstrated, significant causal relationship between
98.4 the parameters of concern and the water-quality objective at issue, not the correlation alone.
98.5 When a causal relationship may be confounded by other factors, the reviewing authority
98.6 must determine whether the relevance and effect of those factors were assessed to ensure
98.7 the predicted causal relationship is valid.

98.8 **Subd. 3. Effect of Office of Administrative Hearings finding of inadequate basis for**
98.9 **proposed action. If an administrative law judge determines that any of the conditions set**
98.10 **forth in subdivision 2, clauses (1) to (4), are not satisfied, then:**

98.11 (1) if the proposed action was a proposed rule, the administrative law judge must find
98.12 that the need for or reasonableness of the rule has not been established pursuant to section
98.13 14.14, subdivision 2; and

98.14 (2) if the proposed action was before the Office of Administrative Hearings as part of a
98.15 contested case hearing, the administrative law judge must include this finding in the report
98.16 required by sections 14.48 to 14.56, which shall constitute the final decision in the case.

98.17 **Subd. 4. When independent expert review panel required; composition. The Office**
98.18 **of Administrative Hearings must convene an expert review panel to review the scientific**
98.19 **basis of a proposed action when it receives the requisite number of review petitions and**
98.20 **finds, based on its independent review of the petitions, that the petitions demonstrate the**
98.21 **existence of a material scientific dispute regarding the scientific validity of the commissioner's**
98.22 **proposed action. The Office of Administrative Hearings shall issue an order granting or**
98.23 **denying a petition within 30 days of its receipt of the petition. A review panel must consist**
98.24 **of three independent experts with qualifications in the subject matter of the scientific dispute**
98.25 **who are employed neither by the Pollution Control Agency nor by a petitioner to the**
98.26 **proceeding and who are not directly or indirectly involved with the work conducted or**
98.27 **contracted by the agency. The composition of the panel must be determined as follows:**

98.28 (1) the commissioner of the Pollution Control Agency must select one expert satisfying
98.29 the requirements of this subdivision;

98.30 (2) the petitioners must jointly select one expert satisfying the requirements of this
98.31 subdivision; and

99.1 (3) the two experts selected under clauses (1) and (2) must mutually agree to a third
99.2 expert satisfying the requirements of this subdivision. If the two experts are unable to agree
99.3 on a third expert, the Office of Administrative Hearings must make the appointment.

99.4 Subd. 5. **Conduct of independent expert review panel.** Upon granting a petition for
99.5 independent expert review, the Office of Administrative Hearings must, as soon as practicable
99.6 thereafter, issue an order establishing the independent expert review panel, identifying the
99.7 independent experts selected pursuant to subdivision 4. This order must include a statement
99.8 of the specific scientific issues or questions in dispute to be submitted for review by the
99.9 panel. The commissioner and all petitioners must agree on the issues or questions in dispute
99.10 to be submitted for review. If they cannot agree on one or more issues or questions, the
99.11 Office of Administrative Hearings must determine the issue or questions to be submitted
99.12 giving substantial consideration to the questions raised in any petitions it has received. The
99.13 panel must review the scientific evidence relevant to those issues or questions as found in
99.14 the petitions, the administrative record for the proposed action, and the results of any external
99.15 peer review conducted according to section 115.035, in accordance with the guidance in
99.16 the United States Environmental Protection Agency's Peer Review Handbook. The panel
99.17 must submit a written opinion on the scientific validity of the commissioner's approach that
99.18 is in controversy. If the panel finds deficiencies, the panel must recommend how the
99.19 deficiencies can be corrected. The written opinion shall become part of the administrative
99.20 record and must be submitted to the Office of Administrative Hearings, which shall send a
99.21 written copy of the opinion to the commissioner of the Pollution Control Agency, all
99.22 petitioners, and the chairs and ranking minority members of the house of representatives
99.23 and senate committees having jurisdiction over environment and natural resources policy
99.24 and finance.

99.25 Subd. 6. **Status of action pending independent expert panel review.** Once the Office
99.26 of Administrative Hearings has received the requisite number of review petitions, it must
99.27 notify the Pollution Control Agency of this fact and:

99.28 (1) the Pollution Control Agency shall not grant or deny a contested case petition filed
99.29 by the local government unit on the proposed action that is the subject of a petition or
99.30 otherwise proceed towards finalizing the proposed action until the Office of Administrative
99.31 Hearings denies the petition for independent expert review, or if the petition is granted, it
99.32 has received and considered the written opinion required by subdivision 5; and

99.33 (2) the Office of Administrative Hearings shall not conduct the review required by
99.34 subdivision 2 until it has received the written opinion required by subdivision 5.

100.1 Subd. 7. **Chapter 14 requirements must be followed.** Nothing in this section shall be
100.2 construed to abrogate or otherwise repeal any of the procedural requirements of chapter 14.
100.3 Upon receipt of a written opinion pursuant to subdivision 5, the Pollution Control Agency
100.4 and the Office of Administrative Hearings shall make the opinion available to the public
100.5 for review and continue to follow all applicable provisions of chapter 14, including public
100.6 comment and hearing requirements.

100.7 Subd. 8. **Timing of review petition submission.** A review petition submitted to the
100.8 Office of Administrative Hearings must be submitted within the time period for filing a
100.9 contested case petition or prior to the expiration of the public comment period as noticed
100.10 in the statement of intent to adopt the rule, as applicable.

100.11 Subd. 9. **This section is supplementary.** The duties and procedures set forth in this
100.12 section are supplementary and applicable to those set forth in section 14.091.

100.13 Sec. 114. **[115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED**
100.14 **WASTEWATER TREATMENT FACILITIES.**

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

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

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

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

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

100.29 Subd. 4. **Public comment period.** The commissioner must prepare and issue a public
100.30 notice of a completed application and the commissioner's preliminary determination as to
100.31 whether the permit should be issued or denied. The public comment period must be at least
100.32 60 days for permit applications under this section.

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

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

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

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

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

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

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

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

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

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

102.1 ~~(j)~~ (j) "Environmental response action" means response action at a qualified facility,
102.2 including corrective action, closure, postclosure care; contingency action; environmental
102.3 studies, including remedial investigations and feasibility studies; engineering, including
102.4 remedial design; removal; remedial action; site construction; and other similar cleanup-related
102.5 activities.

102.6 ~~(k)~~ (k) "Environmental response costs" means:

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

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

102.11 (l) "Priority qualified facility" means a qualified facility that is on the list of priorities
102.12 for the federal Comprehensive Environmental Response, Compensation, and Liability Act
102.13 and the Minnesota Environmental Response and Liability Act; has received notice under
102.14 section 115B.40, subdivision 3; has failed to comply with section 115B.40, subdivision 4;
102.15 and has not entered into a binding agreement with the commissioner.

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

102.18 ~~(n)~~ (n) "Qualified facility" means a mixed municipal solid waste disposal facility as
102.19 described in the most recent agency permit, including adjacent property used for solid waste
102.20 disposal that did not occur under a permit from the agency, that:

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

102.22 (ii) stopped accepting solid waste, except demolition debris, for disposal by April 9,
102.23 1994; and

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

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

102.30 (i) stopped accepting waste by January 1, 2000, except that demolition debris, industrial
102.31 waste, and municipal solid waste combustor ash may be accepted until January 1, 2001, at
102.32 a permitted area where disposal of such waste is allowed, if the area where the waste is

103.1 deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid
103.2 waste was deposited; or

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

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

103.10 Sec. 116. Minnesota Statutes 2016, section 115B.40, subdivision 4, is amended to read:

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

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

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

103.21 (3) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
103.22 ~~(n)~~ (n), clause (1), transfer to the commissioner of revenue for deposit in the remediation
103.23 fund established in section 116.155 any funds required for proof of financial responsibility
103.24 under section 116.07, subdivision 4h, that remain after facility closure and any postclosure
103.25 care and response action undertaken by the owner or operator at the facility including, if
103.26 proof of financial responsibility is provided through a letter of credit or other financial
103.27 instrument or mechanism that does not accumulate money in an account, the amount that
103.28 would have accumulated had the owner or operator utilized a trust fund, less any amount
103.29 used for closure, postclosure care, and response action at the facility; ~~and~~

103.30 (4) in the case of qualified facilities defined in section 115B.39, subdivision 2, paragraph
103.31 ~~(n)~~ (n), clause (2), transfer to the commissioner of revenue for deposit in the remediation
103.32 fund established in section 116.155 an amount of cash that is equal to the sum of their
103.33 approved current contingency action cost estimate and the present value of their approved

104.1 estimated remaining postclosure care costs required for proof of financial responsibility
104.2 under section 116.07, subdivision 4h; and

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

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

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

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

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

104.22 (ii) cooperate with the commissioner or other persons acting at the direction of the
104.23 commissioner in taking additional environmental response actions necessary to address
104.24 releases or threatened releases and to avoid any action that interferes with environmental
104.25 response actions, including allowing entry to the property and to the facility's records and
104.26 allowing entry and installation of equipment; and

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

104.31 (c) The owner or operator of a qualified facility defined in section 115B.39, subdivision
104.32 2, paragraph ~~(n)~~ (n), clause (1), that is a political subdivision may use a portion of any funds
104.33 established for response at the facility, which are available directly or through a financial

105.1 instrument or other financial arrangement, for closure or postclosure care at the facility if
105.2 funds available for closure or postclosure care are inadequate and shall assign the rights to
105.3 any remainder to the commissioner.

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

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

105.12 Sec. 117. **[115B.406] STATE RESPONSE AT PRIORITY QUALIFIED FACILITIES.**

105.13 Subdivision 1. **Environmental response action.** The agency may take any environmental
105.14 response action at a priority qualified facility that the agency deems necessary to protect
105.15 the public health or welfare or the environment. Before taking any action, the agency shall
105.16 take actions as provided in this section.

105.17 Subd. 2. **Request for action to owner or operator of priority qualified facility.** The
105.18 agency shall request the owner or operator of a qualified facility to take actions that the
105.19 agency deems reasonable and necessary to protect the public health or welfare or the
105.20 environment, stating the reasons for the actions; a reasonable time for beginning and
105.21 completing the actions, taking into account the urgency of the actions for protecting the
105.22 public health or welfare or the environment; and the intention of the agency to take action
105.23 if the requested actions are not taken as requested.

105.24 Subd. 3. **Action to compel performance.** When the owner or operator of the qualified
105.25 facility fails to take response actions or make reasonable progress in completing response
105.26 actions requested as provided in subdivision 2, the attorney general may bring an action in
105.27 the name of the state to compel performance of the requested response actions. If a person
105.28 having any right, title, or interest in and to the real property where the facility is located or
105.29 where response actions are proposed to be taken is not a person responsible for the
105.30 environment, the person may be joined as an indispensable party in an action to compel
105.31 performance to ensure that the requested response actions can be taken on that property by
105.32 the owner or operator.

106.1 Subd. 4. **Determination of failure to act.** If the agency determines that the actions
106.2 requested under this section will not be taken by the owner or operator of the priority
106.3 qualified facility in the manner and within the time requested, the agency may undertake
106.4 any environmental response action it deems necessary for the protection of the public health
106.5 or welfare or the environment under this section.

106.6 Subd. 5. **Civil penalties.** Any owner or operator of a priority qualified facility that fails
106.7 to take the actions under this section shall forfeit and pay to the state a civil penalty in an
106.8 amount to be determined by the court of not more than \$20,000 per day for each day that
106.9 the owner or operator fails to take reasonable and necessary response actions or to make
106.10 reasonable progress in completing response actions requested by the agency. The penalty
106.11 provided under this subdivision may be recovered by an action brought by the attorney
106.12 general in the name of the state in a separate action in the District Court of Ramsey County.
106.13 All penalties recovered under this subdivision must be deposited in the remediation fund.

106.14 Subd. 6. **Investigation and testing.** The agency may undertake investigations, monitoring,
106.15 surveys, testing, and other similar activities necessary or appropriate to identify the existence
106.16 and extent of the contamination at the priority qualified facility and the extent of danger.
106.17 In addition, the agency may undertake planning, legal, fiscal, economic, engineering,
106.18 architectural, and other studies or investigations necessary or appropriate to plan and direct
106.19 a response action, to recover the costs of the response action, and to enforce this section.

106.20 Subd. 7. **Duty to compel information.** Any person who the agency has determined to
106.21 have information regarding the priority qualified facility or the owner or operator of the
106.22 priority qualified facility must furnish to the agency any information that person may have
106.23 or may reasonably obtain that is relevant to the priority qualified facility or the owner or
106.24 operator. The agency upon presentation of credentials may examine and copy any books,
106.25 papers, records, memoranda, or data of any person who has a duty to provide information
106.26 to the agency and may enter upon any property, public or private, to take any action
106.27 authorized by this section, including obtaining information from any person who has a duty
106.28 to provide the information.

106.29 Subd. 8. **Program operations.** Upon the owner or operator's failure to act, the agency
106.30 shall conduct the program operations under section 115B.412, subdivisions 1 and 2, and
106.31 any other environmental response action the agency deems necessary to protect public
106.32 health, welfare, and the environment.

106.33 Subd. 9. **Recovering expenses.** Any reasonable and necessary expenses incurred by the
106.34 agency or commissioner under this section, including all response costs and administrative

107.1 and legal expenses, may be recovered in a civil action brought by the attorney general against
107.2 the owner or operator of the priority qualified facility. The agency's certification of expenses
107.3 is prima facie evidence that the expenses are reasonable and necessary. Any expenses
107.4 incurred under this section that are recovered by the attorney general under sections 115B.071
107.5 and 116.072 or any other law, including any award of attorney's fees, must be deposited in
107.6 the remediation fund.

107.7 Subd. 10. **Environmental response costs; liens.** All environmental response costs,
107.8 including administrative and legal expenses, incurred by the commissioner at a qualified
107.9 facility before the date of notice of compliance under section 115B.40, subdivision 7,
107.10 constitute a lien in favor of the state upon any real property located in the state, other than
107.11 homestead property, owned by the owner or operator who is subject to the requirements of
107.12 section 115B.40, subdivision 4 or 5. A lien under this subdivision attaches when the
107.13 environmental response costs are first incurred and continues until the lien is satisfied or
107.14 becomes unenforceable as for an environmental lien under section 514.672. Notice, filing,
107.15 and release of the lien are governed by sections 514.671 to 514.676, except where those
107.16 requirements specifically are related to only cleanup action expenses as defined in section
107.17 514.671. Relative priority of a lien under this subdivision is governed by section 514.672,
107.18 except that a lien attached to property that was included in any permit for the solid waste
107.19 disposal facility takes precedence over all other liens regardless of when the other liens
107.20 were or are perfected. Amounts received to satisfy all or a part of a lien must be deposited
107.21 in the remediation fund.

107.22 Sec. 118. **[115B.407] SETTLEMENT AT PRIORITY QUALIFIED FACILITY.**

107.23 Subdivision 1. **Settlements; general authority.** In addition to the general authority
107.24 vested in the agency to settle any claims under sections 115B.01 to 115B.18, and 115B.40
107.25 to 115B.445, the agency may exercise the settlement authorities provided in subdivisions
107.26 2 to 5.

107.27 Subd. 2. **Settlement agreement.** The commissioner must enter into a settlement
107.28 agreement with an eligible person under subdivision 3 who requests a settlement, under
107.29 which the commissioner settles with the eligible person and holds the eligible person harmless
107.30 for:

107.31 (1) all legal responsibility, liability, or potential liability for environmental response
107.32 costs and natural resources damages related to the qualified facility, including any and all
107.33 liability and potential liability for legal and administrative costs and expenses incurred or

108.1 to be incurred by the state or federal government or reimbursed by the state or federal
108.2 government;

108.3 (2) all legal liability or potential liability under the federal Comprehensive Environmental
108.4 Response, Compensation, and Liability Act related to the qualified facility, including any
108.5 and all liability and potential liability for costs incurred by the federal government in cleaning
108.6 up the site and legal and administrative costs and expenses incurred or to be incurred by
108.7 the state or federal government or reimbursed by the state or federal government; and

108.8 (3) all legal liability or potential liability that has been asserted, could have been asserted,
108.9 or may be asserted in the future against the eligible person under state or federal law, common
108.10 law, or other legal theory related to the qualified facility, including any claim by any person
108.11 or entity for contribution regarding any matters to which the indemnity applies.

108.12 Subd. 3. **Eligible persons.** (a) A person who is not an owner or operator of a qualified
108.13 facility is eligible to enter into a settlement agreement with the commissioner provided the
108.14 person agrees to:

108.15 (1) waive all claims for environmental response costs related to the facility against all
108.16 persons other than the owner or operator;

108.17 (2) provide the commissioner with a copy of all applicable comprehensive general
108.18 liability insurance policies and other liability insurance policies relating to property damage,
108.19 certificates, or other evidence of insurance coverage held during the life of the facility; and

108.20 (3) enter into a binding agreement with the commissioner to take any actions necessary
108.21 to preserve the person's rights to payment or defense under insurance policies, cooperate
108.22 with the commissioner in asserting the claims under the policies, and assign those rights
108.23 under the policies related to environmental response costs.

108.24 (b) For purposes of this subdivision, "insurance" has the meaning given in section 60A.02,
108.25 subdivision 3.

108.26 Subd. 4. **Recovery for illegal actions.** The settlement of eligible persons under this
108.27 section does not prevent the commissioner from recovering costs for illegal actions at
108.28 qualified facilities as provided in section 115B.402.

108.29 Subd. 5. **Commissioner's duties.** (a) In consideration of the settlor's agreement to enter
108.30 into an agreement under this section, the commissioner must not sue or take administrative
108.31 action against the settlor, must agree to release the settlor from the liabilities under
108.32 subdivision 1, and hold the settlor harmless against all claims or liability for state or federal
108.33 environmental response actions at the qualified facility that is the subject of the agreement

109.1 and claims made by the owner or operator of the qualified facility under state or federal law
109.2 for payment of response costs and related costs at the qualified facility.

109.3 (b) To the extent allowed under applicable law, a person who enters into a settlement
109.4 agreement under this section is not liable for claims for contribution regarding matters
109.5 addressed in the agreement. As a condition of the agreement, the person must waive the
109.6 person's rights to seek contribution for any amounts paid on the person's behalf under the
109.7 agreement. This section does not limit the state's ability to seek contribution on the person's
109.8 behalf.

109.9 **Sec. 119. [115B.408] ACQUISITION OF PRIORITY QUALIFIED FACILITY.**

109.10 Subdivision 1. **Legislative findings.** The legislature recognizes the need to protect the
109.11 public health and welfare and the environment at priority qualified facilities and that are
109.12 not being managed to protect the public health or welfare or the environment. It is in the
109.13 public interest to direct the commissioner of the Pollution Control Agency to acquire the
109.14 necessary interests in land at the priority qualified facility and to conduct environmental
109.15 response action.

109.16 Subd. 2. **Acquisition.** The agency may acquire interests in land by donation or eminent
109.17 domain without undue delay, under section 115B.17, subdivision 15, at the priority qualified
109.18 facility. Acquisition by condemnation under this section may include fee title acquisition.
109.19 After acquiring interests in land, the commissioner must begin the process of protecting the
109.20 public health and welfare and the environment through environmental response action
109.21 according to sections 115B.39 to 115B.414.

109.22 Subd. 3. **Disposition of property acquired for response action.** (a) If the commissioner
109.23 determines that real or personal property acquired by the agency for response action is no
109.24 longer needed for response action purposes, the commissioner may:

109.25 (1) transfer the property to the commissioner of administration to be disposed of in the
109.26 manner required for other surplus property subject to conditions the commissioner determines
109.27 necessary to protect the public health and welfare or the environment or to comply with
109.28 federal law;

109.29 (2) transfer the property to another state agency, a political subdivision, or special purpose
109.30 district; or

109.31 (3) if required by federal law, take actions and dispose of the property as required by
109.32 federal law.

110.1 (b) If the commissioner determines that real or personal property acquired by the agency
110.2 for response action must be operated, maintained, or monitored after completion of other
110.3 phases of the response action, the commissioner may transfer ownership of the property to
110.4 another state agency, a political subdivision, or special purpose district that agrees to accept
110.5 the property. A state agency, political subdivision, or special purpose district is authorized
110.6 to accept and implement the terms and conditions of a transfer under this paragraph. The
110.7 commissioner may set terms and conditions for the transfer that the commissioner considers
110.8 reasonable and necessary to ensure proper operation, maintenance, and monitoring of
110.9 response actions, protect the public health and welfare and the environment, and comply
110.10 with applicable federal and state laws and regulations. The state agency, political subdivision,
110.11 or special purpose district to which the property is transferred is not liable under this chapter
110.12 solely as a result of acquiring the property or acting in accordance with the terms and
110.13 conditions of the transfer.

110.14 (c) If the agency acquires property under this section, the commissioner may lease or
110.15 grant an easement in the property to a person during the implementation of response actions
110.16 if the lease or easement is compatible with or necessary for response action implementation.

110.17 (d) The proceeds of a sale, lease, or other transfer of property under this subdivision by
110.18 the commissioner or by the commissioner of administration must be deposited in the
110.19 remediation fund. Any share of the proceeds that the agency is required by federal law or
110.20 regulation to reimburse to the federal government is appropriated from the account to the
110.21 agency for that purpose. Except for section 94.16, subdivision 2, section 94.16 does not
110.22 apply to real property sold by the commissioner of administration that was acquired under
110.23 this section.

110.24 **Sec. 120. [115B.409] OTHER REMEDIES PRESERVED.**

110.25 The owner of real property is barred from bringing legal action or using any remedy
110.26 available under any other provision of state or federal law, including common law, to recover
110.27 for personal injury, disease, economic loss, or response costs arising out of a release of any
110.28 hazardous substance or for removal or the costs of removal of that hazardous substance.
110.29 Sections 115B.40 to 115B.408 shall not be considered, interpreted, or construed in any way
110.30 as reflecting a determination, in whole or in part, of policy regarding the inapplicability of
110.31 strict liability or strict liability doctrines under any other state or federal law, including
110.32 common law, to activities past, present, or future, by the owner of real property relating to
110.33 hazardous substances or pollutants or contaminants, or other similar activities.

111.1 Sec. 121. [115B.4091] DEPOSIT OF PROCEEDS.

111.2 All amounts paid to the state under sections 115B.406 to 115B.409 must be deposited
111.3 in the state treasury and credited equally to the remediation fund and the closed landfill
111.4 investment fund.

111.5 Sec. 122. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

111.6 Subdivision 1. **General rule.** Except as provided in subdivisions 2 to 45, a person is
111.7 responsible for a release from a tank if the person is an owner or operator of the tank at any
111.8 time during or after the release.

111.9 Sec. 123. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision
111.10 to read:

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

111.14 Sec. 124. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

111.15 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and
111.16 resource management permits be issued or denied within 90 days for Tier 1 permits or 150
111.17 days for Tier 2 permits following submission of a permit application. The commissioner of
111.18 the Pollution Control Agency shall establish management systems designed to achieve the
111.19 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require
111.20 individualized actions or public comment periods, and "Tier 2 permits" are permits that
111.21 require individualized actions or public comment periods.

111.22 (b) The commissioner shall prepare an annual permitting efficiency report that includes
111.23 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1 and~~ Tier 2 by permit
111.24 categories. The report is due August 1 each year. For permit applications that have not met
111.25 the goal, the report must state the reasons for not meeting the goal. In stating the reasons
111.26 for not meeting the goal, the commissioner shall separately identify delays caused by the
111.27 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the
111.28 level of public engagement. The report must specify the number of days from initial
111.29 submission of the application to the day of determination that the application is complete.
111.30 The report must aggregate the data for the year and assess whether program or system
111.31 changes are necessary to achieve the goal. The report must be posted on the agency's Web
111.32 site and submitted to the governor and the chairs and ranking minority members of the house

112.1 of representatives and senate committees having jurisdiction over environment policy and
112.2 finance.

112.3 (c) The commissioner shall allow electronic submission of environmental review and
112.4 permit documents to the agency.

112.5 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject
112.6 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~
112.7 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If
112.8 the commissioner determines that an application is incomplete, the notice to the applicant
112.9 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,
112.10 and advise the applicant on how the deficiencies can be remedied. If the commissioner
112.11 determines that the application is complete, the notice must confirm the application's Tier
112.12 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2
112.13 permit, provide the permit applicant with a schedule for reviewing the permit application.
112.14 This paragraph does not apply to an application for a permit that is subject to a grant or loan
112.15 agreement under chapter 446A.

112.16 (e) For purposes of this subdivision, "permit professional" means an individual not
112.17 employed by the Pollution Control Agency who:

112.18 (1) has a professional license issued by the state of Minnesota in the subject area of the
112.19 permit;

112.20 (2) has at least ten years of experience in the subject area of the permit; and

112.21 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency
112.22 under agency rules and complies with all applicable requirements under chapter 326.

112.23 (f) Upon the agency's request, an applicant relying on a permit professional must
112.24 participate in a meeting with the agency before submitting an application:

112.25 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at
112.26 least the following:

112.27 (i) project description, including, but not limited to, scope of work, primary emissions
112.28 points, discharge outfalls, and water intake points;

112.29 (ii) location of the project, including county, municipality, and location on the site;

112.30 (iii) business schedule for project completion; and

112.31 (iv) other information requested by the agency at least four weeks prior to the scheduled
112.32 meeting; and

113.1 (2) during the preapplication meeting, the agency shall provide for the applicant at least
113.2 the following:

113.3 (i) an overview of the permit review program;

113.4 (ii) a determination of which specific application or applications will be necessary to
113.5 complete the project;

113.6 (iii) a statement notifying the applicant if the specific permit being sought requires a
113.7 mandatory public hearing or comment period;

113.8 (iv) a review of the timetable established in the permit review program for the specific
113.9 permit being sought; and

113.10 (v) a determination of what information must be included in the application, including
113.11 a description of any required modeling or testing.

113.12 (g) The applicant may select a permit professional to undertake the preparation of the
113.13 permit application and draft permit.

113.14 (h) If a preapplication meeting was held, the agency shall, within seven business days
113.15 of receipt of an application, notify the applicant and submitting permit professional that the
113.16 application is complete or is denied, specifying the deficiencies of the application.

113.17 (i) Upon receipt of notice that the application is complete, the permit professional shall
113.18 submit to the agency a timetable for submitting a draft permit. The permit professional shall
113.19 submit a draft permit on or before the date provided in the timetable. Within 60 days after
113.20 the close of the public comment period, the commissioner shall notify the applicant whether
113.21 the permit can be issued.

113.22 (j) Nothing in this section shall be construed to modify:

113.23 (1) any requirement of law that is necessary to retain federal delegation to or assumption
113.24 by the state; or

113.25 (2) the authority to implement a federal law or program.

113.26 (k) The permit application and draft permit shall identify or include as an appendix all
113.27 studies and other sources of information used to substantiate the analysis contained in the
113.28 permit application and draft permit. The commissioner shall request additional studies, if
113.29 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and
113.30 information necessary for the commissioner to perform the commissioner's responsibility
113.31 to review, modify, and determine the completeness of the application and approve the draft
113.32 permit.

114.1 Sec. 125. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision
114.2 to read:

114.3 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2
114.4 permit is required, the commissioner must issue the notice with the draft permit within 150
114.5 days of receiving a completed permit application unless the permit applicant and the
114.6 commissioner mutually agree to a different date. Upon request of the permit applicant, the
114.7 commissioner must provide a copy of the draft permit to the permit applicant and consider
114.8 comments on the draft permit from the permit applicant before issuing the public notice.

114.9 Sec. 126. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision
114.10 to read:

114.11 Subd. 8. **Clean Air Act settlement money.** "Clean Air Act settlement money" means
114.12 money required to be paid to the state as a result of litigation or settlements of alleged
114.13 violations of the federal Clean Air Act, United States Code, title 42, section 7401 et seq.,
114.14 or rules adopted thereunder, by an automobile manufacturer. The commissioner of
114.15 management and budget must establish the Clean Air Act settlement account in the
114.16 environmental fund. Notwithstanding sections 16A.013 to 16A.016, the commissioner of
114.17 management and budget must deposit Clean Air Act settlement money into the Clean Air
114.18 Act settlement account. Clean Air Act settlement money must not be spent until it is
114.19 specifically appropriated by law. The commissioner of management and budget must
114.20 eliminate the Clean Air Act settlement account in the environmental fund after all Clean
114.21 Air Act settlement money has been expended.

114.22 Sec. 127. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

114.23 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater
114.24 than those necessary to cover the reasonable costs of developing, reviewing, and acting
114.25 upon applications for agency permits and implementing and enforcing the conditions of the
114.26 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The
114.27 fee schedule must reflect reasonable and routine direct and indirect costs associated with
114.28 permitting, implementation, and enforcement. The agency may impose an additional
114.29 enforcement fee to be collected for a period of up to two years to cover the reasonable costs
114.30 of implementing and enforcing the conditions of a permit under the rules of the agency.
114.31 Any money collected under this paragraph shall be deposited in the environmental fund.

114.32 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner
114.33 or operator of all stationary sources, emission facilities, emissions units, air contaminant

115.1 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage
115.2 facilities subject to a notification, permit, or license requirement under this chapter,
115.3 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401
115.4 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and
115.5 indirect reasonable costs, including legal costs, required to develop and administer the
115.6 notification, permit, or license program requirements of this chapter, subchapters I and V
115.7 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules
115.8 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon
115.9 an application for a permit; implementing and enforcing statutes, rules, and the terms and
115.10 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally
115.11 applicable regulations; responding to federal guidance; modeling, analyses, and
115.12 demonstrations; preparing inventories and tracking emissions; and providing information
115.13 to the public about these activities.

115.14 (c) The agency shall set fees that:

115.15 (1) will result in the collection, in the aggregate, from the sources listed in paragraph
115.16 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant
115.17 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of
115.18 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national
115.19 primary ambient air quality standard has been promulgated;

115.20 (2) may result in the collection, in the aggregate, from the sources listed in paragraph
115.21 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is
115.22 regulated under this chapter or air quality rules adopted under this chapter; and

115.23 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount
115.24 needed to match grant funds received by the state under United States Code, title 42, section
115.25 7405 (section 105 of the federal Clean Air Act).

115.26 The agency must not include in the calculation of the aggregate amount to be collected
115.27 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant
115.28 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge
115.29 on existing fees. The commissioner may not collect the surcharge after the grant funds
115.30 become unavailable. In addition, the commissioner shall use nonfee funds to the extent
115.31 practical to match the grant funds so that the fee surcharge is minimized.

115.32 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide
115.33 in the rules promulgated under paragraph (c) for an increase in the fee collected in each
115.34 year by the percentage, if any, by which the Consumer Price Index for the most recent

116.1 calendar year ending before the beginning of the year the fee is collected exceeds the
116.2 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the
116.3 Consumer Price Index for any calendar year is the average of the Consumer Price Index for
116.4 all-urban consumers published by the United States Department of Labor, as of the close
116.5 of the 12-month period ending on August 31 of each calendar year. The revision of the
116.6 Consumer Price Index that is most consistent with the Consumer Price Index for calendar
116.7 year 1989 shall be used.

116.8 (e) Any money collected under paragraphs (b) to (d) must be deposited in the
116.9 environmental fund and must be used solely for the activities listed in paragraph (b).

116.10 (f) Permit applicants who wish to construct, reconstruct, or modify a ~~facility~~ project may
116.11 offer to reimburse the agency for the reasonable costs of staff time or consultant services
116.12 needed to expedite the preapplication process and permit development process through the
116.13 final decision on the permit, including the analysis of environmental review documents.
116.14 The reimbursement shall be in addition to permit application fees imposed by law. When
116.15 the agency determines that it needs additional resources to develop the permit application
116.16 in an expedited manner, and that expediting the development is consistent with permitting
116.17 program priorities, the agency may accept the reimbursement. The commissioner must give
116.18 the applicant an estimate of costs to be incurred by the commissioner. The estimate must
116.19 include a brief description of the tasks to be performed, a schedule for completing the tasks,
116.20 and the estimated cost for each task. The applicant and the commissioner must enter into a
116.21 written agreement detailing the estimated costs for the expedited permit decision-making
116.22 process to be incurred by the agency and any recourse available to the applicant if the agency
116.23 fails to meet the schedule. The agreement must also identify staff anticipated to be assigned
116.24 to the project and describe the commissioner's commitment to make assigned staff available
116.25 for the project until the permit decision is made. The commissioner must not issue a permit
116.26 until the applicant has paid all fees in full. The commissioner must refund any unobligated
116.27 balance of fees paid. Reimbursements accepted by the agency are appropriated to the agency
116.28 for the purpose of developing the permit or analyzing environmental review documents.
116.29 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of
116.30 a permit; shall not affect the agency's decision on whether to issue or deny a permit, what
116.31 conditions are included in a permit, or the application of state and federal statutes and rules
116.32 governing permit determinations; and shall not affect final decisions regarding environmental
116.33 review.

116.34 (g) The fees under this subdivision are exempt from section 16A.1285.

117.1 Sec. 128. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision
117.2 to read:

117.3 Subd. 13. **Irrevocability, suspensions, or expiration of permits; environmental**
117.4 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to
117.5 appropriate money to the commissioner of the Pollution Control Agency for environmental
117.6 review and permitting activities of the agency:

117.7 (1) a permit granted by the commissioner may not be terminated or suspended for the
117.8 term of the permit nor shall it expire without the consent of the permittee, except for breach
117.9 or nonperformance of any condition of the permit by the permittee that is an imminent threat
117.10 to impair or destroy the environment or injure the health, safety, or welfare of the citizens
117.11 of the state; and

117.12 (2) environmental review and permit application work on environmental review and
117.13 permits filed before July 1 of that year must not be suspended or terminated.

117.14 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the
117.15 commissioner for the environmental review and permitting activities is enacted.

117.16 Sec. 129. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision
117.17 to read:

117.18 Subd. 14. **Unadopted rules.** The commissioner of the Pollution Control Agency must
117.19 not seek to implement in a permit or enforce a penalty based upon an agency policy,
117.20 guideline, bulletin, criterion, manual standard, interpretive statement, or similar
117.21 pronouncement if the policy, guideline, bulletin, criterion, manual standard, interpretive
117.22 standard, or pronouncement has not been adopted under the rulemaking process under
117.23 chapter 14. In any proceeding under section 14.381, the commissioner has the burden of
117.24 proving the action is not prohibited.

117.25 Sec. 130. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision
117.26 to read:

117.27 Subd. 15. **Limitation regarding certain policies, guidelines, and other interpretive**
117.28 **statements.** (a) The commissioner of the Pollution Control Agency must not seek to
117.29 implement or enforce against any person a policy, guideline, or other interpretive statement
117.30 that meets the definition of a rule under section 14.02, subdivision 4, if the policy, guideline,
117.31 or other interpretive statement has not been adopted as a rule according to chapter 14. In
117.32 any proceeding under chapter 14 challenging agency action prohibited by this subdivision,

118.1 the reviewing authority must independently and without deference to the agency determine
118.2 whether the agency violated this subdivision. The agency must overcome the presumption
118.3 that the agency action may not be enforced as a rule.

118.4 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,
118.5 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or
118.6 standard, the commissioner must follow the rulemaking process provided under chapter 14
118.7 to amend or revise the guideline, bulletin, criterion, manual standard, interpretive statement,
118.8 or similar pronouncement.

118.9 Sec. 131. Minnesota Statutes 2016, section 116.0714, is amended to read:

118.10 **116.0714 NEW OPEN AIR SWINE BASINS.**

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

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

118.18 Sec. 132. **[116.083] PROPANE SCHOOL BUS REBATE PROGRAM.**

118.19 Subdivision 1. Definitions. For the purposes of this section, the following terms have
118.20 the meanings given:

118.21 (1) "propane school bus" means a school bus fueled by propane and used by a school
118.22 or under contract with the school to transport pupils to or from a school or to or from
118.23 school-related activities;

118.24 (2) "school" means a Minnesota school district or Minnesota charter school; and

118.25 (3) "school bus" means a type A, B, C, or D school bus under section 169.011, subdivision
118.26 71.

118.27 Subd. 2. Rebate eligibility. (a) Schools that purchase a propane school bus are eligible
118.28 for a rebate under this section. A school that contracts for pupil transportation may apply
118.29 for a rebate on behalf of the school bus contractor.

118.30 (b) Propane school buses must be registered and licensed in Minnesota.

119.1 (c) The cost of an original equipment manufacturer propane school bus purchased is
 119.2 eligible for a rebate under this section.

119.3 Subd. 3. **Rebate amounts.** Rebates under this section may be issued for no more than
 119.4 25 percent of the cost of a propane school bus, not to exceed \$25,000.

119.5 Subd. 4. **Maximum rebate allowed.** A school may receive no more than five propane
 119.6 school bus rebates per year.

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

119.11 Sec. 133. Minnesota Statutes 2016, section 116C.03, subdivision 2, is amended to read:

119.12 Subd. 2. **Membership.** The members of the board are the commissioner of administration,
 119.13 the commissioner of commerce, the commissioner of the Pollution Control Agency, the
 119.14 commissioner of natural resources, the commissioner of agriculture, the commissioner of
 119.15 health, the commissioner of employment and economic development, the commissioner of
 119.16 transportation, and the chair of the Board of Water and Soil Resources, and a representative
 119.17 of the governor's office designated by the governor. The governor shall appoint five eight
 119.18 members from the general public to the board, one from each congressional district, subject
 119.19 to the advice and consent of the senate. At least two of The five public members must have
 119.20 knowledge of and be conversant in water management issues in the state environmental
 119.21 review or permitting. Notwithstanding the provisions of section 15.06, subdivision 6,
 119.22 members of the board may not delegate their powers and responsibilities as board members
 119.23 to any other person.

119.24 Sec. 134. Minnesota Statutes 2016, section 116C.04, subdivision 2, is amended to read:

119.25 Subd. 2. **Jurisdiction.** ~~(a) The board shall determine which environmental problems of~~
 119.26 ~~interdepartmental concern to state government shall be considered by the board. The board~~
 119.27 ~~shall initiate interdepartmental investigations into those matters that it determines are in~~
 119.28 ~~need of study. Topics for investigation may include but need not be limited to future~~
 119.29 ~~population and settlement patterns, air and water resources and quality, solid waste~~
 119.30 ~~management, transportation and utility corridors, economically productive open space,~~
 119.31 ~~energy policy and need, growth and development, and land use planning.~~

120.1 ~~(b) The board shall review programs of state agencies that significantly affect the~~
 120.2 ~~environment and coordinate those it determines are interdepartmental in nature, and insure~~
 120.3 ~~agency compliance with state environmental policy.~~

120.4 ~~(e)~~ The board may review environmental rules and criteria for granting and denying
 120.5 permits by state agencies and may resolve conflicts involving state agencies with regard to
 120.6 programs, rules, permits and procedures significantly affecting the environment, provided
 120.7 that such resolution of conflicts is consistent with state environmental policy.

120.8 ~~(d) State agencies shall submit to the board all proposed legislation of major significance~~
 120.9 ~~relating to the environment and the board shall submit a report to the governor and the~~
 120.10 ~~legislature with comments on such major environmental proposals of state agencies.~~

120.11 Sec. 135. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

120.12 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental
 120.13 effects resulting from any major governmental action, the action shall be preceded by a
 120.14 detailed environmental impact statement prepared by the responsible governmental unit.
 120.15 The environmental impact statement shall be an analytical rather than an encyclopedic
 120.16 document which describes the proposed action in detail, analyzes its significant environmental
 120.17 impacts, discusses appropriate alternatives to the proposed action and their impacts, and
 120.18 explores methods by which adverse environmental impacts of an action could be mitigated.
 120.19 The environmental impact statement shall also analyze those economic, employment, and
 120.20 sociological effects that cannot be avoided should the action be implemented. To ensure its
 120.21 use in the decision-making process, the environmental impact statement shall be prepared
 120.22 as early as practical in the formulation of an action.

120.23 ~~(a)~~ (b) The board shall by rule establish categories of actions for which environmental
 120.24 impact statements and for which environmental assessment worksheets shall be prepared
 120.25 as well as categories of actions for which no environmental review is required under this
 120.26 section. A mandatory environmental assessment worksheet ~~shall~~ is not ~~be~~ required for the
 120.27 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),
 120.28 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol
 120.29 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded
 120.30 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or
 120.31 biobutanol facility meets or exceeds thresholds of other categories of actions for which
 120.32 environmental assessment worksheets must be prepared. The responsible governmental unit
 120.33 for an ethanol plant or biobutanol facility project for which an environmental assessment

121.1 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for
121.2 supervising or approving the project as a whole.

121.3 (c) A mandatory environmental impact statement ~~shall~~ is not ~~be~~ required for a facility
121.4 or plant located outside the seven-county metropolitan area that produces less than
121.5 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less
121.6 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as
121.7 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined
121.8 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that
121.9 only uses a cellulosic feedstock to produce chemical products for use by another facility as
121.10 a feedstock ~~shall~~ is not ~~be~~ considered a fuel conversion facility as used in rules adopted
121.11 under this chapter.

121.12 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion
121.13 of an environmental assessment worksheet by publishing the notice in at least one newspaper
121.14 of general circulation in the geographic area where the project is proposed, by posting the
121.15 notice on a Web site that has been designated as the official publication site for publication
121.16 of proceedings, public notices, and summaries of a political subdivision in which the project
121.17 is proposed, or in any other manner determined by the board and shall provide copies of
121.18 the environmental assessment worksheet to the board and its member agencies. Comments
121.19 on the need for an environmental impact statement may be submitted to the responsible
121.20 governmental unit during a 30-day period following publication of the notice that an
121.21 environmental assessment worksheet has been completed. The responsible governmental
121.22 unit's decision on the need for an environmental impact statement shall be based on the
121.23 environmental assessment worksheet and the comments received during the comment period,
121.24 and shall be made within 15 days after the close of the comment period. The board's chair
121.25 may extend the 15-day period by not more than 15 additional days upon the request of the
121.26 responsible governmental unit.

121.27 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed
121.28 action whenever material evidence accompanying a petition by not less than 100 individuals
121.29 who reside or own property in the state, submitted before the proposed project has received
121.30 final approval by the appropriate governmental units, demonstrates that, because of the
121.31 nature or location of a proposed action, there may be potential for significant environmental
121.32 effects. Petitions requesting the preparation of an environmental assessment worksheet shall
121.33 be submitted to the board. The chair of the board shall determine the appropriate responsible
121.34 governmental unit and forward the petition to it. A decision on the need for an environmental
121.35 assessment worksheet shall be made by the responsible governmental unit within 15 days

122.1 after the petition is received by the responsible governmental unit. The board's chair may
 122.2 extend the 15-day period by not more than 15 additional days upon request of the responsible
 122.3 governmental unit.

122.4 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part
 122.5 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
 122.6 review under this chapter and rules of the board, if:

122.7 (1) the proposed action is:

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

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

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

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

122.19 ~~(e)~~ (g) The board may, ~~prior to~~ before final approval of a proposed project, require
 122.20 preparation of an environmental assessment worksheet by a responsible governmental unit
 122.21 selected by the board for any action where environmental review under this section has not
 122.22 been specifically provided for by rule or otherwise initiated.

122.23 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental
 122.24 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or
 122.25 location of the project, have the potential for significant environmental effects. The same
 122.26 process shall be utilized to determine the form, content, and level of detail of the statement
 122.27 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In
 122.28 addition, the permits ~~which~~ that will be required for the proposed action shall be identified
 122.29 during the scoping process. Further, the process shall identify those permits for which
 122.30 information will be developed concurrently with the environmental impact statement. The
 122.31 board shall provide in its rules for the expeditious completion of the scoping process. The
 122.32 determinations reached in the process shall be incorporated into the order requiring the
 122.33 preparation of an environmental impact statement.

123.1 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication
123.2 and ensure coordination between state and federal environmental review and between
123.3 environmental review and environmental permitting. Whenever practical, information
123.4 needed by a governmental unit for making final decisions on permits or other actions required
123.5 for a proposed project shall be developed in conjunction with the preparation of an
123.6 environmental impact statement. When an environmental impact statement is prepared for
123.7 a project requiring multiple permits for which two or more agencies' decision processes
123.8 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before
123.9 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to
123.10 the contrary, conduct the hearings in a single consolidated hearing process if requested by
123.11 the proposer. All agencies having jurisdiction over a permit that is included in the
123.12 consolidated hearing shall participate. The responsible governmental unit shall establish
123.13 appropriate procedures for the consolidated hearing process, including procedures to ensure
123.14 that the consolidated hearing process is consistent with the applicable requirements for each
123.15 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest
123.16 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over
123.17 a permit identified in the draft environmental impact statement must accept and begin
123.18 reviewing any permit application upon publication of the notice of preparation of the
123.19 environmental impact statement.

123.20 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined
123.21 within 280 days after notice of its preparation unless the time is extended by consent of the
123.22 parties or by the governor for good cause. The responsible governmental unit shall determine
123.23 the adequacy of an environmental impact statement, unless within 60 days after notice is
123.24 published that an environmental impact statement will be prepared, the board chooses to
123.25 determine the adequacy of an environmental impact statement. If an environmental impact
123.26 statement is found to be inadequate, the responsible governmental unit shall have 60 days
123.27 to prepare an adequate environmental impact statement.

123.28 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the
123.29 responsible governmental unit a preliminary draft environmental impact statement under
123.30 this section on that action for review, modification, and determination of completeness and
123.31 adequacy by the responsible governmental unit. A preliminary draft environmental impact
123.32 statement prepared by the project proposer and submitted to the responsible governmental
123.33 unit shall identify or include as an appendix all studies and other sources of information
123.34 used to substantiate the analysis contained in the preliminary draft environmental impact
123.35 statement. The responsible governmental unit shall require additional studies, if needed,

124.1 and obtain from the project proposer all additional studies and information necessary for
124.2 the responsible governmental unit to perform its responsibility to review, modify, and
124.3 determine the completeness and adequacy of the environmental impact statement.

124.4 Sec. 136. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

124.5 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an
124.6 environmental assessment worksheet, the need for an environmental impact statement, or
124.7 the adequacy of an environmental impact statement is entitled to judicial review of the
124.8 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved
124.9 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of
124.10 Appeals and served on the responsible governmental unit not more than ~~30~~ 45 days after
124.11 ~~the party receives the final decision and order of the responsible governmental unit provides~~
124.12 notice of the decision as required by law. Proceedings for review under this section must
124.13 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon
124.14 the responsible governmental unit and by promptly filing the proof of service in the Office
124.15 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by
124.16 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the
124.17 attorney general at the time of service. Copies of the writ must be served, personally or by
124.18 certified mail, upon the responsible governmental unit and the project proposer. The filing
124.19 of the writ of certiorari does not stay the enforcement of any other governmental action,
124.20 provided that the responsible governmental unit may stay enforcement or the Court of
124.21 Appeals may order a stay upon terms it deems proper. A bond may be required under section
124.22 562.02 unless at the time of hearing on the application for the bond the petitioner-relator
124.23 has shown that the claim is likely to succeed on the merits. The board may initiate judicial
124.24 review of decisions referred to herein and the board or a project proposer may intervene as
124.25 of right in any proceeding brought under this subdivision.

124.26 Sec. 137. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

124.27 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

124.28 (1) assess the proposer of a specific action for the responsible governmental unit's
124.29 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.
124.30 The costs shall must be determined by the responsible governmental unit pursuant according
124.31 to the rules promulgated adopted by the board; and

125.1 (2) authorize a proposer of a specific action to prepare a draft environmental impact
 125.2 statement for that action for submission to and review, modification, and determination of
 125.3 completeness and adequacy by the responsible governmental unit.

125.4 Sec. 138. Minnesota Statutes 2016, section 160.06, is amended to read:

125.5 **160.06 TRAIL OR PORTAGE DEDICATION.**

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

125.14 Sec. 139. Minnesota Statutes 2016, section 168.1295, subdivision 1, is amended to read:

125.15 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall
 125.16 issue state parks and trails plates to an applicant who:

125.17 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton pickup
 125.18 truck, or motorcycle;

125.19 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

125.20 (3) pays the registration tax required under section 168.013;

125.21 (4) pays the fees required under this chapter;

125.22 (5) contributes a minimum of ~~\$50~~ \$60 annually to the state parks and trails donation
 125.23 account established in section 85.056; and

125.24 (6) complies with this chapter and rules governing registration of motor vehicles and
 125.25 licensing of drivers.

125.26 (b) The state parks and trails plate application must indicate that the contribution specified
 125.27 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the
 125.28 applicant may make an additional contribution to the account.

125.29 (c) State parks and trails plates may be personalized according to section 168.12,
 125.30 subdivision 2a.

126.1 Sec. 140. Minnesota Statutes 2016, section 282.018, subdivision 1, is amended to read:

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

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

126.23 (c) Any tract or parcel of land which has 150 feet or less of waterfront may be sold by
126.24 the authority having jurisdiction over the land, in the manner otherwise provided by law
126.25 for the sale of ~~such~~ the lands, if the authority determines that it is in the public interest to
126.26 do so. Any tract or parcel of land within a plat of record bordering on or adjacent to
126.27 meandered lakes and other public waters and watercourses may be sold by the authority
126.28 having jurisdiction over the land, in the manner otherwise provided by law for the sale of
126.29 the lands, if the authority determines that it is in the public interest to do so. If the authority
126.30 having jurisdiction over the land is not the commissioner of natural resources, the land may
126.31 not be offered for sale without the prior approval of the commissioner of natural resources.

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

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

127.7 Sec. 141. Minnesota Statutes 2016, section 282.04, subdivision 1, is amended to read:

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

127.18 (b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made
127.19 in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales,
127.20 the down payment shall be no less than 15 percent of the appraised value, and the balance
127.21 shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a
127.22 single sale with predetermined cutting blocks, the down payment shall be no less than 15
127.23 percent of the appraised price of the entire timber sale which may be held until the satisfactory
127.24 completion of the sale or applied in whole or in part to the final cutting block. The value of
127.25 each separate block must be paid in full before any cutting may begin in that block. With
127.26 the permission of the county contract administrator the purchaser may enter unpaid blocks
127.27 and cut necessary timber incidental to developing logging roads as may be needed to log
127.28 other blocks provided that no timber may be removed from an unpaid block until separately
127.29 scaled and paid for. If payment is provided as specified in this paragraph as security under
127.30 paragraph (a) and no cutting has taken place on the contract, the county auditor may credit
127.31 the security provided, less any down payment required for an auction sale under this
127.32 paragraph, to any other contract issued to the contract holder by the county under this chapter
127.33 to which the contract holder requests in writing that it be credited, provided the request and
127.34 transfer is made within the same calendar year as the security was received.

128.1 (c) The county board may sell any timber, including biomass, as appraised or scaled.
128.2 Any parcels of land from which timber is to be sold by scale of cut products shall be so
128.3 designated in the published notice of sale under paragraph (a), in which case the notice shall
128.4 contain a description of the parcels, a statement of the estimated quantity of each species
128.5 of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per
128.6 piece, as the case may be. In those cases any bids offered over and above the appraised
128.7 prices shall be by percentage, the percent bid to be added to the appraised price of each of
128.8 the different species of timber advertised on the land. The purchaser of timber from the
128.9 parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the
128.10 notice of sale as estimated to be standing on the land, and in addition shall pay at the same
128.11 rate for any additional amounts which the final scale shows to have been cut or was available
128.12 for cutting on the land at the time of sale under the terms of the sale. Where the final scale
128.13 of cut products shows that less timber was cut or was available for cutting under terms of
128.14 the sale than was originally paid for, the excess payment shall be refunded from the forfeited
128.15 tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board
128.16 as in case of other claims against the county. No timber, except hardwood pulpwood, may
128.17 be removed from the parcels of land or other designated landings until scaled by a person
128.18 or persons designated by the county board and approved by the commissioner of natural
128.19 resources. Landings other than the parcel of land from which timber is cut may be designated
128.20 for scaling by the county board by written agreement with the purchaser of the timber. The
128.21 county board may, by written agreement with the purchaser and with a consumer designated
128.22 by the purchaser when the timber is sold by the county auditor, and with the approval of
128.23 the commissioner of natural resources, accept the consumer's scale of cut products delivered
128.24 at the consumer's landing. No timber shall be removed until fully paid for in cash. Small
128.25 amounts of timber not exceeding ~~\$3,000~~ 500 cords in appraised ~~valuation~~ volume may be
128.26 sold for not less than the full appraised value at private sale to individual persons without
128.27 first publishing notice of sale or calling for bids, provided that in case of a sale involving a
128.28 total appraised value of more than \$200 the sale shall be made subject to final settlement
128.29 on the basis of a scale of cut products in the manner above provided and not more than two
128.30 of the sales, directly or indirectly to any individual shall be in effect at one time.

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

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

129.8 (e) As directed by the county board, the county auditor may lease tax-forfeited land to
129.9 individuals, corporations, or organized subdivisions of the state at public or private sale, at
129.10 the prices and under the terms as the county board may prescribe, for the purpose of taking
129.11 and removing for use for road construction and other purposes tax-forfeited stockpiled
129.12 iron-bearing material. The county auditor must determine that the material is needed and
129.13 suitable for use in the construction or maintenance of a road, tailings basin, settling basin,
129.14 dike, dam, bank fill, or other works on public or private property, and that the use would
129.15 be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile
129.16 for these purposes must first be approved by the commissioner of natural resources. The
129.17 request shall be deemed approved unless the requesting county is notified to the contrary
129.18 by the commissioner of natural resources within six months after receipt of a request for
129.19 approval for use of a stockpile. Once use of a stockpile has been approved, the county may
129.20 continue to lease it for these purposes until approval is withdrawn by the commissioner of
129.21 natural resources.

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

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

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

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

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

130.14 (j) In lieu of any payment or deposit required in paragraph (b), as directed by the county
130.15 board and under terms set by the county board, the county auditor may accept an irrevocable
130.16 bank letter of credit in the amount equal to the amount otherwise determined in paragraph
130.17 (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written
130.18 request of the purchaser, the county may periodically allow the bank letter of credit to be
130.19 reduced by an amount proportionate to the value of timber that has been harvested and for
130.20 which the county has received payment. The remaining amount of the bank letter of credit
130.21 after a reduction under this paragraph must not be less than 20 percent of the value of the
130.22 timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the
130.23 down payment required in paragraph (b), and no cutting of timber has taken place on the
130.24 contract for which a letter of credit has been provided, the county may allow the transfer
130.25 of the letter of credit to any other contract issued to the contract holder by the county under
130.26 this chapter to which the contract holder requests in writing that it be credited.

130.27 Sec. 142. Minnesota Statutes 2016, section 296A.18, subdivision 6a, is amended to read:

130.28 Subd. 6a. **Computation of nonhighway use amounts.** The nonhighway use amounts
130.29 determined in subdivisions 2 to 6 must be transferred from the highway user tax distribution
130.30 fund to the accounts as provided for in sections 84.794, 84.803, 84.83, 84.927, and 86B.706.
130.31 These amounts, together with interest and penalties for delinquency in payment, paid or
130.32 collected pursuant to the provisions of this chapter, must be computed for each six-month
130.33 period ending June 30 and December 31 and must be transferred on November 1 and ~~June~~
130.34 April 1 following each six-month period.

131.1 Sec. 143. **[471.9998] MERCHANT BAGS.**

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

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

131.7 Subd. 3. Prohibition; bag ban or tax. Notwithstanding any other provision of law, no
131.8 political subdivision shall impose any ban, fee, or tax upon the use of paper, plastic, or
131.9 reusable bags for packaging of any item or good purchased from a merchant, itinerant
131.10 vendor, or peddler.

131.11 EFFECTIVE DATE. This section is effective May 31, 2017. Ordinances existing on
131.12 the effective date of this section that would be prohibited under this section are invalid as
131.13 of the effective date of this section.

131.14 Sec. 144. **[477A.21] RIPARIAN PROTECTION AID.**

131.15 Subdivision 1. Definitions. For purposes of this section, the following terms have the
131.16 meanings given:

131.17 (1) "buffer protection map" has the meaning given under section 103F.48, subdivision
131.18 1; and

131.19 (2) "public watercourses" means public waters and public drainage systems subject to
131.20 riparian protection requirements under section 103F.48.

131.21 Subd. 2. Certifications to commissioner. (a) The Board of Water and Soil Resources
131.22 must certify to the commissioner of revenue, on or before July 1 each year, which counties
131.23 and watershed districts have affirmed their jurisdiction under section 103F.48 and the
131.24 proportion of centerline miles of public watercourses, and miles of public drainage system
131.25 ditches on the buffer protection map, within each county and each watershed district within
131.26 the county with affirmed jurisdiction.

131.27 (b) On or before July 1 each year, the commissioner of natural resources shall certify to
131.28 the commissioner of revenue the statewide and countywide number of centerline miles of
131.29 public watercourses and miles of public drainage system ditches on the buffer protection
131.30 map.

131.31 Subd. 3. Distribution. (a) A county that is certified under subdivision 2, or that portion
131.32 of a county containing a watershed district certified under subdivision 2, is eligible to receive

132.1 aid under this section to enforce and implement the riparian protection and water quality
132.2 practices under section 103F.48. Each county's preliminary aid amount is equal to the
132.3 proportion calculated under paragraph (b) multiplied by the appropriation received each
132.4 year by the commissioner for purposes of payments under this section.

132.5 (b) The commissioner must compute each county's proportion. A county's proportion is
132.6 equal to the ratio of the sum in clause (1) to the sum in clause (2):

132.7 (1) the sum of the total number of acres in the county classified as class 2a under section
132.8 273.13, subdivision 23, the countywide number of centerline miles of public watercourses
132.9 on the buffer protection map, and the countywide number of miles of public drainage system
132.10 ditches on the buffer protection map; and

132.11 (2) the sum of the statewide total number of acres classified as class 2a under section
132.12 273.13, subdivision 23, the statewide total number of centerline miles of public watercourses
132.13 on the buffer protection map, and the statewide total number of public drainage system
132.14 miles on the buffer protection map.

132.15 (c) Aid to a county must not be greater than \$200,000 or less than \$50,000. If the sum
132.16 of the preliminary aids payable to counties under paragraph (a) is greater or less than the
132.17 appropriation received by the commissioner, the commissioner of revenue must calculate
132.18 the percentage of adjustment necessary so that the total of the aid under paragraph (a) equals
132.19 the total amount received by the commissioner, subject to the minimum and maximum
132.20 amounts specified in this paragraph. The minimum and maximum amounts under this
132.21 paragraph must be adjusted by the ratio of the actual amount appropriated to \$10,000,000.

132.22 (d) If only a portion of a county is certified as eligible to receive aid under subdivision
132.23 2, the aid otherwise payable to that county under this section must be multiplied by a fraction,
132.24 the numerator of which is the buffer protection map miles of the certified watershed districts
132.25 contained within the county and the denominator of which is the total buffer protection map
132.26 miles of the county.

132.27 (e) Any aid that would otherwise be paid to a county or portion of a county that is not
132.28 certified under subdivision 2 shall be paid to the Board of Water and Soil Resources for
132.29 enforcing and implementing the riparian protection and water quality practices under section
132.30 103F.48.

132.31 Subd. 4. **Payments.** The commissioner of revenue must compute the amount of riparian
132.32 protection aid payable to each eligible county and to the Board of Water and Soil Resources
132.33 under this section. On or before August 1 each year, the commissioner must certify the
132.34 amount to be paid to each county and the Board of Water and Soil Resources in the following

133.1 year, except that the payments for 2017 must be certified by July 15, 2017. The commissioner
133.2 must pay riparian protection aid to counties and to the Board of Water and Soil Resources
133.3 in the same manner and at the same time as aid payments under section 477A.015.

133.4 **EFFECTIVE DATE.** This section is effective the day following final enactment and
133.5 applies to aids payable in 2017 and thereafter.

133.6 Sec. 145. Laws 2000, chapter 486, section 4, as amended by Laws 2001, chapter 182,
133.7 section 2, is amended to read:

133.8 Sec. 4. [**BOATHOUSE LEASES; SOUDAN UNDERGROUND MINE STATE**
133.9 **PARK.]**

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

133.13 (b) Notwithstanding Minnesota Statutes, sections 85.011, 85.012, subdivision 1, and
133.14 86A.05, subdivision 2, upon the expiration of a boathouse lease described under paragraph
133.15 (a), the commissioner of natural resources shall offer a new lease to the party in possession
133.16 at the time of lease expiration, or, if there has been a miscellaneous lease issued by the
133.17 Department of Natural Resources due to expiration of a lease described under paragraph
133.18 (a), upon its expiration to the lessee. The new lease shall be issued under the terms and
133.19 conditions of Minnesota Statutes, section 92.50, ~~with the following limitations~~ except as
133.20 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

134.19 (2) all lands located South of Vermillion Lake shoreline in the S1/2-SE1/4 of Section
134.20 14, Township 62 North, Range 15 West;

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

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

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

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

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

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

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

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

135.4 Sec. 146. Laws 2013, chapter 114, article 4, section 105, is amended to read:

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

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

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

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

135.13 (d) The Environmental Quality Board ~~shall~~ may amend its rules for environmental
135.14 review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and
135.15 processing to take into account the increased activity in the state and concerns over the size
135.16 of specific operations. The Environmental Quality Board shall consider whether the
135.17 requirements of Minnesota Statutes, section 116C.991, should remain part of the
135.18 environmental review requirements for silica sand and whether the requirements should be
135.19 different for different geographic areas of the state. The rulemaking is exempt from Minnesota
135.20 Statutes, section 14.125.

135.21 Sec. 147. Laws 2015, First Special Session chapter 4, article 4, section 136, is amended
135.22 to read:

135.23 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

135.24 (a) Until the commissioner of the Pollution Control Agency amends rules refining the
135.25 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider
135.26 all independent research and publicly funded research and to include criteria for identifying
135.27 waters and a list of waters subject to the standard, implementation of the wild rice water
135.28 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the
135.29 following, unless the permittee requests additional conditions:

136.1 (1) when issuing, modifying, or renewing national pollutant discharge elimination system
136.2 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild
136.3 rice, and in doing so shall be limited by the following conditions:

136.4 (i) the agency shall not require permittees to expend money for design or implementation
136.5 of sulfate treatment technologies or other forms of sulfate mitigation; and

136.6 (ii) the agency may require sulfate minimization plans in permits; and

136.7 (2) the agency shall not list waters containing natural beds of wild rice as impaired for
136.8 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,
136.9 section 1313, until the rulemaking described in this paragraph takes effect.

136.10 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits
136.11 issued or reissued after the effective date of this section as needed to include numeric permit
136.12 limits based on the wild rice water quality standard.

136.13 (c) The commissioner shall complete the rulemaking described in paragraph (a) by
136.14 January 15, ~~2018~~ 2019.

136.15 Sec. 148. Laws 2016, chapter 189, article 3, section 26, the effective date, is amended to
136.16 read:

136.17 **EFFECTIVE DATE.** This section is effective May 1, ~~2017~~ 2018.

136.18 **EFFECTIVE DATE.** This section is effective retroactively from April 30, 2017.

136.19 Sec. 149. Laws 2016, chapter 189, article 3, section 46, is amended to read:

136.20 Sec. 46. **PRESCRIBED BURN REQUIREMENTS; REPORT.**

136.21 The commissioner of natural resources, in cooperation with prescribed burning
136.22 professionals, nongovernmental organizations, and local and federal governments, must
136.23 develop criteria for certifying an entity to conduct a prescribed burn under ~~a general~~ an open
136.24 burning permit. The certification requirements must include training, equipment, and
136.25 experience requirements and include an apprentice program to allow entities without
136.26 experience to become certified. The commissioner must establish provisions for decertifying
136.27 entities. The commissioner must not require additional certification or requirements for
136.28 burns conducted as part of normal agricultural practices not currently subject to prescribed
136.29 burn specifications. The commissioner must submit a report with recommendations and
136.30 any legislative changes needed to the chairs and ranking minority members of the house of

137.1 representatives and senate committees and divisions with jurisdiction over environment and
137.2 natural resources by January 15, 2017.

137.3 Sec. 150. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

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

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

137.10 Sec. 151. **ENVIRONMENTAL QUALITY BOARD MEMBERSHIP TRANSITION.**

137.11 (a) Until the governor has appointed members of the Environmental Quality Board from
137.12 each congressional district as required under this act, this section governs membership of
137.13 the board.

137.14 (b) The citizen members of the board as of July 1, 2017, shall continue to serve until the
137.15 expiration of their terms.

137.16 (c) No later than October 1, 2017, the governor shall appoint board members from the
137.17 first, second, seventh, and eighth congressional districts for terms to begin January 2, 2018.

137.18 (d) No later than October 1, 2018, the governor shall appoint a board member from the
137.19 third congressional district for a term to begin January 8, 2019.

137.20 (e) No later than October 1, 2019, the governor shall appoint a board member from the
137.21 fourth congressional district for a term to begin January 7, 2020.

137.22 (f) No later than October 1, 2020, the governor shall appoint a board member from the
137.23 fifth congressional district for a term to begin January 5, 2021.

137.24 (g) No later than October 1, 2021, the governor shall appoint a commissioner from the
137.25 sixth congressional district for a term to begin January 4, 2022.

137.26 Sec. 152. **SAND DUNES STATE FOREST MANAGEMENT; PLAN REQUIRED.**

137.27 Subdivision 1. Forest management. When managing the Sand Dunes State Forest, the
137.28 commissioner of natural resources must:

137.29 (1) not convert additional land to oak savanna or convert oak savanna to nonforest land
137.30 unless it is done as a result of a contract entered into before the effective date of this section;

138.1 (2) require all prairie seeds planted to be from native species of a local ecotype to
138.2 Sherburne or Benton County; and

138.3 (3) comply with the Minnesota Forest Resources Council's guidelines for aesthetics in
138.4 residential areas.

138.5 Subd. 2. **Prescribed burns; notification.** At least 40 days before conducting a prescribed
138.6 burn, the commissioner must:

138.7 (1) publish a notice in a newspaper of general circulation in the area;

138.8 (2) notify the county and township in writing; and

138.9 (3) notify residents within a quarter mile of the prescribed burn in writing.

138.10 Subd. 3. **School trust lands.** Nothing in this section restricts the ability of the
138.11 commissioner or the school trust lands director from managing school trust lands within
138.12 the Sand Dunes State Forest for long-term economic return.

138.13 Subd. 4. **Township road.** If the commissioner of natural resources finds that any portion
138.14 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the
138.15 commissioner must convey an easement over and across state-owned lands administered
138.16 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width
138.17 of 233rd Avenue.

138.18 Subd. 5. **Sunset.** This section expires two years from the day following final enactment.

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

138.20 Sec. 153. **WATER USE PERMIT AND DATA COLLECTION; APPROPRIATION.**

138.21 (a) Notwithstanding Minnesota Statutes, sections 84.0895 and 103G.223, or other law
138.22 to the contrary, the commissioner of natural resources must issue, upon application, a water
138.23 use permit for calcareous fens located in Pipestone County. The permittee must agree to
138.24 the following permit conditions:

138.25 (1) the permit is for a term of 15 years, but may be revoked after five years if paragraph

138.26 (b) applies;

138.27 (2) water use under the permit is limited to irrigation of agricultural crops at a rate of
138.28 no more than 800 gallons per minute in accordance with an irrigation plan submitted with
138.29 the water use permit application;

138.30 (3) the permittee must pay for the irrigation system installed during the term of the
138.31 permit; and

139.1 (4) installation of the irrigation system must minimize disturbance to the existing plant
139.2 community in the calcareous fens. The commissioner must provide technical advice for
139.3 installation of the irrigation system.

139.4 (b) If, at any time after five years of water use, the commissioner determines the
139.5 drawdown of water from the fens endangers the continued sustainability of the calcareous
139.6 fens, the commissioner may revoke the permit. If the commissioner revokes the permit
139.7 before the permit's expiration date, the permittee must be reimbursed for the cost of the
139.8 irrigation system, prorated over the full 15-year term of the original permit.

139.9 (c) The commissioner must monitor the calcareous fens to collect data on the effects of
139.10 water use from the fens for the duration of the permit. If the commissioner concludes that,
139.11 based on collected data, the calcareous fens remain viable after 15 years of water use, the
139.12 commissioner must renew the water use permit for an additional 15 years, free of the
139.13 condition imposed under paragraph (a), clause (1).

139.14 Sec. 154. **HILL-ANNEX MINE STATE PARK MANAGEMENT AND OPERATION**
139.15 **PLAN.**

139.16 (a) The commissioner of natural resources must work with the commissioner of the Iron
139.17 Range Resources and Rehabilitation Board and representatives from the city of Calumet,
139.18 Itasca County, and the Western Mesabi Mine Planning Board to create an alternate operating
139.19 model for local management and operation of Hill-Annex Mine State Park until mining
139.20 resumes on the property. The commissioner of natural resources must submit a management
139.21 and operation plan to the chairs and ranking minority members of the house of representatives
139.22 and senate committees and divisions with jurisdiction over environment and natural resources
139.23 by January 15, 2018.

139.24 (b) In fiscal year 2018 and fiscal year 2019, the level of service and hours of operation
139.25 at Hill-Annex Mine State Park must be maintained at fiscal year 2016 levels.

139.26 Sec. 155. **BASE BUDGET REPORT.**

139.27 (a) The commissioners of natural resources and the Pollution Control Agency must each
139.28 submit a report that contains the details of their base budgets, by fiscal year, including:

139.29 (1) appropriation riders for the previous biennium and the year the rider was first used;

139.30 (2) anticipated appropriation riders for the fiscal years 2020-2021 biennium;

139.31 (3) statutory appropriations; and

140.1 (4) an explanation on the use of funds for each appropriation not covered by a rider.

140.2 (b) The reports must be submitted to the chairs and ranking minority members of the
140.3 house of representatives and senate committees and divisions with jurisdiction over
140.4 environment and natural resources by October 15, 2018.

140.5 **Sec. 156. RULEMAKING; MINNOW LICENSES.**

140.6 The commissioner of natural resources shall amend Minnesota Rules, part 6254.0100,
140.7 subpart 2, to conform with Minnesota Statutes, section 97C.501, subdivision 1. The
140.8 commissioner may use the good cause exemption under Minnesota Statutes, section 14.388,
140.9 subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section
140.10 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

140.11 **Sec. 157. CANCELLATION OF PERMITS.**

140.12 Water-use permits issued before July 1, 2017, for water use exempted under Minnesota
140.13 Statutes, section 103G.271, subdivision 1, paragraph (b), clause (3), are canceled effective
140.14 July 1, 2017.

140.15 **Sec. 158. RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

140.16 (a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,
140.17 part 7001.0150, subpart 2, item A, by inserting the following:

140.18 "For a municipality that constructs a publicly owned treatment works facility to comply
140.19 with a new or modified effluent limitation, compliance with any new or modified effluent
140.20 limitation adopted after construction begins that would require additional capital investment
140.21 is required no sooner than 16 years after the date of initiation of operation of the facility."

140.22 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
140.23 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
140.24 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,
140.25 section 14.388.

140.26 **Sec. 159. DISPOSITION OF PROCEEDS; ST. LOUIS COUNTY**
140.27 **ENVIRONMENTAL TRUST FUND.**

140.28 Notwithstanding Minnesota Statutes, chapter 282, and any other law relating to the
140.29 disposition of proceeds from the sale of tax-forfeited land, the St. Louis County Board must
140.30 deposit any money received from the sale of tax-forfeited land purchased by the Fond du

141.1 Lac Band of Lake Superior Chippewa with money appropriated under Laws 2014, chapter
 141.2 256, article 1, section 2, subdivision 3, paragraph (a), into an environmental trust fund
 141.3 established by the county. The principal from the sale of the land may not be expended.
 141.4 The county may spend interest earned on the principal only for purposes related to improving
 141.5 natural resources.

141.6 **EFFECTIVE DATE; LOCAL APPROVAL.** This section is effective the day after
 141.7 the St. Louis County Board and its chief clerical officer timely complete their compliance
 141.8 with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

141.9 Sec. 160. **REVISOR'S INSTRUCTION.**

141.10 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall replace all
 141.11 references to Minnesota Statutes, section 115B.39, subdivision 2, paragraph (l), with
 141.12 Minnesota Statutes, section 115B.39, subdivision 2, paragraph (n), and shall make all other
 141.13 necessary changes to preserve the meaning of the text and to conform with the paragraph
 141.14 relettering in this act.

141.15 Sec. 161. **REPEALER.**

141.16 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;
 141.17 97C.701, subdivisions 1a and 6; 97C.705; 97C.711; and 116C.04, subdivisions 3 and 4, are
 141.18 repealed.

141.19 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;
 141.20 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed."

141.21 Delete the title and insert:

141.22 "A bill for an act
 141.23 relating to state government; appropriating money for environment, natural
 141.24 resources, and tourism purposes; modifying fees; providing for disposition of
 141.25 certain receipts; modifying grant, contract, and lease provisions; modifying state
 141.26 park permit requirements; modifying water safety provisions; modifying provisions
 141.27 to take, possess, and transport wildlife; modifying duties and authority; modifying
 141.28 Minnesota Naturalist Corps provisions; modifying prescribed burn provisions;
 141.29 modifying timber sales provisions; providing for certain contested case hearings,
 141.30 appeals, and reviews; modifying landfill cleanup program; modifying tax-forfeited
 141.31 land provisions; providing for consumer choice in merchant bags; modifying buffer
 141.32 requirements; providing for riparian protection aid; modifying the Water Law;
 141.33 modifying invasive species provisions; modifying off-highway vehicle provisions;
 141.34 modifying permit and license requirements; modifying Petroleum Tank Release
 141.35 Cleanup Act; extending ban on open air swine basins; modifying environmental
 141.36 review; modifying Environmental Quality Board; requiring reports; requiring
 141.37 rulemaking; amending Minnesota Statutes 2016, sections 84.01, by adding a
 141.38 subdivision; 84.027, subdivisions 14a, 14b, by adding subdivisions; 84.788,
 141.39 subdivision 2; 84.793, subdivision 1; 84.8031; 84.82, subdivision 2; 84.925,

142.1 subdivision 1; 84.9256, subdivisions 1, 2; 84.946, subdivision 2, by adding a
142.2 subdivision; 84.992, subdivisions 3, 4, 5, 6; 84D.03, subdivisions 3, 4; 84D.04,
142.3 subdivision 1; 84D.05, subdivision 1; 84D.108, subdivision 2a, by adding
142.4 subdivisions; 84D.11, by adding a subdivision; 85.052, subdivision 1; 85.053,
142.5 subdivisions 8, 10; 85.054, by adding a subdivision; 85.055, subdivision 1; 85.22,
142.6 subdivision 2a; 85.32, subdivision 1; 86B.301, subdivision 2; 86B.313, subdivision
142.7 1; 86B.701, subdivision 3; 88.01, subdivision 28; 88.523; 89.39; 90.01, subdivisions
142.8 8, 12, by adding a subdivision; 90.041, subdivision 2; 90.051; 90.101, subdivision
142.9 2; 90.14; 90.145, subdivision 2; 90.151, subdivision 1; 90.162; 90.252; 93.25,
142.10 subdivision 2; 93.47, subdivision 4; 93.481, subdivision 2; 93.50; 94.343,
142.11 subdivision 9; 94.344, subdivision 9; 97A.015, subdivisions 39, 43, 45, 52, 53, by
142.12 adding a subdivision; 97A.045, subdivision 10; 97A.055, subdivision 2; 97A.075,
142.13 subdivision 1; 97A.137, subdivision 5; 97A.201, subdivision 2, by adding a
142.14 subdivision; 97A.225, subdivision 8; 97A.301, subdivision 1; 97A.338; 97A.420,
142.15 subdivision 1; 97A.421, subdivision 2a; 97B.031, subdivision 6; 97B.071; 97B.405;
142.16 97B.431; 97B.516; 97B.655, subdivision 1; 97C.315, subdivision 1; 97C.355,
142.17 subdivision 2a; 97C.401, subdivision 2; 97C.501, subdivision 1; 97C.515,
142.18 subdivision 2; 97C.701, by adding a subdivision; 103B.101, subdivision 12a;
142.19 103F.411, subdivision 1; 103F.48, subdivisions 1, 3, 7; 103G.005, subdivisions
142.20 10b, 10h, by adding a subdivision; 103G.222, subdivisions 1, 3; 103G.223;
142.21 103G.2242, subdivisions 1, 2; 103G.2372, subdivision 1; 103G.271, subdivisions
142.22 1, 6, 6a, 7, by adding a subdivision; 103G.287, subdivisions 1, 4; 103G.411;
142.23 114D.25, by adding a subdivision; 115B.39, subdivision 2; 115B.40, subdivision
142.24 4; 115C.021, subdivision 1, by adding a subdivision; 116.03, subdivision 2b, by
142.25 adding subdivisions; 116.07, subdivision 4d, by adding subdivisions; 116.0714;
142.26 116C.03, subdivision 2; 116C.04, subdivision 2; 116D.04, subdivisions 2a, 10;
142.27 116D.045, subdivision 1; 160.06; 168.1295, subdivision 1; 282.018, subdivision
142.28 1; 282.04, subdivision 1; 296A.18, subdivision 6a; Laws 2000, chapter 486, section
142.29 4, as amended; Laws 2013, chapter 114, article 4, section 105; Laws 2015, First
142.30 Special Session chapter 4, article 4, section 136; Laws 2016, chapter 189, article
142.31 3, sections 6; 26; 46; proposing coding for new law in Minnesota Statutes, chapters
142.32 85; 93; 97B; 115; 115B; 116; 471; 477A; repealing Minnesota Statutes 2016,
142.33 sections 84.026, subdivision 3; 97B.031, subdivision 5; 97C.701, subdivisions 1a,
142.34 6; 97C.705; 97C.711; 116C.04, subdivisions 3, 4; Minnesota Rules, parts
142.35 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500; 6258.0600; 6258.0700,
142.36 subparts 1, 4, 5; 6258.0800; 6258.0900."