

1.1 moves to amend H.F. No. 2164, the delete everything amendment
1.2 (H2164DE1), as follows:

1.3 Page 2, line 2, delete "or contracts"

1.4 Page 8, after line 30, insert:

1.5 "Sec. 11. Minnesota Statutes 2011 Supplement, section 84D.01, subdivision 15a,
1.6 is amended to read:

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

1.13 Sec. 12. Minnesota Statutes 2011 Supplement, section 84D.03, subdivision 3, is
1.14 amended to read:

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

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

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

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

2.1 (3) harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and
 2.2 suckers for bait from streams or rivers designated as infested waters is allowed by hook and
 2.3 line for noncommercial personal use. Other provisions that apply to this subdivision are:

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

2.6 (ii) fish taken under this clause may not be transported live from or off the waterbody;

2.7 (iii) fish harvested under this clause may only be used in accordance with this
 2.8 section. Any other use of wild animals used for bait from infested waters is prohibited;

2.9 (iv) fish taken under this clause must meet all other size restrictions and requirements
 2.10 as established in rules; and

2.11 (v) all species listed under this section shall be included in the person's daily limit as
 2.12 established in rules, if applicable.

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

2.16 Page 10, after line 5, insert:

2.17 "Sec. 15. Minnesota Statutes 2011 Supplement, section 84D.10, subdivision 1, is
 2.18 amended to read:

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

2.23 Page 19, after line 8, insert:

2.24 "Sec. 29. **[92.80] CREATION OF THE CHILDREN'S STATE FOREST.**

2.25 Subdivision 1. **Purpose and scope.** (a) This section facilitates the expedited
 2.26 exchange of state-owned lands located within the Boundary Waters Canoe Area
 2.27 Wilderness.

2.28 (b) For land exchanges under this section, sections 94.342 to 94.347 apply only to
 2.29 the extent specified in this section.

2.30 Subd. 2. **Classes of land; definitions.** The classes of state land that may be involved
 2.31 in an expedited exchange under this section are:

2.32 (1) school trust land as defined in section 92.025;

2.33 (2) university land granted to the state by acts of Congress;

2.34 (3) all other lands acquired by the state in any manner and under the control of
 2.35 the commissioner of natural resources; and

3.1 (4) all lands acquired by the state through tax forfeiture, held subject to a trust in
3.2 favor of the taxing districts, and under the control of county authorities for classification,
3.3 appraisal, and sale.

3.4 Subd. 3. **Priority.** An exchange of state land under this section shall give priority to
3.5 exchanges that provide the most opportunity for revenue generation for the permanent
3.6 school fund and priority shall be given to lands within the following areas in the Mesabi
3.7 Purchase Unit in St. Louis County in these townships:

- 3.8 (1) township 59 north, range 14 west;
3.9 (2) township 59 north, range 13 west;
3.10 (3) township 60 north, range 13 west; and
3.11 (4) township 60 north, range 12 west.

3.12 Subd. 4. **Valuation of land.** (a) In an exchange of school trust land, university land,
3.13 or other land under the control of the commissioner of natural resources for land owned
3.14 by the United States, the examination and value determination of the land shall be done
3.15 in a manner as agreed to between the commissioner and the authorized representative of
3.16 the United States.

3.17 (b) In an exchange of tax-forfeited land for land owned by the United States, the
3.18 examination and value determination shall be done in a manner as agreed to between the
3.19 county board and the authorized representative of the United States.

3.20 (c) Notwithstanding section 93.343 or any other law to the contrary, all lands
3.21 exchanged under this section shall be exchanged for an equal amount of acres of land and
3.22 shall, through exchanges that reunite mineral rights with surface ownership and other
3.23 means, provide as close to an equal land value exchange as possible.

3.24 Subd. 5. **Title.** Title to the land must be examined to the extent necessary for the
3.25 parties to determine that the title is good, with any encumbrances identified. The parties to
3.26 the exchange may use title insurance to aid in the determination.

3.27 Subd. 6. **Approval by Land Exchange Board.** In accordance with the Minnesota
3.28 Constitution, article XI, section 10, all expedited land exchanges under this section require
3.29 the unanimous approval of the Land Exchange Board.

3.30 Subd. 7. **Conveyance.** (a) Conveyance of school trust land, university land, or other
3.31 land under the control of the commissioner of natural resources shall be made by deed
3.32 executed by the commissioner in the name of the state. Conveyance of tax-forfeited land
3.33 shall be by a deed executed by the commissioner of revenue in the name of the state.

3.34 (b) School trust land, university land, and other land under the control of the
3.35 commissioner of natural resources and given in exchange is subject to reservations under
3.36 section 94.343, subdivision 4, and the Minnesota Constitution, article XI, section 10.

4.1 Tax-forfeited land given in exchange is subject to reservations under section 94.344,
 4.2 subdivision 4, and the Minnesota Constitution, article XI, section 10.

4.3 (c) All deeds shall be recorded or registered in the county in which the lands lie.

4.4 Subd. 8. **Land status.** Except as provided under section 92.81, land received in
 4.5 exchange for school trust land, university land, or other land under the control of the
 4.6 commissioner of natural resources is subject to the same trust, if any, and otherwise has
 4.7 the same status as the land given in exchange. Land received in exchange for tax-forfeited
 4.8 land is subject to a trust in favor of the governmental subdivision in which it lies and all
 4.9 laws relating to tax-forfeited land.

4.10 Sec. 30. **[92.81] CONDEMNATION OF SCHOOL TRUST LAND.**

4.11 Subdivision 1. **Purpose and scope.** (a) The purpose of this section is to facilitate
 4.12 the exchange of school trust lands located within the Boundary Waters Canoe Area
 4.13 Wilderness to the United States.

4.14 (b) For purposes of this section, "school trust land" has the meaning given under
 4.15 section 92.025.

4.16 Subd. 2. **Commencement of condemnation proceedings.** When the commissioner
 4.17 of natural resources has reached agreement with the United States on the exchange
 4.18 of state-owned land within the wilderness area, the commissioner shall proceed to
 4.19 extinguish the school trust interest by condemnation action when necessary to facilitate the
 4.20 agreement. When requested by the commissioner, the attorney general shall commence
 4.21 condemnation of the school trust lands.

4.22 Subd. 3. **Valuation.** Notwithstanding section 117.036, an appraisal of the land is
 4.23 not required, and the examination and value determination of the school trust land shall
 4.24 be done in a manner as agreed to between the commissioner of natural resources and the
 4.25 authorized representative of the United States."

4.26 Page 20, after line 32, insert:

4.27 "Sec. 36. Minnesota Statutes 2010, section 93.2236, is amended to read:

4.28 **93.2236 MINERALS MANAGEMENT ACCOUNT.**

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

4.32 (b) If the balance in the minerals management account exceeds \$3,000,000 on June
 4.33 30, the amount exceeding \$3,000,000 must be distributed to the permanent school fund,
 4.34 ~~and~~ the permanent university fund, and the counties' forfeited tax sale funds. The amount
 4.35 distributed to each fund must be in the same proportion as the total mineral lease revenue

5.1 received in the previous biennium from school trust lands, ~~and~~ university lands, and
5.2 tax-forfeited lands held in trust for each respective county.

5.3 (c) Subject to appropriation by the legislature, money in the minerals management
5.4 account may be spent by the commissioner of natural resources for mineral resource
5.5 management and projects to enhance future mineral income and promote new mineral
5.6 resource opportunities."

5.7 Page 39, after line 32, insert:

5.8 "Sec. 70. Minnesota Statutes 2010, section 115.01, is amended by adding a subdivision
5.9 to read:

5.10 Subd. 2a. **Concrete washout.** "Concrete washout" means untreated wash water
5.11 used in concrete mixer and concrete pump rinse-out operations."

5.12 Page 40, line 5, after "2012" insert ", except upon a showing by clear and convincing
5.13 evidence that another standard is necessary to protect the public use and benefit of the
5.14 waters of the state"

5.15 Page 41, after line, 18, insert:

5.16 "Sec. 74. **[115A.121] REPORT CONSOLIDATION.**

5.17 Notwithstanding the statutory filing dates for reports required under chapters 115A
5.18 and 115D, the commissioner shall consolidate all reports under those chapters in a single
5.19 report to be submitted by December 31, 2013, and every four years thereafter, to the chairs
5.20 and ranking minority members of the senate and house of representatives committees
5.21 having jurisdiction over environment and natural resources policy and finance and to other
5.22 persons statutorily designated to receive them."

5.23 Page 51, after line 27, insert:

5.24 "Sec. 91. Minnesota Statutes 2010, section 116.06, subdivision 22, is amended to read:

5.25 Subd. 22. **Solid waste.** "Solid waste" means garbage, refuse, sludge from a water
5.26 supply treatment plant or air contaminant treatment facility, and other discarded waste
5.27 materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting
5.28 from industrial, commercial, mining, and agricultural operations, and from community
5.29 activities, but does not include hazardous waste; animal waste used as fertilizer; earthen
5.30 fill, boulders, rock; concrete diamond grinding and saw slurry associated with the
5.31 construction, improvement or repair of a road when deposited per the provisions in section
5.32 161.367; sewage sludge; solid or dissolved material in domestic sewage or other common
5.33 pollutants in water resources, such as silt, dissolved or suspended solids in industrial
5.34 wastewater effluents or discharges which are point sources subject to permits under
5.35 section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials

6.1 in irrigation return flows; or source, special nuclear, or by-product material as defined by
6.2 the Atomic Energy Act of 1954, as amended.

6.3 Sec. 92. Minnesota Statutes 2010, section 116.07, is amended by adding a subdivision
6.4 to read:

6.5 Subd. 7e. **Manure digester permits.** An air emissions permit is not required for a
6.6 manure digester and associated electrical generation equipment that converts methane to
6.7 electricity or provides backup power for farm use on a farm that is located outside the
6.8 metropolitan area, as defined in section 473.121. subdivision 2."

6.9 Page 53, delete lines 19 and 20, and insert "at least one newspaper of general
6.10 circulation in the geographic area where the project is proposed, by posting the notice
6.11 on a website that has been designated as the official publication site for publication of
6.12 proceedings, public notices, and summaries of a political subdivision in which the project
6.13 is proposed or in any other"

6.14 Page 56, after line 8, insert:

6.15 "Sec. 98. [161.367] CONCRETE DIAMOND GRINDING AND SAW SLURRY.

6.16 In any contract that includes concrete diamond grinding or concrete sawing
6.17 associated with construction, improvement, or repair of a road, the commissioner of
6.18 transportation shall include a special provision relating to the resulting concrete slurry.
6.19 The special provision must include language requiring removal of the concrete slurry by
6.20 vacuuming; allowing deposit of the concrete slurry along the in-slope of the roadway;
6.21 prohibiting the contractor from allowing the concrete slurry to flow across lanes of traffic
6.22 or into gutters or other closed drainage facilities; specifying that the concrete slurry
6.23 disposal follows national industry best management practices; and specifying the concrete
6.24 slurry must be deposited in a manner that is in compliance with Minnesota Rules, part
6.25 7050.0210."

6.26 Page 57, after line 3, insert:

6.27 "Sec. 100. Minnesota Statutes 2010, section 473.149, subdivision 1, is amended to read:

6.28 Subdivision 1. **Policy plan; general requirements.** The commissioner of the
6.29 Pollution Control Agency ~~may~~ shall revise the metropolitan long range policy plan for
6.30 solid waste management adopted ~~and revised by the Metropolitan Council prior to the~~
6.31 ~~transfer of powers and duties in Laws 1994, chapter 639, article 5, section 2 in 2011 by~~
6.32 December 31, 2016, and every sixth year thereafter. The plan shall be followed in the
6.33 metropolitan area. ~~Until the commissioner revises it, the plan adopted and revised by~~
6.34 ~~the council on September 26, 1991, remains in effect.~~ The plan shall address the state
6.35 policies and purposes expressed in section 115A.02. In revising the plan the commissioner

7.1 shall follow the procedures in subdivision 3. The plan shall include goals and policies
 7.2 for solid waste management, including recycling consistent with section 115A.551, and
 7.3 household hazardous waste management consistent with section 115A.96, subdivision 6,
 7.4 in the metropolitan area.

7.5 The plan shall include criteria and standards for solid waste facilities and solid
 7.6 waste facility sites respecting the following matters: general location; capacity; operation;
 7.7 processing techniques; environmental impact; effect on existing, planned, or proposed
 7.8 collection services and waste facilities; and economic viability. The plan shall, to the
 7.9 extent practicable and consistent with the achievement of other public policies and
 7.10 purposes, encourage ownership and operation of solid waste facilities by private industry.
 7.11 For solid waste facilities owned or operated by public agencies or supported primarily by
 7.12 public funds or obligations issued by a public agency, the plan shall include additional
 7.13 criteria and standards to protect comparable private and public facilities already existing
 7.14 in the area from displacement unless the displacement is required in order to achieve the
 7.15 waste management objectives identified in the plan. In revising the plan, the commissioner
 7.16 shall consider the orderly and economic development, public and private, of the
 7.17 metropolitan area; the preservation and best and most economical use of land and water
 7.18 resources in the metropolitan area; the protection and enhancement of environmental
 7.19 quality; the conservation and reuse of resources and energy; the preservation and
 7.20 promotion of conditions conducive to efficient, competitive, and adaptable systems
 7.21 of waste management; and the orderly resolution of questions concerning changes in
 7.22 systems of waste management. Criteria and standards for solid waste facilities shall be
 7.23 consistent with rules adopted by the Pollution Control Agency pursuant to chapter 116 and
 7.24 shall be at least as stringent as the guidelines, regulations, and standards of the federal
 7.25 Environmental Protection Agency."

7.26 Page 58, after line 10, insert:

7.27 "Sec. 102. **[574.2631] SURVEYORS WORKING ON STATE LANDS; BONDS;**
 7.28 **INSURANCE.**

7.29 The commissioner of natural resources shall not require a surveyor working on lands
 7.30 administered by the commissioner to obtain insurance or bonds in excess of \$1,000,000."

7.31 Page 64, after line 17, insert "Notwithstanding Minnesota Statutes, section 116.195,
 7.32 the executed grant agreement between Elk River and the state shall be amended to provide
 7.33 for the beneficial use of treated wastewater effluent provided by the city of Elk River to
 7.34 replace surface water utilized for noncontact cooling by the Great River Energy generating
 7.35 facility located in Elk River"

7.36 Page 66, line 29, delete "86B.811, subdivisions 1 and 2"

- 8.1 Renumber the sections in sequence and correct the internal references
- 8.2 Amend the title accordingly