

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 2164

1.2 A bill for an act

1.3 relating to natural resources; providing for apprentice riders; modifying aquatic  
 1.4 invasive species provisions; modifying local government trail authority;  
 1.5 modifying enforcement provisions; modifying certain bait provisions; modifying  
 1.6 prior appropriations; modifying and eliminating certain reporting, plan, and  
 1.7 meeting requirements; eliminating loan program; modifying La Salle Lake  
 1.8 State Recreation Area administration; prohibiting commissioner of natural  
 1.9 resources from purchasing land at more than 20 percent above estimated  
 1.10 market value; modifying waste management provisions; clarifying certain  
 1.11 environmental review; eliminating certain fees; modifying toxic pollution  
 1.12 prevention requirements; modifying certain standards for stationary sources;  
 1.13 extending prohibition on new open air swine basins; modifying local water  
 1.14 management; modifying acid deposition control requirements; modifying  
 1.15 sewage sludge management; modifying Wetland Conservation Act; providing  
 1.16 for continued operation of the Minnesota Zoological Garden, and state parks  
 1.17 and recreation areas when biennial appropriations have not been enacted;  
 1.18 requiring the availability of game and fish licenses by electronic transaction;  
 1.19 creating citizen's board; authorizing and clarifying the use of general permits;  
 1.20 modifying mineral lease provisions; modifying authority of Executive Council;  
 1.21 modifying provisions for Three Rivers Park District; prohibiting sale of  
 1.22 children's products containing formaldehyde; modifying state park permit  
 1.23 provisions; authorizing rulemaking; appropriating money; amending Minnesota  
 1.24 Statutes 2010, sections 9.071; 84.027, subdivision 15; 84.0272, subdivision 1;  
 1.25 84.0895, subdivision 7; 84.631; 84.67; 84.91, subdivision 1; 84D.05, subdivision  
 1.26 1; 85.018, subdivision 2; 85.052, subdivision 3; 85.053, subdivision 7; 85.055,  
 1.27 subdivision 2; 85.20, subdivision 1; 85.46, subdivision 1; 85A.04, subdivision  
 1.28 1; 86B.331, subdivision 1; 90.031, subdivision 4; 92.45; 92.50, subdivision 1;  
 1.29 93.17, subdivision 3; 93.1925, subdivision 1; 93.20, subdivisions 2, 30, 38;  
 1.30 93.2236; 93.25, subdivision 2, by adding a subdivision; 97A.401, subdivision 1;  
 1.31 97A.421, subdivision 4a; 103A.43; 103B.101, subdivisions 2, 7, 10, by adding  
 1.32 subdivisions; 103B.311, subdivision 4; 103B.3363, by adding a subdivision;  
 1.33 103B.3369; 103B.355; 103G.2241, subdivision 9; 103G.2242, subdivision 3;  
 1.34 103G.245, subdivision 3; 103G.271, subdivision 1; 103G.301, subdivisions 2,  
 1.35 4, 5, 5a; 103G.611, by adding a subdivision; 103H.175, subdivision 3; 115.01,  
 1.36 by adding a subdivision; 115.06, subdivision 4; 115.073; 115.42; 115A.15,  
 1.37 subdivision 5; 115A.411; 115A.551, subdivisions 2a, 4; 115A.557, subdivision  
 1.38 4; 115D.08; 116.011; 116.02, subdivisions 1, 2, 3, 4, 6; 116.03, subdivision 1;  
 1.39 116.06, subdivision 22; 116.0714; 116.10; 116C.833, subdivision 2; 116D.04, by  
 1.40 adding a subdivision; 216C.055; 216H.07, subdivision 3; 383B.68, subdivisions  
 1.41 1, 4, by adding a subdivision; 473.149, subdivisions 1, 6; 473.846; Minnesota  
 1.42 Statutes 2011 Supplement, sections 84.027, subdivision 14a; 84D.01, subdivision  
 1.43 15a; 84D.03, subdivision 3; 84D.09, subdivision 2; 84D.10, subdivisions 1, 4;

2.1 84D.105, subdivision 2; 84D.13, subdivision 5; 97C.341; 103G.222, subdivision  
 2.2 1; 103G.615, subdivisions 1, 2; 115A.1320, subdivision 1; 116.03, subdivision  
 2.3 2b; 116D.04, subdivision 2a; Laws 2007, chapter 57, article 1, section 4,  
 2.4 subdivision 2, as amended; Laws 2010, chapter 362, section 2, subdivision 7;  
 2.5 Laws 2011, First Special Session chapter 2, article 1, section 4, subdivision 7;  
 2.6 Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision  
 2.7 3; proposing coding for new law in Minnesota Statutes, chapters 84; 86B;  
 2.8 92; 103B; 103G; 115; 115A; 116; 161; 574; repealing Minnesota Statutes  
 2.9 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5; 89.06; 90.042;  
 2.10 97A.4742, subdivision 4; 103G.705; 115.447; 115A.07, subdivision 2; 115A.965,  
 2.11 subdivision 7; 116.02, subdivisions 7, 8; 216H.07, subdivision 4; 383B.68,  
 2.12 subdivisions 2, 3; Minnesota Statutes 2011 Supplement, sections 86B.508;  
 2.13 86B.811, subdivision 1a; Laws 2011, chapter 107, section 105; Minnesota Rules,  
 2.14 parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050,  
 2.15 subparts 1, 2, 3; 7041.0500, subparts 5, 6, 7.

2.16 April 26, 2012

2.17 The Honorable Kurt Zellers  
 2.18 Speaker of the House of Representatives

2.19 The Honorable Michelle L. Fischbach  
 2.20 President of the Senate

2.21 We, the undersigned conferees for H. F. No. 2164 report that we have agreed upon  
 2.22 the items in dispute and recommend as follows:

2.23 That the Senate recede from its amendments and that H. F. No. 2164 be further  
 2.24 amended as follows:

2.25 Delete everything after the enacting clause and insert:

2.26 "Section 1. [15.985] ADVISORY INSPECTIONS.

2.27 (a) Upon the voluntary request of a person to a state agency for an advisory  
 2.28 inspection for the purpose of complying with state law, the agency must, except as  
 2.29 provided in paragraphs (f) and (g), conduct an advisory inspection. An agency is not  
 2.30 required to conduct an advisory inspection if the agency has a regularly scheduled  
 2.31 inspection that would occur within 90 days after the request for the advisory inspection,  
 2.32 or if before an advisory inspection is requested, the agency has notified the person that  
 2.33 it will be conducting an inspection within 45 days. If an advisory inspection results in  
 2.34 findings that potentially could make a person subject to a fine or other penalty imposed  
 2.35 by the agency, the agency must notify the person in writing of those findings within ten  
 2.36 days of the inspection.

2.37 (1) Except as provided in clause (2), if within 60 days of receiving notice the person  
 2.38 notifies that agency it has corrected the situation that made the person potentially subject  
 2.39 to the fine or penalty, and the agency later determines that the situation is corrected,  
 2.40 the agency may not impose a fine or penalty as a result of the findings in the advisory  
 2.41 inspection.

3.1 (2) For violations of chapter 177, if the person notifies the agency within the time  
3.2 period for remedying violations required under the applicable section of chapter 177, that  
3.3 it has corrected the situation that made the person potentially subject to the fine or penalty,  
3.4 and the agency later determines that the situation is corrected, the agency may not impose  
3.5 a fine or penalty as a result of the finding in the advisory inspection.

3.6 (3) A person may not request more than one advisory inspection from the same  
3.7 agency in a calendar year. A person may not request an advisory inspection after an  
3.8 inspection resulting in a fine or other penalty has been determined and the violator notified  
3.9 of the amount to be paid, until fines or penalties have been paid or settled.

3.10 (b) For purposes of this section:

3.11 (1) "inspection" includes an examination of real or personal property, or an audit or  
3.12 other examination of financial or other documents;

3.13 (2) "penalty" includes a civil or administrative fine or other financial sanction;

3.14 (3) "person" includes a real person and businesses, including corporations,  
3.15 partnerships, limited liability companies, and unincorporated associations; and

3.16 (4) "state agency" means a department, agency, board, commission, constitutional  
3.17 office, or other group in the executive branch of state government.

3.18 (c) If an agency revises, amends, extends, or adds additional violations to a notice,  
3.19 the person has 60 days from the date of those changes to correct the situation without fine  
3.20 or penalty. For violations of chapter 177, the person has the time period for remedying  
3.21 violations under the applicable section of chapter 177, to correct the situation without  
3.22 fine or penalty.

3.23 (d) An agency conducting an inspection under this section may impose and collect  
3.24 from the person requesting the inspection, a fee equal to the costs incurred by the agency  
3.25 related to the inspection. Fees under this section shall be considered as charges for goods  
3.26 and services provided for the direct and primary use of a private individual, business, or  
3.27 other entity under section 16A.1283, paragraph (b), clause (3). Fee revenue collected  
3.28 under this section must be deposited in an appropriate fund other than the general fund  
3.29 and is appropriated from that fund to the agency collecting the fee for the purpose of  
3.30 conducting inspections under this section.

3.31 (e) Nothing in this section shall prohibit or interfere with an agency offering similar  
3.32 programs that allow independent audits or inspections, including the environmental  
3.33 improvement program under chapter 114C. If a person conducts a self-audit under chapter  
3.34 114C, the requirements of this section do not apply. For advisory inspections conducted  
3.35 by the Pollution Control Agency, terms and requirements of chapter 114C shall be used  
3.36 instead of those in this section.

4.1 (f) If agency staff resources are limited, an agency must give higher priority to the  
4.2 agency's regular inspections over advisory inspections under this section. In so far as  
4.3 conducting advisory inspections reduces an agency's costs, the savings must be reflected in  
4.4 the charges for advisory inspections. An agency may not add additional staff complement  
4.5 for purposes of this section before July 1, 2013. An agency may not add additional staff  
4.6 complement for purposes of this section after July 1, 2013, unless: (1) the agency has  
4.7 documented the demand for advisory inspections and has documented why additional staff  
4.8 complement is needed to meet the demand; and (2) the agency has documented that the  
4.9 revenue generated by advisory inspections will cover the expenses of the additional staff  
4.10 complement. If a person requests an advisory inspection, but the agency does not have  
4.11 staff resources necessary to conduct the advisory inspection before a regular inspection is  
4.12 conducted, and the regular inspection results in findings that could make a person subject  
4.13 to a fine or penalty, the agency must take into account the person's request for an advisory  
4.14 inspection and the person's desire to take corrective action before taking any enforcement  
4.15 action against the person.

4.16 (g) This section does not apply to:

4.17 (1) criminal penalties;

4.18 (2) situations in which implementation of this section is prohibited by federal law or  
4.19 would result in loss of federal funding or other federal sanctions;

4.20 (3) conduct constituting fraud;

4.21 (4) violations in a manner that endangers a human life or presents significant risk of  
4.22 major injury or severe emotional harm to humans;

4.23 (5) violations that are part of a pattern that has occurred repeatedly and shows  
4.24 willful intent;

4.25 (6) violations for which it may be demonstrated that the alternative inspections  
4.26 process is being used to avoid enforcement;

4.27 (7) violations that occur within three years of violating an applicable law;

4.28 (8) the Department of Revenue;

4.29 (9) the Workers' Compensation Division at the Department of Labor and Industry;

4.30 (10) violations of vehicle size weight limits under sections 169.80 to 169.88;

4.31 (11) commercial motor vehicle inspections under section 169.781 and motor carrier  
4.32 regulations under chapter 221;

4.33 (12) the Dairy and Food Inspection Division of the Department of Agriculture, if the  
4.34 division provides free inspections similar to those under this section;

4.35 (13) state inspections or surveys of: hospitals, nursing homes, outpatient surgical  
4.36 centers, supervised living facilities, board and lodging with special services, home care,

5.1 housing with services and assisted living settings, hospice, and supplemental nursing  
 5.2 services agencies;

5.3 (14) examinations of health maintenance organizations or county-based purchasing  
 5.4 entities regulated under chapter 62D;

5.5 (15) special transportation services under section 174.30; and

5.6 (16) financial institutions regulated by federal agencies, including state chartered  
 5.7 banks, federal chartered banks, state chartered credit unions, federal chartered credit  
 5.8 unions, and industrial loan and thrifts, to the extent that application of this section to those  
 5.9 institutions would interfere with agreements between state and federal regulatory agencies.

5.10 (h) An agency may terminate an advisory inspection and proceed as if an inspection  
 5.11 were a regular inspection if, in the process of conducting an advisory inspection, the  
 5.12 agency finds a situation that the agency determines: could lead to criminal penalties;  
 5.13 endangers human life or presents significant risk of major injury or severe emotional  
 5.14 harm to humans; presents a severe and imminent threat to animals, food, feed, crops,  
 5.15 commodities, or the environment; or evidences a pattern of willful violations.

5.16 **EFFECTIVE DATE.** This section is effective July 1, 2012.

5.17 Sec. 2. Minnesota Statutes 2010, section 84.027, is amended by adding a subdivision  
 5.18 to read:

5.19 Subd. 14b. **Irrevocability or suspensions of permits.** If, by July 1 of an  
 5.20 odd-numbered year, a biennial appropriation law has not been enacted to fund air, water,  
 5.21 and land programs at the department, until the biennial appropriation law is enacted,  
 5.22 existing permits shall not be terminated or suspended provided the terms and conditions  
 5.23 of the permit and local, state, and federal laws and rules are met, regardless of the  
 5.24 department's capability to receive, review, or process fees, reports, or other filings.

5.25 Sec. 3. Minnesota Statutes 2010, section 84.027, subdivision 15, is amended to read:

5.26 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an  
 5.27 application for, sell, and issue any license, stamp, permit, pass, sticker, gift card, safety  
 5.28 training certification, registration, or transfer under the jurisdiction of the commissioner  
 5.29 by electronic means, including by telephone. Notwithstanding section 97A.472, electronic  
 5.30 and telephone transactions may be made outside of the state. The commissioner may:

5.31 (1) provide for the electronic transfer of funds generated by electronic transactions,  
 5.32 including by telephone;

5.33 (2) assign an identification number to an applicant who purchases a hunting or  
 5.34 fishing license or recreational vehicle registration by electronic means, to serve as

6.1 temporary authorization to engage in the activity requiring a license or registration until  
6.2 the license or registration is received or expires;

6.3 (3) charge and permit agents to charge a fee of individuals who make electronic  
6.4 transactions and transactions by telephone or Internet, including issuing fees and an  
6.5 additional transaction fee not to exceed \$3.50;

6.6 (4) charge and permit agents to charge a convenience fee not to exceed three percent  
6.7 of the cost of the license to individuals who use electronic bank cards for payment. An  
6.8 electronic licensing system agent charging a fee of individuals making an electronic  
6.9 bank card transaction in person must post a sign informing individuals of the fee. The  
6.10 sign must be near the point of payment, clearly visible, include the amount of the fee, and  
6.11 state: "License agents are allowed by state law to charge a fee not to exceed three percent  
6.12 of the cost of state licenses to persons who use electronic bank cards for payment. The  
6.13 fee is not required by state law.";

6.14 (5) establish, by written order, an electronic licensing system commission to be  
6.15 paid by revenues generated from all sales made through the electronic licensing system.  
6.16 The commissioner shall establish the commission in a manner that neither significantly  
6.17 overrecovers nor underrecovers costs involved in providing the electronic licensing  
6.18 system; and

6.19 (6) adopt rules to administer the provisions of this subdivision.

6.20 (b) The fees established under paragraph (a), clauses (3) and (4), and the commission  
6.21 established under paragraph (a), clause (5), are not subject to the rulemaking procedures  
6.22 of chapter 14 and section 14.386 does not apply.

6.23 (c) Money received from fees and commissions collected under this subdivision,  
6.24 including interest earned, is annually appropriated from the game and fish fund and the  
6.25 natural resources fund to the commissioner for the cost of electronic licensing.

6.26 (d) Game and fish licenses under chapters 97A, 97B, and 97C shall be available by  
6.27 electronic transaction, regardless of whether all or any part of the biennial appropriation  
6.28 law for the department has been enacted. If, by July 1 of an odd-numbered year, legislation  
6.29 has not been enacted to appropriate money to the commissioner of management and  
6.30 budget for central accounting, procurement, payroll, and human resources functions,  
6.31 amounts necessary to operate those functions for the purpose of this paragraph are  
6.32 appropriated from the general fund to the commissioner of management and budget.  
6.33 As necessary, the commissioner may transfer a portion of this appropriation to other  
6.34 state agencies to support carrying out these functions. Any subsequent appropriation to  
6.35 the commissioner of management and budget for a biennium in which this section is  
6.36 applicable supersedes and replaces the funding authorized in this paragraph.

7.1 Sec. 4. Minnesota Statutes 2010, section 84.0895, subdivision 7, is amended to read:

7.2 Subd. 7. **General exceptions.** (a) The commissioner may issue permits and  
7.3 prescribe conditions for an act otherwise prohibited by subdivision 1 if:

7.4 (1) the act is for the purpose of zoological, educational, or scientific study;

7.5 (2) the act enhances the propagation or survival of the affected species;

7.6 (3) the act prevents injury to persons or property; or

7.7 (4) the social and economic benefits of the act outweigh the harm caused by it.

7.8 (b) The commissioner may issue a general permit to a governmental subdivision or  
7.9 to the general public to conduct one or more acts described in paragraph (a).

7.10 (c) A member of an endangered species may not be destroyed under paragraph (a),  
7.11 clause (3) or (4), until all alternatives, including live trapping and transplantation, have  
7.12 been evaluated and rejected. The commissioner may prescribe conditions to propagate  
7.13 a species or subspecies.

7.14 ~~(e)~~ (d) A person may capture or destroy a member of an endangered species, without  
7.15 permit, to avoid an immediate and demonstrable threat to human life or property.

7.16 ~~(d)~~ (e) The commissioner must give approval under this subdivision for forest  
7.17 management, including permit, sale, or lease of land for timber harvesting.

7.18 Sec. 5. Minnesota Statutes 2010, section 84.67, is amended to read:

7.19 **84.67 FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

7.20 A forests for the future revolving account is created in the natural resources fund.

7.21 Money in the account is appropriated to the commissioner of natural resources for the  
7.22 acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4.

7.23 The commissioner shall sell the lands acquired under this section, subject to an easement

7.24 as provided in section 84.66. Money received from the sale of forest lands acquired

7.25 under this section and interest earned on the account shall be deposited into the account.

7.26 ~~The commissioner must file a report to the house of representatives Ways and Means~~

7.27 ~~and the senate Finance Committees and the environment and natural resources finance~~

7.28 ~~committees or divisions of the senate and house of representatives by October 1 of each~~

7.29 ~~year indicating all purchases of forest land using money from this account and sales of~~

7.30 ~~forest land for which revenue is deposited into this account.~~

7.31 Sec. 6. **[84.76] APPRENTICE RIDER VALIDATION.**

7.32 Subdivision 1. Definition. For the purpose of this section, "accompanied by" means  
7.33 within a distance of another person that permits uninterrupted visual contact and verbal  
7.34 communication.

8.1            Subd. 2. **Apprentice rider requirements.** Notwithstanding sections 84.793,  
8.2            84.862, 84.925, and 84.9256, a person who is age 12 or over and who does not possess a  
8.3            required safety certificate may participate in up to two trail-riding events sponsored by the  
8.4            commissioner in state parks, state trails, state recreation areas, and state forests that are  
8.5            designed to involve apprentice riders. The person must be accompanied by an adult with a  
8.6            valid safety certificate. All vehicles must be properly registered for use in Minnesota.

8.7            Sec. 7. Minnesota Statutes 2010, section 84.91, subdivision 1, is amended to read:

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

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

8.18           (c) A person who operates or is in physical control of a snowmobile or all-terrain  
8.19           vehicle anywhere in this state or on the ice of any boundary water of this state is subject  
8.20           to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person  
8.21           who is convicted of violating section 169A.20 or an ordinance in conformity with it  
8.22           while operating a snowmobile or all-terrain vehicle, or who refuses to comply with a  
8.23           lawful request to submit to testing under sections 169A.50 to 169A.53 or an ordinance  
8.24           in conformity with it, shall be prohibited from operating ~~the~~ a snowmobile or all-terrain  
8.25           vehicle for a period of one year. The commissioner shall notify the person of the time  
8.26           period during which the person is prohibited from operating a snowmobile or all-terrain  
8.27           vehicle.

8.28           (d) Administrative and judicial review of the operating privileges prohibition is  
8.29           governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior  
8.30           impaired driving conviction or prior license revocation, as defined in section 169A.03.  
8.31           Otherwise, administrative and judicial review of the prohibition is governed by section  
8.32           169A.53.

8.33           (e) The court shall promptly forward to the commissioner and the Department of  
8.34           Public Safety copies of all convictions and criminal and civil sanctions imposed under this  
8.35           section and chapters 169 and 169A relating to snowmobiles and all-terrain vehicles.



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

9.5 Sec. 8. Minnesota Statutes 2011 Supplement, section 84D.01, subdivision 15a, is  
 9.6 amended to read:

9.7 Subd. 15a. **Service provider.** "Service provider" means an individual who or entity  
 9.8 that installs or removes water-related equipment or structures from waters of the state  
 9.9 for hire or as a service provided as a benefit of membership in a yacht club, boat club,  
 9.10 marina, or similar organization. Service provider does not include a person working  
 9.11 under the supervision of an individual with a valid service provider permit issued under  
 9.12 section 84D.108.

9.13 Sec. 9. Minnesota Statutes 2011 Supplement, section 84D.03, subdivision 3, is  
 9.14 amended to read:

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

9.18 (b) In waters that are designated as infested waters, except those designated because  
 9.19 they contain prohibited invasive species of fish or certifiable diseases of fish, as defined  
 9.20 under section 17.4982, subdivision 6, taking wild animals may be permitted for:

9.21 (1) commercial taking of wild animals for bait and aquatic farm purposes according  
 9.22 to a permit issued under section 84D.11, subject to rules adopted by the commissioner; ~~and~~

9.23 (2) bait purposes for noncommercial personal use in waters that contain Eurasian  
 9.24 water milfoil, when the infested waters are designated solely because they contain  
 9.25 Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow  
 9.26 traps not exceeding 16 inches in diameter and 32 inches in length; and

9.27 (3) harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and  
 9.28 suckers for bait from streams or rivers designated as infested waters, by hook and line for  
 9.29 noncommercial personal use. Other provisions that apply to this clause are:

9.30 (i) fish taken under this clause must be used on the same body of water where caught  
 9.31 and while still on that water body;

9.32 (ii) fish taken under this clause may not be transported live from or off the water  
 9.33 body;

9.34 (iii) fish harvested under this clause may only be used in accordance with this section;

10.1 (iv) any other use of wild animals used for bait from infested waters is prohibited;  
 10.2 (v) fish taken under this clause must meet all other size restrictions and requirements  
 10.3 as established in rules; and

10.4 (vi) all species listed under this clause shall be included in the person's daily limit as  
 10.5 established in rules, if applicable.

10.6 (c) Equipment authorized for minnow harvest in a designated infested water by  
 10.7 permit issued under paragraph (b) may not be transported to, or used in, any waters other  
 10.8 than waters specified in the permit.

10.9 Sec. 10. Minnesota Statutes 2010, section 84D.05, subdivision 1, is amended to read:

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

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

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

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

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

10.18 (5) when being transported for disposal as part of a harvest or control activity  
 10.19 when specifically authorized under a permit issued by the commissioner according to  
 10.20 section 103G.615, when being transported for disposal as specified under a commercial  
 10.21 fishing license issued by the commissioner according to section 97A.418, 97C.801,  
 10.22 97C.811, 97C.825, 97C.831, or 97C.835, or when being transported as specified by the  
 10.23 commissioner;

10.24 (6) when the specimen has been lawfully acquired dead and, in the case of plant  
 10.25 species, all seeds are removed or are otherwise secured in a sealed container;

10.26 (7) in the form of herbaria or other preserved specimens;

10.27 (8) when being removed from watercraft and equipment, or caught while angling,  
 10.28 and immediately returned to the water from which they came; or

10.29 (9) as the commissioner may otherwise prescribe by rule.

10.30 Sec. 11. Minnesota Statutes 2011 Supplement, section 84D.09, subdivision 2, is  
 10.31 amended to read:

10.32 Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may transport  
 10.33 aquatic macrophytes:

10.34 (1) that are duckweeds in the family Lemnaceae;

11.1 (2) for disposal as part of a harvest or control activity ~~conducted~~ when specifically  
 11.2 authorized under an aquatic plant management permit pursuant to section 103G.615, under  
 11.3 permit pursuant to section 84D.11, or as specified by the commissioner;

11.4 (3) for purposes of constructing shooting or observation blinds in amounts sufficient  
 11.5 for that purpose, provided that the aquatic macrophytes are emergent and cut above the  
 11.6 waterline;

11.7 (4) when legally purchased or traded by or from commercial or hobbyist sources for  
 11.8 aquarium, wetland or lakeshore restoration, or ornamental purposes;

11.9 (5) when harvested for personal or commercial use if in a motor vehicle;

11.10 (6) to the department, or another destination as the commissioner may direct, in a  
 11.11 sealed container for purposes of identifying a species or reporting the presence of a species;

11.12 (7) when transporting commercial aquatic plant harvesting or control equipment to a  
 11.13 suitable location for purposes of cleaning any remaining aquatic macrophytes;

11.14 (8) that are wild rice harvested under section 84.091;

11.15 (9) in the form of fragments of emergent aquatic macrophytes incidentally  
 11.16 transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl  
 11.17 season; or

11.18 (10) when removing water-related equipment from waters of the state for purposes  
 11.19 of cleaning off aquatic macrophytes before leaving a water access site.

11.20 Sec. 12. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 1, is  
 11.21 amended to read:

11.22 Subdivision 1. **Launching prohibited.** A person may not place or attempt to place  
 11.23 into waters of the state ~~a watercraft, a trailer, or~~ water-related equipment, including aquatic  
 11.24 plant harvesting or control equipment that has aquatic macrophytes, zebra mussels, or  
 11.25 prohibited invasive species attached except as provided in this section.

11.26 Sec. 13. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 4, is  
 11.27 amended to read:

11.28 Subd. 4. **Persons transporting water-related equipment.** (a) When leaving waters  
 11.29 of the state a person must drain water-related equipment holding water and live wells and  
 11.30 bilges by removing the drain plug before transporting the water-related equipment off  
 11.31 the water access site or riparian property.

11.32 (b) Drain plugs, bailers, valves, or other devices used to control the draining of water  
 11.33 from ballast tanks, bilges, and live wells must be removed or opened while transporting  
 11.34 water-related equipment.

12.1 (c) Emergency response vehicles and equipment may be transported on a public road  
12.2 with the drain plug or other similar device replaced only after all water has been drained  
12.3 from the equipment upon leaving the water body.

12.4 (d) Portable bait containers used by licensed aquatic farms, portable bait containers  
12.5 when fishing through the ice except on waters designated infested for viral hemorrhagic  
12.6 septicemia, and marine sanitary systems are exempt from this subdivision.

12.7 (e) A person must not dispose of bait in waters of the state.

12.8 (f) A boat lift, dock, swim raft, or associated equipment that has been removed  
12.9 from any water body may not be placed in another water body until a minimum of 21  
12.10 days have passed.

12.11 Sec. 14. Minnesota Statutes 2011 Supplement, section 84D.105, subdivision 2, is  
12.12 amended to read:

12.13 Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize  
12.14 individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive  
12.15 species, and water. The commissioner may enter into a delegation agreement with a  
12.16 tribal or local government where inspection authority as provided under paragraphs (b),  
12.17 (g), and (h) is delegated to tribal and local governments that assume all legal, financial,  
12.18 and administrative responsibilities for inspection programs on some or all public waters  
12.19 within their jurisdiction.

12.20 (b) Inspectors may visually and tactilely inspect watercraft and water-related  
12.21 equipment to determine whether aquatic invasive species, aquatic macrophytes, or water  
12.22 is present. If a person transporting watercraft or water-related equipment refuses to  
12.23 take required corrective actions or fails to comply with an order under section 84D.10,  
12.24 subdivision 3, an inspector who is not a licensed peace officer shall refer the violation  
12.25 to a conservation officer or other licensed peace officer.

12.26 (c) In addition to paragraph (b), a conservation officer or other licensed peace officer  
12.27 may inspect any watercraft or water-related equipment that is stopped at a water access  
12.28 site, any other public location in the state, or a private location where the watercraft or  
12.29 water-related equipment is in plain view, if the officer determines there is reason to believe  
12.30 that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or  
12.31 water-related equipment.

12.32 (d) Conservation officers or other licensed peace officers may utilize check stations  
12.33 in locations, or in proximity to locations, where watercraft or other water-related  
12.34 equipment is placed into or removed from waters of the state. Any check stations shall be  
12.35 operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

13.1 (e) Conservation officers or other licensed peace officers may order water-related  
13.2 equipment to be removed from a water body if the commissioner determines such action is  
13.3 needed to implement aquatic invasive species control measures.

13.4 (f) The commissioner may require mandatory inspections of water-related equipment  
13.5 before a person places or removes water-related equipment into or out of a water body.  
13.6 Inspection stations may be located at or near public water accesses or in locations that  
13.7 allow for servicing multiple water bodies. The commissioner shall ensure that inspection  
13.8 stations:

13.9 (1) have adequate staffing to minimize delays to vehicles and their occupants;

13.10 (2) allow for reasonable travel times between public accesses and inspection stations  
13.11 if inspection is required before placing water-related equipment into a water body;

13.12 (3) are located so as not to create traffic delays or public safety issues;

13.13 (4) have decontamination equipment available to bring water-related equipment  
13.14 into compliance; and

13.15 (5) do not reduce the capacity or hours of operation of public water accesses.

13.16 (g) The commissioner may authorize tribal and local governments that enter into  
13.17 a delegation agreement with the commissioner to conduct mandatory inspections of  
13.18 water-related equipment at specified locations within a defined area before a person  
13.19 places or removes water-related equipment into or out of a water body. Tribal and local  
13.20 governments that are authorized to conduct inspections under this paragraph must:

13.21 (1) assume all legal, financial, and administrative responsibilities for implementing  
13.22 the mandatory inspections, alone or in agreement with other tribal or local governments;

13.23 (2) employ inspectors that have been trained and authorized by the commissioner;

13.24 (3) conduct inspections and decontamination measures in accordance with guidelines  
13.25 approved by the commissioner;

13.26 (4) have decontamination equipment available at inspection stations or identify  
13.27 alternative decontamination equipment locations within a reasonable distance of the  
13.28 inspection station that can bring water-related equipment into compliance;

13.29 (5) provide for inspection station locations that do not create traffic delays or public  
13.30 safety issues; and

13.31 (6) submit a plan approved by the commissioner according to paragraph (h).

13.32 (h) Plans required under paragraph (g) must address:

13.33 (1) no reduction in capacity or hours of operation of public accesses and fees that  
13.34 do not discourage or limit use;

13.35 (2) reasonable travel times between public accesses and inspection stations;

14.1 (3) adequate staffing to minimize wait times and provide adequate hours of operation  
 14.2 at inspection stations and public accesses;

14.3 (4) adequate enforcement capacity;

14.4 (5) measures to address inspections of water-related equipment at public water  
 14.5 accesses for commercial entities and private riparian land owners; and

14.6 (6) other elements as required by the commissioner to ensure statewide consistency,  
 14.7 appropriate inspection and decontamination protocols, and protection of the state's  
 14.8 resources, public safety, and access to public waters.

14.9 (i) A government unit authorized to conduct inspections under this subdivision must  
 14.10 submit an annual report to the commissioner summarizing the results and issues related  
 14.11 to implementing the inspection program.

14.12 (j) The commissioner may waive the plan requirement in paragraph (g) for inspection  
 14.13 programs where authorized inspectors are placed directly at one or more water access  
 14.14 sites, with no requirement for a person to travel from the water access for inspection  
 14.15 or decontamination, and no local ordinance or other regulation requiring a mandatory  
 14.16 inspection before placing watercraft or water-related equipment into a water body or after  
 14.17 watercraft or water-related equipment are removed from a water body.

14.18 Sec. 15. Minnesota Statutes 2011 Supplement, section 84D.13, subdivision 5, is  
 14.19 amended to read:

14.20 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose  
 14.21 the following penalty amounts:

14.22 (1) for transporting aquatic macrophytes in violation of section 84D.09, ~~\$50~~ \$100;

14.23 (2) for placing or attempting to place into waters of the state water-related equipment  
 14.24 that has aquatic macrophytes attached, ~~\$100~~ \$200;

14.25 (3) for unlawfully possessing or transporting a prohibited invasive species other  
 14.26 than an aquatic macrophyte, ~~\$250~~ \$500;

14.27 (4) for placing or attempting to place into waters of the state water-related equipment  
 14.28 that has prohibited invasive species attached when the waters are not designated by the  
 14.29 commissioner as being infested with that invasive species, \$500 ~~for the first offense and~~  
 14.30 ~~\$1,000 for each subsequent offense~~;

14.31 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as  
 14.32 prescribed by rule, Eurasian water milfoil, \$100;

14.33 (6) for failing to have drain plugs or similar devices removed or opened while  
 14.34 transporting water-related equipment or for failing to remove plugs, open valves, and

15.1 drain water from water-related equipment, other than marine sanitary systems, before  
 15.2 leaving waters of the state, ~~\$50~~ \$100; and

15.3 (7) for transporting infested water off riparian property without a permit as required  
 15.4 by rule, \$200.

15.5 (b) A civil citation that is issued to a person who has one or more prior convictions  
 15.6 or final orders for violations of this chapter is subject to twice the penalty amounts listed  
 15.7 in paragraph (a).

15.8 Sec. 16. Minnesota Statutes 2010, section 85.018, subdivision 2, is amended to read:

15.9 Subd. 2. **Authority of local government.** (a) A local government unit that receives  
 15.10 state grants-in-aid for any trail, with the concurrence of the commissioner, and the  
 15.11 landowner or land lessee, may:

15.12 (1) designate the trail for use by snowmobiles or for nonmotorized use from  
 15.13 December 1 to April 1 of any year; and

15.14 (2) issue any permit required under subdivisions 3 to 5.

15.15 (b) A local government unit that receives state grants-in-aid under section 84.794,  
 15.16 subdivision 2, 84.803, subdivision 2, or 84.927, subdivision 2, for any trail, with the  
 15.17 concurrence of the commissioner, and landowner or land lessee, may:

15.18 (1) designate the trail specifically for use at various times of the year by all-terrain or  
 15.19 off-road vehicles or off-highway motorcycles, for nonmotorized use such as ski touring,  
 15.20 snowshoeing, and hiking, and for multiple use, ~~but not for motorized and nonmotorized~~  
 15.21 ~~use at the same time~~; and

15.22 (2) issue any permit required under subdivisions 3 to 5.

15.23 (c) A local unit of government that receives state grants-in-aid for any trail, with the  
 15.24 concurrence of the commissioner and landowner or land lessee, may designate certain trails  
 15.25 for joint use by snowmobiles, off-highway motorcycles, all-terrain and off-road vehicles.

15.26 Sec. 17. Minnesota Statutes 2010, section 85.052, subdivision 3, is amended to read:

15.27 Subd. 3. **Fee for certain parking and campsite use.** (a) An individual using spaces  
 15.28 in state parks under subdivision 1, clause (2), shall be charged daily rates determined and  
 15.29 set by the commissioner in a manner and amount consistent with the type of facility  
 15.30 provided for the accommodation of guests in a particular park and with similar facilities  
 15.31 offered for tourist camping and similar use in the area.

15.32 (b) The fee for special parking spurs, campgrounds for automobiles, sites for tent  
 15.33 camping, and special auto trailer coach parking spaces is one-half of the fee set in  
 15.34 paragraph (a) on Sunday through Thursday of each week for a physically disabled person:

- 16.1 (1) with a motor vehicle that has disability plates issued under section 168.021,  
 16.2 subdivision 1; ~~or~~  
 16.3 (2) who possesses a certificate issued under section 169.345; or  
 16.4 (3) who possesses an interagency access pass for state residents with permanent  
 16.5 disabilities, issued by the federal government under the Federal Lands Recreation  
 16.6 Enhancement Act.

16.7 Sec. 18. Minnesota Statutes 2010, section 85.053, subdivision 7, is amended to read:

16.8 Subd. 7. **Disabled persons.** (a) The commissioner shall prescribe and issue special  
 16.9 state park permits for:

16.10 (1) a physically disabled person with a motor vehicle (i) that has disability plates  
 16.11 issued under section 168.021, subdivision 1, or (ii) who has a permanent disability  
 16.12 certificate issued under section 169.345 and who can demonstrate proof of ownership of  
 16.13 the vehicle for which the state park permit is being purchased or proof of a leasehold  
 16.14 interest in the vehicle for a term at least as long as the term of the permit; ~~and~~

16.15 (2) a physically disabled person who: (i) does not own or operate a motor vehicle;  
 16.16 (ii) possesses a statement certified under section 169.345, subdivision 2a; and (iii) applies  
 16.17 to the commissioner in writing; and

16.18 (3) a permanently disabled person who possesses an interagency access pass for  
 16.19 people with permanent disabilities, issued by the federal government under the Federal  
 16.20 Lands Recreation Enhancement Act.

16.21 (b) ~~Except~~ For vehicles permitted under paragraph (a), clause ~~(2)~~ (1), the permit or  
 16.22 the decal issued under this subdivision is valid only when displayed on a vehicle owned  
 16.23 and occupied by the person to whom the permit is issued.

16.24 Sec. 19. Minnesota Statutes 2010, section 85.20, subdivision 1, is amended to read:

16.25 Subdivision 1. **Violation of rules.** (a) Any person who, within the limits of any ~~state~~  
 16.26 ~~park, state monument, state recreation area, state wayside, or area of state land reserved~~  
 16.27 ~~from sale, as provided by Laws 1923, chapter 430~~ outdoor recreation unit established in  
 16.28 chapter 86A, shall willfully cut, injure, or destroy any live tree, shrub, timber, evergreen,  
 16.29 or ornamental plant of any kind, or who shall willfully injure, remove, destroy, deface,  
 16.30 or mutilate any guideboard, guidepost, furniture, fixture, improvement, monument,  
 16.31 tablet, or other property of the state of any kind, or who shall willfully violate, or fail  
 16.32 to comply with, any rule of the commissioner adopted ~~and promulgated in accordance~~  
 16.33 ~~with the provisions of Laws 1923, chapter 430, shall be~~ according to section 86A.06, is  
 16.34 guilty of a petty misdemeanor.



17.1 (b) Violations under paragraph (a) adopted for wildlife management areas described  
 17.2 in section 86A.05, subdivision 8, are misdemeanors, consistent with game and fish law  
 17.3 penalties defined in section 97A.301, subdivision 1, clause (6).

17.4 (c) If a different penalty is provided in another section of law for the violation and  
 17.5 the person is charged under that section of law, the penalty specified for the violation  
 17.6 will control over the penalty specified in paragraphs (a) and (b). Violations relating to  
 17.7 the taking of wild animals are subject to the penalties as specified in the game and fish  
 17.8 laws described in section 97A.011.

17.9 Sec. 20. Minnesota Statutes 2010, section 85.46, subdivision 1, is amended to read:

17.10 Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while  
 17.11 riding, leading, or driving a horse on lands administered by the commissioner, except  
 17.12 forest roads and forest roads rights-of-way, a person 16 years of age or over shall carry in  
 17.13 immediate possession a valid horse pass. The pass must be available for inspection by a  
 17.14 peace officer, a conservation officer, or an employee designated under section 84.0835. A  
 17.15 person who violates any provision of this subdivision is guilty of a petty misdemeanor.

17.16 (b) A valid horse pass is not required under this section for a person riding, leading,  
 17.17 or driving a horse on property that is owned by the person or the person's spouse, child,  
 17.18 parent, or guardian.

17.19 Sec. 21. **[86B.13] AQUATIC INVASIVE SPECIES PREVENTION PROGRAM.**

17.20 Subdivision 1. **Establishment.** The commissioner shall establish a statewide course  
 17.21 in preventing the spread of aquatic invasive species. The commissioner must develop an  
 17.22 educational course and testing program that address identification of aquatic invasive  
 17.23 species and best practices to prevent the spread of aquatic invasive species when moving  
 17.24 water-related equipment, as defined under section 84D.01, subdivision 18a.

17.25 Subd. 2. **Aquatic invasive species trailer decal.** The commissioner shall issue an  
 17.26 aquatic invasive species trailer decal for each trailer owned by a person that satisfactorily  
 17.27 completes the required course of instruction.

17.28 Subd. 3. **Contracting for services.** The commissioner may contract for services to  
 17.29 provide training and testing services under this section.

17.30 Subd. 4. **Aquatic invasive species trailer decal display required.** (a) A person  
 17.31 may not transport watercraft or water-related equipment, as defined under section 84D.01,  
 17.32 subdivision 18a, with a trailer unless the person has an aquatic invasive species trailer  
 17.33 decal issued under this section. Temporary authorizations valid for seven days can be  
 17.34 requested by persons that have not completed the required course of instruction.

18.1 (b) Aquatic invasive species trailer decals are valid for three years.

18.2 (c) The aquatic invasive species trailer decal must be adhered to the side of the trailer  
 18.3 frame tongue near the hitch in a manner that it is readily visible and does not interfere with  
 18.4 the display of any registration requirements under section 169.79.

18.5 (d) Aquatic invasive species trailer decals are not transferable.

18.6 (e) Violation of this section shall not result in a penalty, but is punishable only  
 18.7 by a warning.

18.8 **EFFECTIVE DATE.** This section is effective July 1, 2015.

18.9 Sec. 22. Minnesota Statutes 2010, section 86B.331, subdivision 1, is amended to read:

18.10 Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or  
 18.11 control of a motorboat may not authorize or allow an individual the person knows or has  
 18.12 reason to believe is under the influence of alcohol or a controlled or other substance to  
 18.13 operate the motorboat in operation on the waters of this state.

18.14 (b) An owner or other person having charge or control of a motorboat may not  
 18.15 knowingly authorize or allow a person, who by reason of a physical or mental disability  
 18.16 is incapable of operating the motorboat, to operate the motorboat in operation on the  
 18.17 waters of this state.

18.18 (c) A person who operates or is in physical control of a motorboat on the waters  
 18.19 of this state is subject to chapter 169A. In addition to the applicable sanctions under  
 18.20 chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance  
 18.21 in conformity with it while operating a motorboat, shall be prohibited from operating  
 18.22 ~~the a~~ motorboat on the waters of this state for a period of 90 days between May 1 and  
 18.23 October 31, extending over two consecutive years if necessary. If the person operating the  
 18.24 motorboat refuses to comply with a lawful demand to submit to testing under sections  
 18.25 169A.50 to 169A.53 or an ordinance in conformity with it, the person shall be prohibited  
 18.26 from operating ~~the a~~ motorboat for a period of one year. The commissioner shall notify  
 18.27 the person of the period during which the person is prohibited from operating a motorboat.

18.28 (d) Administrative and judicial review of the operating privileges prohibition is  
 18.29 governed by section 97B.066, subdivisions 7 to 9, if the person does not have a prior  
 18.30 impaired driving conviction or prior license revocation, as defined in section 169A.03.  
 18.31 Otherwise, administrative and judicial review of the prohibition is governed by section  
 18.32 169A.53.

18.33 (e) The court shall promptly forward to the commissioner and the Department of  
 18.34 Public Safety copies of all convictions and criminal and civil sanctions imposed under this  
 18.35 section and chapters 169 and 169A relating to motorboats.

19.1 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with  
 19.2 either of them, is guilty of a misdemeanor.

19.3 (g) For purposes of this subdivision, a motorboat "in operation" does not include a  
 19.4 motorboat that is anchored, beached, or securely fastened to a dock or other permanent  
 19.5 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

19.6 Sec. 23. Minnesota Statutes 2010, section 93.2236, is amended to read:

19.7 **93.2236 MINERALS MANAGEMENT ACCOUNT.**

19.8 (a) The minerals management account is created as an account in the natural  
 19.9 resources fund. Interest earned on money in the account accrues to the account. Money in  
 19.10 the account may be spent or distributed only as provided in paragraphs (b) and (c).

19.11 (b) If the balance in the minerals management account exceeds \$3,000,000 on June  
 19.12 30, the amount exceeding \$3,000,000 must be distributed to the permanent school fund  
 19.13 ~~and~~, the permanent university fund, and taxing districts as provided in section 93.22,  
 19.14 subdivision 1, paragraph (c). The amount distributed to each fund must be in the same  
 19.15 proportion as the total mineral lease revenue received in the previous biennium from school  
 19.16 trust lands ~~and~~ university lands, and lands held by the state in trust for taxing districts.

19.17 (c) Subject to appropriation by the legislature, money in the minerals management  
 19.18 account may be spent by the commissioner of natural resources for mineral resource  
 19.19 management and projects to enhance future mineral income and promote new mineral  
 19.20 resource opportunities.

19.21 Sec. 24. Minnesota Statutes 2010, section 97A.401, subdivision 1, is amended to read:

19.22 Subdivision 1. **Commissioner's authority.** The commissioner may issue special  
 19.23 permits for the activities in this section. A special permit may be issued in the form of a  
 19.24 general permit to a governmental subdivision or to the general public to conduct one or  
 19.25 more activities under subdivisions 2 to 7.

19.26 Sec. 25. Minnesota Statutes 2010, section 97A.421, subdivision 4a, is amended to read:

19.27 Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**  
 19.28 When a court reports to the commissioner that a person: (1) has failed to appear in court  
 19.29 ~~under the summons issued~~ in response to a notice to appear or fails to comply with other  
 19.30 orders of the court regarding the appearance or proceedings for a violation of the game  
 19.31 and fish laws; or (2) has been convicted of violating a provision of the game and fish  
 19.32 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,  
 19.33 and refused or failed to comply with that sentence or to pay the fine or surcharge, the

20.1 commissioner shall suspend the game and fish license and permit privileges of the person  
20.2 until notified by the court that the person has appeared in court under clause (1) or that any  
20.3 fine or surcharge due the court has been paid under clause (2).

20.4 Sec. 26. Minnesota Statutes 2011 Supplement, section 97C.341, is amended to read:

20.5 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

20.6 (a) A person may not use live minnows imported from outside of the state, game  
20.7 fish, goldfish, or carp for bait. The commissioner may, by written order published in  
20.8 the State Register, authorize use of game fish eggs as bait and prescribe restrictions on  
20.9 their use. The order is exempt from the rulemaking provisions of chapter 14 and section  
20.10 14.386 does not apply.

20.11 (b) A person may not import or possess live, frozen, or processed bait from known  
20.12 waters where viral hemorrhagic septicemia has been identified as being present; (1)  
20.13 unless the bait has been processed to inactivate viral hemorrhagic septicemia in a manner  
20.14 prescribed by rules adopted by the commissioner; or (2) except as provided in paragraph

20.15 (c). For purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians,  
20.16 invertebrates, and insects used for taking wild animals in waters of the state.

20.17 (c) Cisco and rainbow smelt taken under rules adopted by the commissioner may  
20.18 be used as:

20.19 (1) fresh or frozen bait only on Lake Superior; or

20.20 (2) bait that has been processed to inactivate viral hemorrhagic septicemia in a  
20.21 manner prescribed by rules adopted by the commissioner.

20.22 (d) To ensure that frozen or dead fish being brought into the state are not in violation  
20.23 of paragraph (b), the following paperwork must accompany the shipment. Documents  
20.24 must be open for inspection by the commissioner at any reasonable time. All documents  
20.25 must be available to purchasers of these bait items. Each container or package of frozen or  
20.26 dead fish must have the following information:

20.27 (1) water body source;

20.28 (2) lot number;

20.29 (3) company contact including name, phone, and address;

20.30 (4) date of packaging and labeling; and

20.31 (5) valid negative fish health certification from the source water body.

20.32 Sec. 27. Minnesota Statutes 2010, section 103A.43, is amended to read:

20.33 **103A.43 WATER ASSESSMENTS AND REPORTS.**

21.1 (a) The Environmental Quality Board shall consolidate the assessments required  
 21.2 in paragraphs (b) and (c) with the policy report in section 103A.204 and submit a single  
 21.3 report to the house of representatives and senate committees with jurisdiction over the  
 21.4 environment, natural resources, and agriculture and the Legislative-Citizen Commission  
 21.5 on Minnesota Resources by September 15, 2010, and every five years thereafter.

21.6 (b) The Pollution Control Agency and the Department of Agriculture shall provide a  
 21.7 ~~biennial~~ an assessment and analysis of water quality, groundwater degradation trends, and  
 21.8 efforts to reduce, prevent, minimize, and eliminate degradation of water. The assessment  
 21.9 and analysis must include an analysis of relevant monitoring data.

21.10 (c) The Department of Natural Resources shall provide an assessment and analysis  
 21.11 of the quantity of surface and ground water in the state and the availability of water to  
 21.12 meet the state's needs.

21.13 Sec. 28. Minnesota Statutes 2010, section 103B.101, subdivision 2, is amended to read:

21.14 Subd. 2. **Voting members.** (a) The members are:

21.15 (1) three county commissioners;

21.16 (2) three soil and water conservation district supervisors;

21.17 (3) three watershed district or watershed management organization representatives;

21.18 (4) three citizens who are not employed by, or the appointed or elected officials of, a  
 21.19 state governmental office, board, or agency;

21.20 (5) one township officer;

21.21 (6) two elected city officials, one of whom must be from a city located in the  
 21.22 metropolitan area, as defined under section 473.121, subdivision 2;

21.23 (7) the commissioner of agriculture;

21.24 (8) the commissioner of health;

21.25 (9) the commissioner of natural resources;

21.26 (10) the commissioner of the Pollution Control Agency; and

21.27 (11) the director of the University of Minnesota Extension Service.

21.28 (b) Members in paragraph (a), clauses (1) to (6), must be distributed across the state  
 21.29 with at least four members but not more than six members from the metropolitan area,  
 21.30 as defined by section 473.121, subdivision 2; ~~and one from each of the current soil and~~  
 21.31 ~~water conservation administrative regions.~~

21.32 (c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor.

21.33 In making the appointments, the governor may consider persons recommended by

21.34 the Association of Minnesota Counties, the Minnesota Association of Townships, the

21.35 League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation

22.1 Districts, and the Minnesota Association of Watershed Districts. The list submitted by an  
 22.2 association must contain at least three nominees for each position to be filled.

22.3 (d) The membership terms, compensation, removal of members and filling of  
 22.4 vacancies on the board for members in paragraph (a), clauses (1) to (6), are as provided  
 22.5 in section 15.0575.

22.6 Sec. 29. Minnesota Statutes 2010, section 103B.101, subdivision 7, is amended to read:

22.7 Subd. 7. **Hearings, orders, and rulemaking.** The board may hold public hearings  
 22.8 and adopt rules and orders necessary to execute its duties.

22.9 Sec. 30. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
 22.10 subdivision to read:

22.11 Subd. 8a. **Bylaws and conflict of interest.** The board shall adopt bylaws that  
 22.12 include provisions to prevent or address conflict of interest.

22.13 Sec. 31. Minnesota Statutes 2010, section 103B.101, subdivision 10, is amended to  
 22.14 read:

22.15 Subd. 10. **Committee for dispute resolution.** A committee of the board is  
 22.16 established to hear and resolve disputes, appeals, and interventions under sections  
 22.17 103A.301 to 103A.341; 103B.101; 103B.231; 103B.345; 103D.535; 103D.537; and  
 22.18 103G.2242, subdivision 9. ~~The committee consists of two of the three citizen members;~~  
 22.19 ~~one county commissioner member; one soil and water conservation district supervisor~~  
 22.20 ~~member; and one watershed district or watershed management organization representative~~  
 22.21 ~~member.~~ The committee is appointed by the board chair. The board shall adopt bylaws  
 22.22 governing committee membership and duties.

22.23 Sec. 32. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
 22.24 subdivision to read:

22.25 Subd. 14. **Local water management coordination.** (a) The board may adopt  
 22.26 resolutions, policies, or orders that allow a comprehensive plan, local water management  
 22.27 plan, or watershed management plan, developed or amended, approved and adopted,  
 22.28 according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be  
 22.29 replaced with a comprehensive watershed management plan. The board may also develop  
 22.30 criteria for incorporating or coordinating the elements of metropolitan county groundwater  
 22.31 plans in accordance with section 103B.255. The board shall, to the extent practicable,  
 22.32 incorporate a watershed approach when adopting the resolutions, policies, or orders, and

23.1 shall establish a suggested watershed boundary framework for development, approval,  
 23.2 adoption, and coordination of plans.

23.3 (b) The board shall work with local government stakeholders and others to foster  
 23.4 mutual understanding and develop recommendations for local water management and  
 23.5 related state water management policy and programs. The board may convene informal  
 23.6 working groups or work teams to develop information, education, and recommendations.  
 23.7 Local government units may develop and carry out TMDL implementation plans, or their  
 23.8 equivalent, as provided in chapter 114D, as part of the local water management plans and  
 23.9 responsibilities under chapters 103B, 103C, and 103D.

23.10 Sec. 33. Minnesota Statutes 2010, section 103B.101, is amended by adding a  
 23.11 subdivision to read:

23.12 **Subd. 15. Local water management boundary and plan determinations and**  
 23.13 **appeals.** (a) Local government units may either submit a request for a plan boundary  
 23.14 determination as part of a plan approval request or apply separately for a plan boundary  
 23.15 determination from the board before requesting plan approval. Local government units  
 23.16 must provide written documentation of the rationale and justification for the proposed  
 23.17 boundary. The board may request additional information needed to make a plan boundary  
 23.18 determination.

23.19 (b) Local government units may appeal a board decision to deny approval of a plan  
 23.20 or the establishment of a plan boundary. An appeal of a board decision may be taken to the  
 23.21 state Court of Appeals and must be considered an appeal from a contested case decision  
 23.22 for purposes of judicial review under sections 14.63 to 14.69. Local government units  
 23.23 may request the board's dispute resolution committee or executive director to hear and  
 23.24 make recommendations to resolve boundary and plan implementation disputes.

23.25 Sec. 34. Minnesota Statutes 2010, section 103B.311, subdivision 4, is amended to read:

23.26 **Subd. 4. Water plan requirements.** (a) A local water management plan must:

23.27 (1) cover the entire area within a county;

23.28 (2) address water problems in the context of watershed units and groundwater  
 23.29 systems;

23.30 (3) be based upon principles of sound hydrologic management of water, effective  
 23.31 environmental protection, and efficient management;

23.32 (4) be consistent with local water management plans prepared by counties and  
 23.33 watershed management organizations wholly or partially within a single watershed unit or  
 23.34 groundwater system; and

24.1 (5) the local water management plan must specify the period covered by the local  
 24.2 water management plan and must extend at least five years but no more than ten years from  
 24.3 the date the board approves the local water management plan. Local water management  
 24.4 plans that contain revision dates inconsistent with this section must comply with that date,  
 24.5 provided it is not more than ten years beyond the date of board approval. ~~A two-year~~  
 24.6 ~~extension of the revision date of a local water management plan may be granted by the~~  
 24.7 ~~board, provided no projects are ordered or commenced during the period of the extension.~~

24.8 (b) Existing water and related land resources plans, including plans related to  
 24.9 agricultural land preservation programs developed pursuant to chapter 40A, must be  
 24.10 fully utilized in preparing the local water management plan. Duplication of the existing  
 24.11 plans is not required.

24.12 Sec. 35. Minnesota Statutes 2010, section 103B.3363, is amended by adding a  
 24.13 subdivision to read:

24.14 Subd. 3a. **Comprehensive watershed management plan.** "Comprehensive  
 24.15 watershed management plan" means a plan to manage the water and related natural  
 24.16 resources of a watershed that consists of the plans listed in subdivision 3 or a separate  
 24.17 plan that has been approved as a substitute by the board and adopted by local units  
 24.18 of government for the same or additional purposes. The comprehensive watershed  
 24.19 management plan shall be consistent with the goals of section 103A.212 and may address  
 24.20 the goals in sections 103A.201 to 103A.211, and chapter 114D.

24.21 Sec. 36. **103B.3367] WATER PLAN EXTENSIONS.**

24.22 The board may grant extensions with or without conditions of the revision date of a  
 24.23 comprehensive local water management plan or a comprehensive watershed management  
 24.24 plan.

24.25 Sec. 37. Minnesota Statutes 2010, section 103B.3369, is amended to read:

24.26 **103B.3369 LOCAL WATER RESOURCES RESTORATION, PROTECTION,**  
 24.27 **AND MANAGEMENT PROGRAM.**

24.28 Subdivision 1. **Assistance priorities.** State agencies may give priority to local  
 24.29 government unit requests that are part of or responsive to a comprehensive plan, local  
 24.30 water management plan, watershed management plan, or comprehensive watershed  
 24.31 management plan, developed or amended, approved and adopted, according to chapter  
 24.32 103B, 103C, 103D, or 114D, when administering programs for water-related financial  
 24.33 and technical assistance.



25.1 Subd. 2. **Establishment.** A local water resources restoration, protection, and  
25.2 management program is established. The board may provide financial assistance to local  
25.3 units of government for activities that restore, protect, or manage water and related land  
25.4 quality. The activities include planning, zoning, official controls, best management  
25.5 practices, capital projects, and other activities to implement a comprehensive plan, local  
25.6 water management plans plan, or watershed management plan, developed or amended,  
25.7 adopted and approved, according to chapter 103B, 103C, or 103D.

25.8 Subd. 4. **Contracts.** A local unit of government may contract to implement  
25.9 programs. An explanation of the program responsibilities proposed to be contracted must  
25.10 accompany grant requests. A local unit of government that contracts is responsible for  
25.11 ensuring that state funds are properly expended and for providing an annual report to the  
25.12 board describing expenditures of funds and program accomplishments.

25.13 Subd. 5. **Financial assistance.** A base grant may be awarded to a county that  
25.14 provides a match utilizing a water implementation tax or other local source. A water  
25.15 implementation tax that a county intends to use as a match to the base grant must be levied  
25.16 at a rate determined by the board. ~~The minimum amount of the water implementation tax~~  
25.17 ~~shall be a tax rate times the adjusted net tax capacity of the county for the preceding year.~~  
25.18 ~~The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied~~  
25.19 ~~to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The~~  
25.20 ~~base grant will be in an amount equal to \$37,500 less the amount raised by the local~~  
25.21 ~~match. If the amount necessary to implement the local water plan for the county is less~~  
25.22 ~~than \$37,500, the amount of the base grant shall be the amount that, when added to the~~  
25.23 ~~match amount, equals the amount required to implement the plan. For counties where~~  
25.24 ~~the tax rate generates an amount equal to or greater than \$18,750, the base grant shall~~  
25.25 ~~be in an amount equal to \$18,750.~~ The board may award performance-based grants to  
25.26 local units of government that are responsible for implementing elements of applicable  
25.27 portions of watershed management plans, comprehensive plans, local water management  
25.28 plans, or comprehensive watershed management plans, developed or amended, adopted  
25.29 and approved, according to chapter 103B, 103C, or 103D. Upon request by a local  
25.30 government unit, the board may also award performance-based grants to local units of  
25.31 government to carry out TMDL implementation plans as provided in chapter 114D, if the  
25.32 TMDL implementation plan has been incorporated into the local water management plan  
25.33 according to the procedures for approving comprehensive plans, watershed management  
25.34 plans, local water management plans, or comprehensive watershed management plans  
25.35 under chapter 103B, 103C, or 103D, or if the TMDL implementation plan has undergone

26.1 a public review process. Notwithstanding section 16A.41, the board may award  
 26.2 performance-based grants on an advanced basis.

26.3 Subd. 6. ~~Limitations~~ Conditions. (a) Grants provided to implement programs  
 26.4 under this section must be reviewed by the state agency having statutory program authority  
 26.5 to assure compliance with minimum state standards. At the request of the state agency  
 26.6 commissioner, the board shall revoke the portion of a grant used to support a program  
 26.7 not in compliance.

26.8 (b) Grants may be provided to develop or revise, amend, or implement local water  
 26.9 management plans ~~may not be awarded for a time longer than two years,~~ comprehensive  
 26.10 plans, watershed management plans, or comprehensive watershed management plans,  
 26.11 approved and adopted, according to chapter 103B, 103C, 103D, or 114D.

26.12 (c) A local unit of government may not request or be awarded grants for project  
 26.13 implementation unless a comprehensive plan, local water management ~~water plan has~~  
 26.14 ~~been adopted,~~ watershed management plan, or comprehensive watershed management  
 26.15 plan has been developed or amended, adopted and approved, according to chapter 103B,  
 26.16 103C, or 103D.

26.17 Subd. 7. Performance criteria. The board shall develop and utilize  
 26.18 performance-based criteria for local water resources restoration, protection, and  
 26.19 management programs and projects. The criteria may include, but are not limited to,  
 26.20 science-based assessments, organizational capacity, priority resource issues, community  
 26.21 outreach and support, partnership potential, potential for multiple benefits, and program  
 26.22 and project delivery efficiency and effectiveness.

26.23 Sec. 38. Minnesota Statutes 2010, section 103B.355, is amended to read:

26.24 **103B.355 APPLICATION.**

26.25 Sections 103B.301 to 103B.335 and 103B.341 to 103B.355 do not apply in areas  
 26.26 subject to the requirements of sections 103B.201 to 103B.255 under section 103B.231,  
 26.27 subdivision 1, and in areas covered by an agreement under section 103B.231, subdivision  
 26.28 2, except as otherwise provided in section 103B.311, subdivision 4, clause (4).

26.29 Sec. 39. Minnesota Statutes 2010, section 103F.211, is amended by adding a  
 26.30 subdivision to read:

26.31 Subd. 4. Removal of logs; dead trees and branches. The removal of logs and dead  
 26.32 trees and branches from the shoreland is exempt from any permit requirements, unless  
 26.33 required by a local government unit. Before a person removes logs or dead trees and  
 26.34 branches from publicly owned land or land owned by another, the person must obtain

27.1 permission from the land owner or manager. Public entities are encouraged to allow for  
27.2 the removal of logs and dead trees and branches that present a safety hazard on land  
27.3 managed by the public entity.

27.4 Sec. 40. Minnesota Statutes 2010, section 103F.321, is amended by adding a  
27.5 subdivision to read:

27.6 Subd. 4. **Removal of logs; dead trees and branches.** The removal of logs and dead  
27.7 trees and branches from the shoreland is exempt from any permit requirements when  
27.8 the logs or dead trees and branches present safety hazards, unless required by a local  
27.9 government unit. Before a person removes logs or dead trees and branches from publicly  
27.10 owned land or land owned by another, the person must obtain permission from the land  
27.11 owner or manager. Public entities are encouraged to allow for the removal of logs and  
27.12 dead trees and branches that present a safety hazard on land managed by the public entity.

27.13 Sec. 41. Minnesota Statutes 2011 Supplement, section 103G.222, subdivision 1,  
27.14 is amended to read:

27.15 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
27.16 partially, unless replaced by restoring or creating wetland areas of at least equal public  
27.17 value under a replacement plan approved as provided in section 103G.2242, a replacement  
27.18 plan under a local governmental unit's comprehensive wetland protection and management  
27.19 plan approved by the board under section 103G.2243, or, if a permit to mine is required  
27.20 under section 93.481, under a mining reclamation plan approved by the commissioner  
27.21 under the permit to mine. For project-specific wetland replacement completed prior to  
27.22 wetland impacts authorized or conducted under a permit to mine within the Great Lakes  
27.23 and Rainy River watershed basins, those basins shall be considered a single watershed  
27.24 for purposes of determining wetland replacement ratios. Mining reclamation plans shall  
27.25 apply the same principles and standards for replacing wetlands by restoration or creation  
27.26 of wetland areas that are applicable to mitigation plans approved as provided in section  
27.27 103G.2242. Public value must be determined in accordance with section 103B.3355 or  
27.28 a comprehensive wetland protection and management plan established under section  
27.29 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently  
27.30 and semipermanently flooded areas of types 3, 4, and 5 wetlands.

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

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

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

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

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

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

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

28.10 For a project involving the draining or filling of wetlands in an amount not exceeding  
28.11 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
28.12 paragraph (a), the local government unit may make an on-site sequencing determination  
28.13 without a written alternatives analysis from the applicant.

28.14 (c) If a wetland is located in a cultivated field, then replacement must be  
28.15 accomplished through restoration only without regard to the priority order in paragraph  
28.16 (b), provided that ~~a deed restriction is placed on the altered wetland prohibiting~~ is not  
28.17 converted to a nonagricultural use for at least ten years.

28.18 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,  
28.19 subdivision 2, ~~paragraphs paragraph (b) and or (e),~~ the local government unit may require  
28.20 a deed restriction that prohibits nonagricultural use for at least ten years ~~unless the drained~~  
28.21 ~~wetland is replaced as provided under this section.~~ The local government unit may require  
28.22 the deed restriction if it determines the wetland area drained is at risk of conversion to  
28.23 a nonagricultural use within ten years based on the zoning classification, proximity to a  
28.24 municipality or full service road, or other criteria as determined by the local government  
28.25 unit.

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

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

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

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

29.3 (i) Except in a greater than 80 percent area, only wetlands that have been restored  
29.4 from previously drained or filled wetlands, wetlands created by excavation in nonwetlands,  
29.5 wetlands created by dikes or dams along public or private drainage ditches, or wetlands  
29.6 created by dikes or dams associated with the restoration of previously drained or filled  
29.7 wetlands may be used in a statewide banking program established in rules adopted under  
29.8 section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally  
29.9 occurring wetlands from one type to another are not eligible for enrollment in a statewide  
29.10 wetlands bank.

29.11 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
29.12 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
29.13 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
29.14 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
29.15 to believe that the wetland characteristics may change substantially, the panel shall  
29.16 postpone its recommendation until the wetland has stabilized.

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

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

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

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

29.34 (2) except as provided in clause (3), submit project-specific reports to the board, the  
29.35 Technical Evaluation Panel, the commissioner of natural resources, and members of the  
29.36 public requesting a copy at least 30 days prior to construction that indicate the location,

30.1 amount, and type of wetlands to be filled or drained by the project or, alternatively,  
30.2 convene an annual meeting of the parties required to receive notice to review projects to  
30.3 be commenced during the upcoming year; and

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

30.8 Those required to receive notice of public transportation projects may appeal  
30.9 minimization, delineation, and on-site mitigation decisions made by the public  
30.10 transportation authority to the board according to the provisions of section 103G.2242,  
30.11 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation  
30.12 decisions made by the public transportation authority and provide recommendations  
30.13 regarding on-site mitigation if requested to do so by the local government unit, a  
30.14 contiguous landowner, or a member of the Technical Evaluation Panel.

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

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

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

30.31 (o) A local government unit may request the board to reclassify a county or  
30.32 watershed on the basis of its percentage of presettlement wetlands remaining. After  
30.33 receipt of satisfactory documentation from the local government, the board shall change  
30.34 the classification of a county or watershed. If requested by the local government unit,  
30.35 the board must assist in developing the documentation. Within 30 days of its action to

31.1 approve a change of wetland classifications, the board shall publish a notice of the change  
31.2 in the Environmental Quality Board Monitor.

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

31.9 Sec. 42. Minnesota Statutes 2010, section 103G.2241, subdivision 1, is amended to  
31.10 read:

31.11 Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not  
31.12 required for:

31.13 (1) activities in a wetland that was planted with annually seeded crops, was in a crop  
31.14 rotation seeding of pasture grass or legumes, or was required to be set aside to receive  
31.15 price support or other payments under United States Code, title 7, sections 1421 to 1469,  
31.16 in six of the last ten years prior to January 1, 1991;

31.17 (2) activities in a type 1 wetland on agricultural pasture land that remains in the  
31.18 same use, except for bottomland hardwood type 1 wetlands, and activities in a type 2  
31.19 or type 6 wetland that is less than two acres in size and located on agricultural pasture  
31.20 land that remains in the same use;

31.21 (3) activities in a wetland conducted as part of normal farming practices. For  
31.22 purposes of this clause, "normal farming practices" means farming, silvicultural, grazing,  
31.23 and ranching activities such as plowing, seeding, cultivating, and harvesting for the  
31.24 production of feed, food, and fiber products, but does not include activities that result in  
31.25 the draining of wetlands;

31.26 (4) soil and water conservation practices approved by the soil and water conservation  
31.27 district, after review by the Technical Evaluation Panel;

31.28 (5) aquaculture activities including pond excavation and construction and  
31.29 maintenance of associated access roads and dikes authorized under, and conducted in  
31.30 accordance with, a permit issued by the United States Army Corps of Engineers under  
31.31 section 404 of the federal Clean Water Act, United States Code, title 33, section 1344,  
31.32 but not including construction or expansion of buildings;

31.33 (6) wild rice production activities, including necessary diking and other activities  
31.34 authorized under a permit issued by the United States Army Corps of Engineers under  
31.35 section 404 of the federal Clean Water Act, United States Code, title 33, section 1344; or

32.1 (7) agricultural activities on agricultural land that is subject to the swampbuster  
 32.2 provisions of the federal farm program restrictions that meet minimum state standards  
 32.3 under this chapter and sections 103A.202 and 103B.3355 and that have been approved  
 32.4 by the Board of Water and Soil Resources, the commissioners of natural resources and  
 32.5 agriculture, and the Pollution Control Agency and a memorandum of understanding and  
 32.6 related agreements between the board and the United States Department of Agriculture,  
 32.7 Natural Resources Conservation Service.

32.8 Sec. 43. Minnesota Statutes 2010, section 103G.2241, subdivision 9, is amended to  
 32.9 read:

32.10 Subd. 9. **De minimis.** (a) Except as provided in paragraphs ~~(b) and (c)~~ (d), (e), (f),  
 32.11 (g), (h), and (i), a replacement plan for wetlands is not required for draining or filling  
 32.12 the following amounts of wetlands as part of a project outside of the shoreland wetland  
 32.13 protection zone:

32.14 (1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
 32.15 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a greater than  
 32.16 80 percent area;

32.17 (2) 5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
 32.18 tamarack wetlands, ~~outside of the shoreland wetland protection zone~~ in a 50 to 80 percent  
 32.19 area, ~~except within the 11-county metropolitan area;~~

32.20 (3) 2,000 square feet of type 1, 2, ~~or 6, or 7~~ wetland, ~~outside of the shoreland wetland~~  
 32.21 ~~protection zone~~ excluding white cedar and tamarack wetlands, in a less than 50 percent  
 32.22 area, ~~except within the 11-county metropolitan area;~~ or

32.23 (4) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland  
 32.24 types not listed in clauses (1) to (3) outside of the building setback zone of the shoreland  
 32.25 wetland protection zones in all counties;

32.26 (b) Except as provided in paragraphs (e), (f), (g), (h), and (i), a replacement plan  
 32.27 for wetlands is not required for draining or filling the following amounts of wetlands  
 32.28 as part of a project within the shoreland wetland protection zone beyond the shoreland  
 32.29 building setback zone:

32.30 ~~(5) (1)~~ (1) 400 square feet of type 1, 2, 6, or 7 wetland types listed in clauses (1) to  
 32.31 (3), beyond the building setback zone, as defined in the local shoreland management  
 32.32 ordinance, but within the shoreland wetland protection zone; or

32.33 (2) 100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.

32.34 In a greater than 80 percent area, ~~the local government unit may increase the de~~  
 32.35 ~~minimis amount~~ allowed under clause (1) may be increased up to 1,000 square feet if the



33.1 wetland is isolated and is determined to have no direct surficial connection to the public  
 33.2 water or if permanent water runoff retention or infiltration measures are established in  
 33.3 proximity as approved by the shoreland management authority.

33.4 (c) Except as provided in paragraphs (e), (f), (g), (h), and (i), a replacement plan  
 33.5 for wetlands is not required for draining or filling up to 20 square feet of wetland as part  
 33.6 of a project within the shoreland building setback zone, as defined in the local shoreland  
 33.7 management ordinance. The amount in this paragraph may be increased to 100 square feet  
 33.8 if permanent water runoff retention or infiltration measures are established in proximity as  
 33.9 approved by the shoreland management authority.

33.10 ~~To the extent that a local shoreland management ordinance is more restrictive than~~  
 33.11 ~~this provision, the local shoreland ordinance applies;~~

33.12 ~~(6) up to 20 square feet of wetland, regardless of type or location;~~

33.13 (d) Except as provided in paragraphs (b), (c), (e), (f), (g), (h), and (i), a replacement  
 33.14 plan is not required for draining or filling amounts of wetlands as part of a project:

33.15 ~~(7)~~ (1) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and  
 33.16 tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent  
 33.17 area within the 11-county metropolitan area; or

33.18 ~~(8)~~ (2) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland  
 33.19 protection zone in a less than 50 percent area within the 11-county metropolitan area.

33.20 ~~For purposes of this paragraph, the 11-county metropolitan area consists of the~~  
 33.21 ~~counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne,~~  
 33.22 ~~Washington, and Wright.~~

33.23 ~~(b)~~ (e) The amounts listed in ~~paragraph~~ paragraphs (a), clauses (1) to (8), (b), and (c)  
 33.24 may not be combined on a project.

33.25 ~~(c)~~ (f) This exemption no longer applies to a landowner's portion of a wetland when  
 33.26 the cumulative area drained or filled of the landowner's portion since January 1, 1992, is  
 33.27 the greatest of:

33.28 (1) the applicable area listed in paragraph (a), (b), or (c), if the landowner owns  
 33.29 the entire wetland;

33.30 (2) five percent of the landowner's portion of the wetland; or

33.31 (3) 400 square feet.

33.32 ~~(d)~~ (g) This exemption may not be combined with another exemption in this section  
 33.33 on a project.

33.34 ~~(e)~~ (h) Property may not be divided to increase the amounts listed in paragraph (a).

33.35 (i) If a local ordinance or similar local control is more restrictive than this  
 33.36 subdivision, the local standard applies.

34.1 Sec. 44. Minnesota Statutes 2010, section 103G.2241, subdivision 11, is amended to  
34.2 read:

34.3 Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland  
34.4 under an exemption in subdivisions 1 to 10 shall ensure that:

34.5 (1) appropriate erosion control measures are taken to prevent sedimentation of  
34.6 the water;

34.7 (2) the activity does not block fish passage in a watercourse; and

34.8 (3) the activity is conducted in compliance with all other applicable federal,  
34.9 state, and local requirements, including best management practices and water resource  
34.10 protection requirements established under chapter 103H. Evidence documenting  
34.11 compliance shall be provided when requested by the local government unit, technical  
34.12 evaluation panel, or enforcement authority.

34.13 (b) An activity is exempt if it qualifies for any one of the exemptions, even though it  
34.14 may be indicated as not exempt under another exemption.

34.15 (c) Persons proposing to conduct an exempt activity are encouraged to contact the  
34.16 local government unit or the local government unit's designee for advice on minimizing  
34.17 wetland impacts.

34.18 (d) The board shall develop rules that address the application and implementation  
34.19 of exemptions and that provide for estimates and reporting of exempt wetland impacts,  
34.20 including those in section 103G.2241, subdivisions 2, 6, and 9.

34.21 Sec. 45. Minnesota Statutes 2010, section 103G.2242, subdivision 3, is amended to  
34.22 read:

34.23 Subd. 3. **Replacement completion.** Replacement of wetland values must be  
34.24 completed prior to or concurrent with the actual draining or filling of a wetland, ~~or unless~~  
34.25 an irrevocable bank letter of credit or other security acceptable to the local government  
34.26 unit ~~must be~~ or the board is given to the local government unit or the board to guarantee  
34.27 the successful completion of the replacement. The board may establish, sponsor, or  
34.28 administer a wetland banking program, which may include provisions allowing monetary  
34.29 payment to the wetland bank for impacts to wetlands on agricultural land, for impacts  
34.30 that occur in greater than 80 percent areas, and for public road projects. The board shall  
34.31 coordinate the establishment and operation of a wetland bank with the United States  
34.32 Army Corps of Engineers, the Natural Resources Conservation Service of the United  
34.33 States Department of Agriculture, and the commissioners of natural resources, agriculture,  
34.34 and the Pollution Control Agency.

35.1 Sec. 46. **[103G.2375] ASSUMPTION OF SECTION 404 OF FEDERAL CLEAN**  
 35.2 **WATER ACT.**

35.3 Notwithstanding any other law to the contrary, the Board of Water and Soil  
 35.4 Resources, in consultation with the commissioners of natural resources, agriculture,  
 35.5 and the Pollution Control Agency, may adopt or amend rules establishing a program  
 35.6 for regulating the discharge of dredged and fill material into the waters of the state as  
 35.7 necessary to obtain approval from the United States Environmental Protection Agency to  
 35.8 administer, in whole or part, the permitting and wetland banking programs under section  
 35.9 404 of the federal Clean Water Act, United States Code, title 33, section 1344. The rules  
 35.10 may not be more restrictive than the program under section 404 or state law.

35.11 Sec. 47. Minnesota Statutes 2010, section 103G.245, subdivision 2, is amended to read:

35.12 Subd. 2. **Exceptions.** A public waters work permit is not required for:

35.13 (1) work in altered natural watercourses that are part of drainage systems established  
 35.14 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
 35.15 103D or 103E; ~~or~~

35.16 (2) a drainage project for a drainage system established under chapter 103E that does  
 35.17 not substantially affect public waters; or

35.18 (3) removal of debris, including logs that are at or near the water surface, dead  
 35.19 trees and branches, and trash, that does not alter the original alignment, slope, or cross  
 35.20 section of the waters.

35.21 Sec. 48. Minnesota Statutes 2010, section 103G.245, subdivision 3, is amended to read:

35.22 Subd. 3. **Permit application.** Application for a public waters work permit must  
 35.23 be in writing to the commissioner on forms prescribed by the commissioner. The  
 35.24 commissioner may issue a state general permit to a governmental subdivision or to the  
 35.25 general public ~~for classes of activities having minimal impact upon public waters~~ under  
 35.26 which more than one project may be conducted under a single permit.

35.27 Sec. 49. Minnesota Statutes 2010, section 103G.261, is amended to read:

35.28 **103G.261 WATER ALLOCATION PRIORITIES.**

35.29 (a) The commissioner shall adopt rules for allocation of waters based on the  
 35.30 following priorities for the consumptive appropriation and use of water:

35.31 (1) first priority, domestic water supply, excluding industrial and commercial uses of  
 35.32 municipal water supply, and use for power production that meets the contingency planning  
 35.33 provisions of section 103G.285, subdivision 6;

36.1 (2) second priority, a use of water that involves consumption of less than 10,000  
36.2 gallons of water per day;

36.3 (3) third priority, agricultural irrigation, and processing of agricultural products  
36.4 involving consumption in excess of 10,000 gallons per day;

36.5 (4) fourth priority, power production in excess of the use provided for in the  
36.6 contingency plan developed under section 103G.285, subdivision 6;

36.7 (5) fifth priority, uses, other than agricultural irrigation, processing of agricultural  
36.8 products, and power production, involving consumption in excess of 10,000 gallons per  
36.9 day; and

36.10 (6) sixth priority, nonessential uses.

36.11 (b) For the purposes of this section, "consumption" means water withdrawn from a  
36.12 supply that is lost for immediate further use in the area.

36.13 (c) Appropriation and use of surface water from streams during periods of flood  
36.14 flows and high water levels must be encouraged subject to consideration of the purposes  
36.15 for use, quantities to be used, and the number of persons appropriating water.

36.16 (d) Appropriation and use of surface water from lakes of less than 500 acres in  
36.17 surface area must be discouraged.

36.18 (e) The treatment and reuse of water for nonconsumptive uses shall be encouraged.

36.19 ~~(f) Diversions of water from the state for use in other states or regions of the United~~  
36.20 ~~States or Canada must be discouraged.~~

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

36.22 Sec. 50. Minnesota Statutes 2010, section 103G.265, is amended by adding a  
36.23 subdivision to read:

36.24 **Subd. 2a. Legislative approval for diversion.** Legislative approval required in  
36.25 subdivision 2, clause (2), shall be based on the following considerations:

36.26 (1) the requested diversion of waters of the state is reasonable;

36.27 (2) the diversion is not contrary to the conservation and use of waters of the state; and

36.28 (3) the diversion is not otherwise detrimental to the public welfare.

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

36.30 Sec. 51. Minnesota Statutes 2010, section 103G.271, subdivision 1, is amended to read:

36.31 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state,  
36.32 a person, partnership, or association, private or public corporation, county, municipality,

37.1 or other political subdivision of the state may not appropriate or use waters of the state  
37.2 without a water use permit from the commissioner.

37.3 (b) This section does not apply to use for a water supply by less than 25 persons for  
37.4 domestic purposes.

37.5 (c) The commissioner may issue a state general permit for appropriation of water  
37.6 to a governmental subdivision or to the general public ~~for classes of activities that have~~  
37.7 ~~minimal impact upon waters of the state.~~ The general permit may authorize more than  
37.8 one project and the appropriation or use of more than one source of water. Water use  
37.9 permit processing fees and reports required under subdivision 6 and section 103G.281,  
37.10 subdivision 3, are required for each project or water source that is included under a  
37.11 general permit, except that no fee is required for uses totaling less than 15,000,000 gallons  
37.12 annually.

37.13 Sec. 52. Minnesota Statutes 2010, section 103G.282, subdivision 1, is amended to read:

37.14 Subdivision 1. **Monitoring equipment.** The commissioner may require the  
37.15 installation and maintenance of monitoring equipment to evaluate water resource impacts  
37.16 from permitted appropriations and proposed projects that require a permit. Monitoring for  
37.17 water resources that supply more than one appropriator must be designed to minimize  
37.18 costs to individual appropriators. The cost of drilling additional monitoring wells must  
37.19 be shared proportionally by all permit holders that are directly affecting a particular  
37.20 water resources feature.

37.21 Sec. 53. Minnesota Statutes 2010, section 103G.301, subdivision 2, is amended to read:

37.22 Subd. 2. **Permit application and notification fees.** (a) A ~~permit application~~ fee  
37.23 to defray the costs of receiving, recording, and processing ~~the application~~ must be paid  
37.24 for a permit application authorized under this chapter ~~and~~, except for a general permit  
37.25 application, for each request to amend or transfer an existing permit, and for a notification  
37.26 to request authorization to conduct a project under a general permit. Fees established  
37.27 under this subdivision, unless specified in paragraph (c), shall be compliant with section  
37.28 16A.1285.

37.29 (b) Proposed projects that require water in excess of 100 million gallons per year  
37.30 must be assessed fees to recover the costs incurred to evaluate the project and the costs  
37.31 incurred for environmental review. Fees collected under this paragraph must be credited  
37.32 to an account in the natural resources fund and are appropriated to the commissioner.

37.33 (c) The fee to apply for a permit to appropriate water, in addition to any fee under  
37.34 paragraph (b);, and for a permit to construct or repair a dam that is subject to dam safety

38.1 inspection, ~~or a state general permit~~ is \$150. The application fee for a permit to work in  
38.2 public waters or to divert waters for mining must be at least \$150, but not more than  
38.3 \$1,000. The fee for a notification to request authorization to conduct a project under a  
38.4 general permit is \$100.

38.5 Sec. 54. Minnesota Statutes 2010, section 103G.301, subdivision 4, is amended to read:

38.6 Subd. 4. **Refund of fees prohibited.** A permit application, general permit  
38.7 notification, or field inspection fee may not be refunded for any reason, even if the  
38.8 application or request is denied or withdrawn.

38.9 Sec. 55. Minnesota Statutes 2010, section 103G.301, subdivision 5, is amended to read:

38.10 Subd. 5. **State and federal agencies exempt from fee.** A permit application,  
38.11 general permit notification, or field inspection fee may not be imposed on any state agency,  
38.12 as defined in section 16B.01, or federal governmental agency applying for a permit.

38.13 Sec. 56. Minnesota Statutes 2010, section 103G.301, subdivision 5a, is amended to  
38.14 read:

38.15 Subd. 5a. **Town fees limited.** Notwithstanding this section or any other law, no  
38.16 permit application, general permit notification, or field inspection fee charged to a town  
38.17 in connection with the construction or alteration of a town road, bridge, or culvert shall  
38.18 exceed \$100.

38.19 Sec. 57. Minnesota Statutes 2010, section 103G.611, is amended by adding a  
38.20 subdivision to read:

38.21 Subd. 1a. **General permits.** The commissioner may issue a general permit to  
38.22 a governmental subdivision or to the general public to conduct one or more projects  
38.23 described in subdivision 1. A fee of \$100 may be charged for each aeration system used  
38.24 under a general permit.

38.25 Sec. 58. Minnesota Statutes 2011 Supplement, section 103G.615, subdivision 1,  
38.26 is amended to read:

38.27 Subdivision 1. **Issuance; validity.** (a) The commissioner may issue a state general  
38.28 permit to a governmental subdivision or to the general public to conduct one or more  
38.29 projects described in this subdivision. The commissioner may issue permits, with or  
38.30 without a fee, to:

39.1 (1) gather or harvest aquatic plants, or plant parts, other than wild rice from public  
39.2 waters;

39.3 (2) transplant aquatic plants into public waters;

39.4 (3) destroy harmful or undesirable aquatic vegetation or organisms in public waters  
39.5 under prescribed conditions to protect the waters, desirable species of fish, vegetation,  
39.6 other forms of aquatic life, and the public.

39.7 (b) Application for a permit and a notification to request authorization to conduct a  
39.8 project under a general permit must be accompanied by a ~~permit~~ fee, if required.

39.9 (c) An aquatic plant management permit is valid for one growing season and expires  
39.10 on December 31 of the year it is issued unless the commissioner stipulates a different  
39.11 expiration date in rule or in the permit.

39.12 (d) A general permit may authorize a project for more than one growing season.

39.13 Sec. 59. Minnesota Statutes 2011 Supplement, section 103G.615, subdivision 2,  
39.14 is amended to read:

39.15 Subd. 2. **Fees.** (a) The commissioner shall establish a fee schedule for permits to  
39.16 control or harvest aquatic plants other than wild rice. The fees must be set by rule, and  
39.17 section 16A.1283 does not apply, but the rule must not take effect until 45 legislative  
39.18 days after it has been reported to the legislature. The fees shall not exceed \$2,500 per  
39.19 permit and shall be based upon the cost of receiving, processing, analyzing, and issuing  
39.20 the permit, and additional costs incurred after the application to inspect and monitor  
39.21 the activities authorized by the permit, and enforce aquatic plant management rules and  
39.22 permit requirements.

39.23 (b) A fee for a permit for the control of rooted aquatic vegetation for each contiguous  
39.24 parcel of shoreline owned by an owner may be charged. This fee may not be charged for  
39.25 permits issued in connection with purple loosestrife control or lakewide Eurasian water  
39.26 milfoil control programs.

39.27 (c) A fee may not be charged to the state or a federal governmental agency applying  
39.28 for a permit.

39.29 (d) A fee for a permit for the control of rooted aquatic vegetation in a public  
39.30 water basin that is 20 acres or less in size shall be one-half of the fee established under  
39.31 paragraph (a).

39.32 (e) The money received for the permits under this subdivision shall be deposited in  
39.33 the treasury and credited to the water recreation account.

40.1 (f) The fee for processing a notification to request authorization for work under a  
 40.2 general permit is \$30, until the commissioner establishes a fee by rule as provided under  
 40.3 this subdivision.

40.4 Sec. 60. Minnesota Statutes 2010, section 103H.175, subdivision 3, is amended to read:

40.5 Subd. 3. **Report.** ~~In each even-numbered year~~ Every five years, the Pollution  
 40.6 Control Agency, in cooperation with other agencies participating in the monitoring of  
 40.7 water resources, shall provide a draft report on the status of groundwater monitoring to  
 40.8 the Environmental Quality Board for review and then to the house of representatives  
 40.9 and senate committees with jurisdiction over the environment, natural resources, and  
 40.10 agriculture as part of the report in section 103A.204.

40.11 Sec. 61. Minnesota Statutes 2010, section 115.06, subdivision 4, is amended to read:

40.12 Subd. 4. **Citizen monitoring of water quality.** (a) The agency may encourage  
 40.13 citizen monitoring of ambient water quality for public waters by:

40.14 (1) providing technical assistance to citizen and local group water quality monitoring  
 40.15 efforts;

40.16 (2) integrating citizen monitoring data into water quality assessments and agency  
 40.17 programs, provided that the data adheres to agency quality assurance and quality control  
 40.18 protocols; and

40.19 (3) seeking public and private funds to:

40.20 (i) collaboratively develop clear guidelines for water quality monitoring procedures  
 40.21 and data management practices for specific data and information uses;

40.22 (ii) distribute the guidelines to citizens, local governments, and other interested  
 40.23 parties;

40.24 (iii) improve and expand water quality monitoring activities carried out by the  
 40.25 agency; and

40.26 (iv) continue to improve electronic and Web access to water quality data and  
 40.27 information about public waters that have been either fully or partially assessed.

40.28 (b) This subdivision does not authorize a citizen to enter onto private property  
 40.29 for any purpose.

40.30 (c) By January 15 ~~of each odd-numbered year~~, 2017, and every four years thereafter,  
 40.31 the commissioner shall report to the senate and house of representatives committees with  
 40.32 jurisdiction over environmental policy and finance on activities under this section.

40.33 Sec. 62. Minnesota Statutes 2010, section 115.42, is amended to read:



41.1 **115.42 POLICY; LONG-RANGE PLAN; PURPOSE.**

41.2 It is the policy of the state to provide for the prevention, control, and abatement  
 41.3 of pollution of all waters of the state, so far as feasible and practical, in furtherance  
 41.4 of conservation of such waters and protection of the public health and in furtherance  
 41.5 of the development of the economic welfare of the state. The agency shall prepare a  
 41.6 long-range plan and program for the effectuation of said policy, ~~and shall make a report of~~  
 41.7 ~~progress thereon to the legislature by November 15 of each even-numbered year, with~~  
 41.8 ~~recommendations for action in furtherance of such program during the ensuing biennium.~~  
 41.9 It is the purpose of sections 115.41 to 115.53 to safeguard the waters of the state from  
 41.10 pollution by: (a) preventing any new pollution; and (b) abating pollution existing  
 41.11 when sections 115.41 to 115.53 become effective, under a program consistent with the  
 41.12 declaration of policy above stated.

41.13 Sec. 63. Minnesota Statutes 2010, section 115.55, subdivision 7, is amended to read:

41.14 Subd. 7. **Local standards.** (a) **Existing systems.** Counties may adopt by ordinance  
 41.15 local standards that are less restrictive than the agency's rules in order to define an  
 41.16 acceptable existing system. The local standards may include soil separation, soil  
 41.17 classification, vegetation, system use, localized well placement and construction, localized  
 41.18 density of systems and wells, extent of area to be covered by local standards, groundwater  
 41.19 flow patterns, and existing natural or artificial drainage systems. The local standards  
 41.20 and criteria shall be submitted to the commissioner for comment prior to adoption to  
 41.21 demonstrate that, based on local circumstances in that jurisdiction, they adequately protect  
 41.22 public health and the environment.

41.23 (b) **New or replacement systems.** Counties, after providing documentation of  
 41.24 conditions listed in this paragraph to the commissioner, may adopt by ordinance local  
 41.25 standards that are less restrictive than the agency's rules for new system construction or  
 41.26 replacement in areas of sustained and projected low population density where conditions  
 41.27 render conformance to applicable requirements difficult or otherwise inappropriate.  
 41.28 Documentation may include a map delineating the area of the county to be served by the  
 41.29 local standards, a description of the hardship that would result from strict adherence to the  
 41.30 agency's rules, and evidence of sustained and projected low population density. The local  
 41.31 standards must protect human health and the environment and be based on considerations  
 41.32 that may include, but need not be limited to, soil separation, soil classification, vegetation,  
 41.33 system use, localized well placement and construction, localized density of systems  
 41.34 and wells, extent of area to be covered by local standards, groundwater flow patterns,  
 41.35 and existing natural or artificial drainage systems. The local standards must provide

42.1 cost-effective and long-term treatment alternatives. The draft ordinance incorporating the  
 42.2 local standards must be submitted with justification to the commissioner 30 days before  
 42.3 adoption for review and comment.

42.4 (c) **New or replacement systems; local ordinances.** A local unit of government  
 42.5 may adopt and enforce ordinances or rules affecting new or replacement subsurface  
 42.6 sewage treatment systems that are more restrictive than the agency's rules. A local unit  
 42.7 of government may not adopt or enforce an ordinance or rule if its effect is to prevent or  
 42.8 delay recording with the county recorder or registrar of titles of a deed or other instrument  
 42.9 that is otherwise entitled to be recorded.

42.10 (d) **Local standards; conflict with state law.** Local standards adopted under  
 42.11 paragraph (a) or (b) must not conflict with any requirements under other state laws or rules  
 42.12 or local ordinances, including, but not limited to, requirements for:

- 42.13 (1) systems in shoreland areas, regulated under sections 103F.201 to 103F.221;
- 42.14 (2) well construction and location, regulated under chapter 103I; and
- 42.15 (3) systems used in connection with food, beverage, and lodging establishments,  
 42.16 regulated under chapter 157.

42.17 Alternative local standards for new or replacement residential systems with flow of  
 42.18 2,500 gallons per day or less may be applied to systems listed in clause (1), provided the  
 42.19 alternative standards are no less stringent than provisions of Minnesota Rules, chapter  
 42.20 7080, that went into effect on April 3, 2006. In addition, alternative local standards for  
 42.21 new or replacement systems with flow of 2,500 gallons per day or less may be applied to  
 42.22 systems listed in clause (3), provided the alternative standards are no less stringent than  
 42.23 provisions of Minnesota Rules, chapter 7080, that went into effect on April 3, 2006,  
 42.24 except that the waste strength must meet the standards established in Minnesota Rules,  
 42.25 part 7080.2150, subpart 3, item K. If additional treatment of waste is needed to meet this  
 42.26 standard, the treatment must be in accordance with Minnesota Rules, part 7080.2150,  
 42.27 subpart 3, item A. The local standards must include references to applicable requirements  
 42.28 under other state laws or rules or local ordinances. Nothing in this paragraph prevents  
 42.29 a local subsurface sewage treatment system ordinance from including provisions of the  
 42.30 current rule as part of the alternative local standards.

42.31 **Sec. 64. [115A.121] TOXICS AND POLLUTION PREVENTION EVALUATION;**  
 42.32 **CONSOLIDATED REPORT.**

42.33 The commissioner shall prepare and adopt a report on pollution prevention activities  
 42.34 required in chapters 115A, 115D, and 325E. The report must include activities required  
 42.35 under section 115A.1320. The commissioner must submit the report to the senate and

43.1 house of representatives committees having jurisdiction over environment and natural  
43.2 resources by December 2013 and every four years thereafter.

43.3 Sec. 65. Minnesota Statutes 2011 Supplement, section 115A.1320, subdivision 1,  
43.4 is amended to read:

43.5 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections  
43.6 115A.1310 to 115A.1330.

43.7 (b) The agency shall establish procedures for:

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

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

43.12 (c) The agency shall annually review the value of the following variables that are  
43.13 part of the formula used to calculate a manufacturer's annual registration fee under section  
43.14 115A.1314, subdivision 1:

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

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

43.19 (3) the base registration fee; and

43.20 (4) the multiplier established for the weight of covered electronic devices collected  
43.21 in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of  
43.22 these values must be changed in order to improve the efficiency or effectiveness of the  
43.23 activities regulated under sections 115A.1312 to 115A.1330, the agency shall submit  
43.24 recommended changes and the reasons for them to the chairs of the senate and house of  
43.25 representatives committees with jurisdiction over solid waste policy.

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

43.30 (e) ~~On or before December 1, 2010, and each year thereafter,~~ The agency shall  
43.31 provide a report to the governor and the legislature on the implementation of sections  
43.32 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight  
43.33 of covered electronic devices recycled and a summary of information in the reports  
43.34 submitted by manufacturers and recyclers under section 115A.1316. The report must  
43.35 also discuss the various collection programs used by manufacturers to collect covered

44.1 electronic devices; information regarding covered electronic devices that are being  
 44.2 collected by persons other than registered manufacturers, collectors, and recyclers; and  
 44.3 information about covered electronic devices, if any, being disposed of in landfills in  
 44.4 this state. The report must include a description of enforcement actions under sections  
 44.5 115A.1310 to 115A.1330. The agency may include in its report other information received  
 44.6 by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The  
 44.7 report must be done in conjunction with the report required under section 115D.10.

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

44.10 (g) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner  
 44.11 provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those  
 44.12 provisions enforced by the department, as provided in subdivision 2. The agency may  
 44.13 revoke a registration of a collector or recycler found to have violated sections 115A.1310  
 44.14 to 115A.1330.

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

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

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

44.22 Sec. 66. Minnesota Statutes 2010, section 115A.15, subdivision 5, is amended to read:

44.23 Subd. 5. **Reports.** ~~(a)~~ By January 1 of each odd-numbered year, the commissioner  
 44.24 of administration shall submit a report to the governor and to the senate and house of  
 44.25 representatives committees having jurisdiction over environment and natural resources  
 44.26 and environment and natural resources finance summarizing past activities and proposed  
 44.27 goals of the program for the following biennium. The report shall include at least:

44.28 (1) a summary list of product and commodity purchases that contain recycled  
 44.29 materials;

44.30 (2) the results of any performance tests conducted on recycled products and agencies'  
 44.31 experience with recycled products used;

44.32 (3) a list of all organizations participating in and using the cooperative purchasing  
 44.33 program; and

44.34 (4) a list of products and commodities purchased for their recyclability and of  
 44.35 recycled products reviewed for purchase.

45.1 ~~(b) By July 1 of each even-numbered year, the commissioner of the Pollution~~  
 45.2 ~~Control Agency and the commissioner of commerce through the State Energy Office shall~~  
 45.3 ~~submit recommendations to the commissioner regarding the operation of the program.~~

45.4 Sec. 67. Minnesota Statutes 2010, section 115A.411, is amended to read:

45.5 **115A.411 SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED**  
 45.6 **REPORT.**

45.7 Subdivision 1. **Authority; purpose.** The commissioner shall prepare and adopt a  
 45.8 report on solid waste management policy and activities under this chapter. The report must  
 45.9 be submitted by the commissioner to the senate and house of representatives committees  
 45.10 having jurisdiction over environment and natural resources ~~and environment and natural~~  
 45.11 ~~resources finance~~ by December ~~1 of each odd-numbered year~~ 31, 2015, and every four  
 45.12 years thereafter and shall include reports required under sections ~~115A.55, subdivision 4,~~  
 45.13 ~~paragraph (b);~~ 115A.551, subdivision 4; 115A.557, subdivision 4; 473.149, subdivision  
 45.14 6; 473.846; and 473.848, subdivision 4.

45.15 Subd. 2. **Contents.** (a) The report ~~must~~ may also include:

45.16 (1) a summary of the current status of solid waste management, including the amount  
 45.17 of solid waste generated and reduced, the manner in which it is collected, processed, and  
 45.18 disposed, the extent of separation, recycling, reuse, and recovery of solid waste, and the  
 45.19 facilities available or under development to manage the waste;

45.20 (2) an evaluation of the extent and effectiveness of implementation ~~and~~ of section  
 45.21 115A.02, including an assessment of progress in accomplishing state policies, goals, and  
 45.22 objectives, including those listed in paragraph (b);

45.23 (3) identification of issues requiring further research, study, and action, the  
 45.24 appropriate scope of the research, study, or action, the state agency or political subdivision  
 45.25 that should implement the research, study, or action, and a schedule for completion  
 45.26 of the activity; and

45.27 (4) recommendations for establishing or modifying state solid waste management  
 45.28 policies, authorities, responsibilities, and programs; and

45.29 ~~(b) (5) a report on progress made toward implementation of the objectives of~~  
 45.30 ~~Beginning in 1997, and every sixth year thereafter, the report shall be expanded to include~~  
 45.31 ~~the metropolitan area solid waste policy plan as required in section 473.149, subdivision~~  
 45.32 ~~1, and strategies for the agency to advance the goals of this chapter, to manage waste as a~~  
 45.33 ~~resource, to further reduce the need for expenditures on resource recovery and disposal~~  
 45.34 ~~facilities, and to further reduce long-term environmental and financial liabilities~~ 6.

45.35 (b) The ~~expanded~~ report must include strategies for:

- 46.1 (1) achieving the maximum feasible reduction in waste generation;
- 46.2 (2) encouraging manufacturers to design products that eliminate or reduce the  
46.3 adverse environmental impacts of resource extraction, manufacturing, use, and waste  
46.4 processing and disposal;
- 46.5 (3) educating businesses, public entities, and other consumers about the need to  
46.6 consider the potential environmental and financial impacts of purchasing products that  
46.7 may create a liability or that may be expensive to recycle or manage as waste, due to the  
46.8 presence of toxic or hazardous components;
- 46.9 (4) eliminating or reducing toxic or hazardous components in compost from  
46.10 municipal solid waste composting facilities, in ash from municipal solid waste incinerators,  
46.11 and in leachate and air emissions from municipal solid waste landfills, in order to reduce  
46.12 the potential liability of waste generators, facility owners and operators, and taxpayers;
- 46.13 (5) encouraging the source separation of materials to the extent practicable, so that  
46.14 the materials are most appropriately managed and to ensure that resources that can be  
46.15 reused or recycled are not disposed of or destroyed; and
- 46.16 (6) maximizing the efficiency of the waste management system by managing waste  
46.17 and recyclables close to the point of generation, taking into account the characteristics of  
46.18 the resources to be recovered from the waste and the type and capacity of local facilities.

46.19 Sec. 68. Minnesota Statutes 2010, section 115A.551, subdivision 2a, is amended to  
46.20 read:

46.21 Subd. 2a. **Supplementary recycling goals.** ~~(a)~~ By December 31, 1996, each county  
46.22 will have as a goal to recycle the following amounts:

46.23 (1) for a county outside of the metropolitan area, 35 percent by weight of total  
46.24 solid waste generation;

46.25 (2) for a metropolitan county, 50 percent by weight of total solid waste generation.

46.26 Each county will develop and implement or require political subdivisions within the  
46.27 county to develop and implement programs, practices, or methods designed to meet its  
46.28 recycling goal. Nothing in this section or in any other law may be construed to prohibit a  
46.29 county from establishing a higher recycling goal.

46.30 ~~(b) For a county that, by January 1, 1995, is implementing a solid waste reduction~~  
46.31 ~~program that is approved by the commissioner, the commissioner shall apply up to three~~  
46.32 ~~percentage points toward achievement of the recycling goals in this subdivision. In~~  
46.33 ~~addition, the commissioner shall apply demonstrated waste reduction that exceeds three~~  
46.34 ~~percent reduction toward achievement of the goals in this subdivision.~~

47.1 ~~(e) No more than five percentage points may be applied toward achievement of the~~  
 47.2 ~~recycling goals in this subdivision for management of yard waste. The five percentage~~  
 47.3 ~~points must be applied as provided in this paragraph. The commissioner shall apply three~~  
 47.4 ~~percentage points for a county in which residents, by January 1, 1996, are provided with:~~

47.5 ~~(1) an ongoing comprehensive education program under which they are informed~~  
 47.6 ~~about how to manage yard waste and are notified of the prohibition in section 115A.931;~~  
 47.7 ~~and~~

47.8 ~~(2) the opportunity to drop off yard waste at specified sites or participate in curbside~~  
 47.9 ~~yard waste collection.~~

47.10 ~~The commissioner shall apply up to an additional two percentage points toward~~  
 47.11 ~~achievement of the recycling goals in this subdivision for additional activities approved~~  
 47.12 ~~by the commissioner that are likely to reduce the amount of yard waste generated and to~~  
 47.13 ~~increase the on-site composting of yard waste.~~

47.14 Sec. 69. Minnesota Statutes 2010, section 115A.551, subdivision 4, is amended to read:

47.15 Subd. 4. **Interim monitoring.** The commissioner shall monitor the progress of each  
 47.16 county toward meeting the recycling goals in subdivisions 2 and 2a. The commissioner  
 47.17 shall report to the senate and house of representatives committees having jurisdiction over  
 47.18 environment and natural resources ~~and environment and natural resources finance on the~~  
 47.19 ~~progress of the counties by July 1 of each odd-numbered year as part of the report required~~  
 47.20 ~~under section 115A.411.~~ If the commissioner finds that a county is not progressing toward  
 47.21 the goals in subdivisions 2 and 2a, the commissioner shall negotiate with the county to  
 47.22 develop and implement solid waste management techniques designed to assist the county  
 47.23 in meeting the goals, such as organized collection, curbside collection of source-separated  
 47.24 materials, and volume-based pricing.

47.25 ~~The progress report shall be included in the report required under section 115A.411.~~

47.26 Sec. 70. Minnesota Statutes 2010, section 115A.557, subdivision 4, is amended to read:

47.27 Subd. 4. **Report.** ~~By July 1 of each odd-numbered year,~~ The commissioner  
 47.28 shall report on how the money was spent and the resulting statewide improvements in  
 47.29 solid waste management to the senate and house of representatives committees having  
 47.30 jurisdiction over ways and means, finance, environment and natural resources, and  
 47.31 environment and natural resources finance. The report shall be included in the report  
 47.32 required under section 115A.411.

47.33 Sec. 71. Minnesota Statutes 2010, section 115A.904, is amended to read:

48.1 **115A.904 LAND DISPOSAL PROHIBITED.**

48.2 The disposal of waste tires in the land is prohibited after July 1, 1985, except for  
48.3 beneficial uses of tire-derived products designated by the commissioner. This does not  
48.4 prohibit the storage of unprocessed waste tires at a collection or processing facility.

48.5 Sec. 72. Minnesota Statutes 2010, section 115D.08, is amended to read:

48.6 **115D.08 PROGRESS REPORTS.**

48.7 Subdivision 1. **Requirement to submit progress report.** (a) All persons required to  
48.8 prepare a toxic pollution prevention plan under section 115D.07 shall submit an annual  
48.9 progress report to the commissioner of public safety that may be drafted in a manner that  
48.10 does not disclose proprietary information. Progress reports are due on ~~October~~ July 1 of  
48.11 each year. The first progress reports are due in 1992.

48.12 (b) At a minimum, each progress report must include:

48.13 (1) a summary of each objective established in the plan, including the base year for  
48.14 any objective stated in numeric terms, and the schedule for meeting each objective;

48.15 (2) a summary of progress made during the past year, if any, toward meeting each  
48.16 objective established in the plan including the quantity of each toxic pollutant eliminated  
48.17 or reduced;

48.18 (3) a statement of the methods through which elimination or reduction has been  
48.19 achieved;

48.20 (4) if necessary, an explanation of the reasons objectives were not achieved during  
48.21 the previous year, including identification of any technological, economic, or other  
48.22 impediments the facility faced in its efforts to achieve its objectives; and

48.23 (5) a certification, signed and dated by the facility manager and an officer of the  
48.24 company under penalty of section 609.63, attesting that a plan meeting the requirements  
48.25 of section 115D.07 has been prepared and also attesting to the accuracy of the information  
48.26 in the progress report.

48.27 Subd. 2. **Review of progress reports.** (a) The commissioner of public safety shall  
48.28 review all progress reports to determine if they meet the requirements of subdivision 1.  
48.29 If the commissioner of public safety determines that a progress report does not meet the  
48.30 requirements, the commissioner of public safety shall notify the facility in writing and  
48.31 shall identify specific deficiencies and specify a reasonable time period of not less than 90  
48.32 days for the facility to modify the progress report.

48.33 (b) The commissioner of public safety shall be given access to a facility plan  
48.34 required under section 115D.07 if the commissioner of public safety determines that  
48.35 the progress report for that facility does not meet the requirements of subdivision 1.



49.1 Twenty-five or more persons living within ten miles of the facility may submit a petition  
 49.2 to the commissioner of public safety that identifies specific deficiencies in the progress  
 49.3 report and requests the commissioner of public safety to review the facility plan. Within  
 49.4 30 days after receipt of the petition, the commissioner of public safety shall respond in  
 49.5 writing. If the commissioner of public safety agrees that the progress report does not meet  
 49.6 requirements of subdivision 1, the commissioner of public safety shall be given access  
 49.7 to the facility plan.

49.8 (c) After reviewing the plan and the progress report with any modifications  
 49.9 submitted, the commissioner of public safety shall state in writing whether the progress  
 49.10 report meets the requirements of subdivision 1. If the commissioner of public safety  
 49.11 determines that a modified progress report still does not meet the requirements of  
 49.12 subdivision 1, the commissioner of public safety shall schedule a public meeting. The  
 49.13 meeting shall be held in the county where the facility is located. The meeting is not  
 49.14 subject to the requirements of chapter 14.

49.15 (d) The facility shall be given the opportunity to amend the progress report within a  
 49.16 period of not less than 30 days after the public meeting.

49.17 (e) If the commissioner of public safety determines that a modified progress report  
 49.18 still does not meet the requirements of subdivision 1, action may be taken under section  
 49.19 115.071 to obtain compliance with sections 115D.01 to 115D.12.

49.20 Sec. 73. Minnesota Statutes 2010, section 116.011, is amended to read:

49.21 **116.011 ~~ANNUAL~~ POLLUTION REPORT.**

49.22 A goal of the Pollution Control Agency is to reduce the amount of pollution that is  
 49.23 emitted in the state. By April 1 of each even-numbered year, the Pollution Control Agency  
 49.24 shall report the best estimate of the agency of the total volume of water and air pollution  
 49.25 that was emitted in the state in the previous two calendar ~~year~~ years for which data are  
 49.26 available. The agency shall report its findings for both water and air pollution:

49.27 (1) in gross amounts, including the percentage increase or decrease over the ~~previous~~  
 49.28 previously reported two calendar ~~year~~ years; and

49.29 (2) in a manner which will demonstrate the magnitude of the various sources of  
 49.30 water and air pollution.

49.31 Sec. 74. Minnesota Statutes 2010, section 116.03, is amended by adding a subdivision  
 49.32 to read:

49.33 Subd. 2c. **Irrevocability or suspensions of permits.** If, by July 1 of an  
 49.34 odd-numbered year, a biennial appropriation law has not been enacted to fund air, water,

50.1 and land programs at the agency, until the biennial appropriation law is enacted, existing  
 50.2 permits shall not be terminated or suspended provided the terms and conditions of the  
 50.3 permit and local, state, and federal laws and rules are met, regardless of the agency's  
 50.4 capability to receive, review, or process fees, reports, or other filings.

50.5 Sec. 75. Minnesota Statutes 2010, section 116.0714, is amended to read:

50.6 **116.0714 NEW OPEN AIR SWINE BASINS.**

50.7 The commissioner of the Pollution Control Agency or a county board shall not  
 50.8 approve any permits for the construction of new open air swine basins, except that existing  
 50.9 facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste  
 50.10 treatment program for resolving pollution problems or to allow conversion of an existing  
 50.11 basin of less than 1,000,000 gallons to a different animal type, provided all standards are  
 50.12 met. This section expires June 30, ~~2012~~ 2017.

50.13 Sec. 76. Minnesota Statutes 2010, section 116.10, is amended to read:

50.14 **116.10 POLICY; LONG-RANGE PLAN; PURPOSE.**

50.15 Consistent with the policy announced herein and the purposes of Laws 1963, chapter  
 50.16 874, the Pollution Control Agency shall, ~~before November 15 of each even-numbered~~  
 50.17 ~~year,~~ prepare a long-range plan and program for the effectuation of said policy, ~~and shall~~  
 50.18 ~~make a report also of progress on abatement and control of air and land pollution during~~  
 50.19 ~~each biennium to the legislature with recommendations for action in furtherance of the air~~  
 50.20 ~~and land pollution and waste programs.~~

50.21 Sec. 77. Minnesota Statutes 2010, section 116C.833, subdivision 2, is amended to read:

50.22 Subd. 2. **Biennial Quadrennial report.** In addition to other duties specified in  
 50.23 sections 116C.833 to 116C.843, the commissioner shall report by January 31, ~~1997~~ 2013,  
 50.24 ~~and biennially~~ every four years thereafter, to the governor and the legislature concerning  
 50.25 the activities of the Interstate Commission. The report shall include any recommendations  
 50.26 the commissioner deems necessary to assure the protection of the interest of the state in  
 50.27 the proper functioning of the compact. The commissioner also shall report to the governor  
 50.28 and the legislature any time there is a change in the status of a host state or other party  
 50.29 states in the compact.

50.30 Sec. 78. Minnesota Statutes 2011 Supplement, section 116D.04, subdivision 2a, as  
 50.31 amended by Laws 2012, chapter 150, article 2, section 2, is amended to read:

51.1 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
51.2 effects resulting from any major governmental action, the action shall be preceded by a  
51.3 detailed environmental impact statement prepared by the responsible governmental unit.  
51.4 The environmental impact statement shall be an analytical rather than an encyclopedic  
51.5 document which describes the proposed action in detail, analyzes its significant  
51.6 environmental impacts, discusses appropriate alternatives to the proposed action and  
51.7 their impacts, and explores methods by which adverse environmental impacts of an  
51.8 action could be mitigated. The environmental impact statement shall also analyze those  
51.9 economic, employment and sociological effects that cannot be avoided should the action  
51.10 be implemented. To ensure its use in the decision-making process, the environmental  
51.11 impact statement shall be prepared as early as practical in the formulation of an action.

51.12 (a) The board shall by rule establish categories of actions for which environmental  
51.13 impact statements and for which environmental assessment worksheets shall be prepared  
51.14 as well as categories of actions for which no environmental review is required under this  
51.15 section. A mandatory environmental assessment worksheet shall not be required for the  
51.16 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
51.17 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a  
51.18 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity  
51.19 of the expanded or converted facility to produce alcohol fuel, but must be required if  
51.20 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories  
51.21 of actions for which environmental assessment worksheets must be prepared. The  
51.22 responsible governmental unit for an ethanol plant or biobutanol facility project for which  
51.23 an environmental assessment worksheet is prepared shall be the state agency with the  
51.24 greatest responsibility for supervising or approving the project as a whole.

51.25 A mandatory environmental impact statement shall not be required for a facility  
51.26 or plant located outside the seven-county metropolitan area that produces less than  
51.27 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, if the facility  
51.28 or plant is: an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
51.29 (b); a biobutanol facility, as defined in section 41A.105, subdivision 1a, clause (1); or a  
51.30 cellulosic biofuel facility, as defined in section 41A.10, subdivision 1, paragraph (d).

51.31 (b) The responsible governmental unit shall promptly publish notice of the  
51.32 completion of an environmental assessment worksheet ~~in a~~ by publishing the notice in  
51.33 at least one newspaper of general circulation in the geographic area where the project is  
51.34 proposed, by posting the notice on a Web site that has been designated as the official  
51.35 publication site for publication of proceedings, public notices, and summaries of a political  
51.36 subdivision in which the project is proposed or in any other manner to be determined by

52.1 the board and shall provide copies of the environmental assessment worksheet to the board  
52.2 and its member agencies. Comments on the need for an environmental impact statement  
52.3 may be submitted to the responsible governmental unit during a 30-day period following  
52.4 publication of the notice that an environmental assessment worksheet has been completed.  
52.5 The responsible governmental unit's decision on the need for an environmental impact  
52.6 statement shall be based on the environmental assessment worksheet and the comments  
52.7 received during the comment period, and shall be made within 15 days after the close of  
52.8 the comment period. The board's chair may extend the 15-day period by not more than 15  
52.9 additional days upon the request of the responsible governmental unit.

52.10 (c) An environmental assessment worksheet shall also be prepared for a proposed  
52.11 action whenever material evidence accompanying a petition by not less than 100  
52.12 individuals who reside or own property in the state, submitted before the proposed  
52.13 project has received final approval by the appropriate governmental units, demonstrates  
52.14 that, because of the nature or location of a proposed action, there may be potential for  
52.15 significant environmental effects. Petitions requesting the preparation of an environmental  
52.16 assessment worksheet shall be submitted to the board. The chair of the board shall  
52.17 determine the appropriate responsible governmental unit and forward the petition to it.  
52.18 A decision on the need for an environmental assessment worksheet shall be made by  
52.19 the responsible governmental unit within 15 days after the petition is received by the  
52.20 responsible governmental unit. The board's chair may extend the 15-day period by not  
52.21 more than 15 additional days upon request of the responsible governmental unit.

52.22 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
52.23 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
52.24 review under this chapter and rules of the board, if:

52.25 (1) the proposed action is:

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

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

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

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

53.1 (e) The board may, prior to final approval of a proposed project, require preparation  
53.2 of an environmental assessment worksheet by a responsible governmental unit selected  
53.3 by the board for any action where environmental review under this section has not been  
53.4 specifically provided for by rule or otherwise initiated.

53.5 (f) An early and open process shall be utilized to limit the scope of the environmental  
53.6 impact statement to a discussion of those impacts, which, because of the nature or location  
53.7 of the project, have the potential for significant environmental effects. The same process  
53.8 shall be utilized to determine the form, content and level of detail of the statement as well  
53.9 as the alternatives which are appropriate for consideration in the statement. In addition,  
53.10 the permits which will be required for the proposed action shall be identified during the  
53.11 scoping process. Further, the process shall identify those permits for which information  
53.12 will be developed concurrently with the environmental impact statement. The board  
53.13 shall provide in its rules for the expeditious completion of the scoping process. The  
53.14 determinations reached in the process shall be incorporated into the order requiring the  
53.15 preparation of an environmental impact statement.

53.16 (g) The responsible governmental unit shall, to the extent practicable, avoid  
53.17 duplication and ensure coordination between state and federal environmental review  
53.18 and between environmental review and environmental permitting. Whenever practical,  
53.19 information needed by a governmental unit for making final decisions on permits  
53.20 or other actions required for a proposed project shall be developed in conjunction  
53.21 with the preparation of an environmental impact statement. When an environmental  
53.22 impact statement is prepared for a project requiring multiple permits for which two or  
53.23 more agencies' decision processes include either mandatory or discretionary hearings  
53.24 before a hearing officer prior to the agencies' decision on the permit, the agencies  
53.25 may, notwithstanding any law or rule to the contrary, conduct the hearings in a single  
53.26 consolidated hearing process if requested by the proposer. All agencies having jurisdiction  
53.27 over a permit that is included in the consolidated hearing shall participate. The responsible  
53.28 governmental unit shall establish appropriate procedures for the consolidated hearing  
53.29 process, including procedures to ensure that the consolidated hearing process is consistent  
53.30 with the applicable requirements for each permit regarding the rights and duties of parties  
53.31 to the hearing, and shall utilize the earliest applicable hearing procedure to initiate the  
53.32 hearing. The procedures of section 116C.28, subdivision 2, apply to the consolidated  
53.33 hearing.

53.34 (h) An environmental impact statement shall be prepared and its adequacy  
53.35 determined within 280 days after notice of its preparation unless the time is extended by  
53.36 consent of the parties or by the governor for good cause. The responsible governmental

54.1 unit shall determine the adequacy of an environmental impact statement, unless within 60  
 54.2 days after notice is published that an environmental impact statement will be prepared,  
 54.3 the board chooses to determine the adequacy of an environmental impact statement. If an  
 54.4 environmental impact statement is found to be inadequate, the responsible governmental  
 54.5 unit shall have 60 days to prepare an adequate environmental impact statement.

54.6 (i) The proposer of a specific action may include in the information submitted to the  
 54.7 responsible governmental unit a preliminary draft environmental impact statement under  
 54.8 this section on that action for review, modification, and determination of completeness and  
 54.9 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
 54.10 statement prepared by the project proposer and submitted to the responsible governmental  
 54.11 unit shall identify or include as an appendix all studies and other sources of information  
 54.12 used to substantiate the analysis contained in the preliminary draft environmental impact  
 54.13 statement. The responsible governmental unit shall require additional studies, if needed,  
 54.14 and obtain from the project proposer all additional studies and information necessary for  
 54.15 the responsible governmental unit to perform its responsibility to review, modify, and  
 54.16 determine the completeness and adequacy of the environmental impact statement.

54.17 Sec. 79. Minnesota Statutes 2010, section 116D.04, is amended by adding a  
 54.18 subdivision to read:

54.19 **Subd. 15. Duplicative permit information; environmental assessment**  
 54.20 **worksheets.** The board shall not require, unless necessary, information in an  
 54.21 environmental assessment worksheet for a proposed action when the information is also  
 54.22 required as part of any necessary permitting process for the proposed action.

54.23 Sec. 80. Minnesota Statutes 2010, section 116J.035, subdivision 8, as added by Laws  
 54.24 2012, chapter 150, article 1, section 8, is amended to read:

54.25 **Subd. 8. Minnesota Business First Stop.** (a) The commissioner of employment and  
 54.26 economic development shall, through the multiagency collaboration called "Minnesota  
 54.27 Business First Stop," ensure the coordination, implementation, and administration of  
 54.28 state permits, including:

54.29 (1) establishing a mechanism in state government that will coordinate administrative  
 54.30 decision-making procedures and related quasijudicial and judicial review pertaining to  
 54.31 permits related to the state's air, land, and water resources;

54.32 (2) providing coordination and understanding between federal, state, and local  
 54.33 governmental units in the administration of the various programs relating to air, water,  
 54.34 and land resources;

55.1 (3) identifying all existing state permits and other approvals, compliance schedules,  
 55.2 or other programs that pertain to the use of natural resources and protection of the  
 55.3 environment; and

55.4 (4) recommending legislative or administrative modifications to existing permit  
 55.5 programs to increase their efficiency and utility.

55.6 (b) A person proposing a project may apply to Minnesota Business First Stop for  
 55.7 assistance in obtaining necessary state permits and other approvals. Upon request, the  
 55.8 commissioner shall to the extent practicable:

55.9 (1) provide a list of all federal, state, and local permits and other required approvals  
 55.10 for the project;

55.11 (2) provide a plan that will coordinate federal, state, and local administrative  
 55.12 decision-making practices, including monitoring, analysis and reporting, public comments  
 55.13 and hearings, and issuances of permits and approvals;

55.14 (3) provide a timeline for the issuance of all federal, state, and local permits and  
 55.15 other approvals required for the project;

55.16 (4) coordinate the execution of any memorandum of understanding between the  
 55.17 person proposing a project and any federal, state, or local agency;

55.18 (5) coordinate all federal, state, or local public comment periods and hearings; and

55.19 (6) provide other assistance requested to facilitate final approval and issuance of all  
 55.20 federal, state, and local permits and other approvals required for the project.

55.21 (c) Notwithstanding section 16A.1283, as necessary, the commissioner may negotiate  
 55.22 a schedule to assess the project proposer for reasonable costs that any state agency incurs  
 55.23 in coordinating the implementation and administration of state permits, and the proposer  
 55.24 shall pay the assessed costs to the commissioner. Money received by the ~~environmental~~  
 55.25 ~~permits coordinator~~ commissioner must be credited to an account in the special revenue  
 55.26 fund and is appropriated to the commissioner to cover the assessed costs incurred.

55.27 (d) The coordination of implementation and administration of state permits is not  
 55.28 governmental action under section 116D.04.

55.29 Sec. 81. Minnesota Statutes 2010, section 216C.055, is amended to read:

55.30 **216C.055 KEY ROLE OF SOLAR AND BIOMASS RESOURCES IN**  
 55.31 **PRODUCING THERMAL ENERGY.**

55.32 The ~~annual~~ biennial legislative proposals required to be submitted by the  
 55.33 commissioners of commerce and the Pollution Control Agency under section 216H.07,  
 55.34 subdivision ~~4~~ 3, must include proposals regarding the use of solar energy and the  
 55.35 combustion of grasses, agricultural wastes, trees, and other vegetation to produce thermal

56.1 energy for heating commercial, industrial, and residential buildings and for industrial  
 56.2 processes if the commissioners determine that such policies are appropriate to achieve the  
 56.3 state's greenhouse gas emissions-reduction goals. No legal claim against any person is  
 56.4 allowed under this section. This section does not apply to the combustion of municipal  
 56.5 solid waste or refuse-derived fuel to produce thermal energy. For purposes of this section,  
 56.6 removal of woody biomass from publicly owned forests must be consistent with the  
 56.7 principles of sustainable forest management.

56.8 Sec. 82. Minnesota Statutes 2010, section 216H.07, subdivision 3, is amended to read:

56.9 Subd. 3. **Biennial ~~reduction progress~~ report.** (a) By January 15 of each  
 56.10 odd-numbered year, the commissioners of commerce and the Pollution Control Agency  
 56.11 shall jointly report to the chairs and ranking minority members of the legislative  
 56.12 committees with primary policy jurisdiction over energy and environmental issues the  
 56.13 most recent and best available evidence identifying the level of reductions already  
 56.14 achieved and the level necessary to achieve the reductions timetable in section 216H.02.

56.15 (b) The report must be in easily understood nontechnical terms.

56.16 Sec. 83. Minnesota Statutes 2010, section 473.149, subdivision 1, is amended to read:

56.17 Subdivision 1. **Policy plan; general requirements.** The commissioner of the  
 56.18 Pollution Control Agency ~~may shall~~ revise the metropolitan long range policy plan for  
 56.19 solid waste management adopted ~~and revised by the Metropolitan Council prior to the~~  
 56.20 ~~transfer of powers and duties in Laws 1994, chapter 639, article 5, section 2 in 2011 by~~  
 56.21 December 31, 2016, and every sixth year thereafter. The plan shall be followed in the  
 56.22 metropolitan area. ~~Until the commissioner revises it, the plan adopted and revised by~~  
 56.23 ~~the council on September 26, 1991, remains in effect.~~ The plan shall address the state  
 56.24 policies and purposes expressed in section 115A.02. In revising the plan the commissioner  
 56.25 shall follow the procedures in subdivision 3. The plan shall include goals and policies  
 56.26 for solid waste management, including recycling consistent with section 115A.551, and  
 56.27 household hazardous waste management consistent with section 115A.96, subdivision 6,  
 56.28 in the metropolitan area.

56.29 The plan shall include criteria and standards for solid waste facilities and solid  
 56.30 waste facility sites respecting the following matters: general location; capacity; operation;  
 56.31 processing techniques; environmental impact; effect on existing, planned, or proposed  
 56.32 collection services and waste facilities; and economic viability. The plan shall, to the  
 56.33 extent practicable and consistent with the achievement of other public policies and  
 56.34 purposes, encourage ownership and operation of solid waste facilities by private industry.



57.1 For solid waste facilities owned or operated by public agencies or supported primarily by  
 57.2 public funds or obligations issued by a public agency, the plan shall include additional  
 57.3 criteria and standards to protect comparable private and public facilities already existing  
 57.4 in the area from displacement unless the displacement is required in order to achieve the  
 57.5 waste management objectives identified in the plan. In revising the plan, the commissioner  
 57.6 shall consider the orderly and economic development, public and private, of the  
 57.7 metropolitan area; the preservation and best and most economical use of land and water  
 57.8 resources in the metropolitan area; the protection and enhancement of environmental  
 57.9 quality; the conservation and reuse of resources and energy; the preservation and  
 57.10 promotion of conditions conducive to efficient, competitive, and adaptable systems  
 57.11 of waste management; and the orderly resolution of questions concerning changes in  
 57.12 systems of waste management. Criteria and standards for solid waste facilities shall be  
 57.13 consistent with rules adopted by the Pollution Control Agency pursuant to chapter 116 and  
 57.14 shall be at least as stringent as the guidelines, regulations, and standards of the federal  
 57.15 Environmental Protection Agency.

57.16 Sec. 84. Minnesota Statutes 2010, section 473.149, subdivision 6, is amended to read:

57.17 Subd. 6. **Report to legislature.** The commissioner shall report on abatement to  
 57.18 the senate and house of representatives committees having jurisdiction over ways and  
 57.19 means, finance, environment and natural resources ~~committees of the senate and house~~  
 57.20 ~~of representatives, the Finance Division of the senate Committee on Environment and~~  
 57.21 ~~Natural Resources, and the house of representatives Committee on Environment and~~  
 57.22 ~~Natural Resources Finance by July 1 of each odd-numbered year~~ policy, and environment  
 57.23 and natural resources finance. The report must include an assessment of whether the  
 57.24 objectives of the metropolitan abatement plan have been met and whether each county  
 57.25 and each class of city within each county have achieved the objectives set for it in the  
 57.26 plan. The report must recommend any legislation that may be required to implement the  
 57.27 plan. The report shall be included in the report required by section 115A.411. If in any  
 57.28 year the commissioner reports that the objectives of the abatement plan have not been  
 57.29 met, the commissioner shall evaluate and report on the need to reassign governmental  
 57.30 responsibilities among cities, counties, and metropolitan agencies to assure implementation  
 57.31 and achievement of the metropolitan and local abatement plans and objectives.

57.32 The report must include a report on the operating, capital, and debt service costs of  
 57.33 solid waste facilities in the metropolitan area; changes in the costs; the methods used to  
 57.34 pay the costs; and the resultant allocation of costs among users of the facilities and the

58.1 general public. The facility costs report must present the cost and financing analysis in the  
58.2 aggregate and broken down by county and by major facility.

58.3 Sec. 85. Minnesota Statutes 2010, section 473.846, is amended to read:

58.4 **473.846 ~~REPORT~~ REPORTS TO LEGISLATURE.**

58.5 The agency shall submit to the senate ~~Finance Committee, the~~ and house of  
58.6 representatives ~~Ways and Means Committee, and the Environment and Natural Resources~~  
58.7 ~~Committees of the senate and house of representatives, the Finance Division of the senate~~  
58.8 ~~Committee on Environment and Natural Resources, and the house of representatives~~  
58.9 ~~Committee on~~ committees having jurisdiction over environment and natural resources  
58.10 ~~finance~~ separate reports describing the activities for which money for landfill abatement  
58.11 has been spent under sections 473.844 and 473.845. ~~The agency shall report by November~~  
58.12 ~~1 of each year on expenditures during its previous fiscal year. The commissioner shall~~  
58.13 ~~report on expenditures during the previous calendar year and must incorporate its report~~  
58.14 The report for section 473.844 expenditures shall be included in the report required by  
58.15 section 115A.411, ~~due July 1 of each odd-numbered year. the commissioner shall make~~  
58.16 and shall include recommendations ~~to the Environment and Natural Resources Committees~~  
58.17 ~~of the senate and house of representatives, the Finance Division of the senate Committee~~  
58.18 ~~on Environment and Natural Resources, and the house of representatives Committee on~~  
58.19 ~~Environment and Natural Resources Finance~~ on the future management and use of the  
58.20 metropolitan landfill abatement account. By December 31 of each year, the commissioner  
58.21 shall submit the report for section 473.845 on contingency action trust fund activities.

58.22 Sec. 86. Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended by  
58.23 Laws 2009, chapter 37, article 1, section 60, is amended to read:

58.24 **Subd. 2. Land and Mineral Resources**

58.25 **Management** 11,747,000 11,272,000

58.26 Appropriations by Fund

58.27	General	6,633,000	6,230,000
58.28	Natural Resources	3,551,000	3,447,000
58.29	Game and Fish	1,363,000	1,395,000
58.30	Permanent School	200,000	200,000

58.31 \$475,000 the first year and \$475,000 the  
58.32 second year are for iron ore cooperative  
58.33 research. Of this amount, \$200,000 each year  
58.34 is from the minerals management account in

59.1 the natural resources fund and \$275,000 each  
59.2 year is from the general fund. \$237,500 the  
59.3 first year and \$237,500 the second year are  
59.4 available only as matched by \$1 of nonstate  
59.5 money for each \$1 of state money. The  
59.6 match may be cash or in-kind.

59.7 \$86,000 the first year and \$86,000 the  
59.8 second year are for minerals cooperative  
59.9 environmental research, of which \$43,000  
59.10 the first year and \$43,000 the second year are  
59.11 available only as matched by \$1 of nonstate  
59.12 money for each \$1 of state money. The  
59.13 match may be cash or in-kind.

59.14 \$2,800,000 the first year and \$2,696,000  
59.15 the second year are from the minerals  
59.16 management account in the natural resources  
59.17 fund for use as provided in Minnesota  
59.18 Statutes, section 93.2236, paragraph (c).

59.19 \$200,000 the first year and \$200,000 the  
59.20 second year are from the state forest suspense  
59.21 account in the permanent school fund to  
59.22 accelerate land exchanges, land sales, and  
59.23 commercial leasing of school trust lands and  
59.24 to identify, evaluate, and lease construction  
59.25 aggregate located on school trust lands. This  
59.26 appropriation is to be used for securing  
59.27 maximum long-term economic return  
59.28 from the school trust lands consistent with  
59.29 fiduciary responsibilities and sound natural  
59.30 resources conservation and management  
59.31 principles.

59.32 \$15,000 the first year is for a report  
59.33 by February 1, 2008, to the house and  
59.34 senate committees with jurisdiction over  
59.35 environment and natural resources on

60.1 proposed minimum legal and conservation  
 60.2 standards that could be applied to  
 60.3 conservation easements acquired with public  
 60.4 money.

60.5 \$1,201,000 the first year and \$701,000 the  
 60.6 second year are to support the land records  
 60.7 management system. Of this amount,  
 60.8 \$326,000 the first year and \$326,000 the  
 60.9 second year are from the game and fish fund  
 60.10 and \$375,000 the first year and \$375,000 the  
 60.11 second year are from the natural resources  
 60.12 fund. The unexpended balances are available  
 60.13 until June 30, 2011. ~~The commissioner~~  
 60.14 ~~must report to the legislative chairs on~~  
 60.15 ~~environmental finance on the outcomes of~~  
 60.16 ~~the land records management support.~~

60.17 \$500,000 the first year and \$500,000 the  
 60.18 second year are for land asset management.  
 60.19 This is a onetime appropriation.

60.20 Sec. 87. Laws 2010, chapter 362, section 2, subdivision 7, is amended to read:

60.21 Subd. 7. **Renewable Energy** -0- 3,364,000

60.22 **(a) Algae for Fuels Pilot Project**

60.23 \$900,000 is from the trust fund to the Board  
 60.24 of Regents of the University of Minnesota  
 60.25 to demonstrate an innovative microalgae  
 60.26 production system utilizing and treating  
 60.27 sanitary wastewater to produce biofuels  
 60.28 from algae. This appropriation is available  
 60.29 until June 30, 2013, by which time the  
 60.30 project must be completed and final products  
 60.31 delivered.

60.32 **(b) Sustainable Biofuels**

61.1 \$221,000 is from the trust fund to the Board  
 61.2 of Regents of the University of Minnesota  
 61.3 to determine how fertilization and irrigation  
 61.4 impact yields of grass monoculture and high  
 61.5 diversity prairie biofuel crops, their storage  
 61.6 of soil carbon, and susceptibility to invasion  
 61.7 by exotic species. This appropriation is  
 61.8 available until June 30, 2013, by which time  
 61.9 the project must be completed and final  
 61.10 products delivered.

61.11 **(c) Linking Habitat Restoration to Bioenergy**  
 61.12 **and Local Economies**

61.13 \$600,000 is from the trust fund to the  
 61.14 commissioner of natural resources to restore  
 61.15 high quality native habitats and expand  
 61.16 market opportunities for ~~utilizing postharvest~~  
 61.17 ~~restoration as a~~ using the woody by-product  
 61.18 material for bioenergy source, or other  
 61.19 products. The commissioner may provide  
 61.20 grants or otherwise transfer some or all  
 61.21 of this money to other public or private  
 61.22 entities to accomplish these purposes. The  
 61.23 commissioner may sell the material from  
 61.24 public or private property to any viable  
 61.25 market, provided that all of the proceeds  
 61.26 are spent to further the purposes of this  
 61.27 appropriation. This appropriation is available  
 61.28 until June 30, 2013, by which time the  
 61.29 project must be completed and final products  
 61.30 delivered.

61.31 **(d) Demonstrating Sustainable Energy**  
 61.32 **Practices at Residential Environmental**  
 61.33 **Learning Centers (RELCs)**

61.34 \$1,500,000 is from the trust fund to  
 61.35 the commissioner of natural resources  
 61.36 for agreements as follows: \$206,000

62.1 with Audubon Center of the North  
 62.2 Woods; \$212,000 with Deep Portage  
 62.3 Learning Center; \$350,000 with Eagle  
 62.4 Bluff Environmental Learning Center;  
 62.5 \$258,000 with Laurentian Environmental  
 62.6 Learning Center; \$240,000 with Long  
 62.7 Lake Conservation Center; and \$234,000  
 62.8 with Wolf Ridge Environmental Learning  
 62.9 Center to implement renewable energy,  
 62.10 energy efficiency, and energy conservation  
 62.11 practices at the facilities. Efforts will include  
 62.12 dissemination of related energy education.

62.13 Sec. 88. Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3,  
 62.14 is amended to read:

62.15 Subd. 3. **Administration.** The commissioner of natural resources shall administer  
 62.16 the area according to Minnesota Statutes, section 86A.05, subdivision 3, subject to  
 62.17 existing rules and regulations for state recreation areas, except the following is permitted:  
 62.18 hunting, fishing, and trapping of protected species during designated seasons and dogs  
 62.19 under control for hunting purposes during regular hunting seasons. La Salle Lake State  
 62.20 Recreation Area shall be administered as a satellite unit of Itasca State Park.

62.21 Sec. 89. **LEGISLATIVE REPORT ON STATE PARKS, RECREATION AREAS,**  
 62.22 **TRAILS, AND STATE FOREST DAY USE AREAS.**

62.23 (a) By January 15, 2013, the commissioner of natural resources shall prepare and  
 62.24 submit a report to the chairs and ranking minority members of the house of representatives  
 62.25 and senate legislative committees with jurisdiction over environment and natural resources  
 62.26 policy and finance concerning the long-term funding, use, expansion, and administration  
 62.27 of Minnesota's system of state parks, recreation areas, trails, and state forest day use areas.

62.28 (b) At a minimum, the report shall include:

62.29 (1) long-term funding options to reduce reliance on general fund appropriations for  
 62.30 maintaining and operating state parks, recreation areas, trails, and forest day use areas;

62.31 (2) criteria and considerations for optimizing the system of state parks, recreation  
 62.32 areas, trails, and state forest day use areas to ensure investment focuses on Minnesota's  
 62.33 most important natural resources and the highest quality recreational opportunities; and

63.1 (3) recommendations for innovative programs and initiatives to increase outdoor  
 63.2 recreation participation among Minnesotans and visitors to the state.

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

63.4 Sec. 90. **ENVIRONMENT AND NATURAL RESOURCES TRUST FUND;**  
 63.5 **APPROPRIATION EXTENSION.**

63.6 (a) The availability of the appropriation is extended to June 30, 2013, for:

63.7 (1) Laws 2009, chapter 143, section 2, subdivision 5, paragraph (c), cooperative  
 63.8 habitat research in deep lakes; and

63.9 (2) Laws 2009, chapter 143, section 2, subdivision 6, paragraph (d), controlling the  
 63.10 movement of invasive fish species.

63.11 (b) The availability of the appropriation is extended to June 30, 2014, for Laws  
 63.12 2009, chapter 143, section 2, subdivision 4, paragraph (c), metropolitan regional park  
 63.13 system acquisition.

63.14 (c) The availability of the appropriation is extended to June 30, 2015, for Laws  
 63.15 2011, First Special Session chapter 2, article 3, section 2, subdivision 9, paragraph (a),  
 63.16 Minnesota Conservation Apprenticeship Academy.

63.17 Sec. 91. **BENEFICIAL USE OF WASTEWATER; GRANTS IN FISCAL YEARS**  
 63.18 **2010 AND 2011.**

63.19 Notwithstanding Minnesota Statutes, section 116.195, grants issued during fiscal  
 63.20 years 2010 and 2011 may be amended to replace surface water with wastewater effluent  
 63.21 that increases the reuse of wastewater effluent and reduces the use of surface water.

63.22 Sec. 92. **RULEMAKING; NOTICE OF ENVIRONMENTAL ASSESSMENT**  
 63.23 **WORKSHEET.**

63.24 The Environmental Quality Board may use the good cause exemption under  
 63.25 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend Minnesota Rules  
 63.26 to conform with the amendments to Minnesota Statutes, section 116D.04, subdivision  
 63.27 2a, contained in this act. Minnesota Statutes, section 14.386, does not apply except as  
 63.28 provided under Minnesota Statutes, section 14.388.

63.29 Sec. 93. **2009 LOTTERY-IN-LIEU APPROPRIATION EXTENSION.**

63.30 The appropriation in Laws 2009, chapter 37, article 1, section 4, subdivision 5, from  
 63.31 the natural resources fund from the revenue deposited under Minnesota Statutes, section  
 63.32 297A.94, paragraph (e), clause (4), for local grants is available until June 30, 2013.

64.1 Sec. 94. **FOREST RESOURCES COUNCIL STUDY.**

64.2 By January 15, 2013, the Forest Resources Council shall submit a report to the  
 64.3 environment and natural resources policy and finance committees and the tax committees  
 64.4 of the house of representatives and senate on the status of private forest land management  
 64.5 and the policy of the state to promote healthy and robust forests. The study shall evaluate  
 64.6 existing and potential financial incentives for private forest land management and include  
 64.7 recommendations for state policies that will ensure that private forest lands are sustainable  
 64.8 and continue to contribute to Minnesota's economic vitality as well as provide access to  
 64.9 the public to hunting and fishing resources.

64.10 Sec. 95. **METROPOLITAN WASTE DISPOSAL RESTRICTIONS REPORT.**

64.11 By January 15, 2013, the commissioner of the Pollution Control Agency shall  
 64.12 submit a report to the chairs and ranking minority members of the senate and house of  
 64.13 representatives committees with jurisdiction over environmental policy and finance  
 64.14 on how compliance with Minnesota Statutes, section 473.848 may be achieved. The  
 64.15 commissioner must allow interested parties at least 30 days to review and comment on  
 64.16 the report. Written comments received from interested parties and the commissioner's  
 64.17 responses to the comments must be included in the report.

64.18 Sec. 96. **MINNESOTA POLLUTION CONTROL AGENCY CITIZEN'S BOARD**  
 64.19 **REVIEW.**

64.20 The evaluation of environmental governance under Executive Order 11-32 must  
 64.21 include a review of the Minnesota Pollution Control Agency Citizen's Board's role in  
 64.22 reviewing permits, environmental assessment worksheets, and environmental impact  
 64.23 statements. The evaluation should include, but is not limited to, an examination of the  
 64.24 benefits and drawbacks of the board versus the agency's commissioner making final  
 64.25 decisions on all or various subsets of permits and environmental reviews, along with how  
 64.26 these matters are referred to the board versus the commissioner. Any recommendations  
 64.27 must be reported to the chairs and ranking minority members of the senate and house of  
 64.28 representatives committees having jurisdiction over the environment and natural resources.

64.29 Sec. 97. **RULEMAKING.**

64.30 The commissioner of the Pollution Control Agency must amend Minnesota Rules  
 64.31 to conform to section 63. The commissioner may use the good cause exemption under  
 64.32 Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota Statutes,  
 64.33 section 14.386, does not apply, except as provided in Minnesota Statutes, section 14.388.



65.1 Sec. 98. **CONTINGENT AMENDMENT AND REPEAL; 2012 LAW.**

65.2 If H.F. 2171 or its equivalent is not enacted in 2012 and S.F. 2493 or its equivalent is  
 65.3 enacted in 2012, then S.F. 2493, article 4, section 2, or its equivalent is repealed and the  
 65.4 appropriation in article 4, section 3, of that act is reduced by \$1,000,000.

65.5 Sec. 99. **REPEALER.**

65.6 Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5;  
 65.7 89.06; 90.042; 97A.4742, subdivision 4; 103G.705; 115.447; 115A.07, subdivision 2;  
 65.8 115A.965, subdivision 7; and 216H.07, subdivision 4, Laws 2011, chapter 107, section  
 65.9 105, and Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3;  
 65.10 7021.0050, subparts 1, 2, and 3; and 7041.0500, subparts 5, 6, and 7, are repealed.

65.11 (b) Minnesota Statutes 2011 Supplement, sections 86B.508; and 86B.811,  
 65.12 subdivision 1a, are repealed."

65.13 Delete the title and insert:

65.14 "A bill for an act  
 65.15 relating to natural resources; providing for certain advisory inspections; providing  
 65.16 for apprentice riders; modifying aquatic invasive species provisions; modifying  
 65.17 local government trail authority; modifying enforcement provisions; modifying  
 65.18 prior appropriations; modifying and eliminating certain reporting, plan, and  
 65.19 meeting requirements; eliminating loan program; modifying La Salle Lake State  
 65.20 Recreation Area administration; modifying Water Law; modifying disposition of  
 65.21 certain receipts; modifying local sewage standard provisions; modifying waste  
 65.22 management provisions; clarifying certain environmental review; modifying  
 65.23 certain environmental law; extending prohibition on new open air swine basins;  
 65.24 modifying Wetland Conservation Act; providing for validity of permits and  
 65.25 continued operations when biennial appropriations have not been enacted;  
 65.26 authorizing and clarifying the use of general permits; modifying state park permit  
 65.27 provisions; providing civil penalties; authorizing rulemaking; appropriating  
 65.28 money; amending Minnesota Statutes 2010, sections 84.027, subdivision 15,  
 65.29 by adding a subdivision; 84.0895, subdivision 7; 84.67; 84.91, subdivision 1;  
 65.30 84D.05, subdivision 1; 85.018, subdivision 2; 85.052, subdivision 3; 85.053,  
 65.31 subdivision 7; 85.20, subdivision 1; 85.46, subdivision 1; 86B.331, subdivision 1;  
 65.32 93.2236; 97A.401, subdivision 1; 97A.421, subdivision 4a; 103A.43; 103B.101,  
 65.33 subdivisions 2, 7, 10, by adding subdivisions; 103B.311, subdivision 4;  
 65.34 103B.3363, by adding a subdivision; 103B.3369; 103B.355; 103F.211, by adding  
 65.35 a subdivision; 103F.321, by adding a subdivision; 103G.2241, subdivisions  
 65.36 1, 9, 11; 103G.2242, subdivision 3; 103G.245, subdivisions 2, 3; 103G.261;  
 65.37 103G.265, by adding a subdivision; 103G.271, subdivision 1; 103G.282,  
 65.38 subdivision 1; 103G.301, subdivisions 2, 4, 5, 5a; 103G.611, by adding a  
 65.39 subdivision; 103H.175, subdivision 3; 115.06, subdivision 4; 115.42; 115.55,  
 65.40 subdivision 7; 115A.15, subdivision 5; 115A.411; 115A.551, subdivisions 2a,  
 65.41 4; 115A.557, subdivision 4; 115A.904; 115D.08; 116.011; 116.03, by adding a  
 65.42 subdivision; 116.0714; 116.10; 116C.833, subdivision 2; 116D.04, by adding a  
 65.43 subdivision; 116J.035, subdivision 8, as added; 216C.055; 216H.07, subdivision  
 65.44 3; 473.149, subdivisions 1, 6; 473.846; Minnesota Statutes 2011 Supplement,  
 65.45 sections 84D.01, subdivision 15a; 84D.03, subdivision 3; 84D.09, subdivision  
 65.46 2; 84D.10, subdivisions 1, 4; 84D.105, subdivision 2; 84D.13, subdivision 5;  
 65.47 97C.341; 103G.222, subdivision 1; 103G.615, subdivisions 1, 2; 115A.1320,  
 65.48 subdivision 1; 116D.04, subdivision 2a, as amended; Laws 2007, chapter 57,

66.1 article 1, section 4, subdivision 2, as amended; Laws 2010, chapter 362, section  
66.2 2, subdivision 7; Laws 2011, First Special Session chapter 6, article 3, section 8,  
66.3 subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 15;  
66.4 84; 86B; 103B; 103G; 115A; repealing Minnesota Statutes 2010, sections 84.946,  
66.5 subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4;  
66.6 103G.705; 115.447; 115A.07, subdivision 2; 115A.965, subdivision 7; 216H.07,  
66.7 subdivision 4; Minnesota Statutes 2011 Supplement, sections 86B.508; 86B.811,  
66.8 subdivision 1a; Laws 2011, chapter 107, section 105; Minnesota Rules, parts  
66.9 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts  
66.10 1, 2, 3; 7041.0500, subparts 5, 6, 7."